

HOUSE No. 5231

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 4, 2021.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Northampton (House, No. 4877), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5231).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Northampton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of a certain parcel of land in the city of Northampton, 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. Notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey a certain parcel of land in the city of Northampton
4 owned by the commonwealth and identified, on the Northampton assessor database, as parcel ID
5 32A-127-001 and commonly known as 33 King street, with any building thereon, to the city of
6 Northampton pursuant to this act. The exact location and boundaries of the parcel to be conveyed
7 shall be determined by the commissioner of capital asset management and maintenance based
8 upon a survey. The use of the parcel to be conveyed to the city shall not be restricted to use for
9 municipal or other specific purposes; provided, however, that the city may so restrict the parcel

10 at a later date, in accordance with any applicable general and special laws. The parcel shall be
11 conveyed by deed without warranties or representations by the commonwealth.

12 SECTION 2. As consideration for the conveyance of the parcel described in section 1, the
13 city of Northampton shall pay the commonwealth \$1.00.

14 SECTION 3. In the event that the city of Northampton sells or leases any portion of the
15 parcel described in section 1, the net proceeds from such sale or lease as determined by the city
16 of Northampton and agreed to by the commissioner of capital asset management and
17 maintenance shall be allocated between the city of Northampton and the commonwealth in equal
18 shares; provided, however, that the commissioner may agree to reduce the share of the
19 commonwealth's proceeds to not less than 40 per cent of net proceeds in order to provide certain
20 incentives to the city to sell or lease the parcel expeditiously. In the event that the net proceeds,
21 as so determined, is a negative amount, the commonwealth shall not be required to make any
22 payments to the city of Northampton.

23 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
24 Northampton shall pay for all costs and expenses of the sale of the parcel to the city of
25 Northampton pursuant to this act as determined by the commissioner of capital asset
26 management and maintenance including, but not limited to, the costs of any recording fees and
27 deed preparation related to the conveyance and for all costs, liabilities and expenses of any
28 nature and kind related to the city's ownership of the parcel; provided, however, that such costs
29 shall be included for the purposes of determining the net proceeds of the city's sale or lease of
30 any portion of the parcel described in section 1. Amounts paid by the city of Northampton

31 pursuant to section 2 shall not be included for the purposes of determining the net proceeds from
32 a sale or lease.

33 SECTION 5. In the event that the city of Northampton does not complete the purchase of
34 the property described in section 1 on or before December 31, 2021, then notwithstanding
35 sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special
36 law to the contrary, the commissioner may sell, lease for terms of up to 99 years, including all
37 renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an
38 interest in the property described in section 1 or portions thereof, subject to this section and on
39 such terms and conditions that the commissioner considers appropriate.

40 The commissioner of capital asset management and maintenance shall dispose of the
41 parcel pursuant to this section using appropriate competitive bidding processes and procedures.
42 At least 30 days before the date on which bids, proposals or other offers to purchase or lease the
43 parcel are due, the commissioner of capital asset management and maintenance shall place a
44 notice in the central register published by the state secretary pursuant to section 20A of chapter 9
45 of the General Laws stating the availability of the parcel, the nature of the competitive bidding
46 process and other information that the commissioner considers relevant, including the time, place
47 and manner for the submission of bids and proposals and the opening of the bids or proposals.

48 Notwithstanding any general or special law to the contrary, the grantee or lessee of the
49 parcel described in section 1 pursuant to this section shall be responsible for costs and expenses
50 including, but not limited to, costs associated with deed preparation and recording fees related to
51 the conveyances and transfers authorized in this section as such costs may be determined by the
52 commissioner of capital asset management and maintenance.