

# SENATE . . . . . No. 02064

Senate, Tuesday, November 15, 2011 – New draft of Senate, Nos. 1591 and 1592 reported from the committee on State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a parcel of land in the city of New Bedford.

*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. For purposes of this act, the following words shall, unless the context  
2 clearly indicates otherwise, have the following meanings:—

3 “Armory parcel,” the parcel of land numbered as 5 Sycamore Street in the city of New  
4 Bedford, containing approximately 1.28 acres, together with all buildings and structures located  
5 thereon and all easements thereto. The commissioner shall determine the exact boundaries of the  
6 parcel after completion of a survey.

7 “Commissioner”, the commissioner of the division of capital asset management and  
8 maintenance.

9 “Developer”, any person, entity, or governmental body that acquires an ownership or  
10 leasehold interest in the armory parcel, each as defined herein, or a portion thereof pursuant to  
11 this act.

12 “Division”, the division of capital asset management and maintenance.

13 “Parcel”, the armory parcel.

14 SECTION 2. Subject to sections 40E to 40J, inclusive, of chapter 7 of the General  
15 Laws but notwithstanding any other general or special law to the contrary, the commissioner of  
16 capital asset management and maintenance may sell, lease, or otherwise grant, convey, or  
17 transfer to one or more developers an interest in the parcel, or portions thereof, subject to the  
18 provisions of this act and on such terms and conditions as said commissioner deems appropriate.  
19 The commissioner shall dispose of each parcel, or portions thereof, utilizing appropriate  
20 competitive processes and procedures. At least 30 days before the date on which bids, proposals,  
21 or other offers to purchase or lease a parcel, or any portion thereof, are due, the commissioner  
22 shall place a notice in the central register published by the state secretary pursuant to Section  
23 20A of Chapter 9 of the General Laws stating the availability of such property, the nature of the  
24 competitive process and other information deemed relevant, including the time, place and  
25 manner for the submission of bids, proposals and the opening thereof. Upon the expiration of  
26 any lease entered into under the provisions of this act, the commissioner shall have the authority  
27 to dispose of the parcel or portions thereof so leased in accordance with this act, but  
28 notwithstanding Sections 40E through 40H, inclusive, of Chapter 7 of the General Laws, or any  
29 other general or special law to the contrary. Prior to sale, lease, grant, or conveyance of the  
30 subject property, the commissioner shall enter into a historical covenant agreement with the  
31 Massachusetts Historical Commission.

32 SECTION 3. The commissioner is hereby authorized to retain or grant rights of way or  
33 easements for access, egress, utilities and drainage across the parcel and across other

34 commonwealth property contiguous to the parcel, and the commonwealth may accept from any  
35 developer or developers rights of way or easements in roadways or across the parcel to be  
36 conveyed by deed or leased pursuant to this act for the purposes of access, egress, drainage and  
37 utilities as the commissioner deems necessary and appropriate to carry out the purposes of this  
38 act.

39           SECTION 4. The consideration for such parcel shall be the full and fair market value  
40 of the parcel, determined by the commissioner of capital asset management and maintenance  
41 based upon an independent professional appraisal. The inspector general shall review and  
42 approve the appraisal, and the review shall include a review of the methodology used for the  
43 appraisal. The inspector general shall have 60 days after receipt of the appraisal and a report by  
44 the commissioner to undertake such review and approval. The inspector general shall submit a  
45 report on this review and approval of the appraisal to the commissioner. At least 15 days before  
46 conveying the parcel, the commissioner shall submit a copy of said inspector general's report to  
47 the chairs of the house and senate committees on ways and means and the chairs of the Senate  
48 and House Committees on Bonding, Capital Expenditures & State Assets.

49           SECTION 5. The grantee of the parcel, or any portions thereof, shall be responsible for  
50 all costs and expenses of the transaction authorized by this act as determined by the  
51 commissioner of capital asset management and maintenance, including but not limited to the  
52 costs of any survey, appraisal, and other expenses relating to the conveyance of the parcel, and  
53 shall be responsible for all costs, liabilities and expenses of any nature and kind for its  
54 ownership.

55           SECTION 6. This act shall take effect upon its passage.