

HOUSE No. 4843

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 9, 2024.

The committee on Ways and Means, to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to dispose of certain parcels of land in the town of Bolton (House, No. 4183), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4843).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land to the town of Bolton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the town of Bolton to the town of Bolton, 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 32 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 2 parcels of land, originally acquired by the
4 commonwealth for part of the campus of the Lancaster Industrial School for Girls, to the town of
5 Bolton, which are described as: (i) the Northeast corner of the former Lancaster Industrial School
6 for Girls, located at 220 Old Common road in the town of Lancaster, that extends into the town
7 of Bolton and is shown on a plan of land entitled, “Lancaster Complex South Bolton & Old
8 Common Roads Lancaster & Bolton, Massachusetts” prepared by Design Professionals, Inc. and
9 dated November 2, 2018, on file with the division of capital asset management and maintenance;
10 and (ii) the Bolton dam, in the town of Bolton, located near the Lancaster town line, and is

11 shown on 2 maps on file with the division of capital asset management and maintenance. The 2
12 parcels are further described in deeds recorded in the Worcester registry of deeds in: (i) book
13 639, page 254; (ii) book 639, page 255; (iii) book 549, page 192; (iv) book 549, page 194; and
14 (v) book 2642, page 485. The exact location and boundaries of the parcels to be conveyed shall
15 be determined by the commissioner after completion of a survey.

16 (b) Notwithstanding chapters 30B and 40 of the General Laws or any other general or
17 special law to the contrary, the town of Bolton, acting by and through its select board, may enter
18 into a purchase and sale agreement, lease or other agreement to acquire the parcels or acquire
19 rights to the parcels described in subsection (a).

20 (c) The uses of the parcels shall be restricted to general municipal purposes. The deed or
21 other instrument conveying the parcel to the town of Bolton shall state that said parcels shall be
22 used solely for the purposes described in this subsection and shall include a reversionary clause
23 that stipulates that if the parcels cease at any time to be used for the allowed uses, title to the
24 parcel shall, at the election of the commonwealth, revert to the commonwealth. The reversionary
25 clause shall contain provisions requiring that the town of Bolton receive reasonable notice of and
26 a reasonable time to cure any allegation that the parcels are not being used for the purposes set
27 forth in this subsection.

28 (d) The consideration for the conveyance of the parcels shall be the fair market value of
29 the parcels as determined by the commissioner of capital asset management and maintenance
30 based upon an independent professional appraisal, taking into consideration the restriction on the
31 use of the parcel pursuant to subsection (c). The commissioner shall submit the appraisal to the
32 inspector general for review and comment. The inspector general shall review and approve the

33 appraisal and the review shall include an examination of the methodology utilized for the
34 appraisal. The inspector general shall prepare a report and file the report with the commissioner
35 of capital asset management and maintenance. After receiving the report, the commissioner shall
36 submit copies of the report to the house and senate committees on ways and means and the joint
37 committee on state administration and regulatory oversight not later than 15 days prior to the
38 execution of documents affecting the conveyance authorized.

39 SECTION 2. (a) If the town of Bolton does not complete the purchase of the parcels
40 pursuant to section 1 on or before December 31, 2024, or such date thereafter as agreed to by the
41 town of Bolton and the commissioner of capital asset management and maintenance, then,
42 notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other
43 general or special law to the contrary, the commissioner of capital asset management and
44 maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or
45 otherwise grant, convey or transfer to purchasers or lessees an interest in the parcels described in
46 subsection (a) of section 1 or portions thereof and on other terms and conditions as the
47 commissioner of capital asset management and maintenance considers appropriate.

48 (b) The commissioner shall use appropriate competitive bidding processes and
49 procedures when making any disposition. Not less than 30 days before the date on which bids,
50 proposals or other offers to purchase the parcels, or any portion thereof, are due, the
51 commissioner of capital asset management and maintenance shall place a notice in the central
52 register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws
53 stating: (i) the availability of the parcels; (ii) the nature of the competitive bidding process; (iii)
54 the time, place and manner for the submission of bids and proposals and the opening of the bids
55 or proposals; and (iv) other information that the commissioner deems relevant. The

56 commissioner shall place notice in the central register of the individual or firm selected as party
57 to any real property transaction involving the property and the amount of the transaction.

58 SECTION 3. Any purchase and sale agreement, lease or other document relating to the
59 sale, lease, transfer or other disposition of the parcels, or any portions thereof, pursuant to
60 sections 1 or 2 shall provide that the commonwealth shall have no liability to any purchaser,
61 lessee, transferee or successor to any purchaser, lessee or transferee of all or part of the parcels
62 described in subsection (a) of section 1 for any claims arising out of or related in any way to the
63 conditions, known or unknown, of the parcels or otherwise in connection with any sale, lease,
64 transfer or other disposition thereof.

65 SECTION 4. Any deed of conveyance pursuant to sections 1 or 2 may retain or grant
66 rights of way or easements for access, egress, utilities and drainage across any other portions of
67 the parcels and the commonwealth may accept from a purchaser rights of way or easements in
68 roadways or across any portions of the parcels to be conveyed or transferred for access, egress,
69 drainage and utilities as the commissioner of capital asset management and maintenance may
70 determine necessary and appropriate to carry out this act.

71 SECTION 5. The purchaser or lessees of the parcels, or any portions thereof, pursuant to
72 section 2 shall be responsible for all costs and expenses related to the purchase, lease or transfer
73 of such parcels, including, but not limited to, costs associated with surveys, deed preparation and
74 recording fees as determined by the commissioner of capital asset management and maintenance.

75 SECTION 6. The cash proceeds of the sale of the parcels described in sections 1 or 2, or
76 any portion thereof, shall be deposited into the General Fund.