

SENATE No. 3068

Senate, July 28, 2022 -- Text of the Senate amendment (Senator Kennedy) to the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Lowell to the Lowell Housing Authority (House, No. 4900).

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 131 of the acts of 1998 is hereby repealed.

2 SECTION 2. Notwithstanding sections 32 to 37 of chapter 7C of the General Laws or any
3 other general or special law to the contrary, the commissioner of capital asset management and
4 maintenance, in consultation with the department of conservation and recreation, may convey to
5 the Lowell housing authority a certain parcel of land located at 719 Broadway street in the city of
6 Lowell for the development of housing for homeless veterans. The parcel consists of
7 approximately 13,161 square feet and is more particularly described in a deed recorded in the
8 Middlesex northern district registry of deeds in book 2469, page 630 and is shown as parcel 1 on
9 a plan of land entitled “Plan of Property Owned by Manzi Sales & Service, Inc., 3A, 3B, The
10 Commonwealth of Massachusetts, Broadway Street, Lowell, Massachusetts”, dated November
11 27, 1979, prepared by Cullinan Engineering Co., Inc., and recorded in the Middlesex northern
12 registry of deeds in plan book 133, plan 86. The parcel of land is currently under the care and
13 control of the department of conservation and recreation and presently held for conservation and
14 recreation purposes pursuant to section 3 of chapter 132A of the General Laws.

15 SECTION 3. An independent appraisal of the fair market value and value in use of the
16 parcel described in section 1 shall be prepared in accordance with the usual and customary
17 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
18 capital asset management and maintenance. The commissioner of capital asset management and
19 maintenance shall submit the appraisal to the inspector general for review and comment. The
20 inspector general shall review and approve the appraisal and the review shall include an
21 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
22 report of such review and file the report with the commissioner of capital asset management and
23 maintenance. After receiving the report, the commissioner shall submit copies of the report to the
24 house and senate committees on ways and means and the joint committee on state administration
25 and regulatory oversight at least 15 days prior to the execution of documents effecting the
26 conveyance authorized in said section 1.

27 SECTION 4. As consideration for the conveyance authorized in section 1, the Lowell
28 housing authority shall compensate the commonwealth by: (i) making a payment in an amount
29 equal to the full and fair market value or the value in proposed use, whichever is greater, as
30 determined by the commissioner of capital asset management and maintenance; (ii) transferring
31 land or interest in land to the department of conservation and recreation of equal or greater
32 acreage and resource value than the parcel described in section 1 to be held by the department of
33 conservation and recreation for conservation and recreation purposes; or (iii) any combination of
34 clauses (i) and (ii) as deemed acceptable to the department of conservation and recreation. Any
35 payments made in accordance with clauses (i) and (ii) shall be deposited in the Conservation
36 Trust established in section 1 of chapter 132A of the General Laws and expended by the
37 department of conservation and recreation to acquire lands or interests in land to be permanently

38 under the care and control of the department of conservation and recreation for conservation and
39 recreation purposes. For the purposes of such appraisal, the full and fair market value of the
40 parcel described in section 1 shall be calculated with regard to its full development potential as
41 assembled with other abutting lands owned or controlled by the Lowell housing authority.

42 SECTION 5. Notwithstanding any general or special law to the contrary, the Lowell
43 housing authority shall be responsible for all costs and expenses associated with any transaction
44 authorized by this act including, but not limited to, the costs of any engineering, appraisals,
45 surveys, title examinations, recording fees, deed preparation or legal costs or any other expenses
46 incurred by the commonwealth in connection with the conveyance and shall be responsible for
47 all costs, liabilities and expenses of any nature and kind for its ownership and use.”