HOUSE DOCKET, NO. 4582 FILED ON: 4/22/2025

HOUSE . . . . . No. 4183

The Commonwealth of Massachusetts

PRESENTED BY:

Rodney M. Elliott

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 authorizing the Division of Capital Asset Management and Maintenance to grant easements in certain parcels of land to the city of Lowell.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Rodney M. Elliott	*16th Middlesex*	*4/22/2025*
Tara T. Hong	*18th Middlesex*	*6/30/2025*

HOUSE DOCKET, NO. 4582 FILED ON: 4/22/2025

HOUSE . . . . . No. 4183

By Representative Elliott of Lowell, a petition (subject to Joint Rule 12) of Rodney M. Elliott that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to grant easements in certain parcels of land to the city of Lowell. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements in certain parcels of land to 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:

SECTION 1. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the Commissioner of the Division of Capital Asset Management and Maintenance, in consultation with the commissioner of the Department of Conservation and Recreation, may grant permanent and perpetual easements over, under and through portions of property owned by the Commonwealth under the care, control and use of the Department for conservation and recreation purposes, located in the City of Lowell, Massachusetts, to the City of Lowell, solely for the purposes of construction, maintenance, access, operation, replacement, repair, patrol, abandon, and removal of outfall structures and laying of mainline drains, subject to the provisions of sections 3 through 5 and to such additional terms and conditions consistent with this Act as the Commissioner of Capital Asset Management and Maintenance, in consultation with the Commissioner of Conservation and Recreation, may

prescribe. The property is currently under the care and control of the Department of Conservation and Recreation and held for conservation and recreation purposes. The portions of land, over, under and through which the easements may be granted are more particularly described as three certain parcels of land located along the Merrimack River within the City of Lowell containing approximately 6,750 square feet of land for permanent and perpetual easements shown as “Permanent Easement” on a plan of land entitled “Bunker Hill Outfall Easement Plant” dated December 2024, prepared by CDM Smith and on file with the City of Lowell. The parcels are a portion of the land described in an Order of Taking recorded in the Middlesex North Registry of Deeds in Book 3830 Page 70, which the Commonwealth obtained for recreation and conservation purposes. The parcel is further described in a plan of land entitled “Lowell Heritage State Park” and recorded in said registry in Plan Book 157, Plan 69.

SECTION 2. The conveyance authorized in section 1 shall be granted only if the grantee agrees to assume the cost of any appraisals, surveys and other expenses deemed necessary by the commissioner of capital asset management and maintenance for the transactions contemplated by this act.

SECTION 3. The grantee shall compensate the commonwealth for the property described in section 1 through: improvements to department of conservation and recreation property in the vicinity of the property described in section 1, valued at equal to or greater than the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal; or, in a sum equal to the full and fair market value of the property or its value in use as proposed, whichever is greater, as determined by independent appraisal; or through some combination thereof. The exact boundaries of any property interests to be conveyed by the commonwealth shall be determined by the

commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation after completion of a survey.

SECTION 4. The value of the property described in section 1 shall be as determined by an independent professional appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation. The City of Lowell shall compensate the Commonwealth in an amount greater than or equal to the full and fair market value, or the value in use of the easements as proposed, whichever is greater, as determined by the independent appraisals. All money paid to the Commonwealth by the City of Lowell as a result of the conveyance authorized by section 1 shall be deposited in the Conservation Trust. The commissioner of capital asset management and maintenance shall submit the appraisal and a report thereon to the inspector general for review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance, and the commissioner shall submit copies of the appraisal, the report thereon and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the senate and house chairs of the joint committee on state administration at least 15 days prior to the execution of the conveyance authorized by this act.

SECTION 5. No instrument conveying by or on behalf of the commonwealth an easement described in section 1 shall be valid unless such instrument provides that the easement shall be used solely for the purposes described in this act. The easement instrument shall include

a provision that shall state that in the event that the easement ceases to be used by the city of Lowell, or its successors or assigns, for the purposes described in this act, the easement shall revert to the commonwealth under the care, control and use by the department of conservation and recreation, upon the terms and conditions that the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may determine. If the easement reverts to the commonwealth, any further disposition of the easement shall be subject to sections 32 to 38, inclusive of chapter 7C of the General Laws and the prior approval of the general court. The terms of the easement shall require that for installation, maintenance, repair or other work performed in the easement area, the easement holder shall restore the surface condition to the equivalent or better condition as determined by the department of conservation and recreation.