

**HOUSE . . . . . No. 4822**

---

---

**The Commonwealth of Massachusetts**

---

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 4701, a Bill authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes (House, No. 4822). June 28, 2010.

---

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to provide for the transfer a certain parcel of land in the town of Tewksbury, 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.** Notwithstanding the provisions of sections 40E through 40J of chapter 7 of  
2 the General Laws or any general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance may convey to the town of Tewksbury, for recreation and open  
4 space purposes, a portion of a certain parcel of state-owned land located on Livingston street in  
5 said town, currently under the care and control of the department of public health, containing  
6 25.535 acres, more or less, as shown on a plan of land titled “Tewksbury Athletic Fields,  
7 Livingston Street, Tewksbury, Massachusetts,” dated April 1, 2009, prepared for the division of  
8 capital asset management by Nitsch Engineering, which plan is on file with the division of  
9 capital asset management and maintenance. The parcel shall be designated and used by the town  
10 of Tewksbury solely for recreational and open space purposes.

11           **SECTION 2.** As consideration for the conveyance of the parcel described in section 1, the town  
12 of Tewksbury shall be responsible for any costs, liabilities or expenses of any kind for the  
13 maintenance and protection of a cemetery located on land of the commonwealth adjacent to the  
14 parcel described in section 1 in accordance with standards developed by the commissioner of  
15 capital asset management and maintenance and the commissioner of public health of the  
16 commonwealth.

17           **SECTION 3.** The town of Tewksbury shall be responsible for all costs and expenses of the  
18 transaction authorized by this act as determined by the commissioner of capital asset  
19 management and maintenance, including, but not limited to, the costs of any survey and other

20 expenses relating to the conveyance of the parcel, and shall be responsible for all costs, liabilities  
21 and expenses of any nature and kind in connection with its operation, maintenance and  
22 ownership of the parcel.

23 **SECTION 4.** The deed or other instrument conveying the parcel to the town of Tewksbury shall,  
24 without limitation, provide that if the parcel ceases at any time to be used for the purposes set  
25 forth in section 1 of this act, or if the town of Tewksbury does not maintain and protect the  
26 cemetery on commonwealth land in accordance with the requirements of section 2 of this act,  
27 title to the parcel shall, at the election of the commonwealth, after the giving of notice and an  
28 opportunity to cure to the town of Tewksbury, revert to the commonwealth.