

HOUSE No. 5045

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 20, 2022.

The committee on Ways and Means, to whom was referred the Bill authorizing the Division of Capital Asset Management to convey certain property in the city of Malden to the city of Malden (House, No. 4366), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5045).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain property in the city of Malden to the city of Malden.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the transfer of a certain parcel of land for the purposes of facilitating the productive reuse of property no longer needed by the commonwealth, 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 32 through 37, inclusive, of chapter 7C of the
2 General Laws or any general or special law to the contrary, the commissioner of the division of
3 capital asset management and maintenance, in consultation with the court administrator of the
4 trial court, may convey to the city of Malden for nonprofit recreational, educational or
5 community use and ancillary uses: (i) the parcel of land and building situated thereon at 89
6 Summer street in the city of Malden, formerly used as a district court and commonly known as
7 the Malden district court, described in a deed recorded at book 447, page 330 in the Middlesex
8 south registry of deeds and depicted on a plan titled “Plan of Lands in Malden, Massachusetts,
9 Adjacent to the First District Court of Eastern Middlesex”, dated January 21, 1970 and recorded
10 at plan book 1970, page 91 in the Middlesex south registry of deeds; and (ii) the parcel of land

11 numbered Parcel ID 020-120-012 in the Malden assessor's database, used as a district court
12 parking lot and commonly known as the Malden district court parking lot. The Malden district
13 court parking lot was acquired pursuant to chapter 274 of the acts of 1947. The parcels shall be
14 conveyed by deed without warranties or representations by the commonwealth.

15 SECTION 2. The use of the parcels described in section 1 shall be restricted to nonprofit
16 recreational, educational or community use and ancillary uses. The deed or other instrument
17 conveying the parcels to the city of Malden shall provide that the parcels shall be used solely for
18 nonprofit recreational, educational or community use and ancillary uses and shall include a
19 reversionary clause that stipulates that if the parcels cease at any time to be used for such
20 purposes, title to the parcels shall, at the election of the commonwealth, revert to the
21 commonwealth and the reversionary clause shall be enforceable notwithstanding the time limit
22 set forth in section 7 of chapter 184A of the General Laws.

23 SECTION 3. The consideration for the conveyance of the parcels pursuant to section 1
24 shall be the fair market value of the parcels as determined by the commissioner of capital asset
25 management and maintenance based upon an independent professional appraisal for the use of
26 the parcels as restricted pursuant to section 2. The city of Malden may pay the consideration for
27 the parcels as so determined at the time the parcels are conveyed to the city or may pay the
28 amount so determined through payments pursuant to section 20A of chapter 58 of the General
29 Laws.

30 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
31 Malden shall be responsible for all costs and expenses of any transaction authorized by this act as
32 determined by the commissioner of capital asset management and maintenance, including, but

33 not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees
34 and deed preparation related to the conveyance of the parcels authorized in section 1. The city of
35 Malden shall acquire the property thereon in its present condition. Upon the recording of the
36 deed conveying the parcels to the city of Malden, the city of Malden shall be responsible for all
37 costs, liabilities and expenses resulting from its ownership of such parcels. Upon the recording of
38 the deed conveying the parcels to the city of Malden, the city shall record a plan showing the
39 boundaries of the Malden district court parking lot parcel and place said plan on file with the
40 division of capital asset management and maintenance.

41 SECTION 5. Notwithstanding the foregoing or any general or special law to the contrary
42 and subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the
43 city of Malden may lease or sell the parcels described in section 1 or portions thereof to 1 or
44 more Massachusetts not-for-profit corporations; provided, that the use of such parcels or portions
45 thereof shall continue to be subject to the provisions of section 2.