

HOUSE No. 4774

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 adoption of the accompanying bill:

An Act authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>12/19/2016</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>12/19/2016</i>

HOUSE No. 4774

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day and Harriette L. Chandler relative to authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the transfer of certain parcels of land in the city of Worcester to promote economic development.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the city of Worcester to promote economic development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. For purposes of this act, the following terms shall have the following
2 meanings unless the context clearly requires otherwise:

3 “BNRI parcel”, that certain parcel of land located at the Worcester state hospital and the
4 improvements thereof, thereon known as the Brudnick Neuropsychiatric Research Institute, used
5 by the university of Massachusetts medical school.

6 “Commissioner”, the commissioner of the division of capital asset management and
7 maintenance.

8 “Division”, the division of capital asset management and maintenance.

9 “Disposition parcels”, those certain parcels of land containing approximately 44 acres in
10 the aggregate, located at the Worcester state hospital and shown on a draft plan on file with the
11 division of capital asset management and maintenance, exclusive of the BNRI parcel and WRCH
12 parcel.

13 “Worcester Business Development Corporation”, a nonprofit entity created by chapter
14 600 of the acts of 1965, to assist and promote development in the city of Worcester and its
15 vicinity. If the Worcester Business Development Corporation acquires title to the disposition
16 parcels or any portions thereof through its designee New Garden Park, Inc., a nonprofit entity,
17 the term “Worcester Business Development Corporation” shall be deemed to include said
18 designee.

19 “WRCH parcel”, that certain parcel of land located at the Worcester state hospital and the
20 improvements thereof, thereon known as the Worcester Recovery Center and Hospital, operated
21 by the department of mental health.

22 SECTION 2. Chapter 300 of the acts of 1962 is hereby repealed.

23 SECTION 3. Chapter 448 of the acts of 2008 is hereby repealed.

24 SECTION 4. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
25 Laws or any other general or special law to the contrary, the commissioner may convey the
26 disposition parcels, or portions thereof, in one or more transactions, to the Worcester Business
27 Development Corporation or to its designee New Garden Park, Inc., a nonprofit entity. The exact
28 location and boundaries of any property to be conveyed pursuant to this section 4 shall be
29 determined by the commissioner after completion of a survey depicting boundaries reasonably
30 acceptable to the Worcester Business Development Corporation. The commissioner shall consult

31 with the university of Massachusetts medical school before determining the boundaries for any
32 portion of the property abutting the BNRI parcel. The disposition parcels shall be conveyed by
33 deed without warranties or representations by the commonwealth. Use of the disposition parcels
34 may include, but shall not be limited to, one or more medical or technologically-related
35 purposes, such as pharmaceutical research and production, biotechnology, bioengineering or bio
36 manufacturing. At the time of conveyance full possession of the property to be conveyed shall be
37 delivered free and clear of all tenants and occupants, at no expense to WBDC, except for
38 Community Healthlink, Inc.

39 No agreement for the sale, lease, transfer or other disposition of any property to be
40 conveyed pursuant to this section 4 and no deed executed by or on behalf of the commonwealth
41 shall be valid unless the agreement or deed contains the following certification, signed by the
42 commissioner:

43 "I, the undersigned commissioner of capital asset management and maintenance,
44 hereby certify under penalties of perjury that I have fully complied with the relevant provisions
45 of general and special law in connection with the property described in this document."

46 SECTION 5. The purchase price for any property to be conveyed pursuant to section 4
47 shall be an amount determined by the commissioner based on consultation with appraisal
48 professionals, and agreed to by the Worcester Business Development Corporation, less all costs
49 incurred by the Worcester Business Development Corporation to create developable sites on the
50 disposition parcels, including without limitation, for demolition and abatement of buildings
51 existing on the disposition parcels and for the relocation of the organization known as
52 Community Healthlink, Inc., which currently occupies a portion of the disposition parcels, to a

53 location not on the disposition parcels. The purchase price shall be determined pursuant to, and
54 payable on terms and conditions to be set forth, in a land disposition agreement between the
55 division and the Worcester Business Development Corporation.

56

57 SECTION 6. In the event that the Worcester Business Development Corporation sells or
58 leases any portion of the disposition parcels, the net proceeds from such sale or lease, as jointly
59 determined by the Worcester Business Development Corporation and the commissioner, shall be
60 allocated between the Worcester Business Development Corporation and the commonwealth on
61 terms and conditions to be set forth in a land disposition agreement between the division and the
62 Worcester Business Development Corporation. The purchase price for any property to be
63 conveyed pursuant to section 4 as determined pursuant to section 5 shall not be included as a cost
64 for the purposes of determining the net proceeds from a sale or lease. In the event that the net
65 proceeds as so determined is a negative amount, the commonwealth shall not be required to
66 make any payments to the Worcester Business Development Corporation.

67 SECTION 7. Notwithstanding any general or special law to the contrary, Worcester
68 Business Development Corporation shall pay for all costs and expenses relating to its purchase of
69 the disposition parcels, or any portions thereof, pursuant to this act as determined by the
70 commissioner including, but not limited to, the costs of any surveys, appraisals, recording fees
71 and deed preparation related to the conveyances and for all costs, liabilities and expenses of any
72 nature and kind related to the conveyances. For purposes of determining the purchase price
73 pursuant to section 5 or the net proceeds from a sale or lease of any portion of the disposition
74 parcels pursuant to section 6, costs incurred by Worcester Business Development Corporation

75 from and after September 1, 2016 may be included provided, however, that costs deducted for
76 the purpose of determining the purchase price pursuant to section 5 shall not also be deducted for
77 the purpose of determining net proceeds.

78 SECTION 8. (a) Notwithstanding any general or special law to the contrary, the
79 commissioner may transfer control of the BNRI parcel to the university of Massachusetts
80 medical school.

