

HOUSE No. 4511

The Commonwealth of Massachusetts

PRESENTED BY:

David K. Muradian, Jr. and Michael O. Moore

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 certain parcels of land in the town of Grafton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>4/25/2018</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>4/25/2018</i>

HOUSE No. 4511

By Representative Muradian of Grafton and Senator Moore, a joint petition (subject to Joint Rule 12) of David K. Muradian, Jr., and Michael O. Moore (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land at the former Grafton State Hospital to the town of Grafton. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Grafton.

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 general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, may convey certain parcels of land and buildings located thereon
4 at the former Grafton State Hospital located at the intersection of Pine and Green streets in North
5 Grafton to the town of Grafton for a nominal fee. The exact location and boundaries of the
6 parcels to be conveyed shall be determined by the commissioner after completion of a survey.
7 The use of the parcels to be conveyed to the town shall not be restricted to use for general
8 municipal purposes or other specific uses; provided, however, that the town must allow multi-
9 family market rate and affordable housing on a portion of the site consistent with the
10 requirements of the North Grafton Transit Village Overlay District established by the town of

11 Grafton pursuant to chapter 40R of the General Laws. The parcels shall be conveyed by deed
12 without warranties or representations by the commonwealth.

13 SECTION 2. If the town of Grafton sells or leases any portion of the parcels described in
14 section 1, the net proceeds from such sale or lease as determined by the town and agreed to by
15 the commissioner shall be allocated between the town of Grafton and the commonwealth in
16 equal shares; provided, however, that the commissioner may agree to reduce the share of the
17 commonwealth's proceeds to not less than 40 per cent of net proceeds in order to provide certain
18 incentives to the town of Grafton to sell or lease some or all of the parcels described in section 1
19 expeditiously or to facilitate the development of some or all of the parcels in accordance with
20 smart growth principles promulgated from time to time by the governor and the secretary of
21 energy and environmental affairs. In the event that the net proceeds as so determined is a
22 negative amount, the commonwealth shall not be required to make any payments to the town of
23 Grafton. If the town of Grafton sells or leases any portion of the parcels described in said section
24 1, the commissioner shall send a report to the inspector general detailing the terms of the sale or
25 lease, any incentive authorized by the commissioner and the commonwealth's share of the net
26 proceeds.

27 SECTION 3. Notwithstanding any general or special law to the contrary, the town of
28 Grafton shall pay for all costs and expenses of the transactions authorized in section 1 as
29 determined by the commissioner including, but not limited to, the costs of any surveys,
30 appraisals, recording fees and deed preparation related to the conveyances and for all costs,
31 liabilities and expenses of any nature and kind related to the conveyances; provided, however,
32 that such costs may be included for the purposes of determining the net proceeds of the town's
33 sale or lease of any portion of the parcels described in section 1.

34 SECTION 4. Notwithstanding any general or special law to the contrary, the
35 commissioner may retain, accept or acquire by purchase, transfer, lease, eminent domain
36 pursuant to chapter 79 of the General Laws or otherwise and may grant by deed, transfer, lease
37 or otherwise any rights-of-way or easements in, over or beneath any parcel or portions thereof
38 any other portions of the former Grafton State Hospital as the commissioner deems necessary
39 and appropriate for the continued use of portions of the former Grafton State Hospital.

40 SECTION 5. (a) In the event that the town of Grafton does not complete a sale or lease
41 of the property described in section 1 in accordance with section 2 within six years of the
42 recordation of the deed of the property to the town of Grafton, then the property shall revert to
43 the commonwealth upon such terms and conditions as the commissioner of capital asset
44 management and maintenance may determine, following notice of such to the grantee by the
45 division of capital asset management and maintenance and a failure by the grantee to cure the
46 violation to the satisfaction of the division. If any interest reverts to the commonwealth,
47 notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other
48 general or special law to the contrary, the commissioner may sell, lease for terms of up to 99
49 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers
50 or lessees an interest in the property described in said section 1 or portions thereof, subject to this
51 section and on such terms and conditions that the commissioner considers appropriate. In making
52 any such disposition pursuant to this section, the commissioner shall use appropriate competitive
53 bidding processes and procedures. At least 30 days before the date on which bids, proposals or
54 other offers to purchase or lease a property, or any portion thereof, are due, the commissioner
55 shall place a notice in the central register published by the state secretary pursuant to section 20A
56 of chapter 9 of the General Laws stating the availability of the property, the nature of the

57 competitive bidding process and other information that the commissioner considers relevant,
58 including the time, place and manner for the submission of bids and proposals and the opening of
59 the bids or proposals.

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

65 (c) The commissioner may retain or grant rights of way or easements for access, egress,
66 utilities and drainage across any of the parcels described in section 1 and subject to this section
67 and across other commonwealth property contiguous to any of the parcels and the
68 commonwealth may accept from the town or developer such rights of way or easements in
69 roadways or across any of the parcels to be conveyed or transferred for access, egress, drainage
70 and utilities as the commissioner considers necessary and appropriate to carry out this section.

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

75

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