

HOUSE No. 4340

The Commonwealth of Massachusetts

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, that the Bill Authorizing the Commissioner of Capital Asset Management and Maintenance to Convey Certain Land to the Town of Concord Housing Development Corporation for Affordable Housing and Open Space (House, No. 4340). November 16, 2009.

An Act AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make with to make transfer a certain parcel of land in the town of Concord, 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 the provisions of sections 40E through 40J of chapter 7 of the
2 General Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey to the Concord Housing Development Corporation a portion
4 of a certain parcel of state-owned land in said town, currently under the care and control of the
5 Department of Correction with a physical address at 965 Elm Street and referenced on a map titled
6 “Affordable Housing and Open Space, Concord, Massachusetts” and dated January 9, 2009. Such land
7 will be used for housing, of which 100% shall be deemed affordable housing as determined by the ranges
8 established by the Concord Housing Development Corporation, and for public open space. The
9 commissioner shall determine the exact boundaries of the parcel after completion of a survey. The
10 Concord Housing Development Corporation shall acquire access to cross the former railroad right-of-way
11 abutting the parcel, shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the
12 parcel, and shall provide a second means of access for emergency purposes. The Concord Housing
13 Development Corporation shall ensure a clear field of view as needed for security considerations of the
14 Department of Correction facility and shall have an appropriate setback from the southerly wall of the

15 Department of Correction facility. The Concord Housing Development Corporation shall ensure a
16 development setback from the river and any other dimensional setbacks required by law.

17 **SECTION 2.** The consideration for the parcel shall be the full and fair market value of the parcel for the
18 use authorized by this act, determined by the commissioner of capital asset management and maintenance
19 based upon an independent professional appraisal and including the conditions set forth in Section 1,
20 provided that any costs related to remediation of the site shall be applied against the final appraised value
21 of the parcel; and provided further that the commissioner of capital asset management and maintenance is
22 authorized to accept the findings of a previous appraisal of the parcel conducted by an appraiser
23 acceptable to said commissioner. The inspector general shall review and approve the appraisal, and the
24 review shall include a review of the methodology used for the appraisal. The inspector general shall have
25 30 days after receipt of the appraisal and a report by the commissioner to undertake such review and
26 approval. The inspector general shall submit a report on this review and approval of the appraisal to the
27 commissioner. At least 15 days before conveying the parcel, the commissioner shall submit a copy of
28 said inspector general's report to the chairs of the house and senate committees on ways and means and
29 the chairs of the joint committee on state administration and regulatory oversight.

30 **SECTION 3.** The Concord Housing Development Corporation shall be responsible for all costs and
31 expenses of the transaction authorized by this act as determined by the commissioner of capital asset
32 management and maintenance, including but not limited to the costs of any survey, appraisal, and other
33 expenses relating to the conveyance of the parcel, and shall be responsible for all costs, liabilities and
34 expenses of any nature and kind for its ownership. Due to the collaborative effort involved in this project,
35 the Concord Housing Development Corporation may accept funds from the Walden Woods Project in
36 support of and in furtherance of the Concord Housing Development Corporation's responsibilities under
37 this act.

38 **SECTION 4.** The deed or other instrument conveying the parcel to the Concord Housing Development
39 Corporation shall, without limitation, provide that if the parcel ceases at any time to be used for the
40 purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert to the
41 commonwealth.