HOUSE . . . . . No. 3688

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 16, 2019.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 2801) of Jonathan D. Zlotnik and Dean A. Tran that the city of Gardner be authorized to exchange certain parcels of land located in said city with the Department of Conservation and Recreation for conservation and recreation purposes, reports recommending that the accompanying bill (House, No. 3688) ought to pass.

For the committee,

DANIELLE W. GREGOIRE.

FILED ON: 4/12/2019

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to Gardner Heritage State Park.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Gardner may convey to the division of capital asset management and maintenance the parcel of land known as Stump pond which is identified on the city of Gardner's assessors' maps as parcel W27-11-2. The parcel contains 6.0 acres, more or less. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall determine the exact boundaries of the parcel after completion of a survey. The parcel shall be placed under the care, custody and control of the department of conservation and recreation and shall be used for conservation and recreation purposes.

SECTION 2. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws or any other general or special law to the contrary and in consideration for the conveyance authorized in section 1, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may convey to the city of Gardner for general municipal purposes, the parcels of land and building thereon, being part of the Gardner Heritage State Park under the care and control of the department, which are

identified on the city of Gardner's assessors' maps as parcels M27-25-6 and M27-25-10. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall determine the exact boundaries of the parcels.

SECTION 3. Independent appraisals of the fair market value and value in use of the parcels described in sections 1 and 2 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance shall establish the value of the properties for both the highest and best use as currently encumbered and for the purposes described. The commissioner of capital asset management and maintenance shall submit any appraisals to the inspector general for review and comment. The inspector general shall review and approve the appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance. The commissioner shall submit copies of the appraisals and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of any documents effectuating the transfers described in this section.

SECTION 4. Notwithstanding any general or special law to the contrary, the city of Gardner shall be responsible for all costs and expenses of the transaction authorized in this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation

related to the conveyance of the parcels and all costs, liabilities and expenses of any nature and kind for its ownership.

SECTION 5. If the appraised value of the parcels identified in section 2 exceed the appraised value of the parcel identified in section 1, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, shall, as consideration for the excess value of the parcels described in said section 2, also acquire from the city of Gardner payment in an amount equal to the difference in the appraised values through the transfer to the department of conservation and recreation of land or an interest in land or funding for the acquisition of land or an interest therein equal to or greater than the resource value difference in the appraised values. The fair market value of any land or interest in land proposed to be conveyed to the department shall be included within the appraisal prepared pursuant to section 3. The land, interest in land or funding shall be acceptable to the department of conservation and recreation and any land or interest in land, whether conveyed to or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. If the appraised value of the parcel identified in said section 1 exceeds the appraised value of the parcels identified in said section 2, the commonwealth shall have no obligation to pay the difference to the city. All payments made to the commonwealth as a result of the conveyances authorized in this act shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the General Laws.