

HOUSE No. 4700

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 30, 2024.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey certain parcels of land to the city of Lowell (House, No. 4117), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4700).

For the committee,

AARON MICHLEWITZ.

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**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. (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, 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 of capital asset management and maintenance. The parcel is located at 41 Hurd
8 street in the city of Lowell and is the site of the former Lowell district court.

9 The parcel is more particularly described in:

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

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

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

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

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

18 (b) The exact boundaries of the parcel may 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 SECTION 2. (a) Consideration for the conveyance authorized in section 1 shall be \$1,
22 payable at the time of the conveyance.

23 (b) The commissioner of capital asset management and maintenance shall establish the
24 value of the property described in section 1 for both the highest and best use of the property as
25 currently encumbered and for the purposes described in section 1. If the consideration for said
26 parcel conveyed is less than fair market value, the commissioner of capital asset management
27 and maintenance shall place notice in the central register of the conveyance, the amount of the
28 transaction and the difference between the calculated value and price received.

29 SECTION 3. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
30 General Laws or any other general or special law to the contrary, the commissioner of capital
31 asset management and maintenance may, in consultation with the court administrator of the trial

32 court, convey certain parcels of state-owned land previously used as the Middlesex superior
33 court and associated parking, with the buildings thereon, to the city of Lowell for redevelopment
34 purposes on such terms as may be determined by the commissioner of capital asset management
35 and maintenance. The courthouse parcel is located at 330 Gorham street in the city of Lowell,
36 described in a deed recorded in the Middlesex North registry of deeds in book 512, page 301,
37 and is the site of the former Middlesex superior court. The associated parking parcels are located
38 at: (i) 58 Elm street, 53 Auburn street and 105 Chapel street in the city of Lowell and are more
39 particularly described in a deed recorded in the Middlesex North registry of deeds in book 1159,
40 page 193; and (ii) 44 Elm street in the city of Lowell, described in a deed recorded in the
41 Middlesex North registry of deeds in book 19386, page 279.

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

45 SECTION 4. (a) Consideration for the conveyance authorized in section 3 shall be \$1,
46 payable at the time of the conveyance.

47 (b) The commissioner of capital asset management and maintenance shall establish the
48 value of the property described in section 3 for both the highest and best use of the property as
49 currently encumbered and for the purposes described in section 3. If the consideration for said
50 parcel conveyed is less than fair market value, the commissioner of capital asset management
51 and maintenance shall place notice in the central register of the conveyance, the amount of the
52 transaction and the difference between the calculated value and price received.

53 SECTION 5. The city of Lowell may sell or lease the parcels described in sections 1 and
54 3 for redevelopment. If the city of Lowell sells or leases any portion of the parcels described in
55 sections 1 or 3, the net proceeds from such sale or lease, as determined by the city of Lowell and
56 agreed to by the commissioner of capital asset management and maintenance, shall be allocated
57 between the city of Lowell and the commonwealth in equal shares; provided, however, that the
58 commissioner of capital asset management and maintenance may agree to reduce the share of the
59 commonwealth's proceeds to not less than 40 per cent of the net proceeds in order to provide
60 certain incentives to the city of Lowell to sell or lease a parcel expeditiously. Any revenue paid
61 to the commonwealth pursuant this section shall be deposited into the Courts Capital Project
62 Fund established pursuant to section 2YYY of chapter 29 of the General Laws. If the net
63 proceeds, as so determined, is a negative amount, the commonwealth shall not be required to
64 make any payments to the city of Lowell.

65 SECTION 6. Notwithstanding any general or special law to the contrary, the city of
66 Lowell shall pay for all costs and expenses of the sale of the parcels described in sections 1 and 3
67 to the city of Lowell pursuant to this act as determined by the commissioner of capital asset
68 management and maintenance, including, but not limited to, the cost of any recording fees and
69 deed preparation related to the conveyance and all costs, liabilities and expenses of any nature
70 and kind related to the city's ownership of the parcels; provided, however, that such costs shall
71 be included for the purposes of determining the net proceeds of the city's sale or lease of any
72 portion of the parcels described in sections 1 and 3. Amounts paid by the city of Lowell related
73 to costs, liabilities and expenses related to the city's management and maintenance of the parcels
74 prior to any transfer authorized in sections 1 and 3, as determined by the commissioner of capital
75 asset management and maintenance, may be included for the purposes of determining the net

76 proceeds from a sale or lease. Amounts paid by the city of Lowell pursuant to sections 2 and 4
77 shall not be included for the purposes of determining the net proceeds from a sale or lease.

78 SECTION 7. If the city of Lowell does not complete the purchase of the parcels
79 described in sections 1 and 3 within 180 days of the effective date of this act or such other date
80 as agreed to by the commissioner of capital asset management and maintenance, the
81 commissioner of capital asset management and maintenance may convey, lease for a term not to
82 exceed 99 years, transfer or otherwise dispose of said parcels in accordance with chapter 290 of
83 the acts of 2004, as amended by sections 59 to 70, inclusive, of chapter 122 of the acts of 2006
84 and section 20 of chapter 304 of the acts of 2008.

85 SECTION 8. The city of Lowell may establish a special revenue fund for the purpose of
86 effectuating the redevelopment of the parcels described in sections 1 and 3. The treasurer of the
87 city of Lowell may credit to the fund any proceeds from the sale or transfer of the parcels, any
88 lease payments in connection with the parcels or any other funds appropriated to the fund by the
89 city council, upon recommendation of the city manager. Notwithstanding section 31 of chapter
90 44 of the General Laws, the city of Lowell may expend from the fund any costs incurred in
91 connection with the care and custody of the parcels of land, the conveyance of the parcels, or any
92 other architectural and engineering, legal or other professional services incidental and related
93 thereto, or any cost as described in section 6. Any deficit in the fund shall be provided for not
94 later than the second tax year from the expenditure that caused said deficit.