

**SENATE . . . . . No. 2146**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to Martha's Vineyard Hospital.

*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 may, in  
2           consultation with the commissioner of mental health, notwithstanding the provisions of sections  
3           40E to 40J, inclusive, of chapter 7 of the General Laws, for the consideration set forth in section  
4           2, convey to the Martha's Vineyard Hospital, a certain parcel of land containing 1.7 acres more  
5           or less, located on Eastville Avenue in the town of Oak Bluffs, shown as lot 151 on assessor's  
6           map 4, presently under the care and control of the department of mental health and more  
7           particularly described in the deed recorded in book 303, page 516 at the Dukes County Registry  
8           of Deeds.

9           SECTION 2. As consideration for the conveyance of the parcel of land described in  
10          section 1, the commissioner of the division of capital asset management and maintenance shall  
11          receive not less than the fair market value of the property to be conveyed. The commissioner  
12          may receive for the department of mental health title to a certain property located at 364 State  
13          Road, in the town of Tisbury, consisting of 0.38 acres more or less and more particularly  
14          described in the instrument recorded in book 565, page 745 at the Dukes County Registry of

15 Deeds, or such other real property as the commissioner in consultation with the department of  
16 mental health may deem appropriate. Said commissioner shall also receive such additional  
17 consideration established to be the difference between the full and fair market value of the parcel  
18 of land described in section 1 to be conveyed and the full and fair market value of the parcel  
19 described herein to be received. Under no circumstances shall the commonwealth be obligated to  
20 pay any additional consideration to the grantee. The full and fair market value of both properties  
21 shall be determined by said commissioner on the basis of independent appraisals commissioned  
22 by said commissioner.

23 The inspector general shall review and approve said appraisals including the  
24 methodology utilized for said appraisals. Said commissioner shall, 30 days prior to the  
25 conveyance authorized by this act submit said appraisals and a report thereon to said inspector  
26 general. Said inspector general shall prepare a report of his review and approval of said appraisal  
27 and file said report with the commissioner, and copies of the same shall be filed with the house  
28 and senate committees on ways and means and with the chairmen of the joint committee on state  
29 administration at least 15 days prior to said execution.

30 SECTION 3. At the option of the commissioner of capital asset management, in  
31 consultation with the commissioner of mental health, any additional consideration to be paid by  
32 Martha's Vineyard Hospital may be provided by in-kind contribution in the form of goods or  
33 services including construction or renovation services, provided that the provision of an any such  
34 in-kind contribution by the hospital shall be exempt from the procurement and construction laws  
35 of the commonwealth. Any monetary consideration paid to the commonwealth for the  
36 conveyance authorized by this act shall be deposited into the General Fund.

37           SECTION 4. Martha's Vineyard Hospital shall be responsible for any and all costs that  
38 the commissioner of capital asset management may deem necessary in connection with the  
39 conveyances provided for in sections 1 and 2 of this act, including, but not limited to, the costs of  
40 all appraisals, surveys, deed and other document preparation, recording or filing fees and any  
41 other expenses incurred in connection with the conveyances.