

HOUSE No. 3458

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy and Karen E. Spilka

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 conveyance of Article 97 land to the city known as the town of Franklin.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>

HOUSE No. 3458

By Representative Roy of Franklin and Senator Spilka, a joint petition (subject to Joint Rule 12) of Jeffrey N. Roy, Richard J. Ross and Karen E. Spilka (with the approval of the town council) that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land to the city known as the town of Franklin for landfill capping, solid waste transfer station and recycling center purposes. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the conveyance of Article 97 land to the city known as the town of Franklin.

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 to the provisions of sections 34 to 37 of Chapter 7C of the
2 General Laws, the Commissioner of Capital Asset Management and Maintenance, in
3 consultation with the Commissioner of Conservation and Recreation, may convey the fee interest
4 in a certain parcel of land, currently under the care and control of the Department of
5 Conservation and Recreation and held for conservation and recreation purposes to the City
6 known as the Town of Franklin, to be used for the purposes of landfill capping, solid waste
7 transfer station and recycling center, subject to the requirements of sections 2 through 5 and to
8 such additional terms and conditions consistent with this act as the Commissioner of Capital
9 Asset Management and Maintenance may prescribe in consultation with the Commissioner of
10 Conservation and Recreation. The parcel of land contains 4.71 acres, more or less, and is shown
11 on a plan of land entitled "Landfill Site Plan" to be filed with the Norfolk County Registry of

12 Deeds. Prior to finalizing the transaction or making the conveyance authorized herein, the
13 division of Capital Asset Management and Maintenance may make minor modifications to the
14 area and plan in order to carry out the purposes of this act.

15 SECTION 2. An independent appraisal of the fair market value and value in use of the
16 parcel described in section 1 shall be prepared in accordance with the usual and customary
17 professional appraisal practices by a qualified appraiser commissioned by the Commissioner of
18 Capital Asset Management and Maintenance. Consideration for the grant of the above-described
19 interest shall be the full and fair market value or the value in proposed use, whichever is greater,
20 as determined by the Commissioner of Capital Asset Management, and calculated with regard to
21 its full development potential as assembled with other lands owned or otherwise controlled by
22 the grantee. The Commissioner of Capital Asset Management and Maintenance shall submit the
23 appraisal or appraisals to the inspector general for his or her review and comment. The Inspector
24 General shall review and approve the appraisal or appraisals, and the review shall include an
25 examination of the methodology utilized for the appraisal or appraisals. The Inspector General
26 shall prepare a report of his or her review and file the report with the Commissioner of Capital
27 Asset Management and Maintenance for submission by said Commissioner to the House and
28 Senate Committees on Ways and Means and the Joint Committee on State Administration and
29 Regulatory Oversight. Said Commissioner shall submit copies of the appraisals, and the
30 Inspector General's review and approval and comments, if any, to the House and Senate
31 Committees on Ways and Means and the Joint Committee on State Administration and
32 Regulatory Oversight at least 15 days prior to the execution of documents affecting the transfers
33 described in section 1.

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

48 SECTION 4. The grantee shall assume all costs associated with engineering, surveys,
49 appraisals, deed preparation and other expenses deemed necessary by the Commissioner of
50 Capital Asset Management and Maintenance to execute the conveyances authorized by this act.

51 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides
52 that the area conveyed shall be used solely for the purposes described in section 1. The
53 instrument authorized in section 1 shall include a reversionary clause that stipulates the property
54 shall revert to the Commonwealth and be assigned to the care, custody and control of the
55 Department of Conservation and Recreation, upon such terms and conditions as the
56 Commissioner of Capital Asset Management and Maintenance may determine, if the property

57 ceases to be used for the express purposes authorized in this act. If any interest reverts to the
58 Commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of
59 chapter 7C of the General Laws and the prior approval of the General Court.