

HOUSE No. 4510

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 sale of real property in Chelmsford.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>

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By Mr. Golden of Lowell, a petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others that the commissioner of Capital Asset Management and Maintenance be authorized to transfer certain parcels of land in the town of Chelmsford. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the sale of real property in Chelmsford.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land in the town of Chelmsford, 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, in consultation with the chancellor of the University of
4 Massachusetts at Lowell, may: (i) sell; (ii) lease for terms of up to 99 years, including all
5 renewals and extensions; or (iii) otherwise grant, convey or transfer to 1 or more purchasers or
6 lessees an interest in the property located at 225 Princeton street in the town of Chelmsford,
7 containing approximately 32 acres, hereinafter the West campus, subject to this act and on such
8 terms and conditions that the commissioner may require. The property is more particularly
9 described in a deed recorded in the Middlesex North registry of deeds in book 2738, page 17;

10 provided, that the exact location and boundaries of the West campus or portions thereof to be
11 conveyed shall be determined by the commissioner after completion of a survey, in consultation
12 with the university.

13 The commissioner shall use appropriate competitive bidding processes and procedures
14 when making any disposition pursuant to this section. Not less than 30 days before the date on
15 which bids, proposals or other offers to purchase the West campus or any portion thereof, are
16 due, the commissioner shall place a notice in the central register published by the state secretary
17 pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property,
18 the nature of the competitive bidding process and other information that the commissioner
19 considers relevant, including the time, place and manner for the submission of bids and proposals
20 and the opening of the bids or proposals.

21 SECTION 2. Any purchase and sale agreement, lease or other document relating to the
22 sale, lease, transfer or other disposition of the West campus or any portion thereof shall provide
23 that the commonwealth including, without limitation, the university and the division of capital
24 asset management and maintenance, shall have no liability to any purchaser, lessee, transferee or
25 successor to any purchaser, lessee or transferee of all or part of the West campus for any claims
26 arising out of or related in any way to the conditions, known or unknown, of the West campus, or
27 otherwise in connection with any sale, lease, transfer or other disposition thereof.

28 SECTION 3. In the sale of the West campus or any portion thereof pursuant to this act,
29 the commissioner, in consultation with the chancellor, may retain or grant rights of way or
30 easements for access, egress, utilities and drainage across any other portions of the West campus
31 and the commonwealth may accept from the purchaser such rights of way or easements in

32 roadways or across any portions of the West campus to be conveyed or transferred for access,
33 egress, drainage and utilities as the commissioner considers necessary and appropriate to carry
34 out this section.

35 SECTION 4. The purchaser, lessee or transferee of any portion of the West campus
36 pursuant to this act shall be responsible for all costs and expenses related to the purchase, lease
37 or transfer of said property including, but not limited to, costs associated with surveys, deed
38 preparation and recording fees as such costs may be determined by the commissioner.

39 SECTION 5. No agreement for the sale, lease, transfer or other disposition of the West
40 campus, or any portion thereof, pursuant to this act and no deed, lease or other document
41 executed by or on behalf of the commonwealth shall be valid unless the agreement or deed
42 contains the following certification, signed by the commissioner:

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

46 SECTION 6. The cash proceeds of the sale, lease, transfer or other disposition of the
47 West campus or portions thereof pursuant to section 1 and an amount equal to the purchase price
48 paid by the town of Chelmsford to purchase the property described in section 1 of chapter 141 of
49 the acts of 1998 , pursuant to section 9 of said chapter 141 and more particularly described in a
50 deed recorded with the Middlesex North registry of deeds in book 31871, page 245, shall be
51 deposited into an expendable trust established pursuant to section 6 of chapter 6A of the General
52 Laws and 801 CMR 50.00. Proceeds in the trust may be expended for any transaction-related
53 expenses and expenses incurred by the division of capital asset management and maintenance

54 including, but not limited to, costs associated with the disposition of the property from which the
55 funds originated including, but not limited to, appraisals, surveys, deed preparation, site
56 preparation, plans, recording fees, smart growth review and feasibility and other marketing
57 studies and any other expenses relating to the disposition of the property, to the extent not paid
58 for by the grantee or grantees pursuant to section 4. Additionally, funds deposited into the trust
59 may be expended for capital repairs and improvements to facilities on the university's campus
60 including, but not limited to, the Perry hall engineering building, as determined by the
61 commissioner of capital asset management and maintenance and the chancellor of the university
62 and approved by the secretary of administration and finance.

63 SECTION 7. This act shall take effect upon its passage.