

HOUSE No. 4440

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 7, 2018.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 3632) of Rady Mom and others that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the city of Lowell for general municipal purposes, reports recommending that the accompanying bill (House, No. 4440) ought to pass.

For the committee,

JENNIFER E. BENSON.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the conveyance of a certain parcel of land in the city of Lowell.

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. Chapter 131 of the acts of 1998 is hereby repealed.

2 SECTION 2. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
3 Laws or any other general or special law to the contrary, the commissioner of capital asset
4 management and maintenance, in consultation with the department of conservation and
5 recreation, may transfer and convey to the city of Lowell for general municipal purposes: (1) a
6 certain parcel of land described in a deed recorded with the Middlesex North registry of deeds in
7 book 2583 and page 326 and shown on a plan entitled, “Compiled Plan of Land in Lowell,
8 Mass., Prepared for Lowell Electronic Park Realty Trust, Scale 1”- 40’, July 1982, Stowers
9 Associates Inc.”, recorded with said Middlesex North registry of deeds in book 138, plan 111;
10 and (2) a certain parcel of land described in a deed recorded with said Middlesex North registry
11 of deeds in book 2469 and page 630 and shown as parcel 1 on a plan entitled, “Plan of Property
12 Owned by Manzi Sales & Service, Inc. The Commonwealth of Massachusetts, Broadway Street,
13 Lowell, Massachusetts, dated November 27, 1979, by Cullinan Engineering Co., Inc.” and
14 recorded with said Middlesex North registry of deeds in book 133, page 86. The conveyance

15 shall be subject to such additional conditions and restrictions as the commissioner of capital asset
16 management and maintenance, in consultation with the department of conservation and
17 recreation, may determine.

18 SECTION 3. An independent appraisal or appraisals of the fair market value and value in
19 use of the parcels described in section 2 shall be prepared in accordance with the usual and
20 customary professional appraisal practices by a qualified appraiser commissioned by the
21 commissioner of capital asset management and maintenance. Consideration for the grants of the
22 above-described parcels or interests therein shall be the full and fair market value or the value in
23 proposed use, whichever is greater, as determined by the commissioner of capital asset
24 management and maintenance. The commissioner of capital asset management and maintenance
25 shall submit the appraisals to the inspector general for his or her review and comment. The
26 inspector general shall review and approve the appraisals, and the review shall include an
27 examination of the methodology utilized for the appraisals. The inspector general shall prepare a
28 report of his or her review and file the report with the commissioner of capital asset management
29 and maintenance. After receiving the report, the commissioner shall submit copies of the report
30 to the house and senate committees on ways and means and the joint committee on state
31 administration and regulatory oversight at least 15 days prior to the execution of documents
32 affecting the transfers described in section 2.

33 SECTION 4. To ensure a no-net-loss of lands protected for natural resource purposes,
34 the City of Lowell shall compensate the commonwealth for the parcels described in section 2
35 through the transfer to the department of conservation and recreation of land, an interest in land
36 or funding for the acquisition of land or an interest therein equal to or greater than the value of
37 the highest appraised values as determined under section 3. If the City of Lowell proposes to

38 convey land or an interest in land to the commonwealth, the commissioner of capital asset
39 management shall include the land or interest in land within the appraisal assignment under
40 section 3. The land or interest in land must be acceptable to the department of conservation and
41 recreation; and any land or interest in land, whether conveyed by the City of Lowell or acquired
42 by the department, shall be permanently held and managed for conservation and recreation
43 purposes by the department. Should the value of the land or interests in land being conveyed to
44 the commonwealth exceed the appraised values determined under section 3, the commonwealth
45 shall have no obligation to pay the difference to the City of Lowell. Any monetary payments
46 made to the commonwealth as a result of the conveyances authorized by this act shall be
47 deposited in the Conservation Trust established in section 1 of chapter 132A General Laws.

48 SECTION 5. The City of Lowell shall assume all costs associated with engineering,
49 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner
50 of capital asset management and maintenance to execute the conveyances authorized by this act.

51 SECTION 6. No instrument executed pursuant to this act shall be valid unless it provides
52 that the area conveyed shall be used solely for the purposes described in section 2. The
53 instrument authorized in section 2 shall include a reversionary clause that stipulates the property
54 shall revert to the Commonwealth and be assigned to the care, custody and control of the
55 Department of Conservation and Recreation, upon such terms and conditions as the
56 Commissioner of Capital Asset Management and Maintenance may determine, if the property
57 ceases to be used for the express purposes authorized in this act. If any interest reverts to the
58 Commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of
59 chapter 7C of the General Laws and the prior approval of the General Court.