

HOUSE No. 4063

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 31, 2007.

The committee on Bonding, Capital Expenditures and State Assets to whom was referred the petition (accompanied by bill, House, No. 40) of James B. Leary and others authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Worcester, reports recommending that the accompanying bill (House, No. 4063) ought to pass.

For the committee,

DAVID L. FLYNN.

The Commonwealth of Massachusetts

PETITION OF:

James B. Leary
Edward M. Augustus, Jr.

Harriette L. Chandler
John P. Fresolo

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND
MAINTENANCE TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF
WORCESTER.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to forthwith authorize the conveyance
3 of certain land, therefore it is hereby declared to be an emergency
4 law necessary for the immediate preservation of the public
5 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 Chapter 329 of the acts of 1994 is hereby amended by striking
2 out section 4 and inserting in place thereof the following 6
3 sections:

4 Section 4. The Worcester Business Development Corporation
5 shall be responsible for all costs and expenses of the transfers and
6 transactions authorized by section 4A, section 4B and section 4C
7 as determined by the commissioner of capital asset management
8 and maintenance, and shall assume all costs associated with any
9 engineering, surveys, appraisals, deed preparation and other
10 expenses deemed necessary by the commissioner to execute the
11 transfers and conveyances authorized by this act. Parcel B shall be
12 sold in its existing condition without any warranty by the com-
13 monwealth.

14 Section 4A. The commissioner of capital asset management
15 and maintenance, formerly the division of capital planning and
16 operations, acting in consultation with the commissioner of the

17 department of agricultural resources, formerly the department of
18 food and agriculture, is hereby authorized, notwithstanding sec-
19 tions 40E to 40J, inclusive, of chapter 7 of the General Laws, and
20 may transfer the care and control of a certain parcel of land identi-
21 fied as Parcel B, totaling 35 acres of land more or less that is
22 shown generally on a plan entitled “Plan of Property in Worcester
23 Massachusetts for Worcester Business Development Corporation,
24 Scale 1"=100', June 8, 1983, revised June 17, 1983”, and drawn
25 by Thompson-Liston Associates, Inc., to the division of capital
26 asset management and maintenance.

27 The exact boundaries of the parcel shall be determined by the
28 commissioner in consultation with the department of agricultural
29 resources after completion of a survey.

30 Parcel B is currently used for agricultural purposes including
31 those described in sections 13 to 19, inclusive, of chapter 20 of
32 the General Laws, and for the development of a farmer's market to
33 enhance commercial agriculture in the central Massachusetts
34 region as defined in section 2 of chapter 317 of the acts of 1983.
35 The future use of Parcel B shall be for medical or technological
36 related purposes such as, but not limited to, medical optics, phar-
37 maceutical research and production, bio-technology or bio-engi-
38 neering and support services which enhance the economic
39 development of the adjacent research and development park. No
40 transfer, by or on behalf of the commonwealth, of Parcel B
41 described beforehand shall be valid unless the transfer provides
42 that Parcel B shall be used solely for the aforesaid purposes.

43 Section 4B. In consideration for the loss of Parcel B that was
44 dedicated for agricultural purposes, the commissioner of capital
45 asset management and maintenance is hereby authorized, notwith-
46 standing sections 40E to 40J, inclusive, of chapter 7 of the
47 General Laws, to transfer, subject to such terms and conditions as
48 the commissioner may prescribe, to the department of agricultural
49 resources the following parcels of land to be used for agricultural
50 purposes:

51 a) A certain parcel of state-owned land located in the town of
52 Agawam containing approximately 12 acres of land, being a
53 portion of a tract of land containing approximately 49.2 acres
54 of land and described in a deed recorded in book 915, page
55 453, in the Hampden district of the registry of deeds. Said

56 parcel is located westerly of South Westfield street, easterly of
57 Pine street, and bounded on the east by the Criminal Justice
58 Training Center parking area, on the north by property now or
59 formerly owned by Thomas Burke, and on the south by prop-
60 erty now or formerly of W. Halliday. The parcel of land is cur-
61 rently under the care and control of the division of capital asset
62 management and maintenance and is managed by the depart-
63 ment of agricultural resources for agricultural purposes,
64 including the proper conservation and utilization of open
65 spaces as when held by said abolished Hampden County. The
66 exact boundaries of the parcel shall be determined by the com-
67 missioner in consultation with the department of agricultural
68 resources after completion of a survey.

