

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

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 bill:

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul Kujawski	8th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT TO CONVEY, LEASE AND GRANT EASEMENTS WITH RESPECT TO CERTAIN LAND IN THE TOWN OF UXBRIDGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 *Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to authorize the
2 forthwith to provide for the exchange of land in the town of Uxbridge, therefore it is hereby declared to
3 be an emergency law, necessary for the immediate preservation of the public convenience.

4 **SECTION 1.** Notwithstanding Sections 40F to 40J of Chapter 7 of the General Laws or any other
5 general or special law to the contrary, the commissioner of the division of capital asset management
6 and maintenance, in consultation with the commissioner of highways, may lease, for the purposes
7 described below, certain parcels of land and any improvements located thereon, upon terms and
8 conditions as the commissioner of asset management and maintenance determines to be in the best
9 interest of the Commonwealth and in no event for a term of longer than fifty (50) years, to K/G
10 Uxbridge, LLC or its designee, may convey a fee interest in a certain parcel of land and any
11 improvements located thereon to K/G Uxbridge, LLC or its designee, and may convey to the Town of
12 Uxbridge certain temporary and permanent easements for utility purposes. All of the real property
13 included in the conveyance authorized by this act is located in the Town of Uxbridge.

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15 The first parcel to be leased, known as the northbound rest area on Route 146, is located on the
16 northbound side of Route 146 and contains approximately 7.59 acres. The second parcel to be leased,
17 known as the southbound rest area on Route 146, is located on the southbound side of Route 146 and
18 contains approximately 11.98 acres. The parcel to be conveyed in fee is located on the eastbound side
19 of Route 16, at the intersection of Route 16 and Route 146 southbound and contains approximately 9.49

20 acres. The exact boundaries of each of the three parcels and the temporary and permanent easements
21 shall be established prior to such conveyance by a survey approved by the commissioner of asset
22 management and maintenance. The permitted uses under the leases will be such uses as rest areas
23 open to the public for motorists traveling on Route 146, and may include restrooms, restaurants,
24 gasoline service stations and such other uses deemed acceptable to the Massachusetts Highway
25 Department.

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27 **SECTION 2.** The consideration for the parcel to be conveyed in fee shall be the full and fair market
28 value of such parcel as determined by the commissioner of capital asset management and maintenance
29 based upon an independent professional appraisal. The rental for the leases shall be the full and fair
30 market rental value of the parcels to be leased as determined by the commissioner of capital asset
31 management and maintenance based upon an independent professional appraisal

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33 **SECTION 3.** Contemporaneously with the conveyance authorized by this act Uxbridge Woods Realty
34 Trust shall convey to Massachusetts Highway Department a certain parcel of land located on Pond
35 Street in Uxbridge, which is shown on the Town of Uxbridge Assessor's Map 28 as lot 3163. The grantee
36 of the fee parcel and the lessee of the leasehold parcels shall be entitled to credits against the
37 consideration for the conveyance and the rental under the leases in an aggregate amount equal to the
38 full and fair market value of the parcel to be conveyed by Uxbridge Woods Realty Trust to
39 Massachusetts Highway Department, as determined by the commissioner of capital asset management
40 and maintenance based upon an independent professional appraisal. The grantee of the fee parcel and
41 the lessee of the leasehold parcels shall be entitled to credits against the consideration for the
42 conveyance and the rental under the leases in an aggregate amount equal to the full and fair market
43 value of any construction provided by K/G Uxbridge, LLC of facilities for use by the Massachusetts
44 Highway Department as determined by the commissioner of capital asset management and
45 maintenance. Any construction provided by K/G Uxbridge, LLC shall not be subject to the provisions of
46 Chapter 149 of the General Laws, or any other public construction procurement law, provided that K/G
47 Uxbridge, LLC shall pay "prevailing wage" in accordance with Sections 26 and 27 of Chapter 149 of the
48 General Laws in connection with any such construction.

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50 The inspector general shall review and approve the appraisals contemplated by Sections 1 and 2 above.
51 The inspector general shall prepare a report of his review and file the report with the commissioner of
52 asset management and maintenance for submission to the house and senate committees on way and
53 means and the chairmen of the joint committee on state administration in accordance with this act. The
54 commissioner shall, 30 days before the execution of any agreement authorized by this act, or any
55 subsequent amendment thereto, submit the agreement or amendment and report thereon to the
56 inspector general for his review and comment. The inspector general shall issue his review and
57 comment within 15 days if receipt of any such agreement or amendment. The commissioner shall

58 submit the agreement and any subsequent amendments thereto, the reports and the comments of the
59 inspector general to the house and senate committees on ways and means and the chairmen of the joint
60 committee on state administration at least 15 days prior to execution.

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62 **SECTION 4.** The grantee of the fee parcel and the lessee of the leasehold parcels shall pay for all
63 costs of the appraisals, survey, deed preparation and lease preparation for the conveyance authorized
64 by this act as may be deemed necessary by the commissioner of asset management and maintenance.

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