

SENATE No. 2906

Senate, September 3, 2020 -- Text of the Senate amendment (Senator Barrett) to the House Bill authorizing the University of Massachusetts to convey a certain parcel of land and buildings to the city of Waltham (House, No. 4927).

The Commonwealth of Massachusetts

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

1 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the board of trustees of the University
3 of Massachusetts, or any officer designated by the board, may convey to the city of Waltham
4 with conditions certain parcels of land in the city of Waltham together with the buildings thereon
5 numbered as 240 Beaver street, designated as parcels R0530030001 and R0530030014 by the
6 assessors of the city of Waltham and known as the UMass Waltham Field Station. The parcels
7 are owned by the commonwealth, acting through the board of trustees of the University of
8 Massachusetts, and are more particularly described in deeds recorded in the Middlesex southern
9 district registry of deeds in book 4600, page 42 and book 6911, page 201. The parcels described
10 herein shall be conveyed subject to a restriction limiting the use of the parcels to open space,
11 recreation or agricultural purposes under Article XCVII of the Amendments to the Constitution
12 of the Commonwealth; provided, however, that any building or other improvement on the
13 parcels may be used for any purpose if that purpose is related to or in connection with an open
14 space, recreation or agricultural purpose under Article XCVII of the Amendments to the
15 Constitution of the Commonwealth.

16 SECTION 2. The city of Waltham may lease any portion of the parcels described in
17 section 1, including any buildings located thereon, subject to any applicable general or special
18 law; provided, however, that any lease executed by the city shall include a provision restricting
19 the use of said parcels to open space, recreation or agricultural purposes; provided further, that in
20 any such lease the city may include a provision permitting any building or other improvement on
21 the parcels to be used for any purpose if that purpose is related to or in connection with an open
22 space, recreation or agricultural purpose under Article XCVII of the Amendments to the
23 Constitution of the Commonwealth.

24 SECTION 3. The consideration for the conveyance pursuant to this act shall be not less
25 than the fair market value of the parcels and buildings thereon based upon an independent
26 professional appraisal; provided, however, that the University of Massachusetts and the mayor of
27 the city of Waltham may agree on an offset of the fair market value that reflects the cost of
28 necessary environmental cleanup and current conditions of buildings on the parcels described in
29 section 1. Nothing in this act shall prevent the use of an appraisal conducted within 3 years
30 before the effective date of this act from being used to determine fair market value.

31 SECTION 4. Thirty days before the execution of the conveyance authorized by this act or
32 any subsequent amendment thereto, the board of trustees of the University of Massachusetts, or
33 an officer designated by the board, shall submit the proposed conveyance documents or
34 amendment and a report thereon to the inspector general for review and comment. The inspector
35 general shall issue a review and comment not more than 15 days after receipt of the proposed
36 conveyance documents or amendment. The board of trustees of the University of Massachusetts,
37 or the officer designated by the board, shall submit the conveyance documents and any
38 subsequent amendment thereto, the report thereon and the comments of the inspector general, if

39 any, to the house and senate committees on ways and means and the joint committee on state
40 administration and regulatory oversight not less than 15 days prior to the execution of the
41 documents or amendment.

42 SECTION 5. Notwithstanding any general or special law to the contrary, the proceeds of
43 the conveyance pursuant to this act shall be deposited in a trust fund established by the board of
44 trustees of the University of Massachusetts pursuant to section 11 of chapter 75 of the General
45 Laws; provided, however, that the proceeds shall be used to benefit the University of
46 Massachusetts at Amherst.

47 SECTION 6. The city of Waltham shall pay for all costs of the appraisal described in
48 section 3 and any survey and deed preparation for the conveyance of the property described in
49 section 1 and shall acquire the property and buildings thereon as is without warranty.