

HOUSE No. 4822

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, for recreation and open
4 space purposes, a portion of a certain parcel of state-owned land located on Livingston street in
5 said town, currently under the care and control of the department of public health, containing
6 25.535 acres, more or less, as shown on a plan of land titled “Tewksbury Athletic Fields,
7 Livingston Street, Tewksbury, Massachusetts,” dated April 1, 2009, prepared for the division of
8 capital asset management by Nitsch Engineering, which plan is on file with the division of
9 capital asset management and maintenance. The parcel shall be designated and used by the town
10 of Tewksbury solely for recreational and open space purposes.

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

14 parcel described in section 1 in accordance with standards developed by the commissioner of
15 capital asset management and maintenance and the commissioner of public health of the
16 commonwealth.

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

23 SECTION 4. The deed or other instrument conveying the parcel to the town of
24 Tewksbury shall, without limitation, provide that if the parcel ceases at any time to be used for
25 the purposes set forth in section 1 of this act, or if the town of Tewksbury does not maintain and
26 protect the cemetery on commonwealth land in accordance with the requirements of section 2 of
27 this act, title to the parcel shall, at the election of the commonwealth, after the giving of notice
28 and an opportunity to cure to the town of Tewksbury, revert to the commonwealth.