

SENATE No. 2136

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE CITY OF SOMERVILLE TO THE SOMERVILLE HOUSING AUTHORITY..

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. The commissioner of capital asset management and maintenance, in
2 consultation with the department of conservation and recreation, notwithstanding Sections 40E to
3 40J, inclusive, of Chapter 7 of the General Laws, may convey by deed approved as to form by
4 the inspector general, to the Somerville housing authority, a political subdivision of the
5 Commonwealth of Massachusetts, a certain parcel of land located at 485 Mystic Valley Parkway
6 a/k/a 149 Capen Street in the city of Somerville and consisting of approximately 1.39 acres
7 together with approximately 25,000 gross square feet of building space and associated
8 infrastructure, most recently used as a waterworks system pursuant to the Chapter 372 of the
9 Acts of 1984. This parcel’s approximate location is shown on a plan entitled “Easement Plan of
10 Land, Capen Court Senior Housing, 1 Capen Court, Plan of Land in Somerville, Massachusetts”
11 prepared by Design Consultants, Inc. dated January 16, 2008, which plan is on file with the
12 commissioner of capital asset management and maintenance. The exact boundaries of the
13 property shall be determined by the commissioner, based on a survey. The deed shall contain an

14 acknowledgement that Mystic Valley Parkway and Alewife Brook Parkway are parkways which
15 have been designated and restricted to “pleasure vehicles only” by the department of
16 conservation and recreation and that the use of Mystic Valley Parkway and Alewife Brook
17 Parkway is subject to the generally applicable regulations for such parkways of the department of
18 conservation and recreation, as such regulations may be amended from time to time.

19 The conveyance of the parcel described in this section shall reserve non-exclusive
20 permanent volumetric easements for the benefit of the commonwealth and the Massachusetts
21 water resources authority for a thirty (30) inch water main and a sixty (60) inch water main
22 currently existing on the parcel, such easements to be shown on plans to be approved by the
23 commissioner. The easements may be used to access, maintain, repair and reconstruct the
24 existing water lines and any related equipment currently held by the Massachusetts water
25 resources authority existing within the reserved permanent volumetric easements. The easements
26 shall be thirty-five (35) feet in width, measuring a distance of at least fifteen (15) feet on either
27 side of the existing pipeline and shall extend the full length of the pipeline on the parcel. The
28 easements shall be non-exclusive; however, unless the written consent of the Massachusetts
29 water resources authority shall have been obtained, no buildings or structures shall be erected or
30 maintained in or upon any part of the easements nor shall any trees or shrubs be planted Subject
31 to the prior review and approval of the Massachusetts water resources authority, the easement
32 and pipeline may be relocated at the sole expense of the fee owner.

33 SECTION 2. The purchaser of the parcel conveyed pursuant to section 1 shall pay
34 consideration of one dollar (\$1.00). In addition, the consideration for the conveyance of the
35 parcel shall be the undertaking to complete and operate, inter alia, affordable senior housing on

36 the parcel under certain use restriction and regulatory agreements to be entered into in
37 connection with the affordable housing subsidies granted with respect to the parcel.

38 SECTION 3. The commissioner of capital asset management and maintenance, 30 days
39 before the execution of any deed authorized by this act or any subsequent amendment thereof,
40 shall submit the deed or amendment and a report thereon to the inspector general for his review
41 and comment. The inspector general shall issue his review and comment within 15 days of
42 receipt of any deed or amendment. The commissioner shall submit the deed and any subsequent
43 amendments thereof, the reports, and the comments of the inspector general, if any, to the house
44 and senate committees on ways and means and the joint committee on bonding, capital
45 expenditures and state assets at least 15 days before the execution of the deed.

46 SECTION 4. The purchaser shall be responsible for all costs associated with the
47 conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording
48 or legal costs, and any other expenses incurred by the commonwealth in connection with the
49 conveyance, and shall be responsible for all costs, liabilities and expenses of any nature and kind
50 for its ownership and use.