

SENATE No. 2069

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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 transfer of certain parcels of land in the town of Hubbardston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>

SENATE No. 2069

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 2069) of Stephen M. Brewer and Anne M. Gobi (by vote of the town) for legislation relative to authorizing the transfer of certain parcels of land in the town of Hubbardston. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the transfer of certain parcels of land in the town of Hubbardston.

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 the provisions of sections 34 to 37 of Chapter 7C of the
2 General Laws, the commissioner of capital asset management and maintenance, in consultation
3 with the commissioner of conservation and recreation, may convey a certain parcel of land,
4 currently under the care and control of the department of conservation and recreation and held
5 for conservation and recreation purposes to the town of Hubbardston, to be used for general
6 municipal purposes, subject to the requirements of sections 2 through 5, inclusive, and to such
7 additional terms and conditions consistent with this act as the commissioner of capital asset
8 management and maintenance may prescribe, in consultation with the commissioner of
9 conservation and recreation. The parcel of land contains 12 acres more or less, and is shown on
10 a plan of land entitled Conceptual Site Plan, revised August 5, 2013, on file with the department
11 of conservation and recreation. Prior to finalizing the transaction or making the conveyance
12 authorized herein, the division of capital asset management and maintenance may make minor
13 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 shall be prepared in accordance with the usual and customary
16 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
17 capital asset management and maintenance. The commissioner of capital asset management and
18 maintenance shall submit the appraisal to the inspector general for review and comment. The
19 inspector general shall review and approve the appraisal, and the review shall include an
20 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
21 report of the review and file the report with the commissioner of capital asset management and

22 maintenance for submission by said commissioner to the house and senate committees on ways
23 and means and the joint committee on state administration and regulatory oversight. Said
24 commissioner shall submit copies of the appraisal, and the inspector general's review, approval
25 and comments, if any, to the house and senate committees on ways and means and the joint
26 committee on state administration and regulatory oversight at least 15 days prior to the execution
27 of documents effecting the transfers described in section 1.

28 SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes
29 and as a condition of the conveyance authorized in this act, the grantee shall compensate the
30 commonwealth for the interest in land described in section 1 through the transfer to the
31 department of conservation and recreation of land, an interest of land or funding for the
32 acquisition of land or an interest therein equal to or greater than the appraised value as
33 determined under section 2. The fair market value of any land or interest in land proposed to be
34 conveyed by the grantee to the department shall be included within the appraisal prepared under
35 section 2. The land, interest in land, or funding must be acceptable to the department of
36 conservation and recreation and any land or interest in land, whether conveyed by the grantee or
37 acquired by the department, shall be permanently held and managed for conservation and
38 recreation purposes by the department. Should the appraised value of any land or interests in land
39 be determined to be greater than the appraised value of the interests in land described in section
40 1, the commonwealth shall have no obligation to pay the difference to the grantee. All payments
41 paid to the commonwealth as a result of the conveyances or grants authorized by this act shall be
42 deposited in the Conservation Trust established in section 1 of chapter 132A of the General
43 Laws.

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

48 SECTION 5. The deed or other instrument conveying the parcel described in section 1 to
49 the town of Hubbardston shall provide that if the parcel ceases at any time to be used for the
50 purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert
51 to the commonwealth and be assigned to the care, custody and control of the department of
52 conservation and recreation, upon such terms and conditions as the commissioner of capital asset
53 management and maintenance may determine, if the property ceases to be used for the express
54 purposes authorized in this act. If any interest reverts to the commonwealth, any further
55 disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and
56 the prior approval of the General Court.