

HOUSE No. 5448

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 29, 2022.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Lancaster (House, No. 5415), reports recommending that the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Lancaster, ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5448).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Lancaster.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance by the commonwealth of certain parcels of land in the town of Lancaster, 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 33 to 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 may convey certain parcels of land in the town of Lancaster
4 owned by the commonwealth to the town of Lancaster subject to this act. The parcels to be
5 conveyed were formerly known as the Lancaster Industrial School for Girls and are described in
6 deeds recorded in the Worcester registry of deeds in: (i) book 639, page 254; (ii) book 639, page
7 255; (iii) book 549, page 192; (iv) book 549, page 194; and (v) book 2642, page 485, and may
8 include, without limitation, the area known as the piggery; provided, however, that the
9 commissioner shall not convey to the town of Lancaster the area leased to Robert F. Kennedy
10 Community Alliance, Inc. pursuant to chapter 185 of the acts of 2000.

11 (b) The use of the parcels to be conveyed to the town of Lancaster pursuant to subsection
12 (a) shall not be restricted to use for municipal or other specific purposes; provided, however, that
13 the town of Lancaster may so restrict the use of 1 or more of the parcels at a later date, in
14 accordance with any applicable general or special law. The parcels shall be conveyed by deed
15 without warranties or representations by the commonwealth.

16 SECTION 2. As consideration for the conveyance of the parcels described in section 1,
17 the town of Lancaster shall pay the commonwealth \$1.

18 SECTION 3. If the town of Lancaster sells or leases any portion of the parcels described
19 in section 1, the net proceeds from such sale or lease as determined by the town of Lancaster and
20 agreed to by the commissioner of capital asset management and maintenance shall be allocated
21 between the town of Lancaster and the commonwealth in equal shares; provided, however, that
22 the commissioner of capital asset management and maintenance may agree to reduce the
23 commonwealth's share of net proceeds to not less than 40 per cent in order to provide certain
24 incentives to the town of Lancaster to sell or lease the parcels expeditiously. If the net proceeds,
25 as so determined, is a negative amount, the commonwealth shall not be required to make any
26 payments to the town of Lancaster.

27 SECTION 4. (a) If the town of Lancaster decides to retain all, or any portion, of the
28 parcels described in section 1 for municipal purposes, the town shall give written notice of such
29 decision to the commissioner of capital asset management and maintenance and shall pay the
30 commonwealth additional consideration for the portion or portions of the parcels retained by the
31 town of Lancaster for municipal purposes. Such additional consideration shall be the fair market
32 value of the portion or portions of the parcels retained by the town of Lancaster for municipal

33 purposes as determined by the commissioner of capital asset management and maintenance
34 based upon an independent professional appraisal, taking into consideration the restriction on the
35 use of the portion or portions of the parcels to be retained by the town of Lancaster pursuant to
36 this subsection.

37 (b) The commissioner of capital asset management and maintenance shall submit any
38 appraisal required pursuant to subsection (a) to the inspector general for review and comment.
39 The inspector general shall review and approve the appraisal and the review shall include an
40 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
41 report and file the report with the commissioner of capital asset management and maintenance.
42 The commissioner shall submit copies of the appraisals, and the inspector general's review and
43 approval and comments, if any, to the house and senate committees on ways and means and the
44 joint committee on state administration and regulatory oversight not less than 15 days prior to the
45 execution of documents effecting the transfers described in section 1.

46 (c) The town of Lancaster shall agree, in a written document to be recorded with the
47 Worcester registry of deeds, that any portion or portions of the parcels to be retained by the town
48 of Lancaster pursuant to subsection (a) shall be used solely for municipal purposes, which
49 document shall include a reversionary clause that stipulates that if the portion or portions of the
50 parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be
51 used for municipal purposes, title to the portion or portions which is, or are, no longer used for
52 municipal purposes shall, at the election of the commonwealth, revert to the commonwealth.
53 Said reversionary clause shall contain provisions requiring that the town of Lancaster receive
54 reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used
55 for the purposes set forth in subsection (a).

56 SECTION 5. Notwithstanding any general or special law to the contrary, the town of
57 Lancaster shall pay for all costs and expenses of the sale of the parcels to the town of Lancaster
58 pursuant to this act as determined by the commissioner of capital asset management and
59 maintenance, including, but not limited to, the costs of any recording fees and deed preparation
60 related to the conveyance and all costs, liabilities and expenses of any nature and kind related to
61 the town's ownership of the parcel; provided, however, that such costs shall be included for the
62 purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels
63 described in section 1. The town of Lancaster shall also pay for any appraisal undertaken
64 pursuant to section 4, the cost of which shall not be included for purposes of determining net
65 proceeds.

66 SECTION 6. (a) If the town of Lancaster does not complete the purchase of all of the
67 parcels described in section 1 on or before June 30, 2024, then notwithstanding sections 33 to 37,
68 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,
69 the commissioner of capital asset management and maintenance may sell, lease for terms of up to
70 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to
71 purchasers or lessees an interest in the parcels that have not been sold to the town pursuant to
72 section 1 or portions thereof, subject to subsection (b) and on such terms and conditions that the
73 commissioner considers appropriate.

74 (b) The commissioner of capital asset management and maintenance shall dispose of the
75 parcels or portions thereof pursuant to subsection (a) using appropriate competitive bidding
76 processes and procedures. Not less than 30 days before the date on which bids, proposals or other
77 offers to purchase or lease the parcels or portions thereof are due, the commissioner shall place a
78 notice in the central register published by the state secretary pursuant to section 20A of chapter 9

79 of the General Laws stating the availability of the parcels or portions thereof, the nature of the
80 competitive bidding process and other information that the commissioner considers relevant,
81 including, but not limited to, the time, place and manner for the submission of bids and proposals
82 and the opening of the bids or proposals.

83 SECTION 7. Notwithstanding any general or special law to the contrary, the grantee or
84 lessee of the parcels described in section 1 or any portions thereof pursuant to section 6, shall be
85 responsible for costs and expenses of such sale or lease of the parcels or portions thereof to such
86 grantee or lessee, including, but not limited to, costs associated with deed preparation and
87 recording fees related to the conveyances and transfers authorized in this section as such costs
88 may be determined by the commissioner of capital asset management and maintenance.