

SENATE No. 2333

The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen
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SENATE, Wednesday, July 30, 2014

The committee on Ways and Means, to whom was referred the Senate authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the city of Cambridge (Senate, No. 2309),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2333).

For the committee,
Stephen M. Brewer

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 transfer forthwith 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 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 any general or special law to the contrary, the
2 commissioner of capital asset management and maintenance, on behalf of and in consultation
3 with the commissioner of conservation and recreation and the secretary of transportation, may
4 convey a portion of a certain parcel of land in the city of Cambridge that is currently used by the
5 department of conservation and recreation as a temporary operations and maintenance facility to
6 EF Education First, Inc. The portion to be conveyed is located on a parcel of land owned by the
7 commonwealth and located on the extension of North Point boulevard and is bounded by the
8 John F. Gilmore bridge or Charlestown avenue, an un-named service road and the Prison Point
9 pumping station operated by the Massachusetts Water Resources Authority and is covered, in
10 part, by elevated highway ramps for interstate highway route 93. The exact location and
11 boundaries of the portion of the parcel to be conveyed and the portion of the parcel to be public

12 open space pursuant to section 3 shall be determined by the commissioner of capital asset
13 management and maintenance in consultation with the the department of conservation and
14 recreation. The conveyance shall be at a purchase price equal to or greater than the full and fair
15 market value of the fee interest as determined by an independent appraisal.

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

20 SECTION 3. As a further condition of the conveyance authorized in section 1, the
21 commissioner of capital asset management and maintenance shall enter into an easement, deed
22 restriction, covenant or other similar agreement enforceable by the city of Cambridge, dedicating
23 a portion of the parcel as public open space and authorizing the land to be included with the land
24 to be conveyed to EF Education First, Inc. as a single development parcel pursuant to the zoning
25 ordinances of the city; provided, however, that the portion of the parcel dedicated as open space
26 shall be permanently held and managed for conservation and recreation purposes; and provided
27 further, that to ensure a no-net loss of lands for natural resource and public open space purposes,
28 EF Education First, Inc. shall negotiate a memorandum of understanding with the department of
29 conservation and recreation, conveying land, providing funding or providing public recreational
30 opportunities for conservation and recreation. In determining an appropriate contribution to the
31 commonwealth to address the policy of no-net loss, the department shall take into account the
32 value of any new public green space and park improvements funded and constructed by EF
33 Education First, Inc. on the parcel.

34 SECTION 4. Notwithstanding any general or special law to the contrary, EF Education
35 First, Inc. may construct a building to be initially used principally for office and educational
36 purposes on a portion of the parcel of which it is conveyed.

37 SECTION 5. The inspector general shall review and approve the appraisal required
38 pursuant to section 1 and the review and appraisal shall include an examination of the
39 methodology utilized for the appraisal. The inspector general shall prepare a report of the review
40 and approval of the appraisal and file the report with the commissioner of capital asset
41 management and maintenance, the house and senate committees on ways and means and the
42 joint committee on state administration and regulatory oversight.

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