

By Mr. Creedon, a petition (accompanied by bill, Senate, No. 1634) of Robert S. Creedon, Jr. for legislation relative to the disposition of certain state-owned property in the town of New Salem. State Administration.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE-OWNED PROPERTY IN THE TOWN OF NEW SALEM.

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. Notwithstanding any general or special law to the
2 contrary, the metropolitan district commission may, in consulta-
3 tion with the inspector general, subject to the provisions of section
4 40J of chapter 7 of the General Laws, convey by deed to Joseph
5 A. Trainor and Eileen J. Trainor, a certain parcel of watershed
6 open space land comprising approximately 6.5760 acres located in
7 the town of New Salem, in consideration of and subject to the
8 requirements of sections 2 to 4, inclusive, and subject to such
9 terms and conditions as the commission may prescribe. The parcel
10 of land is situated off the westerly sideline of Prescott road and at
11 the northerly sideline of Earl Whitaker road, and is shown as a lot
12 containing approximately 6.5760 acres on a plan of land entitled
13 "Plan of Land in New Salem, Massachusetts, Prepared for Joseph
14 A. Trainor," prepared by E. B. Holmberg & Associates, and dated
15 July 23, 1997.

1 SECTION 2. The consideration for the disposition in fee of the
2 parcel as described in section 1, shall be the full and fair market
3 value of the property determined by independent appraisal, for its
4 use as described herein, but which value shall be reduced by the
5 full and fair market value of the watershed preservation restriction
6 to be placed by the recipients on other and adjacent land owned by
7 the recipients, as required in section 4. The inspector general shall

8 review and approve the appraisal of such properties and property
9 interests, and the review shall include an examination of the
10 methodology utilized for the appraisal. The inspector general shall
11 prepare a report of his review and file the report with the commis-
12 sion and with the house and senate committees on ways and
13 means and the chairmen of the joint committee on state adminis-
14 tration within 30 days of receipt of the appraisal.

1 SECTION 3. No deed conveying by or on behalf of the com-
2 monwealth the property described in section 1 shall be valid
3 unless the deed provides that no buildings may be constructed on
4 the property, and shall be used in a manner which shall not
5 adversely impact the adjacent watershed property retained by the
6 commonwealth and managed by the division of watershed man-
7 agement of the metropolitan district commission.

1 SECTION 4. As a condition of the conveyance authorized by
2 section 1, the recipients of the property shall convey a watershed
3 preservation restriction on at least that portion of adjacent land on
4 the westerly sideline of Prescott or South road owned by the
5 recipients and containing approximately 10.66 acres and shown on
6 a plan of land entitled "Plan of Land in New Salem, Massachu-
7 setts Prepared for Joseph A. Trainor," prepared by E. B. Holmberg
8 & Associates, and dated March 29, 2001. The recipients shall
9 assume the sole costs associated with preparing the plans of land
10 and the costs of recording the plans with the Franklin county reg-
11 istry of deeds.

1 SECTION 5. The sale price pursuant to section 2 shall be
2 deposited in the watershed land acquisition account of the commis-
3 sion established in accordance with the provisions of chapter 36 of
4 the acts of 1992.

1 SECTION 6. This act shall take effect upon its passage.