

HOUSE No. 4837

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of capital asset management to convey certain land to the city known as the town of Franklin..

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 34 to 37 of chapter 7C of the General Laws, the
2 commissioner of capital asset management and maintenance, in consultation with the
3 commissioner of conservation and recreation, may convey a certain parcel of land, currently
4 under the care and control of the department of conservation and recreation and held for
5 conservation and recreation purposes to the city known as the town of Franklin, to be used for
6 the purposes of landfill capping, solid waste transfer station and recycling center, subject to the
7 requirements of sections 2 to 5, inclusive, and to such additional terms and conditions consistent
8 with this act as the commissioner of capital asset management and maintenance may prescribe in
9 consultation with the commissioner of conservation and recreation. The parcel of land contains
10 4.71 acres, more or less, and is shown on a plan of land entitled "Landfill Site Plan" to be filed
11 with the Norfolk county registry of deeds. Prior to finalizing the transaction or making the
12 conveyance authorized in this section, the division of capital asset management and maintenance
13 may make minor modifications to the area and plan in order to carry out the purposes of this act.

14 SECTION 2. An independent appraisal of the fair market value and value in use of the
15 parcel described in section 1 and the parcels described in section 3 shall be prepared in
16 accordance with the usual and customary professional appraisal practices by a qualified appraiser
17 commissioned by the commissioner of capital asset management and maintenance. If the
18 appraised value of the parcel described in section 1 exceeds the value of the parcels described in
19 section 3, the town shall pay the difference to the commonwealth, which shall be deposited in the
20 Conservation Trust established in section 1 of chapter 132A General Laws.

21 The commissioner of capital asset management and maintenance shall submit the
22 appraisal or appraisals to the inspector general for review and comment. The inspector general
23 shall review and approve the appraisal or appraisals, and the review shall include an examination
24 of the methodology utilized for the appraisal or appraisals. The inspector general shall prepare a
25 report of the review and file the report with the commissioner of capital asset management and
26 maintenance for submission by the commissioner to the house and senate committees on ways
27 and means and the joint committee on state administration and regulatory oversight. Said
28 commissioner shall submit copies of the appraisals, and the inspector general's review and
29 approval and comments, if any, to the house and senate committees on ways and means and the
30 joint committee on state administration and regulatory oversight at least 15 days prior to the
31 execution of documents affecting the conveyance described in section 1.

32 SECTION 3. As consideration for the grant of the parcel described in section 1, the town
33 shall: (1) pay full and fair market value or the value in proposed use, whichever is greater, as
34 determined by the commissioner of capital asset management, and calculated with regard to its
35 full development potential as assembled with other lands owned or otherwise controlled by the
36 grantee; (2) convey to the commonwealth, under the care and control of department of

37 conservation and recreation to be held for conservation and recreation purposes under Article 97
38 of the articles of amendments to the constitution of the commonwealth, a fee interest totaling
39 29.25 acres, more or less, of 4 town tax title properties identified on the town's assessor's map as
40 assessor's parcels: 306-023; 311-020; 311-019; and 311-018; (3) grant to the commonwealth
41 under the care and control of department of conservation and recreation a pedestrian access
42 easement over parcel 288-008, as identified on the town's assessor's map, and an easement for
43 operational access over parcel 277-006, as identified on the town's assessor's map, at a mutually
44 agreed upon location; and (4) make trail improvements and install fencing and a guardrail at
45 mutually agreed upon locations north of Beaver street.

46 SECTION 4. The town shall assume all costs associated with engineering, surveys,
47 appraisals, deed preparation and other expenses deemed necessary by the commissioner of
48 capital asset management and maintenance to execute the conveyances authorized by this act.

49 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides
50 that the area conveyed shall be used solely for the purposes described in section 1. The
51 instrument authorized in section 1 shall include a reversionary clause that stipulates the property
52 shall revert to the commonwealth and be assigned to the care, custody and control of the
53 department of conservation and recreation, upon such terms and conditions as the commissioner
54 of capital asset management and maintenance may determine, if the property ceases to be used
55 for the express purposes authorized in section 1. If any interest reverts to the commonwealth, any
56 further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General
57 Laws and the prior approval of the General Court.