

SENATE No. 1764

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 relative to a water storage facility in the city of Fall River.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>

SENATE No. 1764

By Mr. Rodrigues, a petition of Michael J. Rodrigues, David B. Sullivan, Alan Silvia and Paul A. Schmid, III (with the approval of the mayor and city council) for legislation relative to a water storage facility in the city of Fall River. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4431 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to a water storage facility in the city of Fall River.

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. (a) Notwithstanding the provisions of any general or special law to the
2 contrary, the city of Fall River, with the approval of the mayor and city council, may enter into a
3 contract or contracts for the acquisition, purchase, lease, sale, disposition or exchange of certain
4 parcels of real property necessary for the demolition, relocation, reconstruction or construction of
5 a water storage facility at Airport road to ensure adequate services and to ensure the ability of the
6 city's publically owned water works system to operate in full compliance with all applicable
7 requirements of federal, state and local law; provided, however, that any such contract for the
8 acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property shall
9 not be subject to section 16 of chapter 30B of the General Laws.

10 (b) The terms of the contract or contracts for the acquisition, purchase, lease, sale,
11 disposition or exchange of certain parcels of real property necessary for the demolition,
12 relocation, reconstruction or construction of a water storage facility shall be included in a written
13 purchase and sale agreement and shall set forth all material terms of the acquisition, purchase,
14 lease, sale, disposition or exchange of certain parcels of real property.

15 (c) A contract entered into pursuant to this section may provide for such activities as may
16 be deemed necessary to carry out the purposes authorized herein, including the execution of any

17 covenants, restrictions, easements, deeds, releases or other documents or instruments, whether
18 required by law to be recorded or remain unrecorded, to ensure the timely and effective
19 acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property more
20 particularly described above.

21 SECTION 2. Any contract awarded pursuant to this act shall be subject to such terms and
22 conditions as the city of Fall River shall determine to be in the best interests of the city and shall
23 be subject to a majority vote of the city council and approval of the mayor. Any such contract
24 shall provide that prior to the acquisition, purchase, lease, sale, disposition or exchange of certain
25 parcels of real property the city shall cause an independent, licensed, real estate appraiser to
26 conduct an appraisal of all properties subject to the contracts entered into pursuant to this act,
27 and the original appraisal report shall be submitted to the mayor and council contemporaneous
28 with the submission of the contract or contracts for approval.

29 SECTION 3. This act shall take effect upon its passage.