

HOUSE No. 4979

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 6, 2022.

The committee on Ways and Means, to whom was referred the Bill authorizing the Department of Conservation and Recreation and the Division of Capital Asset Management and Maintenance to transfer an easement in certain property and the fee in certain properties to the city of Revere all for municipal purposes (House, No. 4221), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4979).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the Department of Conservation and Recreation and the Division of Capital Asset Management and Maintenance to transfer an easement in certain property and the fee in certain properties to the city of Revere all for municipal purposes.

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 commissioner of conservation and
4 recreation, may convey or release to the city of Revere the fee interest in or easements upon
5 certain parcels of land described in section 2, subject to the requirements of sections 2 to 4,
6 inclusive, and to any additional terms and conditions consistent with this act as the commissioner
7 of capital asset management and maintenance, in consultation with the commissioner of
8 conservation and recreation, may prescribe. Said parcels are currently under the care and control
9 of the department of conservation and recreation and held for conservation and recreation
10 purposes. Prior to finalizing a transaction or making the conveyances or releases authorized in
11 this section, the division of capital asset management and maintenance may conduct a survey and
12 make minor modifications to the area.

13 SECTION 2. The interests in land to be conveyed, as authorized in section 1, shall consist
14 of all or a portion of the following:

15 (i) a parcel of land to be held by the city of Revere for municipal public safety purposes,
16 consisting of approximately 1.46 acres, and shown as “Lot B” on a plan of land entitled
17 “Subdivision Plan of Land in Revere, Mass.”, dated January 27, 2003 and recorded at the Suffolk
18 county registry of deeds in plan book 2006, plan 239;

19 (ii) a parcel of land to be held by the city of Revere for municipal fire safety purposes,
20 consisting of approximately 0.11 acres, and shown as “Lot A” on a plan entitled “Approval Not
21 Required (ANR) Plan Located in Revere, Massachusetts (Suffolk County)” prepared for Winter
22 Street Architects by Brennan Consulting, dated June 8, 2021, to be kept on file at the office of
23 the division of capital asset management and maintenance; or

24 (iii) a non-exclusive subsurface electrical utility easement, shown on a plan entitled
25 “Electrical Power Site Plan” prepared by WSP USA Buildings, Inc. in connection with a kiosk
26 for signage and public service announcements that may be authorized to the city of Revere by the
27 commissioner of conservation and recreation pursuant to a written permit for a term not to
28 exceed 20 years, notwithstanding section 33 of chapter 92 of the General Laws.

29 SECTION 3. An independent appraisal of the fair market value and value in use of the
30 interests in land described in section 2 shall be prepared in accordance with the usual and
31 customary professional appraisal practices by a qualified appraiser commissioned by the
32 commissioner of capital asset management and maintenance. The city of Revere shall
33 compensate the commonwealth for the conveyance or release of the above-described interests in
34 land described in section 2 by: (i) making a payment in an amount equal to the full and fair

35 market value or the value in proposed use, whichever is greater, as determined by the
36 commissioner of capital asset management and maintenance; (ii) transferring land or interest in
37 land to the department of conservation and recreation of equal or greater acreage than the land
38 described in section 2 and of equal or greater fair market value or value in use than the land
39 described in section 2 for conservation and recreation purposes; or (iii) any combination of
40 clauses (i) and (ii) acceptable to the department of conservation and recreation. Any payment
41 made in accordance with clause (i) shall be deposited in the Conservation Trust established in
42 section 1 of chapter 132A of the General Laws and expended by the department of conservation
43 and recreation to acquire land or interest in land to be permanently under the care and control of
44 the department of conservation and recreation for conservation and recreation purposes. For the
45 purposes of such appraisal, the full and fair market value of the land described in section 2 shall
46 be calculated with regard to its full development potential as assembled with other abutting land
47 owned or controlled by the city, if any. The commissioner of capital asset management and
48 maintenance shall submit the appraisal to the inspector general for review and comment. The
49 inspector general shall review and approve the appraisal and the review shall include an
50 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
51 report of such review and file the report with the commissioner of capital asset management and
52 maintenance. After receiving the report, the commissioner shall submit copies of the report to the
53 house and senate committees on ways and means and the joint committee on state administration
54 and regulatory oversight at least 15 days prior to the execution of documents effecting the
55 conveyance authorized by section 1 and described in section 2. Should the appraised value of any
56 land or interest in land described in section 2 be determined to be greater than the appraised

57 value of the interest in land to be conveyed to the commonwealth under clause (ii), the
58 commonwealth shall have no obligation to pay the difference to the city.

59 SECTION 4. The city of Revere shall be responsible for all costs associated with the
60 conveyances and releases authorized by this act, including, but not limited to, any appraisal,
61 survey, recording or legal costs and any other expenses incurred by the commonwealth in
62 connection with the conveyance and for all costs, liabilities and expenses of any nature and kind
63 for its ownership and use.

64 SECTION 5. This act shall take effect upon its passage.