

HOUSE No. 3672

The Commonwealth of Massachusetts

PRESENTED BY:

Meghan K. Kilcoyne and John J. Cronin

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 K. Kilcoyne</i>	<i>12th Worcester</i>	<i>1/19/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>1/19/2023</i>

HOUSE No. 3672

By Representative Kilcoyne of Clinton and Senator Cronin, a joint petition (accompanied by bill, House, No. 3672) of Meghan Kilcoyne and John J. Cronin 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.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5384 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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.