

# **HOUSE . . . . . No. 5156**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 31, 2022.

The committee on Ways and Means, to whom was referred the Bill 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. (House, No. 5133), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5156).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5156**

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**The Commonwealth of Massachusetts**

**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 Chapter 660 of the acts of 1951 is hereby repealed.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 military division, may convey a certain  
5 parcel of land in the city of Westfield formerly used as armory land to the school department of  
6 the city of Westfield for school purposes. The parcel contains approximately 0.405 acres of land,  
7 is a portion of the land that was conveyed to the commonwealth by deed recorded in the  
8 Hampden registry of deeds in book 1514, page 22 and is more particularly described as the  
9 “Fourth Parcel” on a plan of land entitled, “Franklin Street School” dated July 1951 recorded in  
10 the Hampden registry of deeds in plan book 36, page 98. The conveyance shall be subject to such  
11 additional conditions and restrictions as the commissioner of capital asset management and  
12 maintenance, in consultation with the military division, may determine.

13           SECTION 3. The consideration for the conveyance of the parcel or interests described in  
14 section 2 shall be \$1. Pursuant to section 113 of chapter 33 of the General Laws, any monetary  
15 payments made to the commonwealth as a result of the conveyance authorized by this act shall  
16 be deposited in a real property expendable trust established by the secretary of public safety and  
17 security for the military division pursuant to section 6 of chapter 6A of the General Laws and  
18 801 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 2. The  
26 instrument authorized in said section 2 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 of capital asset management and maintenance shall  
34 establish the value of the property for both the highest and best use of the property as currently

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

39 SECTION 7. This act shall take effect upon its passage.