

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

An Act authorizing the commissioner of capital asset management and maintenance to convey certain parcels of land to the City of Lowell.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Manager approves amendments to the bill before enactment by the General Court. The City Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE CONVEYANCE OF PARCELS OF LAND.

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:

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, in consultation with the court administrator of the trial court, convey a certain parcel of state-owned land acquired for the construction of the district court of Lowell pursuant to chapter 542 of the acts of 1967, with the buildings thereon, to the City of Lowell for redevelopment purposes on such terms as may be determined by the commissioner. The parcel is located at 41 Hurd Street in the City of Lowell and is the site of the former Lowell district court. The parcel is more particularly described in instruments recorded in the Middlesex North registry of deeds in book 707, page 114; book 1846, page 588; book 1846, page 590; book 1846, page 591; and book 1027, page 43. The exact boundaries of the parcel may be determined by the commissioner after completion of a survey. The property shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 2. Consideration for the conveyance authorized in section 1 shall be \$1, payable at the time of the conveyance.

SECTION 3. 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, in consultation with the court administrator of the trial court, convey certain parcels of state-owned land previously used as the Middlesex superior court and associated parking, with the buildings thereon, to the City of Lowell for redevelopment purposes on such terms as may be determined by the commissioner. The courthouse parcel is located at 330 Gorham Street in the City of Lowell and is the site of the former Middlesex superior court. The associated parking parcels are located at 58 Elm Street, 44 Elm Street, 53 Auburn Street and 105 Chapel Street in the City of Lowell. The parcels are more particularly described in instruments recorded in the Middlesex North registry of deeds in book 1159, page 193 and book 19386, page 276. The exact boundaries of the parcels may be determined by the commissioner after completion of a survey. The property shall be conveyed by deed without warranties or representations by the commonwealth.

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

SECTION 5. The City of Lowell may sell or lease the parcels described in sections 1 and 3 for redevelopment. If the City of Lowell sells or leases any portion of the parcels described in section 1 or section 3, the net proceeds from such sale or lease as determined by the City of Lowell and agreed to by the commissioner of capital asset management and maintenance shall be allocated between the City of Lowell 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 40 per cent of the net proceeds in order to provide certain incentives to the City to sell or lease a parcel expeditiously. Any revenue paid to the commonwealth pursuant this section shall be deposited into the Courts Capital Project Fund established pursuant to section 2YYY of chapter 29 of the General Fund. If the net proceeds, as so determined, is a negative amount, the commonwealth shall not be required to make any payments to the City of Lowell.

SECTION 6. Notwithstanding any general or special law to the contrary, the City of Lowell shall pay for all costs and expenses of the sale of the parcels described in sections 1 and 3 to the City of Lowell pursuant to this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs kind related to the City's ownership of the parcels; provided, however, that such costs shall be included for the purposes of determining the net proceeds of the City's sale or lease of any portion of the parcels described in sections 1 and 3. Amounts paid by the City of Lowell related to costs, liabilities and expenses related to the City's management and maintenance of the parcels prior to any transfer authorized by this act, as determined by the commissioner of capital asset management and maintenance, may be included for the purposes of determining the net proceeds from a sale or lease. Amounts paid by the City of Lowell pursuant to sections 2 and 4 shall not be included for the purposes of determining the net proceeds from a sale or lease.

SECTION 7. If the City of Lowell does not complete the purchase of the parcels described in sections 1 and 3 within 180 days of the effective date of this act or such other date as agreed to by the commissioner of capital asset management and maintenance, the commissioner of capital asset management and maintenance may convey, lease for a term not to exceed 99 years, transfer or

otherwise dispose of said parcels in accordance with section 20 of chapter 304 of the acts of 2008 and chapter 290 of the acts of 2004, as amended by sections 59 to 70 of chapter 122 of the acts of 2006.

SECTION 8. The City of Lowell may establish a special revenue fund for the purpose of effectuating the redevelopment of the parcels described in sections 1 and 3. The treasurer of the City of Lowell may credit to the fund any proceeds from the sale or transfer of the parcels, or any lease payments in connection with the parcels, or any other funds appropriated to the fund by the City Council, upon recommendation of the City Manager. Notwithstanding section 31 of chapter 44 of the General Laws, the City of Lowell may expend from the fund any costs incurred in connection with the care and custody of the parcel of land, the conveyance of the parcel, or any other architectural and engineering, legal or other professional services incidental and related thereto, or any cost as described in section 6. Any deficit in the fund shall be provided for no later than the second tax year from the expenditure that caused said deficit.



Thomas A. Golden, Jr.
City Manager

August 22, 2023

Mayor Sokhary Chau
And
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

I am hereby requesting the City Council's approval to file special legislation on behalf of the City of Lowell to establish and enter into a "sales partnership" arrangement with the Commonwealth of Massachusetts and its Division of Capital Asset Management and Maintenance ("DCAMM"), which is responsible for facilities management, and real estate services for the Commonwealth. The special legislation will allow the City of Lowell and the Commonwealth to jointly share in the proceeds from the sale of the parcel at 41 Hurd Street, which was previously used as a district courthouse in Lowell, among other provisions.

My Administration has been working closely with DCAMM and our partners at the state level, as well as Lowell's State House delegation, regarding the disposition and future use of the various court buildings which were vacated after the opening of the Lowell Judicial Center at 370 Jackson Street. These facilities present great opportunity for the city to address the housing shortage, and this program will afford the city the greatest flexibility to decide—with the Commonwealth—the highest and best use of the property after the sale.

This vote is the first step towards what could be a revitalization of that corridor in the downtown central business district. The legislation would also allow the City of Lowell to establish a special fund to provide for care and custody of the building until the building is sold and that the proceeds of such a sale shall be used to offset any costs associated therewith, as well as any legal or professional services associated with the sale itself.

Please let me know if there are any questions.

Sincerely,

Thomas A. Golden, Jr.
City Manager

Cc: Conor Baldwin, Chief Financial Officer
Yovani Baez-Rose, Assistant City Manager/ DPD Director
Corey Williams, City Solicitor