

HOUSE No. 4819

The Commonwealth of Massachusetts

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

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 Chapter 131 of the acts of 1998 is hereby repealed.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 may, in consultation with the department of conservation and
5 recreation, convey to the city of Lowell for general municipal purposes: (1) a certain parcel of
6 land that was acquired for conservation and recreation purposes and is described in a deed
7 recorded with the Middlesex North registry of deeds in book 2583, page 326 and shown on a
8 plan, recorded with said Middlesex North registry of deeds in book 138, plan 111, entitled
9 “Compiled Plan Of Land In Lowell, Mass. Prepared for Lowell Electronic Park Realty Trust”
10 dated July 1982, prepared by Stowers Associates Inc.; and (2) a certain parcel of land that was
11 acquired for conservation and recreation purposes and is described in a deed recorded with said
12 Middlesex North registry of deeds in book 2469, page 630 and shown as parcel 1 on a plan,
13 recorded with said Middlesex North registry of deeds in book 133, page 86 and entitled “Plan of
14 Property Owned by 1 Manzi Sales & Service, Inc., 3A, 3B The Commonwealth of

15 Massachusetts, Broadway Street, Lowell, Massachusetts” dated November 27, 1979, by Cullinan
16 Engineering Co., Inc. The conveyance shall be subject to such additional conditions and
17 restrictions as the commissioner of capital asset management and maintenance may, in
18 consultation with the department of conservation and recreation, determine.

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

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

38 land, an interest in land or funding that is acceptable to the department of conservation and
39 recreation. If the city of Lowell proposes to convey land or an interest in land to the
40 commonwealth, the commissioner of capital asset management and maintenance shall include
41 the land or interest in land within the appraisal assignment pursuant to section 3. The land or
42 interest in land shall be acceptable to the department of conservation and recreation. Any land or
43 interest in land, whether conveyed by the city of Lowell or acquired by the department of
44 conservation and recreation, shall be permanently held and managed for conservation and
45 recreation purposes by the department. If the value of the land or interests in land being
46 conveyed to the commonwealth exceeds the appraised values determined under section 3, the
47 commonwealth shall have no obligation to pay the difference to the city of Lowell. Any
48 monetary payments made to the commonwealth as a result of the conveyances authorized by this
49 act shall be deposited in the Conservation Trust established in section 1 of chapter 132A of the
50 General Laws.

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

54 SECTION 6. No instrument executed pursuant to this act shall be valid unless it provides
55 that the land conveyed shall be used solely for the purposes described in section 2. The
56 instrument authorized in section 2 shall include a reversionary clause that stipulates the property
57 shall revert to the commonwealth and be assigned to the care, custody and control of the
58 department of conservation and recreation, upon such terms and conditions as the commissioner
59 of capital asset management and maintenance may determine, if the property ceases to be used
60 for the express purposes authorized in this act. If any interest reverts to the commonwealth, any

61 further disposition shall be subject to Article XCVII of the amendments to the constitution of the
62 commonwealth, including a two-thirds vote for approval by the general court pursuant to said
63 Article XCVII and sections 34 to 37, inclusive, of chapter 7C of the General Laws.