

HOUSE No. 5162

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2022.

The committee on House Ways and Means to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Danvers (House, No. 5032), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5162).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the division of capital asset management and maintenance to convey a certain parcel of land to the town of Danvers.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith the conveyance of a certain parcel of land in the town of Danvers, 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey to the town of Danvers a certain parcel of land
4 located within the town of Danvers, which is known as and numbered 99 Middleton road,
5 described in a plan recorded in the Essex south registry of deeds in book 330, plan 64, titled
6 “ANR Plan of Land in Danvers, MA”, which the division of capital asset management and
7 maintenance refers to as “the state hospital power plant site” and is currently designated by the
8 division of capital asset management and maintenance as surplus land; provided, however, that
9 the use of the parcel shall be restricted to general municipal purposes. The parcel comprises 3
10 deeds recorded in the Essex south registry of deeds at: (i) book 896, page 204; (ii) book 1624,

page 415; and (iii) book 2355, page 544. The final boundaries of the parcel may be determined by the commissioner of capital asset management and maintenance.

(b)(1) The parcel shall be conveyed by deed without warranties or representations by the commonwealth. The consideration for the conveyance of the parcel authorized in subsection (a) shall be the fair market value of the parcel or the value in proposed use, whichever is greater, as determined by the commissioner of capital asset management and maintenance based upon an independent appraisal of the fair market value and value in use of the parcel described in this subsection (a) which shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner.

(2) The commissioner of capital asset management and maintenance shall establish the value of the property for both the highest and best use of the property as currently encumbered and for the purposes described in this section. If the consideration for the parcels conveyed in this section is less than fair market value, the commissioner shall place notice in the central register, published by the state secretary pursuant to section 20A of chapter 9 of the General Laws, of the conveyances, the amount of the transaction and the difference between the calculated value and price received.

(3) The commissioner of capital asset management and maintenance shall submit the appraisal required by paragraph (1) to the inspector general for review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways

and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisal, 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 documents effecting the transfers described in subsection (a).

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Danvers shall be responsible for all costs and expenses of any transaction authorized by section 1 as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related to the conveyance of the parcel. The town of Danvers shall acquire the property thereon in its present condition. Upon the recording of the deed conveying the parcel to the town of Danvers, the town of Danvers shall be responsible for all costs, liabilities and expenses for its ownership.