HOUSE . . . . . No. 4814

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2018.

The committee on Ways and Means, to whom was referred the Bill authorizing the sale of real property in Chelmsford (House, No. 4510), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4814).

For the committee,

JEFFREY SÁNCHEZ.

FILED ON: 7/25/2018

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The Commonwealth of Massachusetts

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

An Act authorizing the sale of real property in Chelmsford.

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 town of Chelmsford, 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:

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the chancellor of the University of Massachusetts at Lowell, may: (i) sell; (ii) lease for terms of up to 99 years, including all renewals and extensions; or (iii) otherwise grant, convey or transfer to 1 or more purchasers or lessees an interest in the property located at 225 Princeton street in the town of Chelmsford, containing approximately 32 acres, hereinafter the West campus, subject to this act and on such terms and conditions that the commissioner may require. The property is more particularly described in a deed recorded in the Middlesex North registry of deeds in book 2738, page 17; provided, that the exact location and boundaries of the West campus or portions thereof to be

conveyed shall be determined by the commissioner after completion of a survey, in consultation with the university.

The commissioner shall use appropriate competitive bidding processes and procedures when making any disposition pursuant to this section. Not less than 30 days before the date on which bids, proposals or other offers to purchase the West campus or any portion thereof, are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process and other information that the commissioner considers relevant, including the time, place and manner for the submission of bids and proposals and the opening of the bids or proposals. The commissioner shall also place notification in the central register of the individual or firm selected as party to any real property transaction involving the West campus and the amount of the transaction.

SECTION 2. Any purchase and sale agreement, lease or other document relating to the sale, lease, transfer or other disposition of the West campus or any portion thereof shall provide that the commonwealth including, without limitation, the university and the division of capital asset management and maintenance, shall have no liability to any purchaser, lessee, transferee or successor to any purchaser, lessee or transferee of all or part of the West campus for any claims arising out of or related in any way to the conditions, known or unknown, of the West campus, or otherwise in connection with any sale, lease, transfer or other disposition thereof.

SECTION 3. In the sale of the West campus or any portion thereof pursuant to this act, the commissioner, in consultation with the chancellor, may retain or grant rights of way or easements for access, egress, utilities and drainage across any other portions of the West campus

and the commonwealth may accept from the purchaser such rights of way or easements in roadways or across any portions of the West campus to be conveyed or transferred for access, egress, drainage and utilities as the commissioner considers necessary and appropriate to carry out this section.

SECTION 4. The purchaser, lessee or transferee of any portion of the West campus pursuant to this act shall be responsible for all costs and expenses related to the purchase, lease or transfer of said property including, but not limited to, costs associated with surveys, deed preparation and recording fees as such costs may be determined by the commissioner.

SECTION 5. No agreement for the sale, lease, transfer or other disposition of the West campus, or any portion thereof, pursuant to this act and no deed, lease or other document executed by or on behalf of the commonwealth shall be valid unless the agreement or deed contains the following certification, signed by the commissioner: "I, the undersigned commissioner of capital asset management and maintenance, hereby certify under penalties of perjury that I have fully complied with the relevant provisions of all general and special laws in connection with the property described in this document."

SECTION 6. The cash proceeds of the sale, lease, transfer or other disposition of the West campus or portions thereof pursuant to section 1 and an amount equal to the purchase price paid by the town of Chelmsford to purchase the property described in section 1 of chapter 141 of the acts of 1998, pursuant to section 9 of said chapter 141 and more particularly described in a deed recorded with the Middlesex North registry of deeds in book 31871, page 245, shall be deposited into an expendable trust established pursuant to section 6 of chapter 6A of the General Laws and 801 CMR 50.00. Proceeds in the trust may be expended for any transaction-related

expenses and expenses incurred by the division of capital asset management and maintenance including, but not limited to, costs associated with the disposition of the property from which the funds originated including, but not limited to, appraisals, surveys, deed preparation, site preparation, plans, recording fees, smart growth review and feasibility and other marketing studies and any other expenses relating to the disposition of the property, to the extent not paid for by the grantee or grantees pursuant to section 4. Additionally, funds deposited into the trust may be expended for capital repairs and improvements to facilities on the university's campus including, but not limited to, the Perry hall engineering building, as determined by the commissioner of capital asset management and maintenance and the chancellor of the university and approved by the secretary of administration and finance.