

SENATE No. 2782

The Commonwealth of Massachusetts

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

SENATE, June 29, 2020.

The committee on Senate Ways and Means to whom was referred the Senate Bill authorizing the division of capital asset management and maintenance to dispose of certain parcels of land in the city of Brockton (Senate, No. 2352),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2782).

For the committee,
Michael J. Rodrigues

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**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 referenced in subsection (a) are located at 770 and 782 Crescent
10 street in the city of Brockton, contain 6.8 acres, more or less, and are known as the conference
11 center parcels and the Christo’s parcels. The parcels were acquired by the commonwealth by
12 deeds recorded in the Plymouth registry of deeds in book 44364, page 232, book 44365, page 55
13 and book 44364, page 240 and on certificate of title number 91614 in document number 411879;

14 provided, however, that the exact location and boundaries of the parcels or portions thereof to be
15 conveyed shall be determined by the commissioner after completion of a survey.

16 (c) No portion of the parcels shall be disposed of until the commissioner first makes an
17 offer in writing to the city of Brockton for the purchase of the parcels and the offer is: (i) not
18 accepted within 30 days after the offer has been made; (ii) refused by the city; or (iii) accepted
19 by the city but the city fails to complete the purchase within 3 months after the date of such
20 acceptance. The consideration for the parcels or any portions thereof to be conveyed to the city
21 of Brockton shall be the full and fair market value of the parcels or portions as determined by the
22 appraisal completed pursuant to subsection (g).

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

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

35 register of the individual or firm selected as a party to any transaction involving the property
36 referenced in subsection (a) and the amount of the transaction.

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

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

44 (h) The commissioner of capital asset management and maintenance shall submit the
45 appraisal to the inspector general for the inspector general's review and comment. The inspector
46 general shall review and approve the appraisal and the review shall include an examination of the
47 methodology utilized for the appraisal. The inspector general shall prepare a report of the
48 appraisal and file the report with the commissioner of capital asset management and maintenance
49 for submission by the commissioner to the house and senate committees on ways and means and
50 the joint committee on state administration and regulatory oversight. The commissioner shall
51 submit copies of the appraisal, and the inspector general's review and approval and comments, if
52 any, to the house and senate committees on ways and means and the joint committee on state
53 administration and regulatory oversight at least 15 days prior to the execution of any documents
54 effecting the transfers authorized in this act.

55 (i) Any documents relating to the sale, lease, transfer or other disposition of the parcels or
56 any portions thereof pursuant to this act shall provide that the commonwealth including, but not

57 limited to, Massasoit Community College and the division of capital asset management and
58 maintenance, shall not be liable to any purchaser, lessee, transferee or successor to any
59 purchaser, lessee or transferee of all or any portion of the property for any claims arising out of
60 or related in any way to the conditions, known or unknown, of the property or otherwise in
61 connection with any such sale, lease, transfer or other disposition thereof.

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

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

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

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