

HOUSE No. 4980

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 6, 2022

The committee on Ways and Means, to whom was referred the Bill relative to the leasing of a certain parcel of land in the city of Gardner (House, No. 4309), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4980).

For the committee,

AARON MICHLEWITZ.

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

An Act relative to the leasing of a certain parcel of land in the city of Gardner.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to lease a certain parcel of land in 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. (a) Notwithstanding sections 32 through 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, in consultation with the board of higher education and the
4 Vice President of Finance and Administration of Mount Wachusett Community College, may
5 lease to Heywood Healthcare, Inc. for a term of 30 years with options to renew for 2 additional
6 10-year terms, an approximately 4.1784 acre parcel of land situated on the easterly side of Green
7 street in the city of Gardner on a certain portion of land recorded in a deed at the Worcester
8 district registry of deeds in book 4754, page 229 and further described on a plan titled “Plan
9 showing proposed conveyance from the Commonwealth of Massachusetts (Board of Regional
10 Community Colleges) to Henry Heywood Memorial Hospital” dated February 20, 2020, to be
11 recorded in the Worcester district registry of deeds.

12 (b) The parcel that may be leased pursuant to subsection (a) is bound and described as
13 follows: commencing at the northwesterly corner of land of Henry Heywood Memorial Hospital
14 in the easterly line of Green street, as laid out by the commonwealth, layout #6004; thence
15 northerly by said layout line by a curve to the right having a radius of 1997.20 feet, an arc length
16 of 2.29 feet; thence $N71^{\circ} 12'25''E$, by said layout 35.13 feet to an angle in said road line and
17 being the southwesterly corner of the parcel herein described and the true point of beginning;
18 thence northerly by said layout line by a curve to the right having a radius of 1962.20 feet, an arc
19 length of 370.54 feet to a point of tangency; thence $N2^{\circ} 59'10''W$, 607.96 feet to a corner of
20 other land of the commonwealth; thence $S26^{\circ} 07'18''E$, by said commonwealth land 960.09 feet
21 to a stone bound at the northeasterly corner of the aforementioned land of Henry Heywood
22 Memorial Hospital; thence $S71^{\circ} 21'52''W$, by said hospital land 390.17 feet to the easterly line of
23 Green street and the point of beginning.

24 SECTION 2. (a) The use of the parcel, if leased pursuant to section 1, shall be restricted
25 to use solely to accommodate additional parking at Henry Heywood Memorial Hospital.

26 (b) Any lease agreement, if the parcel is leased pursuant to section 1, shall provide that
27 the parcel shall be used solely for the purposes described in subsection (a) and shall only be valid
28 unless it further provides that if, for any reason, the parcel ceases to be used for the purpose
29 described in subsection (a), the commonwealth may terminate the lease under such terms and
30 conditions as the division of capital asset management and maintenance, in consultation with the
31 board of higher education and Vice President of Finance and Administration of Mount
32 Wachusett Community College, may prescribe.

33 SECTION 3. The consideration for the lease authorized in section 1 shall be based on the
34 full and fair market value of the parcel to be leased, as determined by the division of capital asset
35 management and maintenance based upon an independent professional appraisal pursuant to
36 section 6.

37 SECTION 4. A lease agreement entered into pursuant to this act by or on behalf of the
38 commonwealth shall be on such terms and conditions as the division of capital asset management
39 and maintenance, in consultation with the board of higher education and the Vice President of
40 Finance and Administration of Mount Wachusett Community College, deems appropriate. In
41 furtherance and not in limitation of the foregoing, any such lease agreement shall contain a
42 provision that requires the lessee to carry comprehensive general liability insurance with the
43 commonwealth named as an additional insured, protecting the commonwealth against all
44 personal injury or property damage occurring on the parcel during the term of the lease. The
45 lessee shall indemnify and hold the commonwealth and Mount Wachusett Community College
46 harmless for any and all personal injury or property damage caused or suffered by the lessee, its
47 clients or agents.

48 SECTION 5. Notwithstanding any general or special law to the contrary, Heywood
49 Healthcare, Inc. shall be responsible for all costs and expenses of any transaction authorized by
50 this act as determined by the commissioner of capital asset management and maintenance,
51 including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations,
52 recording fees and deed preparation related to the conveyance of the parcels. The lessee shall
53 also be responsible for any costs, liabilities or expenses of any kind for the development,
54 improvement, maintenance or operation of the parcel as may be determined by the commissioner

55 of capital asset management and maintenance, in consultation with the Vice President of Finance
56 and Administration of Mount Wachusett Community College.

57 SECTION 6. An independent appraisal of the fair market value and value in use of the
58 parcel described in section 1 shall be prepared in accordance with the usual and customary
59 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
60 capital asset management and maintenance. Consideration for the grant of the above-described
61 interest shall be the full and fair market value or the value in proposed use, whichever is greater,
62 as determined by the commissioner of capital asset management, and calculated with regard to
63 its full development potential as assembled with other lands owned or otherwise controlled by
64 the grantee. The commissioner of capital asset management and maintenance shall submit the
65 appraisal or appraisals to the inspector general for the inspector general's review and comment.
66 The inspector general shall review and approve the appraisal or appraisals, and the review
67 examination of the methodology utilized for the appraisal or appraisals. The inspector general
68 shall prepare and file a report of this review with the commissioner of capital asset management
69 and maintenance for submission by the commissioner to the house and senate committees on
70 ways and means and the joint committee on state administration and regulatory oversight. The
71 commissioner shall submit copies of the appraisals and the inspector general's report and
72 approval and comments, if any, to the house and senate committees on ways and means and the
73 joint committee on state administration and regulatory oversight at least 15 days prior to the
74 execution of documents effecting the transfers described in section 4.