

HOUSE No. 4366

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato and Steven Ultrino

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 to convey certain property in the city of Malden to the city of Malden.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/23/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>

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By Messrs. Donato of Medford and Ultrino of Malden, a petition (subject to Joint Rule 12) of Paul J. Donato, Steven Ultrino and Kate Lipper-Garabedian that the Commissioner of the Division of Capital Asset Management and Maintenance be authorized to convey certain property in the city of Malden to said city. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management 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 Chief Justice, may convey to
4 the city of Malden for nonprofit recreational, educational or community use, and ancillary uses,
5 the parcel of land and building situated thereon at 89 Summer Street Malden MA 02148 (Parcel
6 ID 021-118-801) used as a district court and commonly known as the Malden District Court, and
7 the parcel of land (Parcel ID 020-120-012) used as a district court parking lot and commonly

8 known as the Malden District Court parking lot. The parcels shall be conveyed by deed without
9 warranties or representations by the commonwealth.

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

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

24 SECTION 4. Notwithstanding any general or special law to the contrary, the city of
25 Malden shall be responsible for all costs and expenses of any transaction authorized by this
26 section as determined by the commissioner of capital asset management and maintenance
27 including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations,
28 recording fees and deed preparation related to the conveyance of the parcels. The city of Malden
29 shall acquire the property thereon in its present condition. Upon the recording of the deed

30 conveying the parcels to the city of Malden, the city of Malden shall be responsible for all costs,
31 liabilities and expenses for its ownership.

32 SECTION 5. Notwithstanding the foregoing or any general or special law to the
33 contrary, but subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General
34 Laws, the city of Malden may lease or sell the parcels or portions thereof to one or more
35 Massachusetts not-for-profit corporations, provided that the use of such parcels or portions
36 thereof shall continue to be subject to the provisions of section 2 of this act.