SENATE . . . . . No. 2064

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:

SECTION 1. For purposes of this act, the following words shall, unless the context clearly indicates otherwise, have the following meanings:—

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

"Commissioner", the commissioner of the division of capital asset management and maintenance.

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

"Division", the division of capital asset management and maintenance.

"Parcel", the armory parcel.

SECTION 2. Subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws but notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance may sell, lease, or otherwise grant, convey, or transfer to one or more developers an interest in the parcel, or portions thereof, subject to the provisions of this act and on such terms and conditions as said commissioner deems appropriate. The commissioner shall dispose of each parcel, or portions thereof, utilizing appropriate competitive processes and procedures. At least 30 days before the date on which bids, proposals, or other offers to purchase or lease a parcel, or any portion thereof, are

22 due, the commissioner shall place a notice in the central register published by the state secretary
23 pursuant to Section 20A of Chapter 9 of the General Laws stating the availability of such
24 property, the nature of the competitive process and other information deemed relevant, including
25 the time, place and manner for the submission of bids, proposals and the opening thereof. Upon
26 the expiration of any lease entered into under the provisions of this act, the commissioner shall
27 have the authority to dispose of the parcel or portions thereof so leased in accordance with this
28 act, but notwithstanding Sections 40E through 40H, inclusive, of Chapter 7 of the General Laws,
29 or any other general or special law to the contrary. Prior to sale, lease, grant, or conveyance of
30 the 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
33 way or 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
40 value of the parcel, determined by the commissioner of capital asset management and
41 maintenance based upon an independent professional appraisal. The inspector general shall
42 review and approve the appraisal, and the review shall include a review of the methodology used
43 for the appraisal. The inspector general shall have 60 days after receipt of the appraisal and a
44 report by the commissioner to undertake such review and approval. The inspector general shall
45 submit a report on this review and approval of the appraisal to the commissioner. At least 15
46 days before conveying the parcel, the commissioner shall submit a copy of said inspector
47 general's report to the chairs of the house and senate committees on ways and means and the
48 chairs of the Senate and House Committees on Bonding, Capital Expenditures & State Assets.

49 SECTION 5. The grantee of the parcel, or any portions thereof, shall be
50 responsible for all costs and expenses of the transaction authorized by this act as determined by
51 the 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.