

## SENATE, NO. 2286

[Senate, February 25, 2010 - New draft reported on Senate, No. 2136 from the committee on State Administration and Regulatory Oversight.]



## The Commonwealth of Massachusetts

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IN THE YEAR OF TWO THOUSAND AND NINE

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### **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.**

*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.** The commissioner of capital asset management and maintenance, in
- 2   consultation with the department of conservation and recreation, notwithstanding sections 40E
- 3   to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by
- 4   the inspector general, to the Somerville housing authority, a political subdivision of the

5 commonwealth of Massachusetts, a certain parcel of land located at 485 Mystic Valley Parkway  
6 a/k/a 149 Capen Street in the city of Somerville and consisting of approximately 1.39 acres  
7 together with approximately 25,000 gross square feet of building space and associated  
8 infrastructure, most recently used as a waterworks system pursuant to chapter 372 of the acts of  
9 1984. This parcel's approximate location is shown on a plan entitled "Easement Plan of Land,  
10 Capen Court Senior Housing, 1 Capen Court, Plan of Land in Somerville, Massachusetts"  
11 prepared by Design Consultants, Inc. dated January 16, 2008, which plan is on file with the  
12 commissioner of capital asset management and maintenance. The exact boundaries of the  
13 property shall be determined by the commissioner, based on a survey. The deed shall contain an  
14 acknowledgement that Mystic Valley Parkway and Alewife Brook Parkway are parkways  
15 which have been designated and restricted to "pleasure vehicles only" by the department of  
16 conservation and recreation and that the use of Mystic Valley Parkway and Alewife Brook  
17 Parkway is subject to the generally applicable regulations for such parkways of the department  
18 of conservation and recreation, as such regulations may be amended from time to time.

19         The conveyance of the parcel described in this section shall reserve non-exclusive  
20 permanent volumetric easements for the benefit of the commonwealth and the Massachusetts  
21 water resources authority for a 30 inch water main and a 60 inch water main currently existing  
22 on the parcel, such easements to be shown on plans to be approved by the commissioner. The  
23 easements may be used to access, maintain, repair and reconstruct the existing water lines and  
24 any related equipment currently held by the Massachusetts water resources authority existing  
25 within the reserved permanent volumetric easements. The easements shall be 35 feet in width,  
26 measuring a distance of at least 15 feet on either side of the existing pipeline and shall extend  
27 the full length of the pipeline on the parcel. The easements shall be non-exclusive; provided

28 however that, unless the written consent of the Massachusetts water resources authority shall  
29 have been obtained, no buildings or structures shall be erected or maintained in or upon any  
30 part of the easements nor shall any trees or shrubs be planted. Subject to the prior review and  
31 approval of the Massachusetts water resources authority, the easement and pipeline may be  
32 relocated at the sole expense of the fee owner.

33 **SECTION 2.** The purchaser of the parcel conveyed pursuant to section 1 shall pay  
34 consideration of 1 dollar. Additional consideration for the conveyance of the parcel shall be the  
35 undertaking to complete and operate affordable senior housing on the parcel under certain use  
36 restrictions and regulatory agreements to be entered into in connection with the affordable  
37 housing subsidies granted with respect to the parcel.

38 **SECTION 3.** The commissioner of capital asset management and maintenance, 30 days  
39 before the execution of any deed authorized by this act or any subsequent amendment thereof,  
40 shall submit the deed or amendment and a report thereon to the inspector general for his review  
41 and comment. The inspector general shall issue his review and comment within 15 days of  
42 receipt of any deed or amendment. The commissioner shall submit the deed and any subsequent  
43 amendments thereof, the reports, and the comments of the inspector general, if any, to the house  
44 and senate committees on ways and means and the joint committee on state administration and  
45 regulatory oversight at least 15 days before the execution of the deed.

46 **SECTION 4.** The purchaser shall be responsible for all costs associated with the  
47 conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording  
48 or legal costs, and any other expenses incurred by the commonwealth in connection with the

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