

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

David L. Flynn

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 relative to the development of underused state owned real property and the disposition of state owned surplus real property.

PETITION OF:

NAME:

David L. Flynn

DISTRICT/ADDRESS:

8th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3770 OF 2007-2008.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED REAL PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL PROPERTY.

*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. Chapter 7 of the General Laws is hereby amended by striking out section 1, as appearing in
2 the 2004 Official Edition, and inserting in place thereof the following section:—

3 Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the
4 following meanings:

5 "Commissioner", the commissioner of administration.

6 "Eligibility", written criteria established before a request for applications that are used to determine if an application
7 for an award of grant program resources is acceptable.

8 "Finance committee", the committee of the executive council appointed to consider matters of finance.

9 "Grant program", financial or technical assistance provided by a state agency or state authority, as defined in section
10 1 of chapter 29, available to a city, town or other public or private entity otherwise eligible.

11 "Grant program fiscal statement", shall include: (1) a description of the substance of the application; (2) the average
12 expected grant amount; (3) a listing of award recipients, including the award amount, if any, the fiscal year of the
13 award and the date of award; (4) the estimated proportion of monies, in-kind match or other monies to be supplied
14 by the award recipient and any other source from which such match will be required; (5) a description of the
15 allocation formula and matching requirements, including whether the grant is distributed on the basis of a specified
16 formula or at the grantor's discretion; (6) a description of any constraints placed on the use of the grant; and (7)
17 contact information, including the telephone number, postal address and internet email address to facilitate the
18 application process.

19 "Grant program reference", a description in electronic format that is retrievable and printable that shall include: (1)
20 the grant program application; (2) the grant program eligibility criteria; (3) the application due date; and (4) the
21 grant program fiscal statement.

22 For the purposes of sections 39B to 43J, inclusive, the following words shall, unless the context clearly requires
23 otherwise, have the following meanings:-

24 "Agency", the Massachusetts Development Finance Agency, a body politic and corporate entity established by
25 section 2 of chapter 23G.

26 "Commissioner", the commissioner of the division of capital asset management and maintenance.

27 "Committee", the state surplus land coordinating committee established pursuant to section 40F.

28 "Affordable housing", housing that is affordable for rental or purchase by families or individuals whose income at
29 initial occupancy is equal to or less than 100 per cent of the median area income as determined by the United States
30 secretary of housing and urban development for federal housing programs.

31 "Direct public use", use of real property by a governmental or quasi-governmental entity including, without
32 limitation, the commonwealth, any municipality within the commonwealth, or any authority or district within the
33 commonwealth, or any instrumentality of any of the foregoing, and, with respect to any use of real property by a
34 private non-profit organization, any use of the real property for affordable housing production, community economic
35 development, historic preservation or for open space acquisition or preservation.

36 "Host municipality", the municipality or municipalities within which state owned real property conveyed, leased or
37 otherwise transferred to the agency or declared surplus pursuant to the provisions of this chapter is located.

38 "Net cash proceeds", all payments paid to the commonwealth as and when paid, less any transaction-related
39 expenses incurred by the division of capital asset management and maintenance, the Massachusetts Development
40 Finance Agency and the regional planning agency for which it is not otherwise reimbursed, including, but not
41 limited to, costs associated with the disposal or pre-development of the real property where the funds originated
42 including, but not limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth
43 review and any other expenses relating to the disposal or pre-development of the real property pursuant to the
44 provisions of this chapter, and less any amounts that may be owing to the federal government as a result of the
45 disposition.

46 "Real property", as defined in section 39A.

47 "State agency", as defined in said section 39A.

48 "Surplus real property", real property of the commonwealth: (1) previously determined to be surplus to current and
49 foreseeable state needs pursuant to section 40F or 40F½, but excluding real property for which there is an
50 established local reuse plan; or (2) determined to be surplus to current and foreseeable state needs pursuant to this
51 chapter.

52 SECTION 2. Said Chapter 7 is hereby further amended by striking out section 40E, as so appearing, and inserting in
53 place thereof the following section:—

54 Section 40E. Real property, record title to which is held in the name of a state agency or the board of trustees of a
55 state agency or similar board of a state agency, shall be deemed to be real property of the commonwealth. No deed
56 or other instrument shall be required to effect the transfer to the commonwealth of title to such real property, but the
57 land court department of the trial court shall, upon petition of the division of capital asset management and
58 maintenance, issue in the name of the commonwealth a certificate of title to any real property, title to which is

59 registered under chapter 185 in the name of a state agency or the board of trustees of a state agency or similar board
60 of a state agency. Notwithstanding any general or special law to the contrary, no person shall acquire any rights by
61 prescription or adverse possession in any lands or rights in lands held in the name of the commonwealth.

