

SENATE, NO. 2612

[Senate, August 26, 2010 - New draft reported on Senate, No. 2573 from the committee on State Administration and Regulatory Oversight.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT PROVIDING FOR THE DISPOSITION OF COMMONWEALTH OWNED LAND IN THE CITY OF BOSTON.

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, subject
2 to sections 40E to 40J and the provisions of this act, , but notwithstanding 40H of said chapter 7,
3 may sell and convey by deed approximately 5,000 square feet of commonwealth-owned
4 property, currently under the care and control of Roxbury Community College, and located at the
5 intersection of Centre Street and Columbus Avenue in the city of Boston, to Jackson Square

6 Partners, LLC, or its designee, for activities consistent with the Jackson Square Redevelopment
7 Area. The commissioner shall establish the exact boundaries of the parcel, based upon a survey
8 to be performed prior to such conveyance.

9 **SECTION 2.** The consideration for the conveyance authorized by this act shall be not
10 less than the full and fair market value of the property for its highest and best use, as determined
11 by the commissioner of capital asset management and maintenance based on an independent
12 professional appraisal. The inspector general shall review and approve the appraisal and the
13 review shall include a review of the methodology utilized for the appraisal. The inspector general
14 shall complete his review of the appraisal within 30 days after receipt of the appraisal and a
15 report by the commissioner. The inspector general shall submit to the commissioner a report on
16 his review and approval of said appraisal. At least 15 days before the conveyance of the
17 property, the commissioner shall submit a copy of the inspector general's report to the house and
18 senate committees on ways and means and the joint committee on state administration and
19 regulatory oversight.

20 **SECTION 3.** All monies received as a result of this conveyance shall be deposited in an
21 expendable trust, to be established on behalf of Roxbury Community College, in order to further
22 support the educational mission of the college.

23 **SECTION 4.** The grantee of the property shall be responsible for all costs and expenses
24 of the transaction authorized by this act as determined by the commissioner of capital asset
25 management and maintenance, including without limitation, the cost of any survey, appraisal or
26 other expenses relating to the conveyance of the property, and shall be responsible for all costs,
27 liabilities and expenses of any nature and kind in connection with the grantee's subsequent

28 ownership of the property. The grantee shall take title to the property in its existing condition
29 without any warranty by the commonwealth.

30 **SECTION 5.** The deed of conveyance from the commissioner of capital asset
31 management and maintenance shall reserve to Roxbury Community College a permanent non-
32 exclusive right, if and when the grantee constructs a vehicular driveway across said property, to
33 use said vehicular driveway for access to the abutting property owned by or under the care and
34 control of Roxbury Community College, provided however, that nothing in this act shall be
35 construed to require the grantee to construct or alter said driveway in any manner to suit the
36 particular needs of Roxbury Community College or to maintain said driveway to any particular
37 standard, and, provided further, that Roxbury Community College, its agents, officers,
38 employees, students, invitees and contractors, shall use said driveway at its and their sole risk.