

HOUSE No. 4911

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 29, 2020.

The committee on Ways and Means, to whom was referred the Bill relative to Gardner Heritage State Park (House, No. 3688), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4911).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the division of capital asset management and maintenance to convey a certain portion of the Gardner Heritage State Park to the city of Gardner.

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

9 SECTION 2. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
10 Laws or any other general or special law to the contrary and in consideration for the conveyance
11 authorized in section 1, the division of capital asset management and maintenance, in
12 consultation with the department of conservation and recreation, may convey to the city of
13 Gardner for general municipal purposes, the parcels of land and building thereon, being part of

14 the Gardner Heritage State Park under the care and control of the department of conservation and
15 recreation, which are identified on the city of Gardner's assessors' maps as parcels M27-25-6
16 and M27-25-10. The commissioner of capital asset management and maintenance, in
17 consultation with the commissioner of conservation and recreation, shall determine the exact
18 boundaries of the parcels.

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

34 SECTION 4. The city of Gardner shall assume all costs and expenses, including, but not
35 limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation

36 related to the conveyance pursuant to this act as such costs may be determined by the
37 commissioner of capital asset management and maintenance.

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