

HOUSE No. 4966

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2024.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Tewksbury (House, No. 4839), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4966).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Tewksbury.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Tewksbury, 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws, or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may convey to the town of Tewksbury, for use as a
4 cemetery, a certain parcel of land being approximately 11.019 acres previously conveyed to the
5 department of public health by deed recorded November 23, 1979 at the Middlesex north registry
6 of deeds in book 2396, page 686 and shown as “parcel 62-19-3” on a plan of land on file with the
7 division of capital asset management and maintenance entitled “Approval not Required Plan in
8 the Town of Tewksbury, Massachusetts Middlesex County Owned by Commonwealth of
9 Massachusetts Prepared for the Division of Capital Asset Management On Behalf of the

10 Department of Conversation and Recreation”, dated September 12, 2012 and prepared by Nitsch
11 Engineering, Inc.

12 (b) Prior to finalizing the transaction or making the conveyance authorized in subsection
13 (a), the division of capital asset management and maintenance may make minor modifications to
14 the area and plan in order to carry out the purposes of this section. The commissioner of capital
15 asset management and maintenance shall establish the fair market value of the property for both
16 the highest and best use of the property as currently encumbered and for the purposes described
17 in subsection (a).

18 (c) Consideration for the parcel described in subsection (a) shall be fair market value of
19 the parcel or the fair market value for the restricted use. If the consideration for the parcel
20 conveyed in subsection (a) is less than fair market value, the commissioner shall place notice in
21 the central register of the conveyance identifying the amount of the transaction and the difference
22 between the calculated value and the price received.

23 SECTION 2. (a) Notwithstanding any general or special law to the contrary, the
24 commissioner of capital asset management and maintenance, may convey to the town of
25 Tewksbury, for recreational use, a certain parcel of land being approximately 0.517 acres and
26 previously conveyed to the department of public health by deed recorded November 23, 1979 at
27 the Middlesex north registry of deeds in book 2396, page 686 and shown as “parcel 62-19-2” on
28 a plan of land on file with the division of capital asset management and maintenance entitled
29 “Approval not Required Plan in the Town of Tewksbury, Massachusetts Middlesex County
30 Owned by Commonwealth of Massachusetts Prepared for the Division of Capital Asset

31 Management On Behalf of the Department of Conversation and Recreation”, dated September
32 12, 2012 and prepared by Nitsch Engineering, Inc.

33 (b) Prior to finalizing the transaction or making the conveyance authorized in subsection
34 (a), the division of capital asset management and maintenance may make minor modifications to
35 the area and plan in order to carry out the purposes of this section. The commissioner of capital
36 asset management and maintenance shall establish the value of the property for both the highest
37 and best use of the property as currently encumbered and for the purposes described in
38 subsection (a).

39 (c) Consideration for the parcel described in subsection (a) shall be fair market value of
40 the parcel or the fair market value for the restricted use. If the consideration for the parcel
41 conveyed in subsection (a) is less than fair market value, the commissioner shall place notice in
42 the central register of the conveyance identifying the amount of the transaction and the difference
43 between the calculated value and price received.

44 SECTION 3. The town of Tewksbury shall assume all reasonable costs associated with
45 engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the
46 commissioner of capital asset management and maintenance for the conveyances authorized in
47 sections 1 and 2.