SENATE DOCKET, NO. 1974 FILED ON: 5/31/2011

SENATE . . . . . No. 1932

The Commonwealth of Massachusetts

PRESENTED BY:

Frederick E. Berry

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, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, to sell and convey a certain parcel of land in the town of Newbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frederick E. Berry	☐ *[District]*
	☐

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SENATE . . . . . No. 1932

By Mr. Berry, a petition (subject to Senate Rule 20 and Joint Rule 12) of Frederick Berry for legislation to authorize the Division of Capital Asset Management and Maintenance, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, to sell and convey a certain parcel of land in the town of Newbury. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing the Division of Capital Asset Management and Maintenance, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, to sell and convey a certain parcel of land in the town of Newbury.

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 section 40F and section 40F 1/2 of chapter 7 of the General Laws, or any other general or special law or rule or regulation to the contrary, the commissioner of capital asset management and maintenance, in consultation with the board of trustees of the Essex Independent Agricultural and Technical Institute, or any officer designated by the Board, for itself and on behalf of the commonwealth, shall sell and convey, subject to the terms and conditions set out herein, all of its right, title and interest in and to a certain parcel of vacant land in the Byfield section of the town of Newbury, Massachusetts, known and numbered as 168 Orchard Street, Byfield (Newbury), Massachusetts, containing approximately 20 acres of land, as shown on a “Plan of Land in Newbury, Massachusetts” dated November 6, 2008 as revised on December 4, 2008, and being more particularly described as follows:

Lot 4 of a Plan of Land in Newbury, Massachusetts dated November 6, 2008 by Steven J. Russo, professional land surveyor.

The grantor's title for this parcel is through an Agreement for the Compromise of the Will of Lewis Bulgaris, Essex Probate and Family Court docket no. 96P-2049-EP1. Pursuant to said agreement the grantor holds its title in common with one Dianne Yurkavich, an heir of said Lewis Bulgaris.

SECTION 2. The consideration for the sale and conveyance authorized by section 1 shall be the full and fair market value of the property as determined by the commissioner of capital asset management based upon an independent professional appraisal. The inspector general shall

review and approve the appraisal inspector general, and the review shall include a review of the methodology used for the appraisal. The inspector general shall have 30 days after receipt of the appraisal and a report by the commissioner to undertake such review and approval. The inspector general shall submit a report on this review and approval of the appraisal to the commissioner. At least 15 days prior to the conveyance, the commissioner shall submit a copy of the inspector general's report to the house and senate committees on ways and means and the c hair s of the joint committee on state administration and regulatory oversight .

SECTION 3. The proceeds of the sale and conveyance shall be held and distributed in the manner prescribed by the Agreement for the Compromise of the Will of Lewis Bulgaris, Essex Probate and Family Court docket no. 96P-2049-EP1. Pursuant to the terms of said agreement, the board of trustees of Essex Independent Agricultural and Technical Institute shall deposit the Institute's share of the sale proceeds into a separate account, wholly segregated from the general fund, and shall use the proceeds, and the income therefrom, for either or both of the following purposes: (1) to provide scholarships for students desirous of pursuing programs of agricultural study at Essex Independent Agricultural and Technical Institute, or (2) for the repair and maintenance of those buildings and other facilities on the campus of Essex Independent Agricultural and Technical Institute devoted exclusively or primarily for agricultural studies or uses. No portion of the sale proceeds or the income therefrom, shall be used for non-agricultural scholarships, programs or purposes.

SECTION 4. All costs of surveys to determine the legal boundaries and descriptions of the lots to be conveyed pursuant to section 1 shall be paid by the Essex agricultural and technical institute, Dianne Yurkavich and Michael A. Bulgaris, with each party bearing 1/3 of the costs pursuant to clause (d) of paragraph 5 the Compromise of the Will of Lewis Bulgaris, Essex probate and family court docket no. 96P-2049-EP1. Pursuant to clause (a) of said paragraph 5, all other costs for the conveyance of the property, not including attorneys' fees, shall be shared equally by Dianne Yurkavich and Essex agricultural and technical institute.