

# **HOUSE . . . . . No. 4816**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 25, 2018.

The committee on Ways and Means, to whom was referred the Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Foxborough for fire department use (House, No. 4769), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4816) [Local Approval Received].

For the committee,

JEFFREY SÁNCHEZ.

**HOUSE . . . . . No. 4816**

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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.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the town of Foxborough, 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. 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, may  
4 convey a certain parcel of state-owned land in the town of Foxborough to the inhabitants of the  
5 town of Foxborough for the purpose of housing a fire sub-station and all appurtenances  
6 associated with a fire station. The parcel: (i) contains approximately 2.5 acres; (ii) is located  
7 adjacent to 32 Commercial street; and (iii) 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 or firefighting. This parcel shall be conveyed by deed without warranties or  
12 representations by the commonwealth. The Town of Foxborough shall acquire the property  
13 thereon in its present condition.

14 SECTION 2. The consideration for the parcel described in section 1 shall: (1) be the full  
15 and fair market value of the parcel for the use authorized by this act, as determined by the  
16 commissioner of capital asset management and maintenance based upon an independent  
17 professional appraisal and including the conditions set forth in section 1; and (2) the transfer to  
18 the department of agricultural resources, an interest in land or funding for the acquisition of land  
19 or an interest therein equal to or greater than the value of the highest appraised value as  
20 determined pursuant to clause (1); provided, that the land or interest in land shall be acceptable  
21 to the department of agricultural resources; and any land or interest in land, whether conveyed by  
22 the town of Foxborough or acquired by the department, shall be permanently held and managed  
23 for agricultural and natural resource purposes by the department. If the value of the land or  
24 interests in land being conveyed to the commonwealth exceeds the appraised value, neither the  
25 division of capital asset management and maintenance nor the department of agricultural  
26 resources shall have any obligation to pay the difference to the town of Foxborough. Any  
27 monetary payments paid to the commonwealth as a result of the conveyances or grants  
28 authorized by this act shall be deposited into an expendable trust within the department of  
29 agricultural resources.

30 SECTION 3. Notwithstanding any general or special law to the contrary, the inspector  
31 general shall review and approve the appraisal required pursuant to section 2. The inspector  
32 general shall prepare a report of such review of the methodology utilized for the appraisal and  
33 shall file the report with the commissioner of capital asset management and maintenance, the

34 house and senate committees on ways and means and the joint committee on state administration  
35 and regulatory oversight. Thirty days before the execution of a deed for the conveyance  
36 authorized in this act or any subsequent amendment thereto, the commissioner of capital asset  
37 management and maintenance shall submit the proposed deed or amendment and a report  
38 thereon to the inspector general for the inspector general's review and comment. The inspector  
39 general shall issue such a review and comment within 15 days after receipt of the proposed deed  
40 or amendment. The commissioner shall submit the proposed deed or amendment, and the reports  
41 and the comments of the inspector general, if any, to the house and senate committees on ways  
42 and means and the joint committee on state administration and regulatory oversight at least 15  
43 days before execution of the deed or amendment.

44 SECTION 4. Notwithstanding any general or special law to the contrary, the town of  
45 Foxborough shall be responsible for all costs and expenses of the transaction authorized in this  
46 act as determined by the commissioner of capital asset management and maintenance including,  
47 but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording  
48 fees and deed preparation related to the conveyance of the parcel identified in section 1 and all  
49 costs, from liabilities and expenses of any nature and kind for its ownership.

50 SECTION 5. The deed or other instrument conveying the parcel identified in section 1 to  
51 the town of Foxborough shall provide that if the parcel ceases at any time to be used for the  
52 purposed set forth in this act, the title to the parcel shall, at the election of the commonwealth,  
53 revert to the commonwealth.