SENATE DOCKET, NO. 1740 FILED ON: 1/18/2013

SENATE . . . . . No. 1484

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act authorizing the Division of Capital Asset Management and Maintenance to sell or lease certain property in the Town of Tewksbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barry R. Finegold	*Second Essex and Middlesex*
James R. Miceli	*19th Middlesex*
James J. Lyons, Jr.	*18th Essex*

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By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1484) of Barry R. Finegold, James R. Miceli and James J. Lyons, Jr. for legislation to authorize the Division of Capital Asset Management and Maintenance to sell or lease certain property in the Town of Tewksbury. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing the Division of Capital Asset Management and Maintenance to sell or lease certain property in the Town of Tewksbury.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the transfer of 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:

SECTION 1. Notwithstanding sections 32 to 37 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease or otherwise grant, convey or transfer to the Town of Tewksbury for nominal consideration a portion of a certain parcel of state-owned land located on the easterly side of Livingston street near the Livingston recreational fields in said town, containing 11.183 acres, more or less. The parcel shall be designated and used by the town of Tewksbury solely for recreational and open space purposes.

SECTION 2. Any sale, lease or other grant, conveyance or transfer shall permit the Town of Tewksbury to access rights of way and roads to facilitate ingress and egress.

SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law, rule or regulation to the contrary, the sales, leases or other agreements executed under section 1 shall be on terms and conditions and consideration acceptable to the commissioner of capital asset management and maintenance after consultation with the commissioner of conservation and recreation; provided, however, that said sale, lease or other agreement shall provide, without limitation, that: (a) the purchasers or lessees shall manage, operate, improve, repair and maintain the land and appurtenances associated therewith

17 during the term of the sale or lease; (b) the purchaser or lessee shall carry comprehensive general
18 liability insurance naming the commonwealth as a co-insured, protecting the commonwealth
19 against all claims for personal injury or property damage arising from land and appurtenances
20 associated therewith during the term of the sale or lease; (c) the purchasers or lessee shall
21 provide appropriate public access to public park land; (d) the purchasers or lessee shall be
22 responsible for outreach and stewardship; and (e) the purchasers or lessee shall not design or
23 construct any facilities on the parcel without the written approval of the commissioner of capital
24 asset management and maintenance and the commissioner of conservation and recreation;
25 provided, however, that the commissioner of capital asset management and maintenance and the
26 commissioner of conservation and recreation shall not approve any design or construction project
27 under this section unless the commissioners have determined that the purchaser or lessee has
28 sufficient financial resources to complete the project.

29 SECTION 4. The Town of Tewksbury shall be responsible for all costs and expenses,
30 including, but not limited to, costs associated with any engineering, surveys, appraisals and sale
31 or lease preparation related to the sale or lease or other agreement authorized under this act;
32 provided, however, that the costs may be determined by the commissioner of capital asset
33 management and maintenance. The Town of Tewksbury shall also be responsible for all costs,
34 liabilities and expenses of any nature and kind in connection with the operation, maintenance and
35 ownership of the parcel.

36 SECTION 5. Notwithstanding any general or special law or rule or regulation relating to
37 the advertising, bidding or award of contracts, to the contrary, the procurement of services or to
38 the construction and design of improvements shall not be applicable to a purchaser or lessee
39 under this act.

40 SECTION 6. Notwithstanding any other general or special law to the contrary, if a
41 property described in section 1 ceases to be used at any time for the public purposes described in
42 this act, or used for any purpose other than the public purposes stated in this act, the
43 commissioner of capital asset management and maintenance shall give written notice to the
44 purchaser or lessee of the unauthorized use. The or purchaser or lessee shall, upon receipt of the
45 notice, have 30 days to respond and a reasonable time to establish an authorized use of the
46 parcel. If an authorized use of the parcel is not thereafter established, the sale or lease shall
47 terminate.