62 The commissioner and the committee shall exercise the powers stated in this chapter, notwithstanding the
63 delegations which the general court has made pertaining to the acquisition, control, and disposition of real property,
64 including section 19 of chapter 16; section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13, and 30 of
65 chapter 21; sections 2 and 9 of chapter 21A; sections 8 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of
66 chapter 28A; section 41 of chapter 29; sections 4 and 5 of chapter 29A; sections 11, 12, 25, 26, and 27 of chapter 75;
67 sections 7, 7A, 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of chapter 81; section 7 of chapter 82; section 4 of
68 chapter 83; section 39B of chapter 90; sections 2, 3, 5, and 6 of chapter 91; sections 9A, 13, 33, 34, 77 to 85,
69 inclusive, 87, and 88 of chapter 92; sections 62R, 83, and 86 of chapter 111; section 5 of chapter 111B; section 8 of
70 chapter 115A; sections 1 and 2 of chapter 120; section 5 of chapter 122; section 10 of chapter 124; section 2 of
71 chapter 147; sections 31 and 32 of chapter 184; provided, however, that the commissioner shall acquire, control and
72 dispose of real property in accordance with the terms and purposes of the aforementioned provisions. The
73 commissioner shall not make any acquisition of real property on behalf of a state agency by eminent domain or
74 make any such delegation of power to acquire real property by eminent domain to any state agency unless such state
75 agency is otherwise authorized by law to exercise the power of eminent domain. The commissioner may delegate to
76 state agencies responsibility for the acquisition and control of real property as provided for in this chapter. When
77 responsibility is delegated to a state agency, the written approval of the commissioner shall be required before the
78 transaction is completed, and a copy of said written approval shall be sent to the joint committee on bonding, capital
79 expenditures and state assets.

80 For the purposes of sections 40F to 40L, inclusive, the term "emergency" shall mean any situation caused
81 by unforeseen circumstances which render currently used real property unusable or unavailable for the purposes
82 intended and which creates an immediate need for other real property to preserve the health or safety of persons or
83 real property.

84 SECTION 3. Chapter 7 is hereby amended by striking out section 40F, as so appearing, and inserting in place
85 thereof the following section:—

86 Section 40F. (a) There shall be established a state surplus land coordinating committee. The committee shall consist
87 of 11 members, 1 of whom shall be the secretary of the executive office of administration and finance or his
88 designee; 1 whom shall be the secretary of the executive office of transportation and construction or his designee; 1
89 of whom shall be the secretary of the executive office of economic development or his designee, provided his
90 designee is the director of the Massachusetts office of business development; 1 of whom shall be the secretary of the
91 executive office of environmental affairs or his designee; 1 of whom shall be the director of the department of
92 housing and community development or his designee; 1 of whom shall be the commissioner of the division of
93 capital asset management and maintenance or his designee; 1 of whom shall be the director of the Massachusetts
94 municipal association or his designee; 1 of whom shall be chair of the commonwealth development coordinating
95 council or his designee; and 1 of whom shall be the chief executive officer of the Massachusetts development
96 finance authority or his designee; 1 of whom shall be the chair of the board of directors of the Massachusetts
97 association of regional planning agencies or his designee; and 1 of whom shall be the president of the Massachusetts
98 association of community development corporations or his designee.

99 The committee shall meet from time to time and shall advise and direct the commissioner on all real
100 property being considered for surplus designation and on the appropriate disposition of such real property, including
101 but not limited to, whether the real property should be declared surplus, the potential reuses for the real property,
102 including, but not limited to, its suitability for housing development, economic development or preservation as open
103 space, and what restrictions, if any, should be considered on its use and development.

104 The committee shall annually submit a written report of its activities no later than December 31. Said report
105 shall be submitted to the president of the senate, the speaker of the house of representatives, the house and senate
106 chairs of the joint committee on bonding, capital expenditures and state assets, the house and senate chairs of the

107 joint committee on economic development and emerging technologies, the clerk of the senate and the clerk of the
108 house of representatives.

