

HOUSE No. 4701

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of sections 40E through 40J of chapter 7 of
2 the General Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey to the town of Tewksbury a portion of a certain
4 parcel of state-owned land located on Livingston street in said town, currently under the care and
5 control of the department of public health, containing not less than 25.5 acres, more or less and
6 containing not more than 28.3 acres, more or less. The commissioner shall determine the exact
7 boundaries of the parcel after completion of a survey. The parcel shall be designated and used
8 by the town of Tewksbury for recreational and open space purposes.

9 SECTION 2. As consideration for the conveyance of the parcel described in section 1, the
10 town of Tewksbury shall be responsible for any costs, liabilities or expenses of any kind for the
11 maintenance and protection of a cemetery located on land of the commonwealth adjacent to the
12 parcel described in section 1 in accordance with standards developed by the commissioner of

capital asset management and maintenance and the commissioner of public health of the
commonwealth.

SECTION 3. The town of Tewksbury shall be responsible for all costs and
expenses of the transaction authorized by this act as determined by the commissioner of
capital asset management and maintenance, including, but not limited to, the costs of any survey
and other expenses relating to the conveyance of the parcel, and shall be responsible for all costs,
liabilities and expenses of any nature and kind for its ownership.

SECTION 4. The deed or other instrument conveying the parcel to the town of
Tewksbury shall, without limitation, provide that if the parcel ceases at any time to be used for
the purposes set forth in this act, or if the town of Tewksbury does not maintain and protect the
cemetery on commonwealth land in accordance with section 2, title to the parcel shall, at the
election of the commonwealth, after the giving of notice and an opportunity to cure to the town
of Tewksbury, revert to the commonwealth.