

# **HOUSE . . . . . No. 4802**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 24, 2018.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4615) of Christine P. Barber (with the approval of the mayor and city council) that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain land in the city of Somerville to the Somerville Housing Authority, reports recommending that the accompanying bill (House, No. 4802) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to convey certain land in the city of Somerville to the Somerville Housing Authority, 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 to 37 of Chapter 7C of the General Laws or  
2 any other general or special law to the contrary, the commissioner of capital asset management  
3 and maintenance, in consultation with the department of conservation and recreation, may  
4 convey to the Somerville housing authority, a political subdivision of the Commonwealth of  
5 Massachusetts, a certain parcel of land located at 34 North Street in the city of Somerville, at the  
6 corner of Alewife Brook Parkway and Powder House Boulevard, and consisting of  
7 approximately 4,750 square feet which form part of the right of way, sidewalks, curb and  
8 roadway of Alewife Brook Parkway. The parcel of land is currently under the care and control  
9 of the department of conservation and recreation for conservation and recreation purposes and  
10 used as a parkway which has been designated and restricted by the department to "pleasure

11 vehicles only". The approximate location of the parcel is shown on a plan entitled "Clarendon  
12 Hill, Preliminary Article 97 Land Swap Plan, Land Located in Somerville, Massachusetts,  
13 Surveyed for Somerville Housing Authority" prepared by Design Consultants, Inc., dated May 9,  
14 2018, which plan is on file with the commissioner of capital asset management and maintenance.  
15 Modifications to the description set forth in the plan described above may be made in order to  
16 conform with a final land survey, as accepted by the division and the department, before any  
17 conveyance to carry out this act. The deed shall contain an acknowledgement that Alewife Brook  
18 Parkway is a parkway which has been designated and restricted to "pleasure vehicles only".  
19 Grantee may ground lease the land conveyed hereunder in connection with the redevelopment of  
20 34 North Street, Somerville, MA, also known as Clarendon Hill Apartments, pursuant to that  
21 certain request for proposals entitled "Request for Proposals for the Long-Term Lease of  
22 Authority Land at 34 North St, Somerville, Massachusetts and the Development of this Land for  
23 Mixed-Income Housing," dated on or about March 18, 2018, without any additional process  
24 under Chapter 30B of the General Laws.

25 SECTION 2. There shall be an independent appraisal of the parcel of land described in  
26 section 1 to determine the full and fair market value, or the value in use as proposed, based upon  
27 such independent professional appraisals as commissioned by the commissioner of capital asset  
28 management and maintenance. The grantee shall compensate the commonwealth by (i) making a  
29 cash payment equal to the greater of the full and fair market value or the value in use as proposed  
30 of the fee interest in the land as determined by these independent professional appraisals, (ii)  
31 providing to the department of conservation and recreation a fee interest in or a permanent  
32 restriction on land of equal or greater acreage and value as determined by these independent  
33 professional appraisals and acceptable to the department of conservation and recreation, or (iii)

34 any combination of both (i) and (ii) acceptable to the department of conservation and recreation.  
35 . For the purposes of any such appraisal, the full and fair market value of the area to be  
36 conveyed shall be calculated with regard to its full development potential as assembled with  
37 other abutting lands owned or otherwise controlled by the grantee, if any. The commissioner of  
38 capital asset management and maintenance shall submit any such appraisals and a report thereon  
39 to the inspector general for review and comment. Notwithstanding any general or special law to  
40 the contrary, the inspector general shall review and approve any such appraisal and the review  
41 shall include an examination of the methodology used for that appraisal. The inspector general  
42 shall prepare a report of his review and file the report with the commissioner of capital asset  
43 management and maintenance, the house and senate committees on ways and means and the  
44 joint committee on bonding, capital expenditures and state assets. The commissioner of capital  
45 asset management and maintenance shall, 30 days before the execution of a conveyance  
46 authorized by this act, or a subsequent amendment thereto, submit the proposed conveyance or  
47 amendment and a report thereon to the inspector general for review and comment. The inspector  
48 general shall issue review and comment within 15 days after receipt of the proposed conveyance  
49 or amendment. The commissioner shall submit the proposed conveyance or amendment, and the  
50 reports and comments of the inspector general, if any, to the house and senate committees on  
51 ways and means and the joint committee on bonding, capital expenditures and state assets at least  
52 15 days before the execution of the conveyance or amendment.

53 SECTION 3. The grantee shall be responsible for all costs associated with the  
54 conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording  
55 or legal costs, and any other expenses incurred by the commonwealth in connection with the

56 conveyance, and shall be responsible for all costs, liabilities and expenses of any nature and kind  
57 for its ownership and use.

58 SECTION 4. To ensure a no-net-loss of lands protected for conservation and recreation  
59 purposes on account of the conveyances and releases authorized in this act, the grantee shall  
60 ensure that lands of equal or greater acreage and fair market value or value in proposed use,  
61 acceptable to the department of conservation and recreation, are permanently protected for such  
62 purposes under the ownership of the commonwealth or its designee.

63 SECTION 5. This act shall take effect upon its passage.