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:

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<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tr>
<td>Meghan Kilcoyne</td>
<td>12th Worcester</td>
<td>5/27/2022</td>
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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.]

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of a certain parcel 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 I. 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 the provisions of this act. The parcels are shown on plans on file with the division of capital asset management and maintenance. The exact location and boundaries of the parcels to be conveyed shall be determined by the commissioner of capital asset management and maintenance based upon a survey.
The use of the parcels to be conveyed to the town shall not be restricted to use for municipal or other specific purposes; provided, however, that the town may so restrict the use of one or more of the parcels at a later date, in accordance with any applicable general and special laws. 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 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 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. 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 section. The inspector general shall review and approve the appraisal. The inspector general
shall prepare a report of such review of the methodology utilized for the appraisal and shall file
the report with the commissioner of capital asset management and maintenance, the house and
senate committees on ways and means and the joint committee on state administration and
regulatory oversight.

In addition, the town of Lancaster shall agree, in a written document to be recorded with
the Worcester registry of deeds, that the portion or portions of the parcels to be retained by the
town of Lancaster pursuant to this section 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 this section.

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. If the town of Lancaster does not complete the purchase of the parcels described in section 1 on or before December 31, 2023, 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 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 described in section 1 or portions thereof, subject to this section and on such terms and conditions that the commissioner considers appropriate.

The commissioner of capital asset management and maintenance shall dispose of the parcels or portions thereof pursuant to this section 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 the time, place and manner for the submission of bids and proposals and the opening of the bids or proposals.

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 this section, 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.