

HOUSE No. 2749

The Commonwealth of Massachusetts

PRESENTED BY:

Rady Mom

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 relative to the conveyance of a certain parcel of land in the city of Lowell.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>1/17/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/30/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/23/2019</i>

HOUSE No. 2749

By Mr. Mom of Lowell, a petition (accompanied by bill, House, No. 2749) of Rady Mom, Josh S. Cutler and David Henry Argosky LeBoeuf relative to the conveyance by the commissioner of Capital Management and Maintenance of a certain parcel of land in the city of Lowell. State Administration and Regulatory Oversight.

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 Chapter 131 of the acts of 1998 is hereby repealed.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, in consultation with the department of conservation and
5 recreation, may convey to the city of Lowell for general municipal purposes: (1) a certain parcel
6 of land described in a deed recorded with the Middlesex North registry of deeds in book 2583
7 and page 326 and shown on a plan entitled, “Compiled Plan of Land in Lowell, Mass., Prepared
8 for Lowell Electronic Park Realty Trust, Scale 1”- 40’, July 1982, Stowers Associates Inc.”,
9 recorded with said Middlesex North registry of deeds in book 138, plan 111; and (2) a certain
10 parcel of land described in a deed recorded with said Middlesex North registry of deeds in book
11 2469 and page 630 and shown as parcel 1 on a plan entitled, “Plan of Property Owned by Manzi
12 Sales & Service, Inc. The Commonwealth of Massachusetts, Broadway Street, Lowell,

Massachusetts, dated November 27, 1979, by Cullinan Engineering Co., Inc.” and recorded with said Middlesex North registry of deeds in book 133, page 86. The conveyance shall be subject to such additional conditions and restrictions as the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, may determine.

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

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

If the city of Lowell proposes to convey land or an interest in land to the commonwealth, the commissioner of capital asset management shall include the land or interest in land within the appraisal assignment under section 3. The land or interest in land must be acceptable to the department of conservation and recreation; and any land or interest in land, whether conveyed by the city of Lowell or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. Should the value of the land or interests in land being conveyed to the commonwealth exceed the appraised values determined under section 3, the commonwealth shall have no obligation to pay the difference to the city of Lowell. Any monetary payments made to the commonwealth as a result of the conveyances authorized by this act shall be deposited in the Conservation Trust established in section 1 of chapter 132A General Laws.

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

SECTION 6. No instrument executed pursuant to this act shall be valid unless it provides that the area conveyed shall be used solely for the purposes described in section 2. The instrument authorized in section 2 shall include a reversionary clause that stipulates the property shall revert to the commonwealth and be assigned to the care, custody and control of the department of conservation and recreation, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, if the property ceases to be used for the express purposes authorized in this act. If any interest reverts to the commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the General Court.