

HOUSE No. 4772

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 relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>7/16/2018</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>7/16/2018</i>

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

An Act relative to a certain agricultural restriction held by the commonwealth on land in the town of Westborough.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to release forthwith a certain restriction on land, 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. Section 2 of chapter 652 of the acts of 1981 is hereby repealed.

2 SECTION 2. (a) Notwithstanding section 32 to 37 of chapter 7C of the General Laws or
3 any other general or special law to the contrary, the commissioner of the division of capital asset
4 management and maintenance may release an agricultural use restriction and right of reverter
5 created pursuant to chapter 652 of the acts of 1981 and reserved in a deed recorded with the
6 Worcester county registry of deeds in book 12468, page 230.

7

8 (b) The consideration for the release shall be the full and fair market value of the
9 restriction as determined by the commissioner of the division of capital asset management and
10 maintenance on the basis of an independent appraisal commissioned by commissioner; provided,

11 that the commissioner may determine such value as though the land were vacant. The
12 commissioner shall submit the appraisal and a report thereon to the inspector general. The
13 inspector general shall review and the appraisal and the review shall include an examination of
14 the methodology utilized for the appraisal. The inspector general shall prepare a report of the
15 review and file the report with the commissioner. The commissioner shall submit copies of the
16 appraisal, the report thereon and the inspector general's review and approval and comments, if
17 any, to the house and senate committees on ways and means and the house and senate chairs of
18 the joint committee on state administration and regulatory oversight prior to the execution of any
19 grant of release authorized in this act.

20 (c) The recipient of the release shall assume all costs associated with engineering,
21 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner
22 of capital asset management and maintenance to execute the conveyances authorized in this
23 section.