

HOUSE No. 2791

The Commonwealth of Massachusetts

PRESENTED BY:

Paul F. Tucker

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 directing the division of capital asset management to convey certain parcels of land in Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>1/17/2019</i>

HOUSE No. 2791

By Mr. Tucker of Salem, a petition (accompanied by bill, House, No. 2791) of Paul F. Tucker for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in city of Salem. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act directing the division of capital asset management to convey certain parcels of land in Salem.

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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the president of Salem state, may: (i)
4 sell; (ii) lease for terms of not more than 99 years, including all renewals and extensions; or (iii)
5 otherwise grant, convey or transfer to purchasers or lessees an interest in the following
6 properties, subject to this act and on such terms and conditions that the commissioner may
7 require:

8 (1) the property known as South Campus. The property is more particularly described
9 in two sections covering a total of 22.35 acres: Lower and Upper South Campus. Lower South
10 Campus (11 Harrison Road, Salem, MA and 20-32 Harrison Road, Salem, MA) and Upper South
11 Campus (262 Loring Avenue, Salem, MA), in a deed recorded in the Southern Essex District
12 Registry of Deeds in book 5933, page 575, provided, however, that the exact location and

13 boundaries of South campus or portions thereof to be conveyed shall be determined by the
14 commissioner after completion of a survey, in consultation with the university.

15 (2) the property located at 8 Harrison Road, Salem, MA, covering 0.3 acres. The
16 property is more particularly described in a deed recorded in the Southern Essex District Registry
17 of Deeds registry of deeds in book 5933, page 573; provided, however, that the exact location
18 and boundaries of the property or portions thereof to be conveyed shall be determined by the
19 commissioner after completion of a survey, in consultation with the university.

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

30 (b) Any purchase and sale agreement, lease or other document relating to the sale, lease,
31 transfer or other disposition of the property or any portion thereof shall provide that the
32 commonwealth, including, but not limited to, Salem State University and the division of capital
33 asset management and maintenance, shall have no liability to any purchaser, lessee, transferee or
34 successor to any purchaser, lessee or transferee of all or part of the property for any claims

35 arising out of or related in any way to the conditions, known or unknown, of the property or
36 otherwise in connection with any sale, lease, transfer or other disposition thereof.

37 (c) In the sale of the property or any portion thereof pursuant to this act, the
38 commissioner of capital asset management and maintenance, in consultation with the president
39 of Salem State University, may retain or grant rights of way or easements for access, egress,
40 utilities and drainage across any other portions of South Campus and the commonwealth may
41 accept from the purchaser such rights of way or easements in roadways or across any portions of
42 the South Campus to be conveyed or transferred for access, egress, drainage and utilities as the
43 commissioner considers necessary and appropriate to carry out this section.

44 (d) The purchaser, lessee or transferee of any portion of the South Campus pursuant to
45 this act shall be responsible for all costs and expenses related to the purchase, lease or transfer of
46 said property including, but not limited to, costs associated with surveys, deed preparation and
47 recording fees as such costs may be determined by the commissioner of capital asset
48 management and maintenance.

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

56 (f) The cash proceeds of the sale, lease, transfer or other disposition of the property or
57 portions thereof pursuant to subsection (a) shall be deposited into an expendable trust established
58 pursuant to section 6 of chapter 6A of the General Laws and 801 CMR 50.00, solely for the use
59 of Salem State University, and may be expended for: (i) any transaction-related expenses and
60 expenses incurred by the division of capital asset management and maintenance including, but
61 not limited to, costs associated with the disposition of the property from which the funds
62 originated, including, but not limited to, appraisals, surveys, deed preparation, site preparation,
63 plans, recording fees, smart growth review and feasibility and other marketing studies and any
64 other expenses relating to the disposition of the property, to the extent not paid for by the grantee
65 pursuant to subsection (d), and, (ii) for capital projects and improvements to facilities on the
66 campus of Salem State University, as determined by the commissioner of capital asset
67 management and maintenance and the president of Salem State University and approved by the
68 secretary of administration and finance.