109 (b) The commissioner, upon the approval of the state surplus land coordinating committee, shall be responsible for
110 the disposition of real property in the manner and to the extent provided in this chapter. The commissioner may
111 delegate such responsibility to an administrator who has 10 years of experience in the management of commercial,
112 industrial, institutional or public real property and open space preservation. When responsibility is delegated to an
113 administrator the written approval of the commissioner shall be required before such transaction is finalized.

114 (c) The commissioner shall, pursuant to the provisions of this chapter, convey, lease for a term not to exceed 99
115 years, transfer or otherwise dispose of real property to the agency or the host municipality or shall, upon the
116 approval of the committee, convey, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus
117 real property surplus real property as specified in this chapter.

118 The commissioner shall provide such administrative support to the committee as the committee may
119 request.

120 SECTION 4. Said chapter 7 is hereby amended by inserting after section 40F the following section:—

121 Section 40F¹/₄. (a) The commissioner shall recommend to the committee for surplus designation any real property
122 owned by the commonwealth that is not required for use by any state agency and which in his judgment should be
123 declared surplus real property subject to disposition by the commonwealth in accordance with the provisions of this
124 chapter; provided, however, that prior to recommending that a parcel of real property be declared surplus, the
125 commissioner shall determine whether any state agency has a current or foreseeable need for the real property. In
126 order to establish whether there exists a current or foreseeable need, the commissioner shall provide written notice
127 and inquiry to the executive heads of state agencies and secretaries of the executive offices who shall have 30 days
128 to submit a written response indicating that the real property is necessary for a specific current or foreseeable need
129 of such agency or executive office. If no agency or executive office submits such a response within 30 days of
130 receiving notice, the commissioner shall recommend to the committee that the real property be declared surplus and
131 disposed of in accordance with the provisions of this chapter. In the event that a written response from a state agency
132 or executive office is timely received specifying a current or foreseeable need for the real property, the
133 commissioner shall, within 30 days and in consultation with the secretary of administration and finance and with any
134 affirmatively responding agency or executive office:

135 (1) determine whether the real property shall be made available for current use by a state agency or
136 executive office; (2) determine whether the real property shall be retained on account of a foreseeable use by a state
137 agency or executive office; provided, however, upon a determination that a parcel of real property is surplus to
138 current state uses, but not to foreseeable state uses, the commissioner shall take such action as is necessary to ensure
139 that any disposition of the real property is temporary and said action shall maintain the commissioner's ability to
140 make such real property available to a state agency or executive office at such time as it may be needed; or (3)
141 notwithstanding the current or foreseeable need of the responding state agency or executive office, recommend to
142 the committee that the real property should be declared surplus real property subject to disposal by the
143 commonwealth in a manner consistent with the provisions of this chapter.

144 Within 10 days of providing written notice and inquiry to the executive heads of state agencies and
145 secretaries of the executive offices as required by this section, the commissioner shall, for informational purposes,
146 provide written notice to the host municipality that the real property may be declared surplus pursuant to the
147 provisions of this chapter. Said notice shall be sent to the city manager in the case of a city under Plan E form of
148 government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the
149 case of a town, the county commissioners, the regional planning agency, and the members of the general court
150 representing said host municipality. The commissioner shall set forth in such notice a description of the real property
151 and a declaration that the real property is being considered for surplus designation.

152 (b) The commissioner shall file a report with the joint committee on bonding, capital expenditures and state
153 assets which shall include the commissioner's recommendation as to the proposed designation of said real property
154 as surplus. Within 30 days of said filing, said joint committee shall hold a public hearing on the commissioner's
155 proposed designation. Thereafter, said joint committee shall report its findings to the general court together with
156 legislation within 30 days of said public hearing, and shall provide a copy of said findings and legislation to the
157 commissioner; provided, further, that prior to the commissioner recommending to the committee that the real
158 property be declared surplus to current and foreseeable state uses, there shall be an affirmative vote of the general
159 court enacting legislation.

160 The commissioner shall establish the value of real property using customarily accepted appraisal
161 methodologies. The value shall be calculated both for (i) the highest and best use of the real property as currently
162 zoned, and (ii) subject to uses, restrictions and encumbrances as may be defined by the general court and the
163 committee. Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance
164 in which the commonwealth retains responsibility for maintaining the real property shall the terms provide for
165 payment of less than the annual maintenance costs.

