

By Mr. Murphy of Lowell, petition of Kevin J. Murphy, Thomas A. Golden Jr., Steven C. Panagiotakos, Edward A. LeLacheur and Harold P. Naughton, Jr., for legislation to authorize the Division of Capital Planning and Operations to convey a certain parcel of land in the city of Lowell under the control of the Department of Environmental Management. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE CITY OF LOWELL UNDER THE CARE AND CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

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. Chapter 251 of the Acts of 1994 is hereby  
2 amended by striking out the wording and inserting in place thereof  
3 the following wording:—

4 The commissioner of the division of capital planning and oper-  
5 ations, acting for and on behalf of the Commonwealth and in con-  
6 sultation with the department of environmental management, is  
7 hereby authorized, notwithstanding the provisions of sections  
8 forty E to forty J, inclusive, of chapter seven of the General Laws,  
9 to convey in fee simple to the city of Lowell certain park land  
10 located in said city, for any and all activities which benefit the  
11 general public, subject to the requirements of sections two to five,  
12 inclusive, and such additional terms as said commissioner may  
13 prescribe in consultation with said department of environmental  
14 management.

15 Said parcel is shown as Parcel 1 on a plan entitled "Plan of  
16 Property Owned by Manzi Sales & Service, Inc., The  
17 Commonwealth of Massachusetts, Broadway Street, Lowell,  
18 Massachusetts", dated November 27, 1979, by Cullinan  
19 Engineering Co., Inc., and recorded at Middlesex North Registry  
20 of Deeds at Plan Book 133, Page 86.

1 SECTION 2. Said conveyance shall be subject to such condi-  
2 tions and restrictions as may be deemed necessary or appropriate  
3 by said commissioner in consultation with said department of  
4 environmental management and shall provide for compensation  
5 from the city of Lowell for the full and fair market value of the  
6 property as determined by an independent appraisal, for its use as  
7 described herein. The city of Lowell may provide said compensa-  
8 tion with the approval of said commissioner, in consultation with  
9 said department of environmental management, in the form of  
10 land or interest in lands of greater or equal value as determined by  
11 an independent appraisal, or a combination of land and funds, pro-  
12 vided that said funds, if any, shall be deposited in the second cen-  
13 tury fund established pursuant to section one hundred and sixty of  
14 chapter one hundred and fifty-one of the acts of nineteen hundred  
15 and ninety-six. The inspector general shall review and approve  
16 said appraisal and said review shall include an examination of the  
17 methodology utilized for said appraisal. The inspector general  
18 shall prepare a report of his review and file such report with the  
19 commissioner for submission to the house and senate committees  
20 on ways and means and the house and senate chairmen of the joint  
21 committee on state administration in accordance with section five.

1 SECTION 3. The use of the parcel described in section one, by  
2 the city, its successors and assigns, shall not interfere with the  
3 Commonwealth's use and operation of the adjacent properties as a  
4 state park.

5 Any improvements made on the above described parcel shall be  
6 in conformance with the standards of the national park service and  
7 the Lowell historic board or their successors and assigns. In the  
8 event that exterior restorations have not been substantially com-  
9 pleted within three years of the conveyance authorized herein, all  
10 interest conveyed in such parcel shall revert to the Commonwealth  
11 and shall be under the care and control of the department of envi-  
12 ronmental management.

1 SECTION 4. In the event that the parcel conveyed pursuant to  
2 this act is not used for, or ceases to be used solely, to benefit the  
3 public, all interest conveyed in such parcel shall revert to the  
4 Commonwealth and shall be under the care and control of the  
5 department of environmental management.

1 SECTION 5. The city of Lowell shall be responsible for any  
2 costs for appraisals, surveys and other expenses relating to the  
3 transfer of the property authorized in sections one and two, or for  
4 any costs and expenses of any nature and kind for its development  
5 or for its maintenance.

1 SECTION 6. The commissioner shall, within forty-five days  
2 before the execution of any agreement authorized by this act, or  
3 any subsequent amendment thereof, submit such agreement or  
4 amendment and a report thereon to the inspector general for his  
5 review and comment. The inspector general shall issue his review  
6 and comments within fifteen days of receipt of any such agree-  
7 ment or amendment. The commissioner shall submit the agree-  
8 ment and any subsequent amendments thereof, the reports, and the  
9 comments of the inspector general, if any, to the house and senate  
10 committees on ways and means and the house and senate  
11 chairmen of the joint committee on state administration at least  
12 fifteen days prior to execution.

1 SECTION 7. This act shall take effect upon passage.

