HOUSE DOCKET, NO. 3831 FILED ON: 5/6/2015

HOUSE . . . . . No. 3560

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

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 a certain parcel of land in the city of Marlborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Danielle W. Gregoire	*4th Middlesex*	*5/6/2015*
Carmine L. Gentile	*13th Middlesex*	*5/7/2015*

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By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire and Carmine L. Gentile for legislation to authorize the commissioner of capital asset management and maintenance to convey a certain parcel of land in the city of Marlborough. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Marlborough.

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

SECTION 1. Notwithstanding the provisions of sections 34 to 37 of Chapter 7C of the General Laws, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey the fee interest in a certain parcel of land, currently under the care and control of the department of conservation and recreation and held for conservation and recreation purposes to Kennedy's Restaurant and Market, located at 247A Maple Street in Marlborough, to be used for the purposes of beautification and overflow parking, subject to the requirements of sections 2 through 5 and to such additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance may prescribe in consultation with the commissioner of conservation and recreation. The parcel of land contains 1.2 acres, more or less, and is shown on a plan of land entitled Map 82, Parcel 147 in the Marlborough Assessor's office to be filed with

the Middlesex County Registry of Deeds. Prior to finalizing the transaction or making the conveyance authorized herein, the division of capital asset management and maintenance may make minor modifications to the area and plan in order to carry out the purposes of this act.

SECTION 2. An independent appraisal of the fair market value and value in use of the parcel described in section 1 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. Consideration for the grant of the above-described interest shall be the full and fair market value or the value in proposed use, whichever is greater, as determined by the commissioner of capital asset management, and calculated with regard to its full development potential as assembled with other lands owned or otherwise controlled by the grantee. The commissioner of capital asset management and maintenance shall submit the appraisal or appraisals to the inspector general for his or her review and comment. The inspector general shall review and approve the appraisal or appraisals, and the review shall include an examination of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report of his or her review and file the report with the commissioner of capital asset management and maintenance for submission by said commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. Said commissioner shall submit copies of the appraisals, and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of documents effecting the transfers described in section 1.

SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes, the grantee shall compensate the commonwealth for the interest in land described in section 1

through the transfer to the department of conservation and recreation of land, an interest of land or funding for the acquisition of land or an interest therein equal to or greater than the resource value of the land described in section 1 and the highest appraised value as determined under section 2. The fair market value of any land or interest in land proposed to be conveyed by the grantee to the department shall be included within the appraisal prepared under section 2. The land, interest in land, or funding must be acceptable to the department of conservation and recreation; and any land or interest in land, whether conveyed by the grantee or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. Should the appraised value of any land or interests in land be determined to be greater than the appraised value of the interests in land described in section 1, the commonwealth shall have no obligation to pay the difference to the grantee. All payments paid to the commonwealth as a result of the conveyances or grants authorized by this act shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

SECTION 4. The grantee shall assume all costs associated with engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to execute the conveyances authorized by this act.

SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides that the area conveyed shall be used solely for the purposes described in section 1. The instrument authorized in section 1 shall include a reversionary clause that stipulates the property shall revert to the commonwealth and be assigned to the care, custody and control of the department of conservation and recreation, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, if the property ceases to be used for the express purposes authorized in this act. If any interest reverts to the commonwealth, any

further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the General Court.