

# 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

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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.

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## The Commonwealth of Massachusetts

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

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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.

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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.

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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.

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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.