

Chapter ⁶⁴
of the Acts of 2015

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Eighty-Ninth General Court

AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN PARCELS OF LAND IN THE TOWN OF NORTH READING TO THE TOWN OF NORTH READING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may convey to the town of North Reading the parcels of land located at 102 Lowell road and 104 Lowell road, which parcels are shown on North Reading Assessors' map 14 as lot 148, consisting of 2.49 acres, and on North Reading Assessors' map 7 as lot 2, consisting of 34.21 acres, respectively. The exact location and boundaries of the parcels to be conveyed shall be determined by the commissioner and agreed to by the town after the completion of a survey. The use of the parcels to be conveyed to the town shall not be restricted to use for general municipal purposes or other specific uses; provided, however, that the town may so restrict the parcels at a later date, in accordance with any applicable general and special laws. The parcels shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 2. As consideration for the conveyance of the parcels pursuant to section 1, the town of North Reading shall pay to the commonwealth certain costs incurred after the closure of the facility including, but not limited to, the cost of capital expenditures and operating expenditures incurred by the commonwealth to improve, maintain, replace or repair the parcels conveyed to the town, including land, infrastructure and improvements, but not including costs associated with the closure or demolition of the facility and the environmental remediation of the facility or parcel as determined by the commissioner of capital asset management and maintenance and agreed to by the town. The town may pay the amount so determined by the commissioner and agreed to by the town upon its purchase of the parcels pursuant to section 1 or the town may pay the amount so determined in 10 annual payments pursuant to section 20A of chapter 58 of the General Laws.

SECTION 3. If the town of North Reading sells or leases any portion of the parcels described in section 1, the net proceeds from such sale or lease as determined by the town and agreed to by the commissioner of capital asset management and maintenance shall be allocated between the town of North

Reading and the commonwealth in equal shares; provided, however, that the commissioner may agree to reduce the share of the commonwealth's proceeds to not less than 30 per cent of the net proceeds in order to provide certain incentives to the town of North Reading to sell or lease some or all of the parcels described in said section 1 expeditiously or to facilitate the development of some or all of the parcels in accordance with smart growth principles promulgated from time to time by the governor and the secretary of energy and environmental affairs. In the event that the net proceeds as so determined are a negative amount, the commonwealth shall not be required to make any payments to the town of North Reading. If the town of North Reading sells or leases any portion of the parcels described in said section 1, the commissioner shall send a report to the inspector general detailing the terms of the sale or lease, any incentives authorized by the commissioner and the commonwealth's share of the net proceeds.

SECTION 4. Notwithstanding any general or special law to the contrary, the town of North Reading shall pay for all costs and expenses of the transactions authorized in sections 1 to 3, inclusive, as determined by the commissioner including, but not limited to, the costs of any surveys, appraisals, recording fees and deed preparation related to the conveyances and for all costs, liabilities and expenses of any nature and kind related to the town's ownership of the parcels; provided, however, that such costs may be included for the purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels described in section 1. Amounts paid by the town of North Reading pursuant to section 2 shall not be included for the purposes of determining the net proceeds from a sale or lease.

SECTION 5. (a) If the town of North Reading does not complete a purchase of the property pursuant to section 1 on or before December 1, 2015, then notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease for terms of up to 99 years, including all renewals and extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the property described in said section 1 or portions thereof, subject to this section and on such terms and conditions that the commissioner considers appropriate. In making any such disposition pursuant to this section, the commissioner shall use appropriate competitive bidding processes and procedures. At least 30 days before the date on which bids, proposals or other offers to purchase or lease a property, or any portion thereof, are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process and other information that the commissioner considers relevant, including the time, place and manner

for the submission of bids and proposals and the opening of the bids or proposals.

(b) Notwithstanding any general or special law to the contrary, the grantee or lessee of all or any portion of the property described in section 1 and subject to this section shall be responsible for costs and expenses including, but not limited to, costs, associated with deed preparation and recording fees related to the conveyances and transfers authorized in this section as such costs may be determined by the commissioner.

(c) The commissioner may retain or grant rights of way or easements for access, egress, utilities and drainage across any of the parcels described in section 1 and subject to this section and across other commonwealth property contiguous to any of the parcels, and the commonwealth may accept from the town or developer such rights of way or easements in roadways or across any of the parcels to be conveyed or transferred for access, egress, drainage and utilities as the commissioner considers necessary and appropriate to carry out this section.

(d) No deed or agreement for the sale, lease, transfer or other disposition of the property or any portion thereof subject to this section executed by or on behalf of the commonwealth shall be valid unless the deed or agreement contains the following certification, signed by the commissioner:

"I, the undersigned commissioner of capital asset management and maintenance, hereby certify under penalties of perjury that I have fully complied with the relevant provisions of general and special law in connection with the property described in these documents."

House of Representatives, July 27, 2015.

Passed to be enacted,

Paul Donato, Speaker.

In Senate, July 27, 2015.

Passed to be enacted,

John U. Brown, President.

Rejuts, 2015.
Approved,

Charles D. White

Governor.