

HOUSE No. 5059

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 19, 2020.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 5020) of Gerard J. Cassidy and Michael D. Brady that the commissioner of Capital Asset Management and Maintenance be authorized to transfer certain real property located in the city of Brockton, reports recommending that the accompanying bill (House, No. 5059) ought to pass [Representative Devers of Lawrence dissents].

For the committee,

DANIELLE W. GREGOIRE.

HOUSE No. 5059

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the sale of real property in Brockton.

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, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may (i) sell; (ii) lease for terms of up to 99 years, including all
4 renewals and extensions; or (iii) otherwise grant, convey or transfer to 1 or more purchasers or
5 lessees an interest in the property located at 36 Main Street, Brockton, Massachusetts, subject to
6 this act and on such terms and conditions that the commissioner considers appropriate. The
7 exact location and boundaries of the property or portions thereof to be conveyed may be
8 determined by the commissioner after completion of a survey.

9 SECTION 2. In making any such disposition pursuant to this act, the commissioner shall
10 use appropriate competitive bidding processes and procedures. At least 30 days before the date
11 on which bids, proposals or other offers to purchase the property or any portion thereof, are due,
12 the commissioner shall place a notice in the central register published by the state secretary
13 pursuant to section 20A of chapter 9 of the General Laws stating the availability of the property,
14 the nature of the competitive bidding process and other information that the commissioner

15 considers relevant, including the time, place and manner for the submission of bids or proposals
16 and the opening of the bids or proposals.

17 SECTION 3. Any purchase and sale agreement, lease or other document relating to the
18 sale, lease, transfer or other disposition of the property or any portion thereof shall provide that
19 the commonwealth including, without limitation the division of capital asset management and
20 maintenance, shall have no liability to any purchaser, lessee, transferee or successor to any
21 purchaser, lessee or transferee of all or part of the property for any claims arising out of or
22 related in any way to the conditions, known or unknown, of the property, or otherwise in
23 connection with any sale, lease, transfer or other disposition thereof.

24 SECTION 4. In the sale of the property or any portion thereof pursuant to this act, the
25 commissioner may retain or grant rights of way or easements for access, egress, utilities and
26 drainage across any portions of the property and the commonwealth may accept from the
27 purchaser such rights of way or easements in across any portions of the property to be conveyed
28 or transferred for access, egress, drainage and utilities as the commissioner considers necessary
29 and appropriate to carry out this section.

30 SECTION 5. The purchaser, lessee or transferee of any portion of the property pursuant
31 to this act shall be responsible for all costs and expenses related thereto including, but not limited
32 to, costs associated with surveys, deed preparation and recording fees as such costs may be
33 determined by the commissioner.

34 SECTION 6. Notwithstanding any other general or special law to the contrary, the
35 commissioner may take any interests in the property thereon by eminent domain pursuant to
36 chapter 79 of the General Laws, as deemed necessary by the commissioner to carry out this act.

37 SECTION 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
38 Laws or any other general or special law to the contrary, the commissioner may grant to the
39 owner of any parcels abutting the property one or more easements over portions of the property.
40 The commissioner shall determine the consideration for such easements based on consultation
41 with appraisal professionals. The grant of easements shall be on such terms and conditions as
42 the commissioner deems appropriate.