

HOUSE No. 3859

The Commonwealth of Massachusetts

PRESENTED BY:

F. Jay Barrows and James E. Timilty

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 authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>9/19/2011</i>
<i>James E. Timilty</i>		<i>9/19/2011</i>

HOUSE No. 3859

By Mr. Barrows of Mansfield and Senator Timilty, a joint petition (subject to Joint Rule 12) of F. Jay Barrows and James E. Timilty for legislation to authorize the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Foxborough to said town for housing purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey certain land to the Foxborough Housing Authority.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer a certain parcel of land in the town of Foxborough, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 sections 40E to 40J, inclusive, of chapter 7 of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey a certain parcel of state-owned land in the town of
4 Foxboro to the Foxboro Housing Authority for affordable housing purposes. The parcel contains
5 approximately 16.02 acres and is located at the intersection of route 140 and Walnut street,
6 adjacent to the southbound ramp of interstate route 95 and is shown as lot 3604 on assessors map
7 133 of the town of Foxborough. The use of the parcel shall be restricted to the development of
8 affordable housing. This parcel shall be conveyed by deed without warranties or representations
9 by the commonwealth.

SECTION 2. The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, as determined by the commissioner of the division of capital asset management and maintenance based upon an independent professional appraisal and including the conditions set forth in section 1; provided, however, that any costs related to remediation of the site shall be applied against the final appraised value of the parcel; and provided further, that the commissioner of capital asset management and maintenance may accept the findings of a previous appraisal of the parcel conducted by an appraiser acceptable to that commissioner.

SECTION 3. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to section 2. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. Thirty days before the execution of a deed for the conveyance authorized by this act or any subsequent amendment thereto, the commissioner of capital asset management and maintenance shall submit the proposed deed or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed deed or amendment. The commissioner shall submit the proposed deed or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the deed or amendment.

SECTION 4. Notwithstanding any general or special law to the contrary, the Foxborough Housing Authority shall be responsible for all costs and expenses of the transaction authorized in this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its ownership. The Foxborough Housing Authority shall acquire the property thereon in its present condition.

SECTION 5. The deed or other instrument conveying the parcel to the Foxborough Housing Authority shall provide that if the parcel ceases at any time to be used for the purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert to the commonwealth.