

**SENATE . . . . . No. 2182**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Michael J. Barrett***

*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 commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Concord.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Michael J. Barrett*

*Third Middlesex*

*Cory Atkins*

*14th Middlesex*

**SENATE . . . . . No. 2182**

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By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2182) (subject to Joint Rule 12) of Michael J. Barrett and Cory Atkins for legislation to authorize the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Concord. State Administration and Regulatory Oversight.

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Concord.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith a certain parcel of land in the town of Concord, 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, 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, in consultation with the commissioner of correction, may  
4 convey a portion of a certain parcel of state-owned land in the town of Concord, currently under  
5 the care and control of the department of correction, to the town of Concord. The parcel is  
6 approximately .67 acres, is located at 407 to 409, inclusive, Commonwealth Avenue, is shown  
7 on the Concord Assessors map D-8 as parcel 2014, and is referenced on a map titled “Bruce  
8 Freeman Rail Trail: General Plans and Profile.” Such land shall be used for amenities to support  
9 the Bruce Freeman Rail Trail, including, but not limited to, providing parking, bike racks, and

10 trail space. The commissioner of capital asset management and maintenance, in consultation  
11 with the commissioner of correction, shall determine the exact boundaries of the parcel after  
12 completion of a survey.

13 SECTION 2. In consideration for the conveyance of the parcel described in section 1, the  
14 town of Concord shall pay \$1 at the time of conveyance. The commissioner of capital asset  
15 management and maintenance shall establish the value of the property for both the highest and  
16 best use of the property as currently encumbered and for the purposes described in section 1.  
17 The commissioner shall place notification in the central register of the conveyance, the amount  
18 of such transaction and the difference between the calculated value and the price received.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the town of  
20 Concord shall be responsible for all costs and expenses of the transaction authorized in this act as  
21 determined by the commissioner of capital asset management and maintenance including, but not  
22 limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation  
23 related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and  
24 kind for its ownership.

25 SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides  
26 that the area conveyed shall be used solely for the purposes described in section 1. The  
27 instrument authorized in section 1 shall, at the election of the division of capital asset  
28 management and maintenance, include a clause that stipulates that the property shall revert to the  
29 commonwealth and be assigned to the care and control of the department of correction upon such  
30 terms and conditions as the commissioner of capital asset management and maintenance may  
31 determine, if the property ceases to be used for the express purposes authorized in this act. If any

32 interest reverts to the commonwealth pursuant to this section, any further disposition shall be  
33 subject to sections 32 through 37, inclusive, of chapter 7C of the General Laws and the prior  
34 approval of the general court.