

HOUSE No. 3838

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

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 passage of the accompanying bill:

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

PETITION OF:

NAME:

Paul Kujawski

DISTRICT/ADDRESS:

8th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to authorize the forthwith to provide for the exchange of land in the town of Uxbridge, 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 40F to 40J of Chapter 7 of the General Laws or any other
2 general or special law to the contrary, the commissioner of the division of capital asset management and
3 maintenance, in consultation with the commissioner of highways, may lease, for the purposes described
4 below, certain parcels of land and any improvements located thereon, upon terms and conditions as the
5 commissioner of asset management and maintenance determines to be in the best interest of the
6 Commonwealth and in no event for a term of longer than fifty (50) years, to K/G Uxbridge, LLC or its
7 designee, may convey a fee interest in a certain parcel of land and any improvements located thereon to
8 K/G Uxbridge, LLC or its designee, and may convey to the Town of Uxbridge certain temporary and
9 permanent easements for utility purposes. All of the real property included in the conveyance authorized
10 by this act is located in the Town of Uxbridge.

11 The first parcel to be leased, known as the northbound rest area on Route 146, is located on the
12 northbound side of Route 146 and contains approximately 7.59 acres. The second parcel to be leased,
13 known as the southbound rest area on Route 146, is located on the southbound side of Route 146 and
14 contains approximately 11.98 acres. The parcel to be conveyed in fee is located on the eastbound side of
15 Route 16, at the intersection of Route 16 and Route 146 southbound and contains approximately 9.49
16 acres. The exact boundaries of each of the three parcels and the temporary and permanent easements
17 shall be established prior to such conveyance by a survey approved by the commissioner of asset
18 management and maintenance. The permitted uses under the leases will be such uses as rest areas open to
19 the public for motorists traveling on Route 146, and may include restrooms, restaurants, gasoline service
20 stations and such other uses deemed acceptable to the Massachusetts Highway Department.

21 **SECTION 2.** The consideration for the parcel to be conveyed in fee shall be the full and fair market
22 value of such parcel as determined by the commissioner of capital asset management and maintenance

23 based upon an independent professional appraisal. The rental for the leases shall be the full and fair
24 market rental value of the parcels to be leased as determined by the commissioner of capital asset
25 management and maintenance based upon an independent professional appraisal

26 **SECTION 3.** Contemporaneously with the conveyance authorized by this act Uxbridge Woods Realty
27 Trust shall convey to Massachusetts Highway Department a certain parcel of land located on Pond Street
28 in Uxbridge, which is shown on the Town of Uxbridge Assessor's Map 28 as lot 3163. The grantee of the
29 fee parcel and the lessee of the leasehold parcels shall be entitled to credits against the consideration for
30 the conveyance and the rental under the leases in an aggregate amount equal to the full and fair market
31 value of the parcel to be conveyed by Uxbridge Woods Realty Trust to Massachusetts Highway
32 Department, as determined by the commissioner of capital asset management and maintenance based
33 upon an independent professional appraisal. The grantee of the fee parcel and the lessee of the leasehold
34 parcels shall be entitled to credits against the consideration for the conveyance and the rental under the
35 leases in an aggregate amount equal to the full and fair market value of any construction provided by K/G
36 Uxbridge, LLC of facilities for use by the Massachusetts Highway Department as determined by the
37 commissioner of capital asset management and maintenance. Any construction provided by K/G
38 Uxbridge, LLC shall not be subject to the provisions of Chapter 149 of the General Laws, or any other
39 public construction procurement law, provided that K/G Uxbridge, LLC shall pay "prevailing wage" in
40 accordance with Sections 26 and 27 of Chapter 149 of the General Laws in connection with any such
41 construction.

42 The inspector general shall review and approve the appraisals contemplated by Sections 1 and 2 above.
43 The inspector general shall prepare a report of his review and file the report with the commissioner of
44 asset management and maintenance for submission to the house and senate committees on way and means
45 and the chairmen of the joint committee on state administration in accordance with this act. The
46 commissioner shall, 30 days before the execution of any agreement authorized by this act, or any
47 subsequent amendment thereto, submit the agreement or amendment and report thereon to the inspector
48 general for his review and comment. The inspector general shall issue his review and comment within 15
49 days if receipt of any such agreement or amendment. The commissioner shall submit the agreement and
50 any subsequent amendments thereto, the reports and the comments of the inspector general to the house
51 and senate committees on ways and means and the chairmen of the joint committee on state
52 administration at least 15 days prior to execution.

53 **SECTION 4.** The grantee of the fee parcel and the lessee of the leasehold parcels shall pay for all costs
54 of the appraisals, survey, deed preparation and lease preparation for the conveyance authorized by this act
55 as may be deemed necessary by the commissioner of asset management and maintenance.