

HOUSE No. 4856

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 30, 2018.

The committee on Ways and Means, to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (House, No. 4802), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4856).

For the committee,

JEFFREY SÁNCHEZ.

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

An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the conveyance of certain land in the city of Somerville to the Somerville Housing Authority, 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 of chapter 7C of the General Laws or any
2 other general or special law to the contrary, the commissioner of capital asset management and
3 maintenance, in consultation with the department of conservation and recreation, may convey to
4 the Somerville housing authority a certain parcel of land located at 34 North street in the city of
5 Somerville, at the corner of Alewife Brook parkway and Powder House boulevard, and
6 consisting of approximately 4,750 square feet which form part of the right of way, sidewalks,
7 curb and roadway of Alewife Brook parkway. The parcel of land is currently under the care and
8 control of the department of conservation and recreation for conservation and recreation
9 purposes and used as a parkway which has been designated and restricted by the department to
10 pleasure vehicles only. The approximate location of the parcel is shown on a plan entitled

11 “Clarendon Hill, Preliminary Article 97 Land Swap Plan, Land Located in Somerville,
12 Massachusetts, Surveyed for Somerville Housing Authority” prepared by Design Consultants,
13 Inc., dated May 9, 2018, which plan is on file with the commissioner of capital asset
14 management and maintenance. Modifications to the description set forth in the plan described
15 above may be made to conform with a final land survey, as accepted by the division and the
16 department, before any conveyance pursuant to this act. The deed shall contain an
17 acknowledgement that Alewife Brook Parkway is a parkway which has been designated and
18 restricted to “pleasure vehicles only”. The Somerville housing authority may ground lease the
19 land conveyed pursuant to this section in connection with the redevelopment of 34 North street
20 in the city of Somerville, also known as Clarendon Hill apartments, pursuant to a certain request
21 for proposals entitled “Request for Proposals for the Long-Term Lease of Authority Land at 34
22 North St, Somerville, Massachusetts and the Development of this Land for Mixed-Income
23 Housing,” dated on or about March 18, 2018, without any additional process under chapter 30B
24 of the General Laws.

25 SECTION 2. An independent appraisal of the fair market value and value in use of the
26 parcel of land described in section 1 shall be prepared in accordance with the usual and
27 customary professional appraisal practices by a qualified appraiser commissioned by the
28 commissioner of capital asset management and maintenance. To ensure a no-net-loss of lands
29 protected for conservation and recreation purposes on account of the conveyance authorized in
30 this act, the Somerville housing authority shall compensate the commonwealth for the
31 conveyance of the above-described parcel by (i) making a payment in an amount equal to the full
32 and fair market value or the value in proposed use, whichever is greater, as determined by the
33 commissioner of capital asset management and maintenance, (ii) transferring land or an interest

34 in land to the department of conservation and recreation of equal or greater acreage and resource
35 value than the above-described parcel to be held by the department of conservation and
36 recreation for conservation or recreation purposes, or (iii) any combination of both (i) and (ii)
37 acceptable to the department of conservation and recreation. Any payment made in accordance
38 with clause (i) shall be deposited in the Conservation Trust established in section 1 of chapter
39 132A of the General Laws and expended by the department to acquire lands or interests in land
40 to be permanently under the care and control of the department for conservation and recreation
41 purposes. For the purposes of such appraisal, the full and fair market value of the above-
42 described parcel shall be calculated with regard to its full development potential as assembled
43 with other abutting lands owned or controlled by the Somerville housing authority, if any. The
44 commissioner of capital asset management and maintenance shall submit the appraisal to the
45 inspector general for review and comment. The inspector general shall review and approve the
46 appraisal, and the review shall include an examination of the methodology utilized for the
47 appraisal. The inspector general shall prepare a report of his or her review and file the report with
48 the commissioner of capital asset management and maintenance. After receiving the report, the
49 commissioner shall submit copies of the report to the house and senate committees on ways and
50 means and the joint committee on state administration and regulatory oversight at least 15 days
51 prior to the execution of documents effecting the conveyance described in section 1.

52 SECTION 3. The Somerville housing authority shall be responsible for all costs
53 associated with the conveyance authorized by this act, including, but not limited to, any
54 appraisal, survey, recording or legal costs and any other expenses incurred by the commonwealth
55 in connection with the conveyance, and shall be responsible for all costs, liabilities and expenses
56 of any nature and kind for its ownership and use.