

HOUSE No. 4521

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 18, 2016.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4422) of Susannah M. Whipps Lee that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel land in the town of New Salem, reports recommending that the accompanying bill (House, No. 4521) ought to pass.

For the committee,

PETER V. KOCOT.

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

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of New Salem.

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 or any other any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the department of conservation and
4 recreation, may convey to David Briand of 27 Lovers Lane in New Salem a 0.43 acre parcel of
5 land located in the town of New Salem, which is currently under the control of the department of
6 conservation and recreation and held for watershed and water supply protection purposes, and
7 subject to any additional terms and conditions consistent with this act as the commissioner of
8 capital asset management and maintenance, in consultation with the commissioner of
9 conservation and recreation may determine. . The parcel is identified as “Parcel One” in a deed
10 recorded July 20, 1971 with the Franklin District Registry of Deeds in Book 1278, Page 404,
11 provided, however, that the conveyance authorized herein shall not include the easement and
12 rights for right of way identified in the deed. As a condition of the deed or other instrument, any

13 access to the parcel shall be made across other land of the grantee and not land of the
14 commonwealth.

15 SECTION 2. The consideration for the conveyance authorized in section 1 shall be the
16 full and fair market value or value in use as proposed of the parcel, whichever is greater, as
17 determined by the division of capital asset management and maintenance based upon an
18 independent professional appraisal. The appraisal required by this section shall be subject to the
19 review and approval of the inspector general and such review shall include an examination of the
20 methodology utilized for the appraisal. After receiving an appraisal, the inspector general shall
21 prepare a report of such review and file the report with the division of capital asset management
22 and maintenance. After receiving the inspector general's report and at least 15 days any
23 agreement or instrument for the conveyance of the parcel is executed, the division shall submit
24 the report to the house and senate committees on ways and means and the house and senate
25 committee on state administration and regulatory oversight. To ensure a no-net-loss of lands
26 protected for natural resource purposes, all consideration received shall be deposited in the
27 Conservation Trust established in section 1 of chapter 132A of the General Laws and shall be
28 expended by the department of conservation and recreation to acquire lands or interests therein to
29 be held for watershed and water supply protection purposes under the care and control of the
30 department of conservation and recreation and managed by its division of water supply
31 protection.

32 SECTION 3. Notwithstanding any general or special law to the contrary, David Briand
33 shall be responsible for the costs and expenses of any conveyance made pursuant to section 1 as
34 determined by the commissioner of capital asset management and maintenance including, but not

- 35 limited to, the costs of any engineering, surveys, appraisals, and deed preparation related to the
- 36 conveyance and all costs, liabilities and expenses of any nature and kind for its ownership.