

SENATE No. 1393

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the Division of Capital Asset Management and Maintenance, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, to sell and convey a certain parcel of land in the town of Byfield/Newbury..

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 section 40F and section 40F 1/2 of chapter 7 of the
2 General Laws, or any other general or special law or rule or regulation to the contrary, the
3 Division of Capital Asset Management and Maintenance in consultation with the Board of
4 Trustees of the Essex Independent Agricultural and Technical Institute, or any officer designated
5 by the Board, for itself and on behalf of the Commonwealth, may sell and convey, subject to the
6 terms and conditions set out herein, all of its right, title and interest in and to a certain parcel of
7 vacant land in the Town of Byfield/Newbury, Massachusetts, known and numbered as 168
8 Orchard Street, Byfield (Newbury), Massachusetts, containing approximately twenty (20) acres
9 of land, as shown on a “Plan of Land in Newbury, Massachusetts” dated November 6, 2008, and
10 being more particularly described as follows:

11 Lot 4 of a Plan of Land in Newbury, Massachusetts dated November 6, 2008 by Steven J.
12 Russo, professional land surveyor.

13 The Grantor's title for this parcel is through an Agreement for the Compromise of the
14 Will of Lewis Bulgaris, Essex Probate and Family Court docket no. 96P-2049-EP1. Pursuant to
15 said Agreement the Grantor holds its title in common with one Dianne Yurkavich, an heir of said
16 Lewis Bulgaris.

17 SECTION 2. (a) The consideration for the sale and conveyance authorized by section 1
18 shall be the full and fair market value of the property based upon an independent professional
19 appraisal. The Inspector General shall review and approve the appraisal. The Inspector General
20 shall prepare a report of his review of the methodology used for the appraisal and shall file the
21 report with the Commissioner of Capital Asset Management and Maintenance and the House and
22 Senate Committees on Ways and Means and the Chairmen of the Joint Committee on Bonding,
23 Capital Expenditures and State Assets in accordance with this Act.

24 SECTION 3. The proceeds of the sale and conveyance shall be held and distributed in the
25 manner prescribed by the Agreement for the Compromise of the Will of Lewis Bulgaris, Essex
26 Probate and Family Court docket no. 96P-2049-EP1. Pursuant to the terms of the said
27 Agreement, the Board of Trustees of Essex Independent Agricultural and Technical Institute
28 shall deposit the Institute's share of the proceeds into a separate account, wholly segregated from
29 the general fund, and shall use the proceeds, and the income therefrom, solely for one or both of
30 the following purposes: (1) to provide scholarships for students desirous of pursuing programs of
31 agricultural study at Essex Independent Agricultural and Technical Institute, and/or (2) for the
32 repair and maintenance of such buildings and other facilities on the campus of Essex
33 Independent Agricultural and Technical Institute which are devoted exclusively or at least
34 primarily for agricultural studies and/or uses. No portion of the proceeds, or the income
35 therefrom, shall ever be used for non-agricultural scholarships, programs or purposes.

36 SECTION 4. All costs of the appraisal, survey and deed preparation for the conveyance
37 of the property authorized by section 1 shall be paid by the parties charged with such costs by the
38 Agreement for the Compromise of the Will of Lewis Bulgaris, Essex Probate and Family Court
39 docket no. 96P-2049-EP1; and pursuant to the terms of the said Agreement, Essex Independent
40 Agricultural and Technical Institute shall pay one-half of all such charges, and the aforesaid
41 Dianne Yurkavich shall pay one-half of all such charges.