SENATE DOCKET, NO. FILED ON: 7/24/2014

SENATE . . . . . No. 2309

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the city of Cambridge.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of a certain parcel of land in the city of Cambridge, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public [Emergency Preamble Context].

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

SECTION 1. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance may, on behalf of and in consultation with the commissioner of conservation and recreation and the secretary of transportation, transfer a portion of a certain parcel of land currently used by the department of conversation and recreation as a temporary operations and maintenance facility to EF Education First, Inc., in the city of Cambridge. The parcel of land to be transferred is owned by the commonwealth and located on the extension of North Point boulevard, and is bounded by the J.F. Gilmore Bridge or Charlestown avenue, an un-named service road, and the Prison Point sewage pump station of the Massachusetts Water Resources Authority, and is covered, in part, by elevated highway ramps for Interstate 93. The exact location and boundaries of the portion of the parcel to be conveyed, and the portion of the parcel to be public open space pursuant to section 3, shall be determined by the commissioner, in consultation with the the department of conservation and recreation.

SECTION 2. As a condition of the conveyance authorized in section 1, the secretary of energy and environmental affairs shall determine that appropriate arrangements have been made for the replacement of the operations and maintenance facility of the department of conservation and recreation now located on the parcel.

SECTION 3. As a further condition of the conveyance authorized in section 1, the commissioner of capital asset management and maintenance shall enter into an easement, deed restriction, covenant or other similar agreement enforceable by the city of Cambridge, dedicating a portion of the parcel as public open space and authorizing such land to be included with the land to be conveyed to EF Education First, Inc. as a single development parcel pursuant to the zoning ordinances of the city of Cambridge. Provided further, to ensure a no-net loss of lands for natural resource and public open space purposes, EF Education First, Inc. shall negotiate a memorandum of understanding with the department of conservation and recreation, conveying land, providing funding or providing public recreational opportunities for conservation and recreation. In determining an appropriate contribution to the commonwealth to address the policy of no-net loss, the department shall take into account the value of any new public green space and park improvements funded and constructed by EF Education First, Inc. on said parcel.

SECTION 4. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance may, on behalf of and in consultation with the commissioner of conservation and recreation and the secretary of transportation, sell a portion of the parcel to EF Education First, Inc. for construction of a building of approximately 300,000 square feet or more to be initially used principally for office and educational purposes, at a purchase price equal to the full and fair market value of such fee interest, as determined by an independent appraisal.

The inspector general shall review and approve the appraisal, and the review and appraisal shall include an examination of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and approval of the appraisal and file said report with the commissioner of capital asset management and maintenance, and copies of the same shall be filed with the house and senate committees on ways and means and with the joint committee on state administration and regulatory oversight.

EF Education First, Inc. shall be responsible for all costs associated with any appraisal, survey or other expense incurred by the commonwealth relating to the conveyance authorized by this act as such costs may be determined by the commissioner of the division of capital asset management and maintenance.