

HOUSE No. 2869

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Belmont for recreation, public works or other municipal purposes.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|-------------------------------------|------------------|
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>1/15/2013</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>1/17/2013</i> |

HOUSE No. 2869

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 2869) of David M. Rogers and William N. Brownsberger for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Belmont for recreation, public works or other municipal purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

—
In the Year Two Thousand Thirteen
—

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Belmont for recreation, public works or other municipal purposes.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to which is to convey forthwith certain land to the town of Belmont, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 sections 32 to 38, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, may convey a portion of a certain parcel of land in the town of
4 Belmont formerly used for the purposes of incineration by the town of Belmont under the
5 provisions of chapter five hundred and thirteen of the acts of nineteen hundred and fifty-five and
6 subsequently by the declaration of reversion in chapter six hundred forty of the acts of nineteen
7 hundred and eighty-seven reverted to the commonwealth under section three of said chapter five
8 hundred and thirteen, for recreation, public works or other municipal purposes. Said parcel is
9 bounded and described as follows:

10 Beginning at a point in the southwesterly line of Concord Avenue, distant one thousand
11 six hundred eighty-five (1,685) feet from the Lexington town line; thence running along Concord
12 avenue to the property line of the Massachusetts General Hospital, (now McLean Hospital
13 Corporation) six hundred thirty-four and eighty-five one hundredths (634.85) feet; thence turning
14 and running southerly by land of said Massachusetts General Hospital, four hundred sixty-one
15 and forty-five one hundredths (461.45) feet; thence turning and running southwesterly but more

16 westerly across Clematis brook to the middle line of Beaver brook, five hundred sixty-six and
17 ninety one hundredths (566.90) feet; thence turning and running southeasterly but more southerly
18 by the middle line of said Beaver brook to the Waltham town line, two hundred thirty-four and
19 eighty one hundredths (234.80) feet; thence turning and running northwesterly along the
20 Waltham town line, six hundred thirteen and fifty-five one hundredths (613.55) feet to a point
21 marked by a stone bound; thence turning and running northeasterly one thousand one hundred
22 ten and forty-one one hundredths (1,110.41) feet, to the point of beginning; being the parcel of
23 land shown on a plan entitled "Plan of land in Belmont, Mass. Scale 1 inch = 150 feet, dated
24 April 29, 1955 by Joseph W. Kales, Town Engineer" recorded at the southern district registry of
25 deeds in the county of Middlesex with as plan number 882 of 1956, and recorded with the deed
26 from the Commonwealth of Massachusetts to the Town of Belmont recorded in Book 8736, Page
27 599.

28 The commissioner of capital asset management and maintenance shall determine the
29 exact boundaries of the parcel after completion of a survey. This parcel shall be conveyed by
30 deed without warranties or representations by the commonwealth.

31 SECTION 2. The consideration for the parcel shall be the full and fair market value of
32 the parcel for the use authorized by this act, as determined by the commissioner of the division of
33 capital asset management and maintenance based upon an independent professional appraisal
34 and including the conditions set forth in section 1; provided, however, that any costs related to
35 remediation of the site shall be applied against the final appraised value of the parcel; and
36 provided further, that the commissioner of capital asset management and maintenance may
37 accept the findings of a previous appraisal of the parcel conducted by an appraiser acceptable to
38 that commissioner.

39 SECTION 3. Notwithstanding any general or special law to the contrary, the inspector
40 general shall review and approve the appraisal required pursuant to section 2. The inspector
41 general shall prepare a report of his review of the methodology utilized for the appraisal and
42 shall file the report with the commissioner of capital asset management and maintenance, the
43 house and senate committees on ways and means and the joint committee on state administration
44 and regulatory oversight. Thirty days before the execution of a deed for the conveyance
45 authorized by this act or any subsequent amendment thereto, the commissioner of capital asset
46 management and maintenance shall submit the proposed deed or amendment and a report
47 thereon to the inspector general for his review and comment. The inspector general shall issue
48 his review and comment within 15 days after receipt of the proposed deed or amendment. The
49 commissioner shall submit the proposed deed or amendment, and the reports and the comments
50 of the inspector general, if any, to the house and senate committees on ways and means and the
51 joint committee on state administration and regulatory oversight at least 15 days before
52 execution of the deed or amendment.

53 SECTION 4. Notwithstanding any general or special law to the contrary, the Town of
54 Belmont shall be responsible for all costs and expenses of the transaction authorized in this act as
55 determined by the commissioner of capital asset management and maintenance including, but not
56 limited to, the costs of any engineering, surveys, appraisals and deed preparation related to the
57 conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its
58 ownership.

59 SECTION 5. The deed or other instrument conveying the parcel to the Town of Belmont
60 shall provide that if the parcel ceases at any time to be used for the purposes set forth in this act,
61 title to the parcel shall, at the election of the commonwealth, revert to the commonwealth.