

SENATE No. 2896

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, July 25, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land to the city of Lowell (House, No. 4700); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2896;

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

1 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may, in consultation with the court administrator of the trial
4 court of the commonwealth, convey a certain parcel of land located on Hurd street in the city of
5 Lowell, acquired by the commonwealth for the construction of the district court of Lowell
6 pursuant to chapter 542 of the acts of 1967, including the buildings thereon, to the city of Lowell
7 for redevelopment purposes on such terms as may be determined by the commissioner . The
8 parcel is more particularly described in:

9 (i) a deed recorded in the Middlesex northern district registry of deeds in book 707, page
10 114;

11 (ii) an order of taking recorded in the Middlesex northern district registry of deeds in
12 book 1846, page 588;

13 (iii) an order of taking recorded in the Middlesex northern district registry of deeds in
14 book 1846, page 590;

15 (iv) an order of taking recorded in the Middlesex northern district registry of deeds in
16 book 1846, page 591; and

17 (v) a deed recorded in the Middlesex registry of deeds in book 1027, page 43.

18 (b) The exact boundaries of the parcel shall be determined by the commissioner of capital
19 asset management and maintenance after completion of a survey. The property shall be conveyed
20 by deed without warranties or representations by the commonwealth.

21 (c) Consideration for the conveyance authorized in this section shall be \$1; provided,
22 however, that the commissioner shall establish the value of the property for both its highest and
23 its best use as currently encumbered and for the purposes of this section. If the consideration for
24 the parcel to be conveyed is less than the fair market value, the commissioner shall place notice
25 in the central register of the conveyance, the amount of the transaction and the difference
26 between the calculated value and the price received.

27 SECTION 2. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
28 General Laws or any other general or special law to the contrary, the commissioner of capital
29 asset management and maintenance may, in consultation with the court administrator of the trial
30 court of the commonwealth, convey certain parcels of land in the city of Lowell, which were
31 previously the site of the Middlesex superior court and associated parking, including the
32 buildings thereon, to the city of Lowell for redevelopment purposes on such terms as may be
33 determined by the commissioner of capital asset management and maintenance. The parcel is
34 located at 330 Gorham street and is described in a deed recorded in the Middlesex northern
35 district registry of deeds in book 512, page 301. The associated parking parcels are located at: (i)
36 58 Elm street, 53 Auburn street and 105 Chapel street, more particularly described in a deed
37 recorded in the Middlesex northern district registry of deeds in book 1159, page 193; and (ii) 44

38 Elm street, more particularly described in a deed recorded in the Middlesex northern district
39 registry of deeds in book 19386, page 279.

40 (b) The exact boundaries of the parcels shall be determined by the commissioner of
41 capital asset management and maintenance after completion of a survey. The property shall be
42 conveyed by deed without warranties or representations by the commonwealth.

43 (c) Consideration for the conveyance authorized in this section shall be \$1; provided,
44 however, that the commissioner shall establish the value of the property for both its highest and
45 its best use as currently encumbered and for the purposes of this section. If the consideration for
46 the parcel to be conveyed is less than the fair market value, the commissioner shall place notice
47 in the central register of the conveyance, the amount of the transaction and the difference
48 between the calculated value and the price received.

49 SECTION 3. The city of Lowell may sell or lease all or portions of the parcels described
50 in sections 1 and 2 for redevelopment. If the city of Lowell sells or leases any portion of the
51 parcels, the net proceeds from such sale or lease, as determined by the city of Lowell and agreed
52 to by the commissioner of capital asset management and maintenance, shall be allocated between
53 the city of Lowell and the commonwealth in equal shares; provided, however, that the
54 commissioner may agree to reduce the share of the commonwealth's proceeds to not less than 40
55 per cent of the net proceeds to provide certain incentives to the city of Lowell to sell or lease the
56 parcels expeditiously. Any revenue paid to the commonwealth pursuant this section shall be
57 deposited into the Courts Capital Project Fund established in section 2YYY of chapter 29 of the
58 General Laws. If the net proceeds, as so determined, is a negative amount, the commonwealth
59 shall not be required to make any payments to the city of Lowell.

60 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
61 Lowell shall pay for all costs and expenses of the sale of the parcels described in sections 1 and 2
62 as determined by the commissioner of capital asset management and maintenance including, but
63 not limited to, the cost of any recording fees and deed preparation related to the conveyances and
64 all costs, liabilities and expenses of any nature and kind related to the city's ownership of the
65 parcels; provided, however, that such costs shall be included for the purposes of determining the
66 net proceeds of the city's sale or lease, if any, of any portion of the parcels described in sections
67 1 and 3; provided further, that amounts paid by the city of Lowell for costs, liabilities and
68 expenses related to the city's management and maintenance of the parcels prior to any transfer
69 authorized in this act, as determined by the commissioner, may be included in the calculation of
70 the net proceeds from a sale or lease; and provided further, that amounts paid by the city of
71 Lowell pursuant to subsection (c) of section 1 and subsection (c) of section 2 shall not be
72 included for the purposes of determining the net proceeds from any sale or lease of the parcels
73 pursuant to this act.

74 SECTION 5. If the city of Lowell does not complete the purchase of the parcels
75 authorized herein within 180 days after the effective date of this act or such other date as may be
76 authorized by the commissioner of capital asset management and maintenance, the commissioner
77 may convey, lease for a term not to exceed 99 years, transfer or otherwise dispose of the parcels
78 in accordance with chapter 290 of the acts of 2004.

79 SECTION 6. The city of Lowell may establish a special revenue fund for the purpose of
80 effectuating the redevelopment of the parcels described in this act. The treasurer of the city of
81 Lowell may credit to the fund any proceeds from the sale or transfer of the parcels, any lease
82 payments in connection with any lease of the parcels or any other funds appropriated to the fund

83 by the city council, upon recommendation of the city manager. Notwithstanding section 31 of
84 chapter 44 of the General Laws, the city of Lowell may expend from the fund any costs incurred
85 in connection with the care and custody of the parcels, conveyance of the parcels or any other
86 architectural, engineering, legal or other professional services incidental thereto, or any costs
87 authorized in section 4. Any deficit in the fund shall be provided for not later than the second tax
88 year following the expenditure that caused such deficit.