81

82 (b) In the event that the university of Massachusetts medical school does not accept
83 control of the BNRI parcel pursuant to subsection (a) on or before December 31, 2021, then, if
84 the Worcester Business Development Corporation has purchased the entirety of the disposition
85 parcels, the commissioner shall offer to sell the BNRI parcel to the Worcester Business
86 Development Corporation, notwithstanding sections 33 to 37, inclusive, of chapter 7C of the
87 General Laws or any other general or special law to the contrary. The consideration for the
88 purchase shall be the fair market value of the BNRI parcel as determined by the commissioner
89 based on an appraisal.

90

91 (c) In the event that the university of Massachusetts medical school does not accept
92 control of the BNRI parcel pursuant to subsection (a) and the Worcester Business Development
93 Corporation does not purchase the BNRI parcel pursuant to subsection (b), then notwithstanding
94 sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special
95 law to the contrary, the commissioner may sell, lease for terms of up to 99 years, including all
96 renewals and extensions, or otherwise grant, convey or transfer to one or more purchasers or

97 lessees an interest in the BNRI parcel or portions thereof, subject to this section and on such
98 terms and conditions that the commissioner considers appropriate. In making any such
99 disposition pursuant to this subsection (c), the commissioner shall use appropriate competitive
100 bidding processes and procedures. At least 30 days before the date on which bids, proposals or
101 other offers to purchase or lease a property, or any portion thereof, are due, the commissioner
102 shall place a notice in the central register published by the state secretary pursuant to section 20A
103 of chapter 9 of the General Laws stating the availability of the property, the nature of the
104 competitive bidding process and other information that the commissioner considers relevant,
105 including the time, place and manner for the submission of bids and proposals and the opening of
106 the bids or proposals.

107 (d) The exact location and boundaries of the BNRI parcel to be transferred to the
108 university of Massachusetts medical school pursuant to subsection (a) and any appurtenant
109 easements shall be determined by the commissioner based on a survey depicting boundaries
110 reasonably acceptable to the university of Massachusetts medical school. The exact location and
111 boundaries of the BNRI parcel to be sold or leased pursuant to subsection (b) or (c) and any
112 appurtenant easements shall be determined by the commissioner based on a survey.

113 (e) No agreement for the sale, lease, transfer or other disposition of the BNRI parcel, or
114 any portion thereof, pursuant to subsection (b) and no deed executed by or on behalf of the
115 commonwealth shall be valid unless the agreement or deed contains the following certification,
116 signed by the commissioner:

117 “I, the undersigned commissioner of capital asset management and maintenance,
118 hereby certify under penalties of perjury that I have fully complied with the relevant provisions
119 of general and special law in connection with the property described in this document.”

120 SECTION 9. Notwithstanding any general or special law to the contrary, the
121 commissioner may retain, accept or acquire by purchase, transfer, lease, eminent domain
122 pursuant to chapter 79 of the General Laws or otherwise and may grant by deed, transfer, lease
123 or otherwise any rights-of-way or easements in, over or beneath the disposition parcels or
124 portions thereof as the commissioner deems necessary and appropriate for the continued use of
125 portions of other land or facilities administered by other state agencies or entities, including,
126 without limitation, the BNRI parcel and the WRCH parcel.

127 SECTION 10. Notwithstanding any general or special law to the contrary, for the
128 purpose of establishing a public way between Belmont street and parcels containing land or
129 facilities administered by other state agencies or entities, including, without limitation, the BNRI
130 parcel and the WRCH parcel, the commissioner may grant to the city of Worcester by deed,
131 transfer, lease or otherwise any rights-of-way or easements in, over or beneath the roadway on
132 the parcel known as Hospital drive and such adjacent areas as to the city of Worcester as the
133 commissioner deems necessary and appropriate.

134 SECTION 11. The commissioner shall, 15 days before the execution of a land disposition
135 agreement, transfer or conveyance authorized by this act, or any subsequent amendment thereto,
136 submit the proposed land disposition agreement, transfer, conveyance or amendment documents
137 and a report thereon to the inspector general for his review and comment. The inspector general

138 shall issue his review and comment within 15 days after receipt of the proposed land disposition
139 agreement, transfer, conveyance or amendment documents.

140 SECTION 12. (a) In the event that the Worcester Business Development Corporation
141 does not complete the purchase of the disposition parcels on or before December 31, 2020, then
142 notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other
143 general or special law to the contrary, the commissioner may sell, lease for terms of up to 99
144 years, including all renewals and extensions, or otherwise grant, convey or transfer to one or
145 more purchasers or lessees an interest in the disposition parcels or portions thereof, subject to
146 this section and on such terms and conditions that the commissioner considers appropriate. In
147 making any such disposition pursuant to this section, the commissioner shall use appropriate
148 competitive bidding processes and procedures.

149 (b) No agreement for the sale, lease, transfer or other disposition of the disposition
150 parcels, or any portion thereof, pursuant to subsection (a) and no deed executed by or on behalf
151 of the commonwealth shall be valid unless the agreement or deed contains the following
152 certification, signed by the commissioner:

153 "I, the undersigned commissioner of capital asset management and maintenance,
154 hereby certify under penalties of perjury that I have fully complied with the relevant provisions
155 of general and special law in connection with the property described in this document."

156 SECTION 13. Notwithstanding the provisions of any other general or special law to the
157 contrary, the commissioner is hereby authorized to take any and all interests in the disposition
158 parcels and the buildings thereon by eminent domain pursuant to chapter 79 of the General Laws,
159 as deemed necessary by said commissioner to carry out the purposes of this act.

160 SECTION 14. Any funds received by the commonwealth pursuant to this act shall be
161 deposited into the General Fund.