69 b) Certain parcels of state-owned land located in the towns of
70 Lakeville and Middleborough, and described within Lakeville
71 Assessors Map 62-1, parcel 17; Map 62-3, parcel 38, Map 63-
72 2, parcel 2 located on the southerly side of Bridge Street,
73 southeasterly off of Route 105 and Middleborough assessors
74 map 64, parcel 126 located on the southeasterly side off of
75 South Main Street. The parcels of land are currently under the
76 care and control of the department of mental health and man-
77 aged by the department of agricultural resources for agricul-
78 tural purposes. The parcels were formerly part of Taunton
79 state hospital's agricultural farmlands. The exact boundaries
80 of the parcels shall be determined by the commissioner in con-
81 sultation with the department of mental health after completion
82 of a survey.

83 Section 4C. The commissioner of capital asset management
84 and maintenance, upon the transfer of the care and control of the
85 parcels of state-owned land described in section 4B, may, notwith-
86 standing section 40H of chapter 7 of the General Laws, sell and
87 convey by deed or lease to the Worcester Business Development
88 Corporation, established by chapter 600 of the acts of 1965, Parcel
89 B located on Plantation Street in the city of Worcester for medical
90 or technological related purposes such as, but not limited to, med-
91 ical optics, pharmaceutical research and production, bio-tech-
92 nology or bio-engineering and support services which enhance the
93 economic development of the adjacent research and development
94 park. Parcel B is further and fully described as beginning at a

95 point on the westerly sideline of Plantation Street at the most
96 Southeasterly corner of the parcel and which part is also shown as
97 the most northeasterly corner of Parcel 10 on the Amended Defin-
98 itive Subdivision Plan of Land recorded at Worcester District Reg-
99 istry of Deeds in Plan Book 633, Plan 78.

100 The exact boundaries of the parcel shall be determined by the
101 commissioner in consultation with the department of agricultural
102 resources after completion of a survey.

103 Section 4D. The Worcester Business Development Corporation
104 is authorized to sell all or portions of Parcel B, subject to the pro-
105 visions of chapter 600 of the acts of 1965, provided that such sales
106 shall restrict future use of said land to medical or technological
107 related purposes such as, but not limited to, medical optics, phar-
108 maceutical research and production, bio-technology or bio-engi-
109 neering and support services which enhance the economic
110 development of the adjacent research and development park or
111 such sales to the owners of the adjacent research and development
112 park for purposes of drainage facilities and snow removal. The
113 deed to said corporation may also grant to said corporation rights
114 of way over certain roadways to be retained by the commonwealth
115 on adjoining land and also provide the commonwealth with sim-
116 ilar rights of way over roadways to be constructed by said corpo-
117 ration with Parcel B. The conveyance of Parcel B shall be further
118 subject to such terms and conditions as the commissioner may
119 prescribe which shall at a minimum include the requirements of
120 subsections (a), (c), (d), (e) and (f) of section four of chapter 317
121 of the acts of 1983.

122 Section 4E. The consideration for the conveyance authorized
123 by section 4C shall be the full and fair market value or its value in
124 use as proposed, whichever is greater, of said Parcel B as deter-
125 mined by the commissioner of capital asset management and
126 maintenance based upon one or more independent professional
127 appraisals. The inspector general shall review and approve the
128 appraisals. The inspector general shall prepare a report of his
129 review of the methodology utilized for the appraisals. The
130 inspector general shall prepare a report of his review and file the
131 report with the commissioner for submission to the house and
132 senate committees on ways and means and the chairmen of the
133 joint committee on bonding, bonding, capital expenditures and

134 state assets in accordance with this section. The commissioner
135 shall, 30 days before the execution of any deed authorized by
136 section 4C, or any subsequent amendment thereto, submit the
137 deed or amendment and a report thereon to the inspector general
138 for his review and comment. The inspector general shall issue his
139 review and comment within 15 days of receipt of any agreement
140 or amendment. The commissioner shall submit the deed and any
141 subsequent amendments thereto, the reports, and the comments of
142 the inspector general, if any, to the house and senate committees
143 on ways and means and the chairmen of the joint committee on
144 bonding, capital expenditures and state assets at least 15 days
145 prior to execution.