

# HOUSE . . . . . No. 4216

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 23, 2014.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (House, No. 4107), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4216).

For the committee,

BRIAN S. DEMPSEY.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield.

*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 37, inclusive, of chapter 7C of the General  
2 Laws, chapter 269 of the acts of 2008 or any other general or special law to the contrary, the  
3 commissioner of capital asset management and maintenance, hereinafter referred to as the  
4 commissioner, may convey 1 or more parcels of land located at the former state hospital in  
5 Medfield to the town of Medfield. The parcels are shown as parcel A and parcel B on a plan  
6 entitled "Compiled Plan of Land, Medfield State Hospital, Medfield, Massachusetts, prepared for  
7 Division of Capital Asset Management", dated June 14, 2005, prepared by Judith Nitsch  
8 Engineering, Inc., on file with the division of capital asset management and maintenance. The  
9 exact location and boundaries of the parcels to be conveyed shall be determined by the  
10 commissioner, in consultation with the town of Medfield. The use of the parcels to be conveyed  
11 to the town shall not be restricted to use for municipal or other specific uses; provided, however,  
12 that the town may so restrict the parcels at a later date, in accordance with applicable general and  
13 special law. The parcels shall be conveyed by deed without warranties or representations by the  
14 commonwealth.

15           SECTION 2. As consideration for the conveyance of the parcels described in section 1,  
16 the town of Medfield shall pay the commonwealth an amount equal to certain costs related to the  
17 closure of the former state hospital in Medfield including, but not limited to, the costs of  
18 removing combustible materials, disconnecting certain utilities, and otherwise closing those  
19 buildings located on the parcels conveyed, routine security, and other capital expenditures and  
20 operating expenses incurred by the commonwealth in preparation for or following the closure of  
21 the former state hospital, as determined by the commissioner and agreed to by the town. The  
22 town of Medfield may pay the amount so determined by the commissioner and agreed to by the  
23 town upon its purchase of the parcels described in section 1 or the town may pay the amount so  
24 determined in 10 annual payments pursuant to section 20A of chapter 58 of the General Laws. If

the town's payment of consideration pursuant to this section so requires, the town may seek voter approval pursuant to subsection (k) of section 21C of chapter 59 of the General Laws.

SECTION 3. Notwithstanding chapter 269 of the acts of 2008, or any other general or special law to the contrary, parcels A-1 and A-2, as shown on the plan referenced in section 1 shall be maintained as open space or used for agricultural and passive recreation purposes, subject to those subsurface utility easements on parcel A-1 serving the town's water system. Notwithstanding the foregoing, but subject to such subsurface utility easements, the commissioner of capital asset management and maintenance may transfer the care and custody of parcels A-1, A-2 or C, or portions thereof, to the department of conservation and recreation for open space and passive recreation purposes. Such transfer shall be without consideration and shall not be subject to chapter 7C of the General Laws.

SECTION 4. In the event that the town of Medfield sells or leases any portion of the parcels described in section 1, the net proceeds from such sale or lease as determined by the town and agreed to by the commissioner, shall be allocated between the town of Medfield and the commonwealth in equal shares; provided, however, that the commissioner may agree to reduce the share of the commonwealth's proceeds to not less than 30 per cent of net proceeds in order to provide certain incentives to the town of Medfield to sell or lease some or all of the parcels described in section 1 expeditiously or to facilitate the development of some or all of the parcels in accordance with smart growth principles promulgated from time to time by the governor and the secretary of energy and environmental affairs. In the event that the net proceeds, as so determined, is a negative amount, the commonwealth shall not be required to make any payments to the town of Medfield.

SECTION 5. Notwithstanding any general or special law to the contrary, the town of Medfield shall pay for all costs and expenses of the transactions authorized in this act as determined by the commissioner including, but not limited to, the costs of any recording fees and deed preparation related to the conveyances and for all costs, liabilities and expenses of any nature and kind related to the town's ownership of the parcels; provided, however, that such costs shall be included for the purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels described in section 1. Amounts paid by the town of Medfield pursuant to section 2 shall not be included for the purposes of determining the net proceeds from a sale or lease.

SECTION 6. (a) In the event that the town of Medfield does not complete its purchase of the property described in section 1 on or before December 31, 2015, notwithstanding sections 33 to 38, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner may sell, lease for terms up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the property described in section 1 or portions thereof, subject to this section and on such terms and conditions that the commissioner considers appropriate; provided, however, that the purchase by

the town of Medfield shall be considered complete upon the transfer of title to the parcel or parcels described in section 1 to the town. The commissioner shall dispose of the property, or portion thereof, using appropriate competitive bidding processes and procedures. At least 30 days before the date on which bids, proposals or other offers to purchase or lease a property, or any portion thereof, are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process and other information that the commissioner considers relevant, including the time, place and manner for the submission of bids and proposals and the opening of the bids or proposals.

(b) Notwithstanding any general or special law to the contrary, the grantee or lessee of all or any portion of the property described in section 1 and subject to this section shall be responsible for costs and expenses including, but not limited to, costs associated with deed preparation and recording fees related to the conveyances and transfers authorized in this section as such costs may be determined by the commissioner.

(c) No agreement for the sale, lease, transfer or other disposition of the property described in section 1 and subject to this section, or any portion thereof, and no deed executed by or on behalf of the commonwealth, shall be valid unless the agreement or deed contains the following certification, signed by the commissioner:

“I, the undersigned commissioner of capital asset management and maintenance, hereby certify under penalties of perjury that I have fully complied with the relevant provisions of general and special law in connection with the property described in this document.”

SECTION 7. In any disposition pursuant to section 1 or section 6, the commissioner may retain, accept or acquire by purchase, transfer, lease, eminent domain, pursuant to chapter 79 of the General Laws or otherwise, and may grant by deed, transfer, lease or otherwise any rights-of-way or easements, in, over or beneath any parcel or portions thereof, or any other portions of the former Medfield state hospital, as the commissioner deems necessary and appropriate for the continued access to, egress from and use of portions of the former Medfield state hospital including, without limitation, parcels A-1 and A-2, by the general public or other state agencies or to carry out this act; provided however that in any disposition pursuant to section 1, such retention, acceptance, acquisition, or grant of any rights-of-way or easements in, over or beneath parcels A or B shall be subject to the approval of the town of Medfield.

SECTION 8. Sections 1 to 7, inclusive, shall take effect upon their acceptance by a majority vote of the board of selectmen of the town of Medfield, but not otherwise.