

SENATE No. 2053

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, Thursday, March 20, 2014

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to sell or lease certain property in the town of Tewksbury (Senate, No. 1484) (the committee on Bonding, Capital Expenditures and State Assets having recommended that the bill amended by striking out section 3); reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2053).

For the committee,
Stephen M. Brewer

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An Act authorizing the Division of Capital Asset Management and Maintenance to sell or lease certain property in the town of Tewksbury.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the division of capital asset management and maintenance to sell or lease a certain parcel of land to the town of Tewksbury, 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. (a) Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may sell, lease or otherwise grant, convey or transfer to the
4 town of Tewksbury for nominal consideration a portion of a certain parcel of state-owned land
5 located on the easterly side of Livingston street near the Livingston recreational fields,
6 containing 11.183 acres, more or less, as shown on a plan of land entitled “Plan of Land in the
7 town of Tewksbury, Massachusetts”, dated August 6, 2012, which is on file in the office of the
8 division of capital asset management and maintenance. The parcel shall be designated and used
9 by the town of Tewksbury solely for recreational and open space purposes.

10 (b) Any sale or lease pursuant to subsection (a) shall authorize the town of Tewksbury to
11 access rights of way and roads to facilitate ingress and egress.

12 (c) The town of Tewksbury shall be responsible for all costs and expenses including, but
13 not limited to, costs associated with any engineering, surveys, appraisals and sale or lease
14 preparation related to the sale or lease or any other agreement; provided, however, that the costs
15 may be determined by the commissioner of capital asset management and maintenance. The
16 town shall also be responsible for all costs, liabilities and expenses of any nature and kind in
17 connection with the operation, maintenance and ownership of the parcel.

18 SECTION 2. Notwithstanding any other general or special law to the contrary, if the
19 property described in section 1 ceases to be used for open space or recreational purposes, the
20 commissioner of capital asset management and maintenance shall give written notice to the
21 purchaser or lessee of the unauthorized use. The purchaser or lessee shall, upon receipt of the
22 notice, have 30 days to respond and a reasonable time to establish an authorized use of the
23 parcel. If an authorized use of the parcel is not thereafter established, the property shall revert to
24 the commonwealth.