

HOUSE No. 4913

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 29, 2020.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Salem (Senate, No. 2584), 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 contained in House document numbered 4913.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the division of capital asset management and maintenance to convey certain parcels of land in the city of Salem (Senate, No. 2584). July 29, 2020.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause and inserting in place thereof the following:—

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, in consultation with the president of Salem State University,
4 may: (i) sell; (ii) lease for terms of not more than 99 years, including all renewals and extensions
5 thereof; or (iii) otherwise grant, convey or transfer an interest in the following properties on such
6 terms and conditions that the commissioner of capital asset management and maintenance may
7 require:

8 (i) the property in the city of Salem known as the south campus, consisting of 22.35
9 acres, more or less, and more particularly described as: (A) the lower south campus, located at 11
10 Harrison road and 20 to 32 Harrison road; and (B) the upper south campus, located at 262 Loring
11 avenue, both of which are further described in a deed to the commonwealth dated December 14,
12 1972 and recorded in the Southern Essex district registry of deeds in book 5933, page 575;
13 provided, however, that the exact location and boundaries of the south campus, or any portion
14 thereof, to be conveyed shall be determined by the commissioner of capital asset management

15 and maintenance, in consultation with the president of Salem State University, after completion
16 of a survey; and

17 (ii) the property in the city of Salem located at 8 Harrison road, consisting of 0.3 acres,
18 more or less, and more particularly described in a deed to the commonwealth dated December
19 14, 1972 and recorded in the Southern Essex district registry of deeds in book 5933, page 573;
20 provided, however, that the exact location and boundaries of the property, or any portion thereof,
21 to be conveyed shall be determined by the commissioner of capital asset management and
22 maintenance, in consultation with the president of Salem State University, after completion of a
23 survey.

24 (b) The commissioner of capital asset management and maintenance shall use appropriate
25 competitive bidding processes and procedures when making any disposition pursuant to this
26 section. Not less than 30 days before the date on which bids, proposals or other offers to
27 purchase or lease the property, or any portion thereof, are due, the commissioner of capital asset
28 management and maintenance shall place a notice in the central register published by the state
29 secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the
30 property, the nature of the competitive bidding process, the time, place and manner for the
31 submission of bids or proposals and the opening of the bids or proposals and other information
32 that the commissioner of capital asset management and maintenance may consider relevant. The
33 commissioner shall also place notification in the central register of the individual or firm selected
34 as party to any transaction involving the property and the amount of the transaction.

35 (c) The purchase and sale agreement, the lease or any other document relating to the sale,
36 lease, transfer or other disposition of the property, or any portion thereof, shall provide that the

37 commonwealth including, but not limited to, Salem State University and the division of capital
38 asset management and maintenance, shall have no liability to any purchaser, lessee or transferee
39 or any successors thereof for any claims arising out of or in any way related to the conditions,
40 known or unknown, of the property or otherwise in connection with any such sale, lease, transfer
41 or other disposition thereof.

42 (d) Upon the sale of all of the property, or any portion thereof, pursuant to this act, the
43 commissioner of capital asset management and maintenance, in consultation with the president
44 of Salem State University, may retain or grant rights of way or easements for access, egress,
45 utilities and drainage across any other portions of the south campus, as described in clause (i) of
46 subsection (a), and the commonwealth may accept from the purchaser such rights of way or
47 easements in roadways or across any portions of the south campus to be conveyed or transferred
48 for access, egress, drainage and utilities as the commissioner of capital asset management and
49 maintenance considers necessary to carry out this section.

50 (e) The purchaser, lessee or transferee of the property, or any portion thereof, pursuant to
51 this act shall be responsible for all costs and expenses related to the purchase, lease or transfer of
52 the property including, but not limited to, costs associated with surveys, deed preparation and
53 recording fees as such costs may be determined by the commissioner of capital asset
54 management and maintenance.

55 (f) No agreement for the sale, lease, transfer or other disposition of the property, or any
56 portion thereof, pursuant to this act and no deed, lease or other document executed by or on
57 behalf of the commonwealth shall be valid unless the agreement or deed contains the following
58 certification, signed by the commissioner of capital asset management and maintenance: "I, the

59 undersigned commissioner of capital asset management and maintenance, hereby certify under
60 penalties of perjury that I have fully complied with the relevant provisions of all general and
61 special laws in connection with the property described in this document”.

62 (g) The cash proceeds of the sale, lease, transfer or other disposition of the property, or
63 any portion thereof, shall be deposited into an expendable trust established pursuant to section 6
64 of chapter 6A of the General Laws solely for the use of Salem State University. Money in the
65 trust may be expended for: (i) any transaction-related expenses and expenses incurred by the
66 division of capital asset management and maintenance including, but not limited to, costs
67 associated with the disposition of the property from which the funds originated, including
68 appraisals, surveys, deed preparation, site preparation, plans, recording fees, smart growth
69 review and feasibility and other marketing studies and any other expenses relating to the
70 disposition of the property to the extent not paid for by the grantee pursuant to subsection (e);
71 and (ii) capital projects and improvements to facilities on the campus of Salem State University,
72 as determined by the commissioner of capital asset management and maintenance and the
73 president of Salem State University and approved by the secretary of administration and finance.