166 (c) Prior to recommending to the committee that the real property be declared surplus to current and
167 foreseeable state uses the commissioner shall, within 10 days of the general court's action as required by subsection
168 (b), provide simultaneous written notification to the host municipality, the agency and the regional planning agency
169 for the region where the real property is located indicating that the real property is available. For parcels of real
170 property larger than 2 acres as delineated as of _____ or valued at more than \$1,000,000 the commissioner
171 shall commission the regional planning agency for the region where the real property is located to conduct a smart
172 growth reuse review. Said review shall consider a need for a variety of housing options, including but not limited to
173 the development of supportive and affordable housing for the physically and cognitively disabled and the mentally
174 ill, economic development and open space; current and prospective zoning of the site; the need for municipal capital
175 facilities and public uses; impact of traffic and transit; impact on the environment and natural resources and on
176 agricultural lands; existence of historically significant structures; availability of infrastructure, including water
177 supply, waste water and store water run-off; fiscal impact of the development on the host municipality; remediation
178 of contamination; and other smart growth implications. The regional planning agency shall complete the review
179 within 60 days.

180 (d) Upon receipt of the notification pursuant to subsection (c) the host municipality shall have a right of
181 first refusal to purchase the real property on the conditions established in this section. The host municipality shall
182 have the right of first refusal to purchase the real property for a direct public use at 85 per cent of the fair market
183 value of the real property as established pursuant to this chapter. The host municipality shall have the right of first
184 refusal to purchase the real property for a purpose other than a direct public use at fair market value as established
185 pursuant to this chapter. Such right of first refusal must be exercised, if at all, by the host municipality within 210
186 days of receipt of such notice by giving written notification to the commissioner of the host municipality's intent to
187 purchase the real property. The host municipality shall then have an additional 180 days from its exercise of its right
188 of first refusal to close on the purchase of the real property.

189 In the event that a host municipality fails to close on the purchase of the real property within such time, the
190 sole remedy of the commonwealth against the host municipality for such failure is to proceed with the disposition of
191 the real property without further right of purchase by the host municipality; provided, however, that if said failure to
192 close on the purchase of the real property was in bad faith, the commonwealth shall not be required to share
193 proceeds of the sale of said real property with the host municipality as required by section 2000 of chapter 29. The
194 commissioner, at his discretion, may negotiate with a host municipality exercising its right of first refusal flexible
195 financing arrangements to facilitate the purchase of the real property under this section; provided, however, that no
196 such arrangements shall provide for a period of more than 5 years for all payments due under this section. A host
197 municipality exercising a right of first refusal as provided herein may engage the services of the agency to perform
198 planning, feasibility, marketing, and other studies or to provide project management services in connection with any
199 reuse or redevelopment of the real property.

200 If a city or town has held a vote for debt exclusion pursuant to section 21C of chapter 59 of the General
201 Laws to finance the surplus real property purchase the date by which the host municipality shall exercise its option
202 to purchase will be extended until 7 days after the vote.

203 A host municipality shall be permitted to assign its right of first refusal to purchase the real property for a
204 direct public use at 85 per cent of the fair market value of the real property as established pursuant to this chapter to
205 a non-profit organization for a direct public use of said organization. Such assignment must be made by the host
206 municipality, if at all, within 210 days of receipt of notification pursuant to subsection (c), the assignee non-profit
207 organization must exercise said right, if at all, within 90 days of assignment of such right by the host municipality by
208 giving written notification to the commissioner of the assignee non-profit organization's intent to purchase the real
209 property. The assignee non-profit organization shall then have an additional 90 days from receipt of assignment by
210 the host municipality to close on the purchase of the real property.

211 In the event that the assignee non-profit organization fails to close on the purchase of the real property
212 within such time, the sole remedy of the commonwealth against the host municipality for such failure is to proceed
213 with the disposition of the real property without further right of purchase by the host municipality; provided,
214 however, that if said failure to close on the purchase of the real property was in bad faith, the commonwealth shall
215 not be required to share proceeds of the sale of said real property with the host municipality as required by section
216 2000 of chapter 29.

217 If the host municipality or its assignee acquires any portion of the real property for open space purposes, or
218 if any of the real property is restricted for open space purposes, a conservation restriction pursuant to chapter 184 of
219 the general laws shall be retained by the commonwealth on such parcels.

