

SENATE No. 1854

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 authorizing the commissioner of capital asset management and maintenance to convey certain property in the town of Templeton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/1/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>

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The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of capital asset management and maintenance to convey certain property in the town of Templeton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of real property in the town of Templeton, 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 other general or special law to the contrary the commissioner of capital asset
3 management and maintenance, in consultation with the department of developmental services
4 and the department of agricultural resources, may convey to Karl Heins dba Sunny Knoll Farm a
5 sole proprietorship all or portions of a certain parcel of land in Templeton that is a portion of the
6 Templeton development center and is shown as license area 3, as drawn on a plan entitled “Plan
7 of Land in Templeton, MA prepared for the Commonwealth of Massachusetts Division of
8 Capital Asset Management and Maintenance on behalf of the Department of Developmental
9 Services and Massachusetts Department of Agricultural Resources” prepared by northeast survey
10 consultants and dated January 13, 2015 and on file with the division of capital asset management

11 and maintenance, together with any buildings, structures or personal property thereon, including
12 livestock, subject to this act and on the terms and conditions that the commissioner considers
13 appropriate, to be perpetually used for agricultural purposes as defined in section 1A of chapter
14 128 of the General Laws. The properties or any portion thereof shall be conveyed or leased
15 without warranties or representations by the commonwealth.

16 SECTION 2. The consideration for the property or any portion thereof authorized in
17 section 1 shall be an amount equal to the full and fair market value of said property, including
18 any buildings, structures or personal property thereon, restricted for agricultural use, as
19 determined by an independent appraisal. The commissioner of capital asset management and
20 maintenance shall submit the appraisal to the inspector general. The inspector general shall
21 review and approve the appraisal and the review shall include an examination of the
22 methodology utilized for the appraisal. The inspector general shall prepare a report of the review,
23 including a review of the methodology utilized for the appraisal, and file the report with the
24 commissioner of capital asset management and maintenance, the house and senate committees
25 on ways and means and the joint committee on state administration and regulatory oversight
26 prior to the execution of the conveyance authorized in this act. The exact boundaries of the
27 property shall be determined by the commissioner of capital asset management and maintenance
28 after completion of a survey. The amount of consideration as determined under this section shall
29 be paid by the grantee into an expendable trust to be used by the department of agricultural
30 resources to acquire new agricultural preservation restrictions, pursuant to the rules and
31 guidelines of the department.

32 SECTION 3. Any purchase and sale agreement, lease or other document relating to the
33 sale, lease, transfer or other disposition of property pursuant to this act shall provide that the

commonwealth, including, without limitation the division of capital asset management and maintenance, shall have no liability to any purchaser, lessee, transferee or successor to any purchaser, lessee or transferee of all or part of the property for any claims arising out of or related in any way to the conditions, known or unknown, of the property, or otherwise in connection with any sale, lease, transfer or other disposition thereof.

SECTION 4. The commissioner may retain or grant rights of way or easements for access, egress, utilities and drainage across the property described in section 1 or any portion thereof and across other commonwealth property contiguous to the properties or any portion thereof, and the commonwealth may accept such rights of way or easements in roadways or across any of the properties, or portions thereof, to be conveyed or transferred for access, egress, drainage and utilities as the commissioner considers necessary and appropriate to carry out this act.

SECTION 5. No instrument conveying the property or any portion thereof to Karl Heins dba Sunny Knoll Farm pursuant to this act shall be valid unless the instrument provides that the area conveyed shall be used solely for the purposes described in section 1. The instrument authorized in section 1 shall state that the property shall, at the election of the division of capital asset management and maintenance, revert to the commonwealth upon such terms and conditions as the commissioner may determine, if the property ceases to be used for the purposes described in section 1 after providing Karl Heins dba Sunny Knoll Farm with written notification and opportunity to cure and recording a notice of said reversion. Upon satisfaction of the foregoing provisions, the property shall revert to the commonwealth. If any interest reverts to the commonwealth pursuant to this section, any further disposition shall be subject to sections 32 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the general court.

Both the restriction described in section 1 and the commonwealth's right of reverter described in this section shall be perpetual notwithstanding any general or other law to the contrary and may be separately enforced.

SECTION 6. No agreement for the sale, lease, transfer or other disposition of the properties or any portion thereof, and no deed executed by or on behalf of the commonwealth, shall be valid unless the agreement or deed contains the following certification, signed by the commissioner: "I, the undersigned commissioner of capital asset management and maintenance, hereby certify under penalties of perjury that I have fully complied with the relevant provisions of chapter ____ of the acts of _____ in connection with the properties described in this document."

SECTION 7. Notwithstanding any general or special law to the contrary, the grantee or lessee of the property or any portion thereof pursuant to section 1 shall be responsible for costs associated with any engineering and deed preparation related to the conveyances and transfer authorized in this section and such other costs as may be determined by the commissioner.

SECTION 8. Notwithstanding sections 32 to 37, inclusive of chapter 7C of the General Laws or any other general or special law to the contrary, in the event the conveyance as authorized in section 1 cannot be completed in accordance with the provisions of sections 2 through 7, inclusive, on or before July 1, 2019 the commissioner of capital asset management and maintenance, in consultation with the department of developmental services, may transfer to the care and control of the department of agricultural resources the property described in section 1. Following any such transfer to the department of agricultural resources, notwithstanding sections 32 to 37, inclusive of chapter 7C of the General Laws or any other general or special

79 law to the contrary, the commissioner of the division of capital asset management and
80 maintenance, in consultation with the department of agricultural resources, may (i) sell, (ii) lease
81 for a term of up to 99 years including all renewals and extensions, or (iii) otherwise grant,
82 convey or transfer to another one or more grantees utilizing an appropriate competitive proposal
83 process subject to any other terms and conditions the commissioner considers appropriate. At
84 least 30 days before the date on which bids, proposals or other offers to purchase or lease the
85 property, or any portion thereof, are due, the commissioner shall place a notice in the central
86 register published by the state secretary under section 20A of chapter 9 of the General Laws
87 stating the availability of the property, the nature of the competitive bidding process and other
88 information that she considers relevant, including the time, place and manner for the submission
89 of bids and proposals and the opening of the bids or proposals.