

HOUSE No. 4129

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker and Steven Owens

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 adoption of the accompanying bill:

An Act authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land to the city of Cambridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/8/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>9/8/2023</i>

HOUSE No. 4129

By Representatives Decker of Cambridge and Owens of Watertown, a petition (subject to Joint Rule 12) of Marjorie C. Decker and Steven Owens that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the city of Cambridge to said city for school and other municipal purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land to the city of Cambridge.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain property to the city of Cambridge, 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, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the military division, may convey a portion
4 of the parcel of land located at 406 Concord avenue in the city of Cambridge currently used for
5 military purposes to the city of Cambridge to be used for school and other municipal purposes
6 and for all purposes and uses accessory thereto. The parcel is a portion of the land described in
7 deeds recorded in the Middlesex South registry of deeds in book 9038, page 388 and book 9733,
8 page 1. The parcel is approximately 30,752 square feet and is shown as “Parcel ‘B’” on a plan

9 entitled, “Approval Not Required Plan for 450 Concord Avenue Cambridge Massachusetts,”
10 dated April 2, 2021, which plan is on file with the division of capital asset management and
11 maintenance. The commissioner of capital asset management and maintenance may determine
12 the exact boundaries of the parcel prior to conveyance. The parcels shall be conveyed by deed
13 without warranties or representations by the commonwealth.

14 SECTION 2. The deed or other instrument conveying the parcel to the city of Cambridge
15 shall provide that the parcel shall be used solely for school and other municipal purposes and for
16 all purposes and uses accessory thereto and shall include a reversionary clause that stipulates that
17 if the parcel ceases at any time to be used for the allowed purpose set forth in this act, title to the
18 parcel shall, at the election of the commonwealth, revert to the commonwealth. The reversionary
19 clause shall be enforceable notwithstanding the time limit set forth in section 7 of chapter 184A
20 of the General Laws.

21 SECTION 3. The consideration for the conveyance of the parcel pursuant to section 1
22 shall be the fair market value of the parcel as determined by the commissioner of capital asset
23 management and maintenance based upon an independent professional appraisal for the use of
24 the parcel as restricted pursuant to section 2. The appraisal shall be prepared in accordance with
25 the usual and customary professional appraisal practices by a qualified appraiser. The
26 commissioner shall submit any appraisals to the inspector general for review and comment. The
27 inspector general shall review and approve any such appraisals; provided, however, that the
28 review shall include an examination of the methodology utilized for the appraisals. The inspector
29 general shall prepare a report of the review and file the report with the commissioner of capital
30 asset management and maintenance. The commissioner shall submit copies of the appraisals and
31 the inspector general’s review and approval and comments, if any, to the senate and house

32 committees on ways and means and the joint committee on state administration and regulatory
33 oversight not less than 15 days before the execution of any documents effecting the transfers
34 authorized in this act.

35 SECTION 4. Pursuant to section 113 of chapter 33 of the General Laws, any monetary
36 payments made to the commonwealth as a result of the conveyance authorized by this act shall
37 be deposited in the real property expendable trust established by the secretary of public safety
38 and security for the military division pursuant to section 6 of chapter 6A of the General Laws
39 and 801 CMR 50.00 et seq.

40 SECTION 5. Notwithstanding any general or special law to the contrary, the city of
41 Cambridge shall be responsible for all costs and expenses of any transaction authorized by this
42 act as determined by the commissioner of capital asset management and maintenance including,
43 but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording
44 fees and deed preparation related to the conveyance of the parcel authorized in section 1. Upon
45 the recording of the deed conveying the parcels to the city of Cambridge, the city shall record a
46 plan showing the boundaries of the parcel and deliver a copy of the plan to the division of capital
47 asset management and maintenance and the division shall keep the plan on file.