

HOUSE No. 5133

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 28, 2022.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House No. 5069) of Kelly W. Pease (with the approval of the mayor and city council) that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the school department in the city of Westfield, reports recommending that the accompanying bill (House, No. 5133) ought to pass [Local Approval Received].

For the committee,

ANTONIO F. D. CABRAL.

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

An Act authorizing the Division of Capital Asset management and Maintenance to convey a certain parcel of land to the school department in the city of Westfield.

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. Chapter 660 of the acts of 1951 is hereby repealed.

2 SECTION 2. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
3 Laws or any other general or special law to the contrary, the commissioner of capital asset
4 management and maintenance, in consultation with the miliary division, may convey a certain
5 parcel of land in the city of Westfield to the school department of the city of Westfield for school
6 purposes. The parcel contains approximately 0.405 acres of land, is a portion of the land that was
7 conveyed to the commonwealth by deed recorded in the Hampden registry of deeds in book
8 1514, page 22 and is more particularly described as the “Fourth Parcel” on a plan of land
9 entitled, “Franklin Street School” dated July, 1951 recorded in the Hampden registry of deeds in
10 plan book 36, page 98. The conveyance shall be subject to such additional conditions and
11 restrictions as the commissioner of capital asset management and maintenance, in consultation
12 with the military division, may determine.

13 SECTION 3. The consideration for the conveyance of the parcel or interests described in
14 section 1 shall be \$1.00. Pursuant to section 113 of chapter 33 of the General Laws, any
15 monetary payments made to the commonwealth as a result of the conveyance authorized by this
16 act shall be deposited in a real property expendable trust established by the secretary of public
17 safety and security for the military division pursuant to section 6 of chapter 6A of the General
18 Laws and 801 CMR 50.00 et seq.

19 SECTION 4. Notwithstanding any general or special law to the contrary, the school
20 department of the city of Westfield shall be responsible for all costs and expenses of any
21 transaction authorized by this act as determined by the commissioner of capital asset
22 management and maintenance, including but not limited to, the costs of any engineering,
23 surveys, appraisals, title examinations, recording fees and deed preparation.

24 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides
25 that the area conveyed shall be used solely for the purposes described in section 1. The
26 instrument authorized in said section 1 shall include a reversionary clause that stipulates the
27 property shall revert to the commonwealth and be assigned to the care, custody and control of the
28 military division, upon such terms and conditions as the commissioner of capital asset
29 management and maintenance may determine, if the property ceases to be used for the express
30 purposes authorized by this act. If any interest reverts to the commonwealth, any further
31 disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and
32 the prior approval of the general court.

33 SECTION 6. The Commissioner shall establish the value of the property for both the
34 highest and best use of the property as currently encumbered and for the purposes described in

35 section 2. If the consideration for the parcel conveyed in section 2 are less than fair market value,
36 the commissioner shall place notice in the central register of the conveyance, the amount of the
37 transaction and the difference between the calculated value and price received.