

HOUSE No. 4037

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4027). November 15, 2017.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Gardner.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the exchange of certain parcels of land between the commonwealth and the city of Gardner, 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 sections 32 through 37 of chapter 7C of the General Laws
2 or any other general or special law to the contrary, the division of capital asset management and
3 maintenance, in consultation with the department of conservation and recreation, may convey to
4 the city of Gardner for general municipal purposes, the parcels of land and building thereon,
5 being part of the Gardner Heritage State Park under the care and control of the department,
6 which are identified on the city of Gardner’s assessors’ maps as parcels M27-25-6 and M27-25-
7 10. The commissioner of the division of capital asset management and maintenance, in
8 consultation with the commissioner of conservation and recreation, shall determine the exact
9 boundaries of the parcels authorized for conveyance pursuant to this section after completion of a
10 survey.

11 SECTION 2. As consideration for the conveyance of the parcel of land described in
12 section 1, the commissioner of capital asset management and maintenance, on behalf of the
13 department of conservation and recreation, shall receive title to a parcel of land owned by the
14 city of Gardner known as Stump pond which is identified on the city of Gardner's assessors'
15 maps as parcel W27-11-2 and contains 6.0 acres, more or less. The parcel shall be placed under
16 the care, custody and control of the department of conservation and recreation. The
17 commissioner the division of capital asset management and maintenance, in consultation with
18 the commissioner of conservation and recreation, shall determine the exact boundaries of the
19 parcel after completion of a survey.

20 SECTION 3. Independent appraisals of the fair market value and value in use of the
21 parcels described in section 1 and the parcel described in section 2 shall be prepared in
22 accordance with the usual and customary professional appraisal practices by a qualified appraiser
23 commissioned by the commissioner of capital asset management and maintenance. The
24 commissioner of capital asset management and maintenance shall establish the value of the
25 properties for both the highest and best use as currently encumbered and for the purposes
26 described. The commissioner of capital asset management and maintenance shall submit any
27 appraisals to the inspector general for review and comment. The inspector general shall review
28 and approve the appraisals and the review shall include an examination of the methodology
29 utilized for the appraisals. The inspector general shall prepare a report of such review and file the
30 report with the commissioner of capital asset management and maintenance for submission by
31 the commissioner to the house and senate committees on ways and means and the joint
32 committee on state administration and regulatory oversight. The commissioner shall submit
33 copies of the appraisals and the inspector general's review and approval and comments, if any, to

34 the house and senate committees on ways and means and the joint committee on state
35 administration and regulatory oversight at least 15 days prior to the execution of any documents
36 effectuating the transfers described in this section.

37 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
38 Gardner shall be responsible for all costs and expenses of the transaction authorized in this act as
39 determined by the commissioner of capital asset management and maintenance, including, but
40 not limited to, the costs of any engineering, surveys, appraisals, recording fees and deed
41 preparation related to the conveyance of the parcels and all costs, liabilities and expenses of any
42 nature and kind for its ownership.

43 SECTION 5. If the appraised value of the parcels identified in section 1 exceed the
44 appraised value of the parcel identified in section 2, the commissioner of capital asset
45 management and maintenance, on behalf of the department of conservation and recreation, shall,
46 as consideration for the conveyance of the parcel of land described in section 1, also receive
47 from the city of Gardner, payment in an amount equal to the difference in the appraised values
48 through the transfer to the department of conservation and recreation of land or an interest in
49 land or funding for the acquisition of land or an interest therein equal to or greater than the
50 resource value difference in the appraised values. The fair market value of any land or interest in
51 land proposed to be conveyed to the department shall be included within the appraisal prepared
52 pursuant to section 3. The land, interest in land or funding shall be acceptable to the department
53 of conservation and recreation and any land or interest in land, whether conveyed to or acquired
54 by the department, shall be permanently held and managed for conservation and recreation
55 purposes by the department. Should the appraised value of the parcel identified in section 2
56 exceed the appraised value of the parcels described in section 1, the commonwealth shall have no

57 obligation to pay the difference to the city. All payments made to the commonwealth as a result
58 of the conveyances or grants authorized by this act shall be deposited in the Conservation Trust
59 established in section 1 of chapter 132A of the General Laws.