SENATE DOCKET, NO. 683 FILED ON: 1/15/2015

SENATE . . . . . No. 1646

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

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 conveyance of a certain parcel of land in the city of Boston to the Haitian Church of the Nazarene Friends of the Humbles and the Greater Boston Nazarene Compassionate Center.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Linda Dorcena Forry	*First Suffolk*

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SENATE . . . . . No. 1646

By Ms. Forry, a petition (accompanied by bill, Senate, No. 1646) of Linda Dorcena Forry for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to convey certain land in the city of Boston to the Church of the Nazarene Friends of the Humbles and the Greater Boston Nazarene Compassionate Center. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2807* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the conveyance of a certain parcel of land in the city of Boston to the Haitian Church of the Nazarene Friends of the Humbles and the Greater Boston Nazarene Compassionate Center.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith to authorize the reuse of certain surplus property, 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 32 through 38, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may lease, for a term not to exceed ten years, which may be renewed and extended
5 for two additional consecutive ten year terms, a certain parcel of state-owned reservation land in
6 the city of Boston to the Church of the Nazarene Friends of the Humbles and the Greater Boston

7 Nazarene Compassionate Center. The lease shall be subject to such terms and conditions as the
8 commissioner of capital asset management and maintenance, in consultation with the
9 commissioner of conservation and recreation, may prescribe, to ensure that environmental
10 impacts associated with the use of the parcel are addressed.

11 The parcel is located to the rear of 130 River street and shown as an area of land on a
12 plan of land, captioned "Commonwealth of Massachusetts, Metropolitan District Commission,
13 Parks Division, Neponset River Reservation, Boston (Dorchester District), Plan of Land to be
14 Conveyed to V.F.W. Lower Mills Memorial Post No. 8699 Inc., June 1969, Benjamin W. Fink,
15 Director of Engineering" and numbered 45852 –V.T. bounded and described as follows:
16 northeasterly by "Parcel A" as shown on said plan, 247.69± feet; easterly by land now or
17 formerly of John F. Ego, 74± feet; southerly by land of the Commonwealth of Massachusetts
18 shown as "Metropolitan Sewer Easement" on said plan, 249± feet; and westerly by land now or
19 formerly of John Conness, 75.92± feet The exact boundaries of the parcel to be leased shall be
20 determined by the commissioner of capital asset management and maintenance, in consultation
21 with the commissioner of conservation and recreation, after completion of a survey in the
22 discretion of the commissioner.

23 SECTION 2. The parcel is currently held for open space and passive recreation
24 associated with the Neponset River Reservation under the care and control of the department of
25 conservation and recreation. The lease shall contain a restriction that the parcel shall only be
26 used for parking purposes associated with the Church of the Nazarene Friends of the Humbles
27 and the Greater Boston Nazarene Compassionate Center. The department of conservation and
28 recreation may terminate the lease as to all or a portion of the parcel in the event the department
29 determines that all or a portion of the land is needed for any public construction project

30 associated with the commonwealth's sewer line easement operated by the massachusetts water
31 resources authority located within the parcel described in section 1 or any public access to or
32 bank improvements along the Neponset river. No parking shall be allowed on the
33 Commonwealth's sewer line easement. The consideration for the conveyance shall be the full
34 and fair market value as determined by the commissioner of capital asset management and
35 maintenance, in consultation with the department of conservation and recreation, pursuant to an
36 independent professional appraisal. The amount paid as consideration shall be deposited into the
37 department of conservation and recreation's Urban Parks Trust Fund, established by section 34
38 of chapter 92 of the General Laws, and used to ensure a no-net-loss of lands protected for
39 conservation and recreation purposes or mitigate impacts upon parkland.

40 SECTION 3. If for any reason the property leased as described in section 1 ceases to be
41 used solely for the purposes described in section 1, the commissioner of capital asset
42 management and maintenance, in consultation with the commissioner of department of
43 conservation and recreation, may terminate the lease. If the lease is terminated, the property shall
44 revert to the commonwealth under the care and control of the department of conservation and
45 recreation.

46 SECTION 4. Notwithstanding any general or special law to the contrary, the inspector
47 general shall review and approve the appraisal required pursuant to section 2. The inspector
48 general shall prepare a report of such review of the methodology utilized for the appraisal and
49 shall file the report with the commissioner of capital asset management and maintenance, the
50 house and senate committees on ways and means and the joint committee on state administration
51 and regulatory oversight. The commissioner of capital asset management and maintenance shall,
52 30 days before the execution of any conveyance authorized by this act or any subsequent

53 amendment thereto, submit the proposed conveyance or amendment and a report thereon to the
54 inspector general for review and comment. The inspector general shall issue such review and
55 comment within 15 days of receipt of the proposed conveyance or amendment. The
56 commissioner shall submit the proposed conveyance or amendment, and the reports and the
57 comments of the inspector general, if any, to the house and senate committees on ways and
58 means and the joint committee on state administration and regulatory oversight at least 15 days
59 before execution of the conveyance.

60 SECTION 5. Notwithstanding any general or special law to the contrary, Church of the
61 Nazarene Friends of the Humbles and the Greater Boston Nazarene Compassionate Center and
62 shall be responsible for all costs and expenses including, but not limited to, costs associated with
63 any engineering, surveys, appraisals and lease preparation related to the conveyance authorized
64 in this act as such costs may be determined by the commissioner of capital asset management
65 and maintenance.