

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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 convey certain land in the city of Somerville to the Somerville Housing Authority.

PETITION OF:

NAME:

Christine P. Barber

DISTRICT/ADDRESS:

34th Middlesex

HOUSE No.

By Ms. Barber of Somerville, a petition (subject to Joint Rule 12) 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. State Administration and Regulatory Oversight. [Local Approval Received.]

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, 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. The commissioner of capital asset management and maintenance, in
2 consultation with the department of conservation and recreation, notwithstanding Sections 40E to
3 40J, inclusive, of Chapter 7 of the General Laws, or any other general or special law to the
4 contrary, may convey by deed approved as to form by the inspector general, to the Somerville
5 housing authority, a political subdivision of the Commonwealth of Massachusetts, a certain
6 parcel of land located at 34 North Street in the city of Somerville, at the corner of Alewife Brook
7 Parkway and Powder House Boulevard, and consisting of approximately 4,750 square feet which
8 form part of the right of way, sidewalks, curb and roadway of Alewife Brook Parkway. Such
9 real property interests are currently under the care and control of the department of conservation

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

29 SECTION 2. There shall be an independent appraisal of the grant of fee interests in the
30 land described in section 1 to be conveyed as authorized by this act to determine the full and fair
31 market value, or the value in use as proposed, based upon such independent professional
32 appraisals as commissioned by the commissioner of capital asset management and maintenance.

33 The grantee shall compensate the commonwealth by either (i) making a cash payment equal to
34 the full and fair market value of the fee interest in the land as determined by these independent
35 professional appraisals or (ii) providing to the department of conservation and recreation a fee
36 interest in or a permanent restriction on land of equal or greater acreage and value as determined
37 by these independent professional appraisals, acceptable to the department of conservation and
38 recreation following substantial completion of the project to which the conveyances or releases
39 pertain, in both cases, together with any obligations grantee may have for “no-net-loss” under
40 Section 4. For the purposes of any such appraisal, the full and fair market value of the area to be
41 conveyed shall be calculated with regard to its full development potential as assembled with
42 other abutting lands owned or otherwise controlled by the grantee, if any. The commissioner of
43 capital asset management and maintenance shall submit any such appraisals and a report thereon
44 to the inspector general for review and comment. Notwithstanding any general or special law to
45 the contrary, the inspector general shall review and approve any such appraisal and the review
46 shall include an examination of the methodology used for that appraisal. The inspector general
47 shall prepare a report of his review and file the report with the commissioner of capital asset
48 management and maintenance, the house and senate committees on ways and means and the
49 joint committee on bonding, capital expenditures and state assets. The commissioner of capital
50 asset management and maintenance shall, 30 days before the execution of a conveyance
51 authorized by this act, or a subsequent amendment thereto, submit the proposed conveyance or
52 amendment and a report thereon to the inspector general for review and comment. The inspector
53 general shall issue review and comment within 15 days after receipt of the proposed conveyance
54 or amendment. The commissioner shall submit the proposed conveyance or amendment, and the
55 reports and comments of the inspector general, if any, to the house and senate committees on

56 ways and means and the joint committee on bonding, capital expenditures and state assets at least
57 15 days before the execution of the conveyance or amendment.

58 SECTION 3. The grantee shall be responsible for all costs associated with the
59 conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording
60 or legal costs, and any other expenses incurred by the commonwealth in connection with the
61 conveyance, and shall be responsible for all costs, liabilities and expenses of any nature and kind
62 for its ownership and use.

63 SECTION 4. To ensure a no-net-loss of lands protected for conservation and recreation
64 purposes on account of the conveyances and releases authorized in this act, the grantee shall
65 ensure that lands of equal or greater acreage and value, acceptable to the department of
66 conservation and recreation, are permanently protected for such purposes under the ownership of
67 the commonwealth or its designee, following substantial completion of the project to which the
68 conveyances or releases pertain.

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