

HOUSE No. 4902

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the city of Fitchburg.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of a certain parcel of land in the city of Fitchburg, 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 33 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey a certain parcel of state-owned land currently held as
4 surplus property, with the buildings thereon, located in the city of Fitchburg, to the city of
5 Fitchburg on terms that may be determined by the commissioner of capital asset management
6 and maintenance. The parcel and buildings are located at 84 Elm street, formerly used as the
7 Fitchburg superior court. The exact boundaries of the parcel shall be determined by the
8 commissioner of capital asset management and maintenance, after the completion of a survey.
9 As a condition of the conveyance, the commissioner shall execute and record and file for

10 registration in the registry of deeds where the land lies a certificate confirming the
11 commonwealth's ownership of the interest in such parcel.

12 SECTION 2. Consideration for the conveyance under section 1 shall be \$1, payable at the
13 time of the conveyance. Upon a subsequent conveyance of the property described in section 1 or
14 a portion thereof by the city of Fitchburg, the city of Fitchburg shall distribute the gross proceeds
15 of the conveyance, in the following order, to: (i) the commonwealth to reimburse it for costs
16 incurred by the division of capital asset management and maintenance with respect to the
17 property; (ii) the city of Fitchburg for costs incurred by the city with respect to the property, if
18 any, for the transaction including, but not limited to, the costs for legal work, survey, title and the
19 preparation of plans and specifications; and (iii) the commonwealth and the city of Fitchburg in
20 equal shares.

21 SECTION 3. The commissioner of capital asset management and maintenance may retain
22 or grant rights of way or easements for access, egress, utilities and drainage across the property
23 described in section 1 and across other property owned by the commonwealth that is contiguous
24 to the property described in section 1 and may accept such rights of way or easements for access,
25 egress, drainage and utilities as the commissioner considers necessary and appropriate to carry
26 out this act.

27 SECTION 4. The city of Fitchburg shall bear all costs, if any, for the transactions
28 authorized in this act including, but not limited to, all costs for legal work, survey, title and
29 preparation of plans and specifications; provided, however, that any costs and expenses incurred
30 by the city of Fitchburg to sell the property shall be paid from the gross proceeds of the sale.