

# **HOUSE . . . . . No. 4342**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 27, 2012.

The committee on Ways and Means, to whom was referred the Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the town of Shrewsbury (House, No. 4333), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4342).

For the committee,

BRIAN S. DEMPSEY.

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## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Authorizing the Division of Capital Asset Management and Maintenance to Convey Certain Parcels of Land in the Town of Shrewsbury.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to convey certain parcels of land in the town of Shrewsbury, 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 40E to 40J, inclusive, of chapter 7 of the General Laws, the  
2 commissioner of capital asset management and maintenance, on behalf of and in consultation  
3 with the secretary of health and human services and the commissioner of mental health, may  
4 convey to the town of Shrewsbury two portions of a parcel of land located on Lake street and  
5 adjacent to the Irving A. Glavin Regional Center. The parcel was conveyed to the  
6 commonwealth by deed dated April 30, 1890 and recorded in the Worcester district registry of  
7 deeds in book 1324, page 244. The portions to be conveyed are shown as “Rural AA” on a draft  
8 plan entitled “Glavin Rezoning Proposal” dated January 12, 2011 and prepared by the town of

9 Shrewsbury engineering department. The division shall convey the first portion, located on the  
10 westerly side of Lake street containing approximately 15 acres and currently licensed to the town  
11 of Shrewsbury and used for soccer playing fields. The town shall designate that portion of the  
12 parcel for recreational use. The division shall convey the second portion, located on the easterly  
13 side of Lake street and containing approximately 54 acres to the town of Shrewsbury to be  
14 designated for municipal use. The portions of the parcel are more particularly shown on a plan  
15 entitled "Lake St.-Glavin Center Proposed Zoning Districts" dated February 28, 2011 prepared  
16 by the town engineering department. The exact size and boundaries of the land to be conveyed  
17 shall be determined by the commissioner of capital asset management and maintenance, in  
18 consultation with the secretary of health and human services, the commissioner of mental health  
19 and the town of Shrewsbury, after completion of a survey. The consideration for said conveyance  
20 shall be the full and fair market value of said parcels as determined by the commissioner of the  
21 division of capital asset management and maintenance pursuant to 1 or more independent  
22 professional appraisals. The conveyances shall be by deed without warranties or representations  
23 by the commonwealth.

24 SECTION 2. Notwithstanding any general or special law to the contrary, the inspector general  
25 shall review and approve the appraisal required pursuant to section 1. The inspector general shall  
26 prepare a report of his review of the methodology utilized for the appraisal and shall file the  
27 report with the commissioner of the division of capital asset management and maintenance, the  
28 house and senate committees on ways and means and the joint committee on bonding, capital  
29 expenditures and state assets. The commissioner of the division of capital asset management and  
30 maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any  
31 subsequent amendment thereto, submit the proposed conveyance or amendment and a report

32 thereon to the inspector general for his review and comment. The inspector general shall issue  
33 his review and comment within 15 days of receipt of the proposed conveyance or amendment.  
34 The commissioner shall submit the proposed conveyance or amendment, and the reports and the  
35 comments of the inspector general, if any, to the house and senate committees on ways and  
36 means and the joint committee on state administration and regulatory oversight at least 15 days  
37 before execution of the conveyance.

38 SECTION 3. Notwithstanding any general or special law to the contrary, the town of  
39 Shrewsbury, its successors and assigns shall be responsible for all costs and expenses, including,  
40 but not limited to, costs associated with any engineering, surveys, appraisals and deed  
41 preparation.

42 SECTION 4. The deed of conveyance or any other agreement pertaining to the transfer shall  
43 include a provision restricting the use of the property by the grantee and its tenants, licensees,  
44 successors and assigns to recreational use by such grantee of the first portion of the parcel and  
45 municipal use by such grantee of the second portion of the parcel as determined by the  
46 commissioner of capital asset management and maintenance and providing that such property  
47 shall revert to the commonwealth, after notice and an opportunity to cure if the property ceases  
48 to be so used or is used for any other purpose.