

HOUSE No. 4838

The Commonwealth of Massachusetts

**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 Chapter 131 of the acts of 1998 is hereby repealed.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 convey to the city of Lowell for general municipal purposes: (1) a certain parcel
6 of land described in a deed recorded with the Middlesex North registry of deeds in book 2583
7 and page 326 and shown on a plan entitled, “Compiled Plan of Land in Lowell, Mass., Prepared
8 for Lowell Electronic Park Realty Trust, Scale 1”- 40’, July 1982, Stowers Associates Inc.”,
9 recorded with said Middlesex North registry of deeds in book 138, plan 111; and (2) a certain
10 parcel of land described in a deed recorded with said Middlesex North registry of deeds in book
11 2469 and page 630 and shown as parcel 1 on a plan entitled, “Plan of Property Owned by Manzi
12 Sales & Service, Inc. The Commonwealth of Massachusetts, Broadway Street, Lowell,
13 Massachusetts, dated November 27, 1979, by Cullinan Engineering Co., Inc.” and recorded with
14 said Middlesex North registry of deeds in book 133, page 86. The conveyance shall be subject to

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

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

29 SECTION 4. Consideration for the grants of the parcels or interests described in section 2
30 shall be: (i) full and fair market value or the value in proposed use, whichever is greater, as
31 determined by the commissioner of capital asset management and maintenance pursuant to
32 section 3; or (ii) the transfer to the department of conservation and recreation of land, an interest
33 in land or funding for the acquisition of land or an interest therein equal to or greater than the
34 value of the highest appraised values as determined under section 3 or any combination of land,
35 an interest in land or funding that is acceptable to the department of conservation and recreation.
36 If the city of Lowell proposes to convey land or an interest in land to the commonwealth, the
37 commissioner of capital asset management shall include the land or interest in land within the

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

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

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