

SENATE No. 1456

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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 sale of land in the town of Templeton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>

SENATE No. 1456

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1456) of Stephen M. Brewer and Denise Andrews for legislation to authorize the sale of land in the town of Templeton. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

AN ACT authorizing the sale of land in the town of Templeton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
2 transfer a parcel of land to the Town of Templeton for a new public school forthwith, therefore it
3 is hereby declared to be an emergency law, necessary for the immediate preservation of the
4 public convenience

5 Be it enacted by the Senate and House of Representatives in General Court assembled,
6 and by the authority of the same as follows:

7 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
8 Laws or any general or special law to the contrary, the commissioner of capital asset
9 management and maintenance may convey a certain parcel of state-owned land in the Town of
10 Templeton, to the town of Templeton, for public educational purposes. The parcel is known as
11 the “Crow’s Hill” parcel, is located on the southeast side of Route 202, a/k/a King Phillip Trail,
12 and is also shown as parcels “BK 1600 PG 313” and “BK 1915 PG98” on a plan entitled “Plan
13 of Land in Templeton, MA Worcester Registry Prepared for The Commonwealth of
14 Massachusetts Division of Capital Asset Management & Maintenance on Behalf of the
15 Department of Development Services & The Department of Conservation & Recreation”, dated
16 February 7, 2012, Sheet No. 1 of 6 on file with the division of capital asset management and
17 maintenance. The exact location and boundaries of the parcel shall be determined by the
18 commissioner of capital asset management and maintenance in consultation with the department
19 of developmental services and the town of Templeton. The use of the parcel shall be restricted
20 to use for a public school of the town of Templeton. This parcel shall be conveyed by deed
21 without warranties or representations by the commonwealth. The parcel, owned by the

22 commonwealth of Massachusetts, was dedicated to forest and open space protection,
23 management and conservation, environmental education, environmental access and public access
24 for passive recreation and enjoyment by chapter 504 of the acts of 2002. The parcel is currently
25 used for those purposes, primarily public access for passive recreation and conservation wildlife
26 management. The parcel is to be diverted from its present use to use for a public school of the
27 town of Templeton.

28 SECTION 2. The consideration for the parcel shall be nominal, as determined by the
29 commissioner of capital asset management and maintenance.

30 SECTION 3. Notwithstanding any general or special law to the contrary, the town of
31 Templeton shall be responsible for all costs and expenses of the transaction authorized in this act
32 as determined by the commissioner of capital asset management and maintenance including, but
33 not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees
34 and deed preparation related to the conveyance of the parcel and all costs, liabilities and
35 expenses of any nature and kind for its ownership. The town of Templeton shall acquire the
36 property thereon in its present condition.

37 SECTION 4. The deed or other instrument conveying the parcel to the town of
38 Templeton shall provide that if the parcel ceases at any time to be used for the purposes set forth
39 in this act, title to the parcel shall, at the election of the commonwealth, revert to the
40 commonwealth.

41 SECTION 5. Notwithstanding any general or special law to the contrary, the
42 commissioner may, subject to appropriation, retain, accept or acquire by purchase, transfer,
43 lease, eminent domain, pursuant to chapter 79 of the General Laws, or otherwise, grant by deed,
44 transfer, lease, eminent domain, pursuant to said chapter 79, or otherwise, or grant by deed,
45 transfer, lease or otherwise, any rights-of-way or easements, in, over and beneath any parcel or
46 portions thereof, any other portions of the Templeton developmental center site, or any other
47 property of the commonwealth, for drainage, access, egress, utilities and other purposes, as the
48 commissioner deems necessary and appropriate to carry out the purposes of this act.