

HOUSE No. 4519

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the conveyance of certain property in the town of Stoneham.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 An Act authorizing the conveyance of certain property in the town of Stoneham.

2 Be it enacted by the Senate and House of Representatives in General Court assembled,
3 and by the authority of the same, as follows:

4 SECTION 1. Notwithstanding the provisions of sections 32 to 38, inclusive, of chapter
5 7C of the General Laws, or any general or special law to the contrary, and pursuant to such
6 additional terms and conditions as the commissioner of capital asset management and
7 maintenance may prescribe, the division of capital asset management and maintenance, in
8 consultation with the commissioner of the department of conservation and recreation, may
9 dispose by sale through an open and competitive process, in accordance with section 36 of
10 chapter 7C of the General Laws, a parcel of land located on Lynn Fells Parkway in the town of
11 Stoneham and currently under the care, custody, and control of said department. The parcel
12 subject to this act contains 25,011± square feet and is described in Certificate of Title No.

13 225345, in the Land Registration Office of the Middlesex South District in Registration Book
14 1256, Page 195, and shown as Lot 8 on Land Court Plan 34101-C.

15 SECTION 2. The conveyance of the parcel shall be subject to a permanent easement, to
16 be under the care, custody, and control of the department, requiring the grantee of the land to
17 make available and maintain at its expense on the parcel 10 parking spaces in an accessible
18 location, to be available for use by the public during the hours the Middlesex Fells Reservation is
19 open, as set by the department, with the location of the parking spaces to be determined and
20 configured by the grantee, subject to the reasonable approval of the department. No deed
21 conveying the parcel of land from the commonwealth shall be valid unless such easement is
22 established and registered.

23 SECTION 3. The consideration for the conveyance authorized by section 1 shall be the
24 full and fair market value of the parcel, as burdened by the easement required by section 2, as
25 determined by an independent professional appraisal to be prepared in accordance with usual and
26 customary professional appraisal practices by a qualified appraiser commissioned by the
27 commissioner of capital asset management and maintenance. The commissioner will enter into a
28 contract with a qualified appraiser within 180 days of the effective date of this act, subject to
29 availability of funds. The commissioner shall advertise, under section 36 of chapter 7C of the
30 General Laws the sale of the property within one year of the effective date of this act or within
31 60 days from the receipt of the appraisal, whichever is later. Notwithstanding any general or
32 special law to the contrary, the grantee of the parcel shall be responsible for all costs and
33 expenses, including but not limited to, costs associated with any engineering, survey, appraisal,
34 and deed preparation related to the conveyance as such costs may be determined by the
35 commissioner of the division.

36 The appraisal required by this section shall be subject to the review and approval of the
37 inspector general and such review shall include an examination of the methodology utilized for
38 the appraisal. After receiving an appraisal, the inspector general shall prepare a report of such
39 review and file the report with the division of capital asset management and maintenance. After
40 receiving the inspector general's report and at least 15 days prior to any deed is executed
41 concerning the parcel, the division shall submit the report to the house and senate committees on
42 ways and means and the house and senate committee on bonding, capital expenditures and state
43 assets.

44 SECTION 4. The consideration received for the sale of the parcel shall be allocated by
45 the commonwealth with 95 percent deposited in the Conservation Trust, established under
46 section 1 of chapter 132A of the General Laws, with the remaining 5 percent paid over to the
47 town of Stoneham.