HOUSE No. 3133

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

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 Division of Capital Asset Management and Maintenance to convey a certain portion of the Gardner Heritage State Park to the city of Gardner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jonathan D. Zlotnik	2nd Worcester	1/18/2023

HOUSE No. 3133

By Representative Zlotnik of Gardner, a petition (accompanied by bill, House, No. 3133) of Jonathan D. Zlotnik that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to convey a certain portion of the Gardner Heritage State Park to the city of Gardner. State Administration and Regulatory Oversight.

The Commonwealth of Alassachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to convey a certain portion of the Gardner Heritage State Park to the city of Gardner.

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 any general or special law to the contrary, the city of

2 Gardner may convey to the division of capital asset management and maintenance the parcel of

land known as Stump pond, which is identified on the city of Gardner's assessors' maps as

parcel W27-11-2 and contains 6.0 acres, more or less. The commissioner of capital asset

5 management and maintenance, in consultation with the commissioner of conservation and

recreation, shall determine the exact boundaries of the parcel after completion of a survey. The

parcel shall be placed under the care, custody and control of the department of conservation and

recreation and shall be used solely for conservation and recreation purposes.

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9 SECTION 2. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General

Laws or any other general or special law to the contrary and in consideration for the conveyance

authorized in section 1, the division of capital asset management and maintenance, in

consultation with the department of conservation and recreation, may convey to the city of Gardner the parcels of land and building thereon, being part of the Gardner Heritage State Park under the care and control of the department of conservation and recreation, which are identified on the city of Gardner's assessors' maps as parcels M27-25-6 and M27-25-10. The parcels may be used by the city for general municipal purposes or may be conveyed by the city to a developer for redevelopment. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall determine the exact boundaries of the parcels.

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SECTION 3. Independent appraisals of the fair market value and value in use of the parcels described in sections 1 and 2 shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance shall establish the value of the properties for both the highest and best use as currently encumbered and for the purposes described. The commissioner of capital asset management and maintenance shall submit any appraisals to the inspector general for review and comment. The inspector general shall review and approve the appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance. The commissioner shall submit copies of the appraisals and the inspector general's report, the approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of any documents effecting the transfers described in this section.

SECTION 4. The city of Gardner shall assume all costs and expenses including, but not limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation related to the transaction pursuant to this act as such costs may be determined by the commissioner of capital asset management and maintenance.

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SECTION 5. The commissioner of capital asset management and maintenance may grant a credit to the city of Gardner for estimated environmental remediation costs for the parcels identified in section 2; provided, however, that if the total value of said credit and the appraised value of the parcel identified in section 1 exceed the appraised value of the parcels identified in section 2, the commonwealth shall have no obligation to pay the difference to the city of Gardner. If the appraised value of the parcels identified in section 2 exceed the appraised value of the parcel identified in section 1, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, shall, as consideration for the excess value of the parcels described in said section 2, also acquire from the city of Gardner payment in an amount equal to the difference in the appraised values through the transfer to the department of conservation and recreation of land or an interest in land or funding for the acquisition of land or an interest therein equal to or greater than the resource value difference in the appraised values. The fair market value of any land or interest in land proposed to be conveyed to the department shall be included within the appraisal prepared pursuant to section 3. The land, interest in land or funding shall be acceptable to the department of conservation and recreation and any land or interest in land, whether conveyed to or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. If the appraised value of the parcel identified in said section 1 exceeds the appraised value of the parcels identified in said section 2, the commonwealth shall have no

- obligation to pay the difference to the city of Gardner. All payments made to the commonwealth
- as a result of the conveyances authorized in this act shall be deposited in the Conservation Trust
- 60 established in section 1 of chapter 132A of the General Laws.