

HOUSE No. 5415

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 8, 2022.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 5384) of Meghan Kilcoyne that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of state owned land in the town of Lancaster to said town, reports recommending that the accompanying bill (House, No. 5415) ought to pass [Local Approval Received].

For the committee,

ANTONIO F. D. CABRAL.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Lancaster.

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 I. Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may convey certain parcels of land in the town of Lancaster
4 owned by the commonwealth to the town of Lancaster subject to the provisions of this act. The
5 parcels to be conveyed were formerly known as the Lancaster industrial school for girls and
6 described in deeds recorded in the Worcester registry of deeds in: (i) book 639, page 254, (ii)
7 book 639, page 255, (iii) book 549, page 192, (iv) book 549, page 194 and (v) book 2642, page
8 485, and may include, without limitation, the area known as the piggery; provided, however that,
9 the commissioner shall not convey to the town the area leased to Robert F. Kennedy Community
10 Alliance, Inc. pursuant to chapter 185 of the acts of 2000.

11 The use of the parcels to be conveyed to the town shall not be restricted to use for
12 municipal or other specific purposes; provided, however, that the town may so restrict the use of
13 one or more of the parcels at a later date, in accordance with any applicable general and special

14 laws. The parcels shall be conveyed by deed without warranties or representations by the
15 commonwealth.

16 SECTION 2. As consideration for the conveyance of the parcels described in section 1,
17 the town of Lancaster shall pay the commonwealth \$1.

18 SECTION 3. If the town of Lancaster sells or leases any portion of the parcels described
19 in section 1, the net proceeds from such sale or lease as determined by the town of Lancaster and
20 agreed to by the commissioner of capital asset management and maintenance shall be allocated
21 between the town of Lancaster and the commonwealth in equal shares; provided, however, that
22 the commissioner may agree to reduce the commonwealth's share of net proceeds to not less than
23 40 per cent in order to provide certain incentives to the town to sell or lease the parcels
24 expeditiously. If the net proceeds, as so determined, is a negative amount, the commonwealth
25 shall not be required to make any payments to the town of Lancaster.

26 SECTION 4. If the town of Lancaster decides to retain all, or any portion, of the parcels
27 described in section 1 for municipal purposes, the town shall give written notice of such decision
28 to the commissioner of capital asset management and maintenance and shall pay the
29 Commonwealth additional consideration for the portion or portions of the parcels retained by the
30 town of Lancaster for municipal purposes. Such additional consideration shall be the fair market
31 value of the portion, or portions of the parcels retained by the town of Lancaster for municipal
32 purposes as determined by the commissioner of capital asset management and maintenance
33 based upon an independent professional appraisal, taking into consideration the restriction on the
34 use of the portion or portions of the parcels to be retained by the town of Lancaster pursuant to
35 this section. The inspector general shall review and approve the appraisal. The inspector general

36 shall prepare a report and file the report with the commissioner. The commissioner shall submit
37 copies of the appraisals, and the inspector general's review and approval and comments, if any,
38 to the house and senate committees on ways and means and the joint committee on state
39 administration and regulatory oversight at least 15 days prior to the execution of documents
40 effecting the transfers described in section 1.

41 In addition, the town of Lancaster shall agree, in a written document to be recorded with
42 the Worcester registry of deeds, that the portion or portions of the parcels to be retained by the
43 town of Lancaster pursuant to this section shall be used solely for municipal purposes, which
44 document shall include a reversionary clause that stipulates that if the portion or portions of the
45 parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be
46 used for municipal purposes, title to the portion or portions which is, or are, no longer used for
47 municipal purposes shall, at the election of the commonwealth, revert to the commonwealth.
48 Said reversionary clause shall contain provisions requiring that the town of Lancaster receive
49 reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used
50 for the purposes set forth in this section.

51 SECTION 5. Notwithstanding any general or special law to the contrary, the town of
52 Lancaster shall pay for all costs and expenses of the sale of the parcels to the town of Lancaster
53 pursuant to this act as determined by the commissioner of capital asset management and
54 maintenance including, but not limited to, the costs of any recording fees and deed preparation
55 related to the conveyance and all costs, liabilities and expenses of any nature and kind related to
56 the town's ownership of the parcel; provided, however, that such costs shall be included for the
57 purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels
58 described in section 1. The town of Lancaster shall also pay for any appraisal undertaken

59 pursuant to section 4, the cost of which shall not be included for purposes of determining net
60 proceeds.

61 SECTION 6. If the town of Lancaster does not complete the purchase of the parcels
62 described in section 1 on or before June 30, 2024, then notwithstanding sections 33 to 37,
63 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,
64 the commissioner may sell, lease for terms of up to 99 years, including all renewals and
65 extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the
66 parcels described in section 1 or portions thereof, subject to this section and on such terms and
67 conditions that the commissioner considers appropriate.

68 The commissioner of capital asset management and maintenance shall dispose of the
69 parcels or portions thereof pursuant to this section using appropriate competitive bidding
70 processes and procedures. Not less than 30 days before the date on which bids, proposals or other
71 offers to purchase or lease the parcels or portions thereof are due, the commissioner shall place a
72 notice in the central register published by the state secretary pursuant to section 20A of chapter 9
73 of the General Laws stating the availability of the parcels or portions thereof, the nature of the
74 competitive bidding process and other information that the commissioner considers relevant,
75 including the time, place and manner for the submission of bids and proposals and the opening of
76 the bids or proposals.

77 Notwithstanding any general or special law to the contrary, the grantee or lessee of the
78 parcels described in section 1 or any portions thereof pursuant to this section, shall be
79 responsible for costs and expenses of such sale or lease of the parcels or portions thereof to such
80 grantee or lessee, including, but not limited to, costs associated with deed preparation and

- 81 recording fees related to the conveyances and transfers authorized in this section as such costs
- 82 may be determined by the commissioner of capital asset management and maintenance.