

**SENATE. . . . . No. 2120**

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**The Commonwealth of Massachusetts**

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SENATE, November 15, 1995.

The committee on Ways and Means, to whom was committed the House Bill authorizing the division of capital planning and operations to convey a certain parcel of land located in the town of Holden (House, No. 5461), 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 2120.

For the committee,

THOMAS F. BIRMINGHAM.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Ninety-Five.

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1 SECTION 1. The commissioner of the division of capital plan-  
2 ning and operations is hereby authorized, notwithstanding the provi-  
3 sions of section forty H of chapter seven of the General Laws, to  
4 convey by deed a certain parcel of land located in the town of  
5 Holden, presently under the care and control of the metropolitan dis-  
6 trict commission, to Vincent A. and Shirley E. Mischitelli for  
7 parking purposes, subject to the provisions of section two and to  
8 such terms and conditions the commissioner of the division of  
9 capital planning and operations in consultation with the metropolitan  
10 district commission may prescribe. Said parcel is shown "A1" on a  
11 plan of land entitled, "Plan Showing Parcel of Land Located Off  
12 Main Street (Rte 122A) Holden, Ma Owned by Commonwealth of  
13 Massachusetts Metropolitan District Commission Prepared for Vin-  
14 cent A. & Shirley E. Mischitelli", dated December 22, 1994 and pre-  
15 pared by Land Planning Engineering & Survey.

1 SECTION 2. The sale price paid by Vincent A. and Shirley E.  
2 Mischitelli for said parcel shall be the full and fair market value of  
3 the property determined by independent appraisal, for its highest and  
4 best use. The inspector general shall review and approve said  
5 appraisal and said review shall include an examination of the  
6 methodology utilized for said appraisal. The inspector general shall  
7 prepare a report of his review and file said report with commissioner  
8 for submission to the house and senate committees on ways and  
9 means and chairmen of the joint committee on state administration  
10 in accordance with section five of this act.

1 SECTION 3. No deed conveying by or on behalf of the common-  
2 wealth the property described in section one shall be valid unless  
3 such deed provides that said land shall be used solely for parking  
4 purposes and in a manner which shall not adversely impact the  
5 watershed property retained by said commonwealth and managed by  
6 the division of watershed management of the metropolitan district  
7 commission. In the event said parcel of land ceases to be used at any

8 time for the purposes contained herein or if the land is used for any  
9 other purpose, said parcel of land shall revert to the care and control  
10 of the commonwealth and any further disposition of said parcel of  
11 land shall be subject to sections forty E to forty J. inclusive, of  
12 chapter seven of the General Laws.

1 SECTION 4. Vincent A. and Shirley E. Mischitelli shall be  
2 responsible for any costs for appraisals, surveys, and other expenses  
3 relating to the transfer of said parcel, and for any costs and liabilities  
4 and expenses of any nature and kind for the development, mainte-  
5 nance and ownership operation of said parcel.

1 SECTION 5. The sale price paid pursuant to section two shall be  
2 deposited in the general fund of the commonwealth.

1 SECTION 6. The commissioner shall, thirty days before the exe-  
2 cution of any agreement authorized by this act, or any subsequent  
3 amendment thereof, submit the agreement or amendment and a  
4 report thereon to the inspector general for his review and comment.  
5 The inspector general shall issue his review and comment within  
6 fifteen days after receipt of any agreement or amendment. The com-  
7 missioner shall submit the agreement and any subsequent amend-  
8 ments thereof, the reports, and the comments of the inspector  
9 general, if any, to the house and senate committees on ways and  
10 means and the joint committee on state administration at least fifteen  
11 days prior to execution.

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

