

**HOUSE . . . . . No. 5384**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Meghan Kilcoyne*

*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 a certain parcel of land in the town of Lancaster.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>5/27/2022</i>

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By Ms. Kilcoyne of Clinton, a petition (subject to Joint Rule 12) of Meghan Kilcoyne that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of state owned land in the town of Lancaster to said town. State Administration and Regulatory Oversight. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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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 a certain parcel of land in the town of Lancaster.

*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 I. Notwithstanding sections 33 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 may convey certain parcels of land in the town of Lancaster  
4 owned by the commonwealth to the town of Lancaster subject to the provisions of this act. The  
5 parcels are shown on plans on file with the division of capital asset management and  
6 maintenance. The exact location and boundaries of the parcels to be conveyed shall be  
7 determined by the commissioner of capital asset management and maintenance based upon a  
8 survey.

9           The use of the parcels to be conveyed to the town shall not be restricted to use for  
10 municipal or other specific purposes; provided, however, that the town may so restrict the use of  
11 one or more of the parcels at a later date, in accordance with any applicable general and special

12 laws. The parcels shall be conveyed by deed without warranties or representations by the  
13 commonwealth.

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

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

24 SECTION 4. If the town of Lancaster decides to retain all, or any portion, of the parcels  
25 described in section 1 for municipal purposes, the town shall give written notice of such decision  
26 to the commissioner of capital asset management and maintenance and shall pay the  
27 Commonwealth additional consideration for the portion or portions of the parcels retained by the  
28 town of Lancaster for municipal purposes. Such additional consideration shall be the fair market  
29 value of the portion, or portions of the parcels retained by the town of Lancaster for municipal  
30 purposes as determined by the commissioner of capital asset management and maintenance  
31 based upon an independent professional appraisal, taking into consideration the restriction on the  
32 use of the portion or portions of the parcels to be retained by the town of Lancaster pursuant to  
33 this section. The inspector general shall review and approve the appraisal. The inspector general

34 shall prepare a report of such review of the methodology utilized for the appraisal and shall file  
35 the report with the commissioner of capital asset management and maintenance, the house and  
36 senate committees on ways and means and the joint committee on state administration and  
37 regulatory oversight.

38 In addition, the town of Lancaster shall agree, in a written document to be recorded with  
39 the Worcester registry of deeds, that the portion or portions of the parcels to be retained by the  
40 town of Lancaster pursuant to this section shall be used solely for municipal purposes, which  
41 document shall include a reversionary clause that stipulates that if the portion or portions of the  
42 parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be  
43 used for municipal purposes, title to the portion or portions which is, or are, no longer used for  
44 municipal purposes shall, at the election of the commonwealth, revert to the commonwealth.  
45 Said reversionary clause shall contain provisions requiring that the town of Lancaster receive  
46 reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used  
47 for the purposes set forth in this section.

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

56 pursuant to section 4, the cost of which shall not be included for purposes of determining net  
57 proceeds.

58 SECTION 6. If the town of Lancaster does not complete the purchase of the parcels  
59 described in section 1 on or before December 31, 2023, then notwithstanding sections 33 to 37,  
60 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,  
61 the commissioner may sell, lease for terms of up to 99 years, including all renewals and  
62 extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the  
63 parcels described in section 1 or portions thereof, subject to this section and on such terms and  
64 conditions that the commissioner considers appropriate.

65 The commissioner of capital asset management and maintenance shall dispose of the  
66 parcels or portions thereof pursuant to this section using appropriate competitive bidding  
67 processes and procedures. Not less than 30 days before the date on which bids, proposals or other  
68 offers to purchase or lease the parcels or portions thereof are due, the commissioner shall place a  
69 notice in the central register published by the state secretary pursuant to section 20A of chapter 9  
70 of the General Laws stating the availability of the parcels or portions thereof, the nature of the  
71 competitive bidding process and other information that the commissioner considers relevant,  
72 including the time, place and manner for the submission of bids and proposals and the opening of  
73 the bids or proposals.

74 Notwithstanding any general or special law to the contrary, the grantee or lessee of the  
75 parcels described in section 1 or any portions thereof pursuant to this section, shall be  
76 responsible for costs and expenses of such sale or lease of the parcels or portions thereof to such  
77 grantee or lessee, including, but not limited to, costs associated with deed preparation and

- 78 recording fees related to the conveyances and transfers authorized in this section as such costs
- 79 may be determined by the commissioner of capital asset management and maintenance.