



Informational GUIDELINE Release

Commissioner Ira A. Jackson
Deputy Commissioner Edward J. Collins, Jr.

Property Tax Bureau
Informational Guideline Release (IGR) No. 86-205
May 1986

SALE OF COUNTY-OWNED LAND Chapter 173 of the Acts of 1985

This IGR informs local officials of an amendment to G.L. Ch. 34 S.14 making several important changes in the procedure to be followed by County Commissioners when selling county-owned real estate.

Topical Index Key:
Miscellaneous

Distribution:
Boards of Assessors
Selectmen
City Council Presidents



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

INA A. JACKSON
COMMISSIONER

EDWARD J. COLLINS, JR.
DEPUTY COMMISSIONER

PROPERTY TAX BUREAU
INFORMATIONAL GUIDELINE
RELEASE NO. 86-205

Subject: Procedure for Sale
of County-Owned Land

May 1986

CHANGES IN PROCEDURE FOR
SALE OF COUNTY-OWNED LAND

Chapter 173 of the Acts of 1985
(Amending G.L. Ch. 34 S. 14)

SUMMARY:

An amendment to Section 14 of Chapter 34 of the General Laws makes several important changes in the procedure to be followed by county commissioners when selling county owned real estate.

The most important change in the procedure is the new requirement of an appraisal by an independent appraiser approved by the executive committee of the advisory board on county expenditures. Other important changes require a wider distribution of and a more detailed notice of the proposed sale or lease. Such changes are clearly designed to allow and encourage a higher degree of participation by the cities and towns in the county in the determination as to what county real estate is to be sold or leased.

The requirements for the sale of county owned land in effect prior to the effective date of Chapter 173 together with the corresponding requirements under Chapter 173 are listed on the following pages.

PROPERTY TAX BUREAU Harry M. Grossman, Chief
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GUIDELINES:

1. County commissioners contemplating a contract for the sale or lease of county owned real estate in an ensuing fiscal year should arrange to have the required appraisal done before the commencement of the year of the contract for sale or lease. This is now the statutory requirement.

Example: If a contract for a sale of county owned land is to be entered into in fiscal year 1987, the county commissioners should arrange to have the required appraisal made during FY86.

2. The sale or lease of all county owned real estate is now subject to the requirements of Section 14 of Chapter 34.
3. A contract for the sale or lease of county owned real estate which is executed without compliance with the provisions of Section 14 may be voidable. However, no action for violation of Section 14 may be brought after the date of delivery of a deed conveying county owned land.
4. The written notice and public hearing are required prior to contracting for the sale or lease of real estate not just prior to the actual sale or lease.

Written Notice

1. At least 120 days prior to sale or lease.

At least 90 days prior to contracting for sale or lease.

To

2. City council, board of selectmen of city or town in which land is located.

City council, board of selectmen of city or town in which real estate is located; members of general court representing such city or town; advisory board on county expenditures of county in which real estate is located; regional planning agency of region in which real estate is located.

Applicable To

3. Sale or lease of 2 acres or more of county owned land.

All county owned real estate.

Notice To Include

4. Present use; reason for selling or leasing; proposed use of land.

Present use; reason for selling or leasing; new activity or purpose for which it will be used; copy of independent appraisal made within the past fiscal year by appraiser approved by executive committee of advisory board on county expenditures of county in which real estate is located.

Public Hearing

5. At least 90 days before sale or lease of land, commissioners must hold public hearing in city or town where land is located to disclose conditions and reasons for sale or lease.

At least 45 but not more than 60 days before contracting for sale or lease, commissioners must hold public hearing.

Notice of Hearing

6. By publication. (No manner or time specified.)

Publish time and place of hearing on at least 2 occasions in at least 2 newspapers. Publication at least 14 days prior to hearing.

13. S1-394

Comm. from the Mass. Dept. of Revenue, transmitting informational guidelines dated May, 1986 Re: sale of County-owned land, Chapter 173 of the Acts of 1985.

In city Council,

June 9, 1986