

# **HOUSE . . . . . No. 4027**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, November 13, 2017.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 3867) of Jonathan D. Zlotnik and Jennifer L. Flanagan for legislation to authorize the Division of Capital Asset Management and Maintenance to exchange a certain parcel of land in the city of Gardner for another parcel of land in said city, reports recommending that the accompanying bill (House, No. 4027) ought to pass.

For the committee,

JENNIFER E. BENSON.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to Gardner Heritage State Park.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the exchange of certain parcels of land between the commonwealth and the city of Gardner, 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 any general or special law to the contrary, the city of  
2 Gardner, acting by and through its mayor, may convey to the commonwealth, acting by and  
3 through the division of capital asset management and maintenance, in consultation with the  
4 department of conservation, the parcel of land known as Stump pond which is identified on the  
5 city of Gardner’s assessors’ maps as parcel W27-11-2 and contains 6.0± acres. The parcel shall  
6 be placed under the care, custody and control of the department of conservation and recreation  
7 for conservation and recreation purposes. The commissioner the division of capital asset  
8 management and maintenance, in consultation with the commissioner of conservation and  
9 recreation, shall determine the exact boundaries of the parcel after completion of a survey.

10 SECTION 2. As consideration for the conveyance authorized in section 1, and  
11 notwithstanding sections 32 through 37 of Chapter 7C of the General Laws or any other general  
12 or special law to the contrary, the division of capital asset management and maintenance, in  
13 consultation with the department of conservation and recreation, may convey to the city of  
14 Gardner the parcels of land and building thereon, being part of the Gardner Heritage State Park  
15 under the care and control of the department, which are identified on the city of Gardner's  
16 assessors' maps as parcels M27-25-6 and M27-25-10. The city of Gardner may convey or  
17 otherwise transfer the parcels to the Montachusett Veterans Outreach Center, Inc., subject to  
18 section 16, paragraph (a) (b) and (g) of chapter 30B of the General Law. The commissioner of  
19 the division of capital asset management and maintenance, in consultation with the  
20 commissioner of conservation and recreation, shall determine the exact boundaries of the parcel  
21 after completion of a survey.

22 SECTION 3. Independent appraisals of the fair market value and value in use of the  
23 parcel described in section 1 and the parcels described in section 2 shall be prepared in  
24 accordance with the usual and customary professional appraisal practices by a qualified appraiser  
25 commissioned by the commissioner of capital asset management and maintenance. The  
26 commissioner of capital asset management and maintenance shall establish the value of the  
27 properties for both the highest and best use as currently encumbered and for the purposes  
28 described. The commissioner of capital asset management and maintenance shall submit any  
29 appraisals to the inspector general for review and comment. The inspector general shall review  
30 and approve the appraisals and the review shall include an examination of the methodology  
31 utilized for the appraisals. The inspector general shall prepare a report of such review and file the  
32 report with the commissioner of capital asset management and maintenance for submission by

33 the commissioner to the house and senate committees on ways and means and the joint  
34 committee on state administration and regulatory oversight. The commissioner shall submit  
35 copies of the appraisals and the inspector general's review and approval and comments, if any, to  
36 the house and senate committees on ways and means and the joint committee on state  
37 administration and regulatory oversight at least 15 days prior to the execution of any documents  
38 effectuating the transfers described in this section.

39 SECTION 4. Notwithstanding any general or special law to the contrary, the city of  
40 Gardner shall be responsible for all costs and expenses of the transaction authorized in this act as  
41 determined by the commissioner of capital asset management and maintenance, including, but  
42 not limited to, the costs of any engineering, surveys, appraisals, recording fees and deed  
43 preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any  
44 nature and kind for its ownership.

45 SECTION 5. If the appraised value of the parcels identified in section 2 exceed the  
46 appraised value of the parcels identified in section 1, to ensure a no-net-loss of lands protected  
47 for natural resource purposes, the city of Gardner also shall compensate the commonwealth for  
48 the difference in the appraised values through the transfer to the department of conservation and  
49 recreation of land or an interest of land or funding for the acquisition of land or an interest  
50 therein equal to or greater than the resource value difference in the appraised values. The fair  
51 market value of any land or interest in land proposed to be conveyed to the department shall be  
52 included within the appraisal prepared pursuant to section 3. The land, interest in land or funding  
53 shall be acceptable to the department of conservation and recreation and any land or interest in  
54 land, whether conveyed to or acquired by the department, shall be permanently held and  
55 managed for conservation and recreation purposes by the department. Should the appraised value

56 of the parcel identified in section 1 exceed the appraised value of the parcels described in section  
57 2, the commonwealth shall have no obligation to pay the difference to the city. All payments  
58 paid to the commonwealth as a result of the conveyances or grants authorized by this act shall be  
59 deposited in the Conservation Trust established in section 1 of chapter 132A of the General  
60 Laws.