

SENATE No. 2352

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 division of capital asset management and maintenance to dispose of certain parcels of land in the city of Brockton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>9/10/2019</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>9/10/2019</i>

SENATE No. 2352

By Mr. Brady, a petition (accompanied by bill, Senate, No. 2352) (subject to Joint Rule 12) of Michael D. Brady, Gerard J. Cassidy and Claire D. Cronin for legislation to authorize the division of capital asset management and maintenance to dispose of certain parcels of land in the city of Brockton. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the division of capital asset management and maintenance to dispose of certain parcels of land in the city of Brockton.

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. (a) Notwithstanding sections 32 to 37, 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 president of Massasoit Community
4 College, may: (i) sell; (ii) lease for a term of not more than 99 years, including all renewals and
5 extensions; or (iii) otherwise grant, convey or transfer to purchasers or lessees an interest in the
6 parcels described in subsection (b) or any portion thereof along with the buildings located
7 thereon; provided, however, that the city of Brockton shall have the first option to purchase the
8 parcels or any portion thereof pursuant to subsection (c).

9 (b) The parcels of land located at 770 and 782 Crescent street in the city of Brockton,
10 containing 6.8 acres, more or less, known as the conference center parcels and the Christo’s
11 parcels and acquired by the commonwealth by deeds recorded in the Plymouth registry of deeds

12 in book 44364, page 232, book 44365, page 55 and book 44364, page 240 and on certificate of
13 title number 91614 in document number 411879; provided, however, that the exact location and
14 boundaries of the parcels or portions thereof to be conveyed shall be determined by the
15 commissioner after completion of a survey.

16 (c) No portion of the parcels shall be disposed of unless: (i) the commissioner first offers
17 in writing to convey the parcels to the city of Brockton for an amount not less than the fair
18 market value of the parcels; and (ii) the offer is: (A) not accepted within 30 days of the offer
19 being made; (B) refused by the city; or (C) accepted but the city does not complete its purchase
20 of the parcels within 3 months after the date the city accepts the offer. The consideration for the
21 parcels or portions thereof shall be the full and fair market value of the parcels or portions
22 thereof to be acquired by the city as determined by the appraisal completed pursuant to
23 subsection (g).

24 (d) The commissioner, in consultation with the Old Colony Planning Council, shall, for
25 no consideration, convey to the city any portion of the parcels necessary for improving vehicle
26 access to the entrance to Massasoit Community College. The exact location and boundaries
27 thereof shall be determined by the commissioner after completion of a survey.

28 (e) The commissioner shall use appropriate competitive bidding processes and procedures
29 when making any disposition under this act. Not less than 30 days before the date on which bids,
30 proposals or other offers to purchase the parcels or any portion thereof are due, the commissioner
31 shall place a notice in the central register published by the state secretary pursuant to section 20A
32 of chapter 9 of the General Laws stating: (i) the availability of the property; (ii) the nature of the
33 competitive bidding process; (iii) the time, place and manner for the submission of bids and

34 proposals and the opening of the bids or proposals; and (iv) other information that the
35 commissioner deems relevant. The commissioner shall also place notification in the central
36 register of the individual or firm selected as party to any real property transaction involving the
37 property and the amount of the transaction.

38 (f) A public meeting to consider the reuse of the parcels may be conducted by the
39 department of planning and economic development of the city of Brockton.

40 (g) An independent appraisal to determine the fair market value of a parcel or any portion
41 thereof subject to sale, lease, transfer or other disposition pursuant to this act shall be prepared in
42 accordance with the usual and customary professional appraisal practices by a qualified appraiser
43 commissioned by the division of capital asset management and maintenance.

44 (h) The inspector general shall review and approve any independent appraisal conducted
45 pursuant to subsection (g). The review and approval shall include an examination of the
46 methodology utilized for the appraisal. The inspector general shall prepare a report on the review
47 and approval and file the report with the commissioner of capital asset management and
48 maintenance, the house and senate committees on ways and means and the joint committee on
49 state administration and regulatory oversight. The commissioner shall submit copies of the
50 appraisal, the report thereon and the inspector general's review and approval, along with
51 comments, if any, to the house and senate committees on ways and means and the joint
52 committee on state administration and regulatory oversight before the execution of an instrument
53 pursuant to this act.

54 (i) Any purchase and sale agreement, lease or other document relating to the sale, lease,
55 transfer or other disposition of the parcels or any portion thereof pursuant to this act shall provide

56 that the commonwealth, including, but not limited to, Massasoit Community College and the
57 division, shall have no liability to any purchaser, lessee, transferee or successor to any purchaser,
58 lessee or transferee of all or part of the property for any claims arising out of or related in any
59 way to the conditions, known or unknown, of the property or otherwise in connection with any
60 sale, lease, transfer or other disposition thereof.

61 (j) A deed of conveyance from the commissioner, in consultation with the president of
62 Massasoit Community College, may retain or grant rights of way or easements for access, egress,
63 utilities and drainage across any other portions of the property and the commonwealth may
64 accept from the purchaser such rights of way or easements in roadways or across any portions of
65 the property to be conveyed or transferred for access, egress, drainage and utilities as the
66 commissioner considers necessary and appropriate to carry out this act.

67 (k) The purchaser of the parcels or any portion thereof pursuant to this act shall be
68 responsible for all costs and expenses related to the purchase, lease or transfer of the property,
69 including, but not limited to, costs associated with a survey, appraisal, deed preparation and
70 recording fees as such costs may be determined by the commissioner.

71 (l) No agreement for the sale, lease, transfer or other disposition of the parcels or any
72 portion thereof and no deed, lease or other document executed by or on behalf of the
73 commonwealth shall be valid unless the agreement or deed contains the following certification
74 signed by the commissioner: "I, the undersigned commissioner of capital asset management and
75 maintenance, hereby certify under the penalties of perjury that I have fully complied with the
76 relevant provisions of all general and special laws in connection with the property described in
77 this document."

78 (m) The cash proceeds of the sale of the parcels or any portion thereof shall be deposited
79 into an expendable trust established on behalf of Massasoit Community College pursuant to
80 section 6 of chapter 6A of the General Laws and 801 CMR 50.00. Proceeds in the trust may first
81 be expended for any transaction-related expenses and expenses incurred by the division,
82 including, but not limited to, appraisals, surveys, deed preparation, site preparation, plans,
83 recording fees, smart growth review and feasibility, other marketing studies and any other
84 expenses relating to the disposition of the parcels to the extent not paid for by the purchaser
85 pursuant to subsection (k). All remaining funds deposited into the trust may be expended for
86 capital repairs and improvements to facilities on the campus of Massasoit Community College,
87 including, but not limited to, the renovation of academic buildings, as determined by the
88 commissioner and the president of Massasoit Community College and approved by the secretary
89 of administration and finance.