SENATE DOCKET, NO. 1123 FILED ON: 1/20/2011

SENATE . . . . . No. 1591

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 capital asset management and maintenance to convey a parcel of land in the city of New Bedford.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	
	☐ *[District]*
	☐

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SENATE . . . . . No. 1591

By Mr. Montigny, petition (accompanied by bill, Senate, No. 1591) of Montigny for legislation to authorize the commissioner of capital asset management and maintenance to convey a parcel of land in the city of New Bedford [Joint Committee on State Administration and Regulatory Oversight].

The Commonwealth of Massachusetts

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:

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 40I, 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 due, the commissioner shall place a notice in the central register published by the state secretary pursuant to Section 20A of Chapter 9 of the General Laws stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time, place and manner for the submission of bids, proposals and the opening thereof. Upon the expiration of any lease entered into under the provisions of this act, the commissioner shall have the authority to dispose of the parcel or portions thereof so leased in accordance with this act, but notwithstanding Sections 40E through 40I, inclusive, of Chapter 7 of the General Laws, or any other general or special law to the contrary.

Section 3. The commissioner is hereby authorized to retain or grant rights of way or easements for access, egress, utilities and drainage across the parcel and across other commonwealth property contiguous to the parcel, and the commonwealth may accept from any developer or developers rights of way or easements in roadways or across the parcel to be conveyed by deed or leased pursuant to this act for the purposes of access, egress, drainage and utilities as the commissioner deems necessary and appropriate to carry out the purposes of this act.

Section 4. The consideration for such parcel shall be the full and fair market value of the parcel, determined by the commissioner of capital asset management and maintenance based upon an independent professional appraisal. The inspector general shall review and approve the appraisal, and the review shall include a review of the methodology used for the appraisal. The inspector general shall have 30 days after receipt of the appraisal and a report by the commissioner to undertake such review and approval. The inspector general shall submit a report on this review and approval of the appraisal to the commissioner. At least 15 days before conveying the parcel, the commissioner shall submit a copy of said inspector general's report to the chairs of the house and senate committees on ways and means and the chairs of the Senate and House Committees on Bonding, Capital Expenditures & State Assets.

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

58 Section 6. This act shall take effect upon its passage.