

**SENATE . . . . . No. 02367**

**[LOCAL APPROVAL RECEIVED.]**

The Commonwealth of Massachusetts

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PRESENTED BY:

*Mark C. Montigny*

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*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 passage of the accompanying bill:

An Act authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford.

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>

# SENATE . . . . . No. 02367

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2367) of Mark C. Montigny and Antonio F. D. Cabral (with the approval of the mayor and city council) for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford. State Administration and Regulatory Oversight. [Local Approval Received.]

## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in New Bedford to the city of New Bedford.

*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 the provisions of sections 40E through 40J of chapter 7 of  
2 the General Laws or any other general or special law to the contrary, the commissioner of the  
3 division of capital asset management and maintenance may, in consultation with the  
4 commissioner of the department of fish and game, convey, for the purposes of developing the  
5 South Terminal in New Bedford into a multi-use commercial marine terminal for uses including  
6 but not limited to a marine staging site for construction, development and maintenance of  
7 offshore renewable energy projects in New England and other purposes consistent with those  
8 described at section 2 of chapter 23J of the General Laws, certain property located on Blackmer  
9 Street in the city of New Bedford, including any and all rights-of-way and easements appurtenant  
10 thereto, currently under the care and control of the department of fish and game, to the city of

11 New Bedford. Said property is more particularly described as Parcel 1 and Parcel 2 in the  
12 “Commonwealth of Massachusetts Department of Fish and Game Consensual Order of Taking”  
13 dated June 30, 2005, recorded with the Bristol County South District Registry of Deeds at Book  
14 7642, Page 344, and shown as Lots 3B and Lot 3A on the plan marked as Exhibit A made a part  
15 thereof and recorded therewith. The exact boundaries of the property shall be determined by the  
16 commissioner of the division of capital asset management and maintenance in consultation with  
17 the commissioner of the department of fish and game after completion of a survey. The  
18 Commonwealth shall convey the property by deed without warranties or representations .

19           SECTION 2. Notwithstanding chapter 30B of the general laws or any or general or  
20 special law to the contrary, in consideration for said conveyance and for the economic benefits  
21 arising from or related to the creation of a multi-use commercial marine terminal at South  
22 Terminal, the city of New Bedford shall convey a parcel of land owned by the city and located  
23 on Rodney French Boulevard, easterly of the former Naval Reserve Center property, on file with  
24 the division of capital asset management and maintenance to the department of fish and game  
25 suitable for the purposes of marine fisheries research and conservation and the construction of  
26 facilities associated therewith, including but not limited to the construction of facilities for the  
27 division of marine fisheries’ storage and support needs and operational activities, as determined  
28 by the commissioner of the division of capital asset management and maintenance in  
29 consultation with the commissioner of the department of fish and game. The city of New  
30 Bedford shall convey the property by deed without warranties or representations. The city of  
31 New Bedford shall establish the boundaries of the property to be conveyed to the department of  
32 fish and game and prepare a survey for same.

33           SECTION 3. Notwithstanding any general or special law to the contrary, in further  
34 consideration for the conveyance more particularly described in Section 1, and for the purpose of  
35 enhancing the existing partnership between the school of marine science and technology in the  
36 university of massachusetts dartmouth (SMAST) and the division of marine fisheries, SMAST  
37 shall provide not less than 7,146 square feet of office space for use by staff of the division of  
38 marine fisheries in either SMAST's existing facility located at 706 South Rodney French  
39 Boulevard in the city of New Bedford or in the facility to be constructed by SMAST on the  
40 former Naval Reserve Center property located at 838 South Rodney French Boulevard in the city  
41 of New Bedford, as determined by SMAST in consultation with the department of fish and game  
42 and its division of marine fisheries; provided that the division of marine fisheries' occupancy of  
43 said office space shall be for a term of not less than thirty years; and provided, further, that  
44 during said term, the amount charged by SMAST for the division of marine fisheries' use of such  
45 office space shall be limited to the division of marine fisheries' proportionate share of the  
46 utilities and building maintenance costs.

47           SECTION 4. To ensure a no-net-loss of lands protected for conservation purposes, the  
48 division of capital asset management and maintenance shall convey property pursuant to section  
49 1 of this act to the city of New Bedford only if, in the determination of the secretary of energy  
50 and environmental affairs, the impact from said conveyance has been adequately mitigated by  
51 (1) conveyance by the city of New Bedford of property pursuant to section 2 of this act to be  
52 held by the department of fish and game for the purposes of marine fisheries research and  
53 conservation and the construction of facilities associated therewith, including but not limited to  
54 the construction of facilities for the division of marine fisheries' storage and support needs and

55 operational activities; and (2) the execution of the lease described in section 3 of this act by  
56 SMAST and the division of marine fisheries.

57 SECTION 5. The commissioner of the division of capital asset management and  
58 maintenance shall, 30 days before the execution of any conveyance authorized by this act, or any  
59 subsequent amendment thereto, submit the proposed conveyance or amendment and a report  
60 thereon to the inspector general for his review and comment. The inspector general shall submit  
61 his review and comment to the commissioner of the division of capital asset management and  
62 maintenance within 15 days of receipt of the proposed conveyance or amendment. The  
63 commissioner of the division of capital asset management and maintenance shall submit the  
64 proposed conveyance or amendment, and the review and comment of the inspector general, if  
65 any, to the house and senate committees on ways and means and the joint committee on bonding,  
66 capital expenditures and state assets at least 15 days before the execution of the conveyance.

67 SECTION 6. Notwithstanding any general or special law to the contrary, the  
68 commonwealth shall not be responsible for any costs or expenses, including but not limited to,  
69 any costs associated with any engineering, surveys, appraisals, and deed preparation, related to  
70 the conveyance authorized pursuant to this act as such costs may be determined by the  
71 commissioner of the division of capital asset management and maintenance.

72 SECTION 7. This act shall take effect upon its passage.