

HOUSE No. 5212

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 22, 2020.

The committee on Ways and Means to whom was referred the Bill authorizing the sale of real property in Brockton (House, No. 5059), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5212).

For the committee,

AARON MICHLEWITZ

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the sale of real property in Brockton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the sale of real property in the city of Brockton, which is immediately necessary to carry out to accomplish important public purposes, 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, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may: (i) sell; (ii) lease for terms of up to 99 years, including all
4 renewals and extensions; or (iii) otherwise grant, convey or transfer to 1 or more purchasers or
5 lessees an interest in the parcel of land located in the city of Brockton and commonly known as
6 36 Main street, and more particularly bound and recorded in a deed recorded with the Plymouth
7 county registry of deeds in book 18251, page 252, subject to this act and on such terms and
8 conditions that the commissioner of capital asset management and maintenance may provide.
9 The exact location and boundaries of the property or portions thereof to be conveyed shall be
10 determined by the commissioner of capital asset management and maintenance after completion
11 of a survey.

12 SECTION 2. In making any such disposition pursuant to section 1, the commissioner of
13 capital asset management and maintenance shall use appropriate competitive bidding processes
14 and procedures. At least 30 days before the date on which bids, proposals or other offers to
15 purchase the property or any portion thereof, are due, the commissioner of capital asset
16 management and maintenance shall place a notice in the central register published by the state
17 secretary pursuant to section 20A of chapter 9 of the General Laws stating the availability of the
18 property, the nature of the competitive bidding process and other information that the
19 commissioner of capital asset management and maintenance considers relevant, including the
20 time, place and manner for the submission of bids or proposals and the opening of the bids or
21 proposals.

22 SECTION 3. Any purchase and sale agreement, lease or other document relating to the
23 sale, lease, transfer or other disposition of the parcel or any portion thereof shall provide that the
24 commonwealth including, without limitation the division of capital asset management and
25 maintenance, shall have no liability to any purchaser, lessee, transferee or successor to any
26 purchaser, lessee or transferee of all or part of the parcel described in section 1 for any claims
27 arising out of or related in any way to the conditions, known or unknown, of the parcel, or
28 otherwise in connection with any sale, lease, transfer or other disposition thereof.

29 SECTION 4. In the sale of the parcel or any portion thereof pursuant to section 1, the
30 commissioner of capital asset management and maintenance may retain or grant rights of way or
31 easements for access, egress, utilities and drainage across any portions of the property and the
32 commonwealth may accept from the purchaser such rights of way or easements in or across any
33 portions of the property to be conveyed or transferred for access, egress, drainage and utilities as

34 the commissioner of capital asset managed and maintenance considers necessary and appropriate
35 to carry out this section.

36 SECTION 5. The purchaser, lessee or transferee of any portion of the property pursuant
37 to section 1 shall be responsible for all costs and expenses related thereto including, but not
38 limited to, costs associated with surveys, deed preparation and recording fees as such costs may
39 be determined by the commissioner of capital asset management and maintenance.

40 SECTION 6. Notwithstanding any other general or special law to the contrary, the
41 commissioner of capital asset management and maintenance may take any interests in the parcel
42 thereon by eminent domain pursuant to chapter 79 of the General Laws, as deemed necessary by
43 the commissioner of capital asset management and maintenance to carry out this act.

44 SECTION 7. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
45 Laws or any other general or special law to the contrary, the commissioner of capital asset
46 management and maintenance may grant to the owner of any parcels abutting the property 1 or
47 more easements over portions of the property. The commissioner of capital asset management
48 and maintenance shall determine the consideration for such easements based on consultation
49 with appraisal professionals. The grant of easements shall be on such terms and conditions as the
50 commissioner of capital asset management and maintenance deems appropriate.