

**HOUSE . . . . . No. 4117**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Rady Mom***

*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 commissioner of Capital Asset Management and Maintenance to convey certain parcels of land to the city of Lowell.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>9/5/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>9/6/2023</i>

**HOUSE . . . . . No. 4117**

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

**The Commonwealth of Massachusetts**

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land to the city of Lowell.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the commonwealth to convey certain parcels of land in the city of Lowell to the city of Lowell, 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 to 37, inclusive, of chapter 7C of the General  
2 Laws or any other general or special law to the contrary, the commissioner of Capital Asset  
3 Management and Maintenance may, in consultation with the court administrator of the trial  
4 court, convey a certain parcel of state-owned land acquired for the construction of the district  
5 court of Lowell pursuant to chapter 542 of the acts of 1967, with the buildings thereon, to the  
6 City of Lowell for redevelopment purposes on such terms as may be determined by the  
7 commissioner. The parcel is located at 41 Hurd Street in the City of Lowell and is the site of the  
8 former Lowell district court. The parcel is more particularly described in instruments recorded in  
9 the Middlesex North registry of deeds in book 707, page 114; book 1846, page 588; book 1846,

10 page 590; book 1846, page 591; and book 1027, page 43. The exact boundaries of the parcel may  
11 be determined by the commissioner after completion of a survey. The property shall be conveyed  
12 by deed without warranties or representations by the commonwealth.

13 SECTION 2. Consideration for the conveyance authorized in section 1 shall be \$1,  
14 payable at the time of the conveyance.

15 SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
16 Laws or any other general or special law to the contrary, the commissioner of Capital Asset  
17 Management and Maintenance may, in consultation with the court administrator of the trial  
18 court, convey certain parcels of state-owned land previously used as the Middlesex superior  
19 court and associated parking, with the buildings thereon, to the City of Lowell for redevelopment  
20 purposes on such terms as may be determined by the commissioner. The courthouse parcel is  
21 located at 330 Gorham Street in the City of Lowell and is the site of the former Middlesex  
22 superior court. The associated parking parcels are located at 58 Elm Street, 44 Elm Street, 53  
23 Auburn Street and 105 Chapel Street in the City of Lowell. The parcels are more particularly  
24 described in instruments recorded in the Middlesex North registry of deeds in book 1159, page  
25 193 and book 19386, page 276. The exact boundaries of the parcels may be determined by the  
26 commissioner after completion of a survey. The property shall be conveyed by deed without  
27 warranties or representations by the commonwealth.

28 SECTION 4. Consideration for the conveyance authorized in section 3 shall be \$1,  
29 payable at the time of the conveyance.

30 SECTION 5. The City of Lowell may sell or lease the parcels described in sections 1 and  
31 3 for redevelopment. If the City of Lowell sells or leases any portion of the parcels described in

32 section 1 or section 3, the net proceeds from such sale or lease as determined by the City of  
33 Lowell and agreed to by the commissioner of Capital Asset Management and Maintenance shall  
34 be allocated between the City of Lowell and the commonwealth in equal shares; provided,  
35 however, that the commissioner may agree to reduce the share of the commonwealth's proceeds  
36 to not less than 40 percent of the net proceeds in order to provide certain incentives to the City to  
37 sell or lease a parcel expeditiously. Any revenue paid to the commonwealth pursuant this section  
38 shall be deposited into the Courts Capital Project Fund established pursuant to section 2YYY of  
39 chapter 29 of the General Fund. If the net proceeds, as so determined, is a negative amount, the  
40 commonwealth shall not be required to make any payments to the City of Lowell.

41 SECTION 6. Notwithstanding any general or special law to the contrary, the City of  
42 Lowell shall pay for all costs and expenses of the sale of the parcels described in sections 1 and 3  
43 to the City of Lowell pursuant to this act as determined by the commissioner of Capital Asset  
44 Management and Maintenance including, but not limited to, the costs kind related to the City's  
45 ownership of the parcels; provided, however, that such costs shall be included for the purposes of  
46 determining the net proceeds of the City's sale or lease of any portion of the parcels described in  
47 sections 1 and 3. Amounts paid by the City of Lowell related to costs, liabilities and expenses  
48 related to the City's management and maintenance of the parcels prior to any transfer authorized  
49 by this act, as determined by the commissioner of Capital Asset Management and Maintenance,  
50 may be included for the purposes of determining the net proceeds from a sale or lease. Amounts  
51 paid by the City of Lowell pursuant to sections 2 and 4 shall not be included for the purposes of  
52 determining the net proceeds from a sale or lease.

53 SECTION 7. If the City of Lowell does not complete the purchase of the parcels  
54 described in sections 1 and 3 within 180 days of the effective date of this act or such other date

55 as agreed to by the commissioner of Capital Asset Management and Maintenance, the  
56 commissioner of Capital Asset Management and Maintenance may convey, lease for a term not  
57 to exceed 99 years, transfer or

58 otherwise dispose of said parcels in accordance with section 20 of chapter 304 of the acts  
59 of 2008 and chapter 290 of the acts of 2004, as amended by sections 59 to 70 of chapter 122 of  
60 the acts of 2006.

61 SECTION 8. The City of Lowell may establish a special revenue fund for the purpose of  
62 effectuating the redevelopment of the parcels described in sections 1 and 3. The treasurer of the  
63 City of Lowell may credit to the fund any proceeds from the sale or transfer of the parcels, or any  
64 lease payments in connection with the parcels, or any other funds appropriated to the fund by the  
65 City Council, upon recommendation of the City Manager. Notwithstanding section 31 of chapter  
66 44 of the General Laws, the City of Lowell may expend from the fund any costs incurred in  
67 connection with the care and custody of the parcel of land, the conveyance of the parcel, or any  
68 other architectural and engineering, legal or other professional services incidental and related  
69 thereto, or any cost as described in section 6. Any deficit in the fund shall be provided for no  
70 later than the second tax year from the expenditure that caused said deficit.