

HOUSE No. 5094

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 4, 2020.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of capital asset management and maintenance to transfer and convey certain parcels of land in the town of Westborough (House, No. 4970), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5094).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the commissioner of capital asset management and maintenance to transfer and convey certain parcels of land in the town of Westborough.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to forthwith authorize the transfer of the care and control of a certain parcel of land in the town of Westborough from the division of capital asset management and maintenance to the department of fish and game, and to authorize the conveyance of a parcel of land to the town of Westborough, 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 through 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of fish and game,
4 may transfer the care and control of a certain parcel of land in the town of Westborough shown
5 as parcel C-3, containing 5.45 acres, more or less, on a plan recorded with the Worcester registry
6 of deeds in plan book 893, plan 24, to the department of fish and game for fish and wildlife
7 conservation, natural habitat protection and associated public recreation purposes. The
8 commissioner of capital asset management and maintenance, in consultation with the

commissioner of fish and game, may determine the exact boundaries of the parcel, which may require the completion of a survey.

SECTION 2. Notwithstanding sections 32 through 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may convey a certain parcel of land in the town of Westborough shown as parcel C-5, containing 0.31 acres, more or less, on a plan recorded with the Worcester registry of deeds in plan book 893, plan 24, to the town of Westborough, for nominal consideration, for municipal purposes. The deed or other instrument conveying the parcel to the town of Westborough shall provide that the parcel shall be used solely for municipal purposes and shall include a reversionary clause that stipulates that if the parcel ceases at any time to be used for municipal purposes, title to the parcel shall, at the election of the commonwealth, revert to the commonwealth. Said reversionary clause shall contain provisions requiring that the town of Westborough receive reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used for municipal purposes.

The commissioner of capital asset management and maintenance may determine the exact boundaries of the parcel, which may require the completion of a survey.

In the event that the town of Westborough does not acquire the parcel described in this section on or before December 31, 2021, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may transfer the care and control of the parcel to the department of fish and game for fish and wildlife conservation, natural habitat protection and associated public recreation purposes.

SECTION 3. Notwithstanding any general or special law to the contrary, the town of Westborough shall be responsible for all costs and expenses of the conveyance of parcel C-5 to the town pursuant to section 2 as determined by the commissioner of capital asset management and maintenance, which shall include, but not limited to, the costs of any engineering, surveys, recording fees and deed preparation related to the conveyance of said parcel to the town of Westborough.

SECTION 4. Notwithstanding any general or special law to the contrary, the department of fish and game shall be responsible for all costs and expenses of the transfer pursuant to section 1 and any transfer to the department of fish and game pursuant to section 2 as determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, which shall include, but not be limited to, the costs of any engineering, surveys, recording fees and deed preparation related to a transfer made to the department of fish and game pursuant to section 1 or 2; provided, however, that the department of fish and game shall not be responsible for the cost of demolishing any structures on the parcels.