

SENATE No. 2329

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, March 9, 2018

The committee on Ways and Means, to whom was referred the House Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Gardner (House, No. 4037); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2329.

For the committee,
Karen E. Spilka

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**In the One Hundred and Ninetieth General Court
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1 SECTION 1. Notwithstanding any general or special law to the contrary, the city of
2 Gardner may convey to the division of capital asset management and maintenance the parcel of
3 land known as Stump pond which is identified on the city of Gardner’s assessors’ maps as parcel
4 W27-11-2. The parcel contains 6.0 acres, more or less. The commissioner of capital asset
5 management and maintenance, in consultation with the commissioner of conservation and
6 recreation, shall determine the exact boundaries of the parcel after completion of a survey. The
7 parcel shall be placed under the care, custody and control of the department of conservation and
8 recreation and shall be used for conservation and recreation purposes.

9 SECTION 2. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws or
10 any other general or special law to the contrary and in consideration for the conveyance
11 authorized in section 1, the division of capital asset management and maintenance, in
12 consultation with the department of conservation and recreation, may convey to the city of
13 Gardner for general municipal purposes, the parcels of land and building thereon, being part of
14 the Gardner Heritage State Park under the care and control of the department, which are
15 identified on the city of Gardner’s assessors’ maps as parcels M27-25-6 and M27-25-10. The

16 commissioner of capital asset management and maintenance, in consultation with the
17 commissioner of conservation and recreation, shall determine the exact boundaries of the parcels.

18 SECTION 3. Independent appraisals of the fair market value and value in use of the
19 parcels described in sections 1 and 2 shall be prepared in accordance with the usual and
20 customary professional appraisal practices by a qualified appraiser commissioned by the
21 commissioner of capital asset management and maintenance. The commissioner of capital asset
22 management and maintenance shall establish the value of the properties for both the highest and
23 best use as currently encumbered and for the purposes described. The commissioner of capital
24 asset management and maintenance shall submit any appraisals to the inspector general for
25 review and comment. The inspector general shall review and approve the appraisals and the
26 review shall include an examination of the methodology utilized for the appraisals. The inspector
27 general shall prepare a report of the review and file the report with the commissioner of capital
28 asset management and maintenance. The commissioner shall submit copies of the appraisals and
29 the inspector general's review and approval and comments, if any, to the house and senate
30 committees on ways and means and the joint committee on state administration and regulatory
31 oversight at least 15 days prior to the execution of any documents effectuating the transfers
32 described in this section.

33 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
34 Gardner shall be responsible for all costs and expenses of the transaction authorized in this act as
35 determined by the commissioner of capital asset management and maintenance including, but not
36 limited to, the costs of any engineering, surveys, appraisals, recording fees and deed preparation
37 related to the conveyance of the parcels and all costs, liabilities and expenses of any nature and
38 kind for its ownership.

39 SECTION 5. If the appraised value of the parcels identified in section 2 exceed the
40 appraised value of the parcel identified in section 1, the commissioner of capital asset
41 management and maintenance, on behalf of the department of conservation and recreation, shall,
42 as consideration for the excess value of the parcels described in said section 2, also acquire from
43 the city of Gardner payment in an amount equal to the difference in the appraised values through
44 the transfer to the department of conservation and recreation of land or an interest in land or
45 funding for the acquisition of land or an interest therein equal to or greater than the resource
46 value difference in the appraised values. The fair market value of any land or interest in land
47 proposed to be conveyed to the department shall be included within the appraisal prepared
48 pursuant to section 3. The land, interest in land or funding shall be acceptable to the department
49 of conservation and recreation and any land or interest in land, whether conveyed to or acquired
50 by the department, shall be permanently held and managed for conservation and recreation
51 purposes by the department. If the appraised value of the parcel identified in said section 1
52 exceeds the appraised value of the parcels identified in said section 2, the commonwealth shall
53 have no obligation to pay the difference to the city. All payments made to the commonwealth as
54 a result of the conveyances authorized in this act shall be deposited in the Conservation Trust
55 established in section 1 of chapter 132A of the General Laws