

HOUSE No. 4231

The Commonwealth of Massachusetts

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on House, No. 3578, a Bill to create an annual city year day (House, No. 4230).
September 10, 2009.

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

FOR THE COMMITTEE:

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

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to authorize the forthwith to provide for the exchange of land in the town of Uxbridge, 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 40F to 40J of Chapter 7 of the General Laws or
2 any other general or special law to the contrary, the commissioner of the division of capital asset
3 management and maintenance, in consultation with the commissioner of highways, may lease,
4 for the purposes described below, certain parcels of land and any improvements located thereon,
5 upon terms and conditions as the commissioner of asset management and maintenance
6 determines to be in the best interest of the Commonwealth and in no event for a term of longer
7 than fifty (50) years, to K/G Uxbridge, LLC or its designee, may convey a fee interest in a
8 certain parcel of land and any improvements located thereon to K/G Uxbridge, LLC or its
9 designee, and may convey to the Town of Uxbridge certain temporary and permanent easements
10 for utility purposes. All of the real property included in the conveyance authorized by this act is
11 located in the Town of Uxbridge.

12 The first parcel to be leased, known as the northbound rest area on Route 146, is located on the
13 northbound side of Route 146 and contains approximately 7.59 acres. The second parcel to be
14 leased, known as the southbound rest area on Route 146, is located on the southbound side of
15 Route 146 and contains approximately 11.98 acres. The parcel to be conveyed in fee is located
16 on the eastbound side of Route 16, at the intersection of Route 16 and Route 146 southbound and
17 contains approximately 9.49 acres. The exact boundaries of each of the three parcels and the
18 temporary and permanent easements shall be established prior to such conveyance by a survey
19 approved by the commissioner of asset management and maintenance. The permitted uses under
20 the leases will be such uses as rest areas open to the public for motorists traveling on Route 146,
21 and may include restrooms, restaurants, gasoline service stations and such other uses deemed
22 acceptable to the Massachusetts Highway Department.

23 **SECTION 2.** The consideration for the parcel to be conveyed in fee shall be the full and fair
24 market value of such parcel as determined by the commissioner of capital asset management and
25 maintenance based upon an independent professional appraisal. The rental for the leases shall be
26 the full and fair market rental value of the parcels to be leased as determined by the
27 commissioner of capital asset management and maintenance based upon an independent
28 professional appraisal

29 **SECTION 3.** Contemporaneously with the conveyance authorized by this act Uxbridge Woods
30 Realty Trust shall convey to Massachusetts Highway Department a certain parcel of land located
31 on Pond Street in Uxbridge, which is shown on the Town of Uxbridge Assessor's Map 28 as lot
32 3163. The grantee of the fee parcel and the lessee of the leasehold parcels shall be entitled to
33 credits against the consideration for the conveyance and the rental under the leases in an
34 aggregate amount equal to the full and fair market value of the parcel to be conveyed by

35 Uxbridge Woods Realty Trust to Massachusetts Highway Department, as determined by the
36 commissioner of capital asset management and maintenance based upon an independent
37 professional appraisal. The grantee of the fee parcel and the lessee of the leasehold parcels shall
38 be entitled to credits against the consideration for the conveyance and the rental under the leases
39 in an aggregate amount equal to the full and fair market value of any construction provided by
40 K/G Uxbridge, LLC of facilities for use by the Massachusetts Highway Department as
41 determined by the commissioner of capital asset management and maintenance. Any
42 construction provided by K/G Uxbridge, LLC shall not be subject to the provisions of Chapter
43 149 of the General Laws, or any other public construction procurement law, provided that K/G
44 Uxbridge, LLC shall not design or construct any facilities on the parcel without the written
45 approval of the commissioners of the division of capital asset management and maintenance and
46 the Massachusetts Highway Department; provided further that said commissioners shall not
47 approve any design or construction project pursuant to this clause unless said commissioners
48 have determined that K/G Uxbridge, LLC has sufficient financial resources to complete the
49 project; provided further that evidence of insurance protecting the commonwealth be provided as
50 determined by said commissioners; provided further that any agreement includes a requirement
51 that the performance of, and payment for, improvements to the parcels shall be fully covered by
52 bonds issued by bonding companies authorized to issue bonds in the commonwealth as
53 determined by said commissioners; provided further that K/G Uxbridge, LLC has met any other
54 terms and conditions to ensure completion of the public facilities in a timely manner; and
55 provided that K/G Uxbridge, LLC shall pay "prevailing wage" in accordance with Sections 26
56 and 27 of Chapter 149 of the General Laws in connection with any such construction.

57 The inspector general shall review and approve the appraisals contemplated by Sections 1 and 2
58 above. The inspector general shall prepare a report of his review and file the report with the
59 commissioner of asset management and maintenance for submission to the house and senate
60 committees on way and means and the chairmen of the joint committee on state administration in
61 accordance with this act. The commissioner shall, 30 days before the execution of any
62 agreement authorized by this act, or any subsequent amendment thereto, submit the agreement or
63 amendment and report thereon to the inspector general for his review and comment. The
64 inspector general shall issue his review and comment within 15 days if receipt of any such
65 agreement or amendment. The commissioner shall submit the agreement and any subsequent
66 amendments thereto, the reports and the comments of the inspector general to the house and
67 senate committees on ways and means and the chairmen of the joint committee on state
68 administration at least 15 days prior to execution.

69 **SECTION 4.** The grantee of the fee parcel and the lessee of the leasehold parcels shall pay for
70 all costs of the appraisals, survey, deed preparation and lease preparation for the conveyance
71 authorized by this act as may be deemed necessary by the commissioner of asset management
72 and maintenance.