

SENATE No. 1591

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 a parcel of land in the city of New Bedford.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mark C. Montigny

SENATE No. 1591

By Mr. Montigny, petition (accompanied by bill, Senate, No. 1591) of Montigny for legislation to authorize the commissioner of capital asset management and maintenance to convey a parcel of land in the city of New Bedford [Joint Committee on 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 a parcel of land in the city of New Bedford.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET
2 MANAGEMENT AND MAINTENANCE TO CONVEY A PARCEL OF LAND IN THE CITY
3 OF NEW BEDFORD

4 Be it enacted by the Senate and House of Representatives in General Court assembled,
5 and by the authority of the same, as follows:

6 Section 1. For purposes of this act, the following words shall, unless the context
7 clearly indicates otherwise, have the following meanings:—

8 “Armory parcel,” the parcel of land numbered as 5 Sycamore Street in the city of New
9 Bedford, containing approximately 1.28 acres, together with all buildings and structures located
10 thereon and all easements thereto. The commissioner shall determine the exact boundaries of the
11 parcel after completion of a survey.

12 “Commissioner”, the commissioner of the division of capital asset management and
13 maintenance.

14 “Developer”, any person, entity, or governmental body that acquires an ownership or
15 leasehold interest in the armory parcel, each as defined herein, or a portion thereof pursuant to
16 this act.

17 “Division”, the division of capital asset management and maintenance

18 “Parcel”, the armory parcel.

19 Section 2. Subject to sections 40E to 40I, inclusive, of chapter 7 of the General
20 Laws but notwithstanding any other general or special law to the contrary, the commissioner of
21 capital asset management and maintenance may sell, lease, or otherwise grant, convey, or
22 transfer to one or more developers an interest in the parcel, or portions thereof, subject to the
23 provisions of this act and on such terms and conditions as said commissioner deems appropriate.
24 The commissioner shall dispose of each parcel, or portions thereof, utilizing appropriate
25 competitive processes and procedures. At least 30 days before the date on which bids, proposals,
26 or other offers to purchase or lease a parcel, or any portion thereof, are due, the commissioner
27 shall place a notice in the central register published by the state secretary pursuant to Section
28 20A of Chapter 9 of the General Laws stating the availability of such property, the nature of the
29 competitive process and other information deemed relevant, including the time, place and
30 manner for the submission of bids, proposals and the opening thereof. Upon the expiration of
31 any lease entered into under the provisions of this act, the commissioner shall have the authority
32 to dispose of the parcel or portions thereof so leased in accordance with this act, but

33 notwithstanding Sections 40E through 40I, inclusive, of Chapter 7 of the General Laws, or any
34 other general or special law to the contrary.

35 Section 3. The commissioner is hereby authorized to retain or grant rights of
36 way or easements for access, egress, utilities and drainage across the parcel and across other
37 commonwealth property contiguous to the parcel, and the commonwealth may accept from any
38 developer or developers rights of way or easements in roadways or across the parcel to be
39 conveyed by deed or leased pursuant to this act for the purposes of access, egress, drainage and
40 utilities as the commissioner deems necessary and appropriate to carry out the purposes of this
41 act.

42 Section 4. The consideration for such parcel shall be the full and fair market
43 value of the parcel, determined by the commissioner of capital asset management and
44 maintenance based upon an independent professional appraisal. The inspector general shall
45 review and approve the appraisal, and the review shall include a review of the methodology used
46 for the appraisal. The inspector general shall have 30 days after receipt of the appraisal and a
47 report by the commissioner to undertake such review and approval. The inspector general shall
48 submit a report on this review and approval of the appraisal to the commissioner. At least 15
49 days before conveying the parcel, the commissioner shall submit a copy of said inspector
50 general's report to the chairs of the house and senate committees on ways and means and the
51 chairs of the Senate and House Committees on Bonding, Capital Expenditures & State Assets.

52 Section 5. The grantee of the parcel, or any portions thereof, shall be
53 responsible for all costs and expenses of the transaction authorized by this act as determined by
54 the commissioner of capital asset management and maintenance, including but not limited to the

55 costs of any survey, appraisal, and other expenses relating to the conveyance of the parcel, and
56 shall be responsible for all costs, liabilities and expenses of any nature and kind for its
57 ownership.

58 Section 6. This act shall take effect upon its passage.