

HOUSE No. 4974

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 1, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the commissioner of capital asset management and maintenance to convey certain parcels of land to the city of Westfield (Senate, No. 2893), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4974.

For the committee,

AARON MICHLEWITZ.

HOUSE No. 4974

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the commissioner of capital asset management and maintenance to convey certain parcels of land to the city of Westfield (Senate, No. 2893). August 1, 2024.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:–

1 SECTION 1. (a) Notwithstanding sections 34 to 37 of chapter 7C of the General Laws or
2 any general or special law to the contrary, the commissioner of capital asset management and
3 maintenance, in consultation with the commissioner of conservation and recreation, may convey
4 to the city of Westfield for no monetary consideration the parcels of land described in subsection
5 (b) which are currently under the care and control of the department of conservation and
6 recreation, subject to the requirements of this act and to such additional terms and conditions as
7 the commissioner of capital asset management and maintenance, in consultation with the
8 commissioner of conservation and recreation, may prescribe. Prior to finalizing the transaction or
9 making the conveyance authorized in this act, the division of capital asset management and
10 maintenance may complete a survey of the parcels.

11 (b) The parcels of land referenced in subsection (a) contain approximately 13.23 acres
12 and consist of: (1) parcels 1 to 28, inclusive, as shown on a plan entitled, “Plan of Land in the
13 City of Westfield, Taken in Behalf of the Commonwealth of Massachusetts, Acting by the
14 Department of Public Works, Under Chapter 790 of the Acts of 1949 and Chapter 513 of the

15 Acts of 1939”, approved May 25, 1950, and recorded in the Hampden district registry of deeds in
16 plan book 31, pages 27. Such land was acquired by an order of taking recorded in the Hampden
17 district registry of deeds in book 2050, page 575; and (2) lots 17 and 25 as shown on a plan of
18 land entitled “Subdivision of Lots A&B shown on plan filed with Cert. of Title No. 500 Registry
19 District of Hampden County, Land in Westfield”, dated September 1916, identified as plan 5888-
20 A filed with certificate of title number 500 in the Hampden registry district of the land court. The
21 land was taken by the commonwealth for construction of a dike on the Westfield river by an
22 order of taking recorded in the Hampden district registry of the land court as document number
23 13615 and such land is currently held for conservation and recreation purposes.

24 (c) The parcels conveyed to the city of Westfield pursuant to this act shall be placed
25 under the care and control of the division of parks and recreation in the department of public
26 works in the city of Westfield. The parcels shall be held for conservation and recreation purposes
27 and flood protection purposes including, but not be limited to, the construction and maintenance
28 of a flood control levee and a recreational trail open to the public, subject to such reasonable
29 rules and regulations as the city shall provide.

30 (d) The city of Westfield shall be responsible for all costs associated with the
31 conveyances and releases authorized in this act including, but not limited to, any surveys,
32 recordings and legal costs and any other expenses incurred by the commonwealth in connection
33 with the conveyance and for all costs, liabilities and expenses of any nature and kind for its
34 ownership, use, operation and maintenance, including, but not limited to, the associated flood
35 control works under item 7822-01 of section 2 of chapter 790 of the acts of 1949, chapter 513 of
36 the acts of 1939 and chapter 91 of the General Laws.