

HOUSE No. 3669

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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 city of Newton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>9/9/2013</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>9/18/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/18/2013</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>9/18/2013</i>

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By Ms. Balsler of Newton, a petition (subject to Joint Rule 12) of Ruth B. Balsler and others (with the approval of the mayor and board of aldermen) for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newton. State Administration and Regulatory Oversight. [Local Approval Received.]

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 city of Newton.

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 any general or special law to the contrary, the
2 commissioner of capital asset management and maintenance may convey a certain parcel of state
3 owned land in the city of Newton to the city of Newton; provided, however, that any deed
4 conveying the parcel shall contain the restriction required pursuant to section 2. The parcel,
5 known as the Waban Hill reservoir, and also known as the Manet road reservoir, is located on the
6 east side of Manet road in the city of Newton and the exact boundaries of the parcel shall be
7 established prior to such conveyance by a survey commissioned by the commissioner. Said
8 parcel is described in a deed from the city of Newton to the Metropolitan Water Board dated
9 October 20, 1900 and recorded in the Middlesex South registry of deeds in book 2853, page 42.
10 The consideration for said conveyance shall be the full and fair market value of the parcel as
11 determined by the commissioner pursuant to an independent professional appraisal.

12 SECTION 2. The parcel described in section 1 shall be conveyed subject to a
13 conservation restriction with the benefit of section 32 of chapter 184 of the General Laws
14 limiting the use of the parcel to open space or active or passive recreation purposes. If at any
15 time the property ceases to be used for the purposes described in this section, the commissioner
16 of capital asset management and maintenance shall give written notice to the city of the
17 unauthorized use. The city shall, upon receipt of the notice, have 30 days to respond and a
18 reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is
19 not thereafter established, the title to the parcel, upon the recording of a notice thereof by the
20 commissioner in the appropriate registry of deeds, shall revert to the commonwealth and any

21 further disposition of the property shall be subject to Article XCVII of the Massachusetts
22 Constitution and chapter 7C of the General Laws.

23 SECTION 3. The inspector general shall review and approve the appraisal conducted
24 pursuant to section 1. The review shall include an examination of the methodology utilized for
25 the appraisal. Within 30 days of receiving the appraisal, the inspector general shall prepare a
26 report of his review and file the report with the commissioner of capital asset management and
27 maintenance. Within 15 days of receiving the inspector general's report and not later than 15
28 days before the execution of any agreement or other document relating to the conveyance, the
29 commissioner shall submit it to the house and senate committees on ways and means and the
30 joint committee on bonding, capital expenditures and state assets.

31 SECTION 4. The city of Newton shall be responsible for all costs and expenses,
32 including, but not limited to, costs associated with any engineering, surveys, appraisals and deed
33 preparation related to the transfers and conveyances authorized in this act as such costs may be
34 determined by the commissioner of capital asset management and maintenance. Upon
35 conveyance of the parcel, the city shall be solely responsible for all costs, liabilities and expenses
36 of any nature and kind for the development, maintenance, use and operation of the parcel.

37 SECTION 5. This act shall take effect upon its passage.