## 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.

## **HOUSE . . . . . . . . . . . . . . . . No. 5448**

## The Commonwealth of Alassachusetts

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:

SECTION 1. (a) Notwithstanding sections 33 to 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 certain parcels of land in the town of Lancaster
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.

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

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

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

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

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

- (b) The commissioner of capital asset management and maintenance shall submit any appraisal required pursuant to subsection (a) 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 and file the report with the commissioner of capital asset management and maintenance. The commissioner shall submit copies of the appraisals, 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 not less than 15 days prior to the execution of documents effecting the transfers described in section 1.
- (c) The town of Lancaster shall agree, in a written document to be recorded with the Worcester registry of deeds, that any portion or portions of the parcels to be retained by the town of Lancaster pursuant to subsection (a) shall be used solely for municipal purposes, which document shall include a reversionary clause that stipulates that if the portion or portions of the parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be used for municipal purposes, title to the portion or portions which is, or are, no longer used for municipal purposes shall, at the election of the commonwealth, revert to the commonwealth. Said reversionary clause shall contain provisions requiring that the town of Lancaster receive reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used for the purposes set forth in subsection (a).

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

SECTION 6. (a) If the town of Lancaster does not complete the purchase of all of the parcels described in section 1 on or before June 30, 2024, then notwithstanding sections 33 to 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 sell, lease for terms of up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the parcels that have not been sold to the town pursuant to section 1 or portions thereof, subject to subsection (b) and on such terms and conditions that the commissioner considers appropriate.

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

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

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