

HOUSE No. 4340

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE..

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 the provisions of sections 40E through 40J of chapter 7 of
2 the General Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey to the Concord Housing Development Corporation a
4 portion of a certain parcel of state-owned land in said town, currently under the care and control
5 of the Department of Correction with a physical address at 965 Elm Street and referenced on a
6 map titled "Affordable Housing and Open Space, Concord, Massachusetts" and dated January 9,
7 2009. Such land will be used for housing, of which 100% shall be deemed affordable housing as
8 determined by the ranges established by the Concord Housing Development Corporation, and for
9 public open space. The commissioner shall determine the exact boundaries of the parcel after
10 completion of a survey. The Concord Housing Development Corporation shall acquire access to
11 cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the
12 proposed Bruce Freeman Rail Trail to cross the parcel, and shall provide a second means of
13 access for emergency purposes. The Concord Housing Development Corporation shall ensure a

14 clear field of view as needed for security considerations of the Department of Correction facility
15 and shall have an appropriate setback from the southerly wall of the Department of Correction
16 facility. The Concord Housing Development Corporation shall ensure a development setback
17 from the river and any other dimensional setbacks required by law.

18 SECTION 2. The consideration for the parcel shall be the full and fair market value of
19 the parcel for the use authorized by this act, determined by the commissioner of capital asset
20 management and maintenance based upon an independent professional appraisal and including
21 the conditions set forth in Section 1, provided that any costs related to remediation of the site
22 shall be applied against the final appraised value of the parcel; and provided further that the
23 commissioner of capital asset management and maintenance is authorized to accept the findings
24 of a previous appraisal of the parcel conducted by an appraiser acceptable to said commissioner.
25 The inspector general shall review and approve the appraisal, and the review shall include a
26 review of the methodology used for the appraisal. The inspector general shall have 30 days after
27 receipt of the appraisal and a report by the commissioner to undertake such review and approval.
28 The inspector general shall submit a report on this review and approval of the appraisal to the
29 commissioner. At least 15 days before conveying the parcel, the commissioner shall submit a
30 copy of said inspector general's report to the chairs of the house and senate committees on ways
31 and means and the chairs of the joint committee on state administration and regulatory oversight.

32 SECTION 3. The Concord Housing Development Corporation shall be responsible for
33 all costs and expenses of the transaction authorized by this act as determined by the
34 commissioner of capital asset management and maintenance, including but not limited to the
35 costs of any survey, appraisal, and other expenses relating to the conveyance of the parcel, and
36 shall be responsible for all costs, liabilities and expenses of any nature and kind for its

37 ownership. Due to the collaborative effort involved in this project, the Concord Housing
38 Development Corporation may accept funds from the Walden Woods Project in support of and in
39 furtherance of the Concord Housing Development Corporation's responsibilities under this act.

40 SECTION 4. The deed or other instrument conveying the parcel to the Concord Housing
41 Development Corporation shall, without limitation, provide that if the parcel ceases at any time
42 to be used for the purposes set forth in this act, title to the parcel shall, at the election of the
43 commonwealth, revert to the commonwealth.