

# **HOUSE . . . . . No. 4769**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 17, 2018.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 4637) of F. Jay Barrows and Paul R. Feeney (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the town of Foxborough for use by the fire department of said town, reports recommending that the accompanying bill (House, No. 4769) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Foxborough for fire department use.

*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 general or special law to the contrary, the Commissioner of Capital Asset  
3 Management and Maintenance, in consultation with the department of agricultural resources,  
4 may convey a certain parcel of state-owned land in the Town of Foxborough to the inhabitants of  
5 the Town of Foxborough for the purpose of housing a fire sub-station and all appurtenances  
6 associated with a fire station. The parcel contains approximately 2.5 acres plus or minus and is  
7 located adjacent to 32 Commercial Street and is a part of the parcel as shown on the Town of  
8 Foxborough Assessors Map 121, Parcel 3446. The exact boundaries of the parcel shall be  
9 determined by the commissioner based upon a survey. The use of the proposed parcel shall be  
10 restricted to the construction of a fire department sub-station and all appurtenances associated  
11 with a fire station/firefighting. This parcel shall be conveyed by deed without warranties or  
12 representations by the Commonwealth.

13 SECTION 2: The consideration for the parcel shall be the full and fair market value of  
14 the parcel for the use authorized by this act, as determined by the Commissioner of Capital Asset  
15 Management and Maintenance based upon an independent professional appraisal and including  
16 the conditions set forth in section 1; provided, however, that the Commissioner of Capital Asset  
17 Management and Maintenance may accept the findings of a previous appraisal of the parcel  
18 conducted by an appraiser acceptable to that commissioner.

19 SECTION 3: Notwithstanding any general or special law to the contrary, the Inspector  
20 General shall review and approve the appraisal required pursuant to section 2. The Inspector  
21 General shall prepare a report of such review of the methodology utilized for the appraisal and  
22 shall file the report with the Commissioner of Capital Asset Management and Maintenance, the  
23 House and Senate committees on ways and means and the joint committee on state  
24 administration and regulatory oversight. Thirty days before the execution of a deed for the  
25 conveyance authorized in this act or any subsequent amendment thereto, the commissioner of  
26 capital asset management and maintenance shall submit the proposed deed or amendment and a  
27 report thereon to the Inspector General for his review and comment. The inspector General shall  
28 issue such a review and comment within 15 days after receipt of the proposed deed or  
29 amendment. The commissioner shall submit the proposed deed or amendment, and the reports  
30 and the comments of the Inspector General, if any, to the House and Senate committees on ways  
31 and means and the joint committee on state administration and regulatory oversight at least 15  
32 days before execution of the deed or amendment.

33 SECTION 4: Notwithstanding any general or special law to the contrary, the Town of  
34 Foxborough shall be responsible for all costs and expenses of the transaction authorized in this  
35 act as determined by the Commissioner of Capital Asset Management and Maintenance

36 including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations,  
37 recording fees and deed preparation related to the conveyance of the parcel and all costs, from  
38 liabilities and expenses of any nature and kind for its ownership. The Town of Foxborough shall  
39 acquire the property thereon in its present condition.

40 SECTION 5: The deed or other instrument conveying the parcel to the Town of  
41 Foxborough shall provide that if the parcel ceases at any time to be used for the purposed set  
42 forth in this act, the title to the parcel shall, at the election of the Commonwealth, revert to the  
43 Commonwealth.

44 SECTION 6: To ensure a no-net-loss of lands protected for natural resource purposes,  
45 the town of Foxborough shall compensate the commonwealth for the interest in land described in  
46 section 1 through the transfer to the department of agricultural resources, an interest in land or  
47 funding for the acquisition of land or an interest therein equal to or greater than the value of the  
48 highest appraised value as determined under section 2. The land or interest in land must be  
49 acceptable to the department of agricultural resources; and any land or interest in land, whether  
50 conveyed by the town of Foxborough or acquired by the department, shall be permanently held  
51 and managed for agricultural purposes by the department. Should the value of the land or  
52 interests in land being conveyed to the commonwealth exceed the appraised value determined  
53 under section 2, neither the division of capital asset management and maintenance nor the  
54 department of agricultural resources shall have any obligation to pay the difference to the town  
55 of Foxborough. Any monetary payments paid to the commonwealth as a result of the  
56 conveyances or grants authorized by this act shall be deposited into an Expendable Trust within  
57 the Massachusetts Department of Agricultural Resources.