SENATE DOCKET, NO. 2275 FILED ON: 7/20/2012

SENATE . . . . . No. 2367

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	☐ *[District]* ☐
Antonio F. D. Cabral	*13th Bristol*

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2367) of Mark C. Montigny and Antonio F. D. Cabral (with the approval of the mayor and city council) for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to 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. Notwithstanding the provisions of sections 40E through 40J of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance may, in consultation with the commissioner of the department of fish and game, convey, for the purposes of developing the South Terminal in New Bedford into a multi-use commercial marine terminal for uses including but not limited to a marine staging site for construction, development and maintenance of offshore renewable energy projects in New England and other purposes consistent with those described at section 2 of chapter 23J of the General Laws, certain property located on Blackmer Street in the city of New Bedford, including any and all rights-of-way and easements appurtenant thereto, currently under the care and control of the department of fish and game, to the city of New Bedford. Said property is more particularly described as Parcel 1 and Parcel 2 in the "Commonwealth of Massachusetts Department of Fish and Game Consensual Order of Taking" dated June 30, 2005, recorded with the Bristol County South District Registry of Deeds at Book 7642, Page 344, and shown as Lots 3B and Lot 3A on the plan marked as Exhibit A made a part thereof and recorded therewith. The exact boundaries of the property shall be determined by the commissioner of the division of capital asset management and maintenance in consultation with the commissioner of the department of fish and game after completion of a survey. The Commonwealth shall convey the property by deed without warranties or representations .

SECTION 2. Notwithstanding chapter 30B of the general laws or any or general or special law to the contrary, in consideration for said conveyance and for the economic benefits arising from or related to the creation of a multi-use commercial marine terminal at South Terminal, the city of New Bedford shall convey a parcel of land owned by the city and located

on Rodney French Boulevard, easterly of the former Naval Reserve Center property, on file with the division of capital asset management and maintenance to the department of fish and game suitable for the purposes of marine fisheries research and conservation and the construction of facilities associated therewith, including but not limited to the construction of facilities for the division of marine fisheries' storage and support needs and operational activities, as determined by the commissioner of the division of capital asset management and maintenance in consultation with the commissioner of the department of fish and game. The city of New Bedford shall convey the property by deed without warranties or representations. The city of New Bedford shall establish the boundaries of the property to be conveyed to the department of fish and game and prepare a survey for same.

SECTION 3. Notwithstanding any general or special law to the contrary, in further consideration for the conveyance more particularly described in Section 1, and for the purpose of enhancing the existing partnership between the school of marine science and technology in the university of massachusetts dartmouth (SMAST) and the division of marine fisheries, SMAST shall provide not less than 7,146 square feet of office space for use by staff of the division of marine fisheries in either SMAST's existing facility located at 706 South Rodney French Boulevard in the city of New Bedford or in the facility to be constructed by SMAST on the former Naval Reserve Center property located at 838 South Rodney French Boulevard in the city of New Bedford, as determined by SMAST in consultation with the department of fish and game and its division of marine fisheries; provided that the division of marine fisheries' occupancy of said office space shall be for a term of not less than thirty years; and provided, further, that during said term, the amount charged by SMAST for the division of marine fisheries' use of such office space shall be limited to the division of marine fisheries' proportionate share of the utilities and building maintenance costs.

SECTION 4. To ensure a no-net-loss of lands protected for conservation purposes, the division of capital asset management and maintenance shall convey property pursuant to section 1 of this act to the city of New Bedford only if, in the determination of the secretary of energy and environmental affairs, the impact from said conveyance has been adequately mitigated by (1) conveyance by the city of New Bedford of property pursuant to section 2 of this act to be held by the department of fish and game for the purposes of marine fisheries research and conservation and the construction of facilities associated therewith, including but not limited to the construction of facilities for the division of marine fisheries' storage and support needs and operational activities; and (2) the execution of the lease described in section 3 of this act by SMAST and the division of marine fisheries.

SECTION 5. The commissioner of the division of capital asset management and maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall submit his review and comment to the commissioner of the division of capital asset management and

62 maintenance within 15 days of receipt of the proposed conveyance or amendment. The
63 commissioner of the division of capital asset management and maintenance shall submit the
64 proposed conveyance or amendment, and the review and comment of the inspector general, if
65 any, to the house and senate committees on ways and means and the joint committee on bonding,
66 capital expenditures and state assets at least 15 days before the execution of the conveyance.

67 SECTION 6. Notwithstanding any general or special law to the contrary, the
68 commonwealth shall not be responsible for any costs or expenses, including but not limited to,
69 any costs associated with any engineering, surveys, appraisals, and deed preparation, related to
70 the conveyance authorized pursuant to this act as such costs may be determined by the
71 commissioner of the division of capital asset management and maintenance.

72 SECTION 7. This act shall take effect upon its passage.