220 (e) Upon receipt of the notification required pursuant to subsection (c) the agency shall have 180 days from
221 receipt of such notice to determine whether the agency will accept title to, or another interest in, said real property
222 and to provide such notice to the commissioner; provided, however, that the agency shall send preliminary
223 notification to the commissioner within 30 days of its receipt of such notice stating its intention to decline title to, or
224 other interest in, said real property or to undertake a due diligence review within such 180 day period. The
225 preliminary notification shall not be binding upon the agency. The agency's determination whether to accept title to,
226 or an interest in, said real property shall be based on an analysis as to the feasibility and need for the development,
227 operation or maintenance of the real property, in whole or in part, substantially for institutional, governmental,
228 industrial, or commercial uses which will prevent or eliminate blight, economic dislocation, economic distress, or
229 unemployment, or for such other public purposes as the agency may determine. The agency shall, within 21 days of
230 receipt of a request from the host municipality or the regional planning agency, provide said host municipality and
231 the regional planning agency any information acquired from its analysis of the real property, including but not
232 limited to, appraisals, surveys, site evaluations, site preparation, plans, recordings, smart growth review and any
233 other work product relating to pre-development or development of the real property pursuant to the provisions of
234 this chapter.

235 If the agency elects to acquire title to, or another interest in, the real property through a conveyance or by a
236 lease not to exceed 99 years, a rental or transfer, the agency shall so notify the commissioner within said 180 day
237 time period by providing an offer to purchase or lease such real property. The offer shall include a proposed
238 redevelopment plan and a purchase or lease price for the real property determined by using customarily accepted
239 appraisal methodologies and subject to uses, restrictions and encumbrances as may be determined by the general
240 court and the commissioner. The agency shall also send its proposed redevelopment plan to the host municipality
241 and the regional planning agency serving the area where the real property is located.

242 The agency and commissioner shall execute a mutually acceptable land disposition agreement not sooner
243 than 35 days after the expiration of its 180 day option to purchase as provided for in this section or not sooner than
244 10 days and not later than 90 days, unless extended by a mutual agreement of the parties, after the host municipality
245 declines to exercise or assign its right of first refusal to purchase the real property. Such land disposition agreement
246 shall be subject to the agency securing all necessary state and local permits and approvals, and subject to a
247 satisfactory environmental review. If the agency and the commissioner do not execute a mutually acceptable land
248 disposition agreement in such time period, or at the conclusion of an arbitrator's review, as applicable, the

249 commissioner may dispose of the real property in a manner consistent with the provisions of this chapter; provided,
250 however, that the commissioner shall not unreasonably withhold his acceptance of a bona fide offer from the
251 agency. If the agency is aggrieved by a decision of the commissioner, it may appeal to the committee within 15
252 days. The committee shall, within 15 days appoint an independent arbitrator to review the proposal. The arbitrator
253 shall have 30 days to conduct said review. The decision of the arbitrator shall be binding upon the commissioner and
254 the agency.

255 The agency may acquire an interest in real property only after approval of a redevelopment plan for such
256 real property by the board of directors of the agency; provided, however, that prior to the submission of said
257 redevelopment plan to the board for approval, the agency shall conduct a public hearing in the host municipality to
258 allow for local input on the redevelopment plan and as to the potential reuses for the real property, including, but not
259 limited to, its suitability for economic development, job creation, or preservation as open space, and what reuse
260 restrictions, if any, should be imposed on its use and development. The agency shall publish notice of the hearing in
261 the central register published by the state secretary pursuant to section 20A of chapter 9 within 30 days of the date of
262 the hearing. Notification of the public hearing shall also be sent to the host municipality. Said notice shall be sent to
263 the city manager in the case of a city under a Plan E form of government, the mayor and city council in the case of all
264 other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional
265 planning agency, and the representatives to the general court representing said host municipality. The agency shall
266 set forth in such notice a description of the real property, a copy of the proposed redevelopment plan and the date of
267 the public hearing. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive
268 weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the host municipality.
269 The hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is
270 published in the central register.

271 Notwithstanding any other general or special law to the contrary, any real property transferred to the
272 agency through either a conveyance or lease shall be designated by the economic assistance coordinating council as
273 an economic target area, an economic opportunity area, and a certified project, as those terms are defined in section
274 3A of chapter 23A, and such real property shall be eligible for all the incentives and benefits provided by the
275 economic development incentive program.

276 (f) Notwithstanding any other general or special law to the contrary, the agency is authorized to employ
277 alternative methods of procurement relative to the planning, design, demolition, construction, reconstruction,
278 improvement, renovation, enlargement, expansion, remodeling, repair or build-out of any and all facilities, as may
279 be useful or necessary from time to time in connection with the redevelopment of such real property by the agency
280 in furtherance of this chapter, including, without limitation, turnkey, design-build, lease, lease purchase or utilization
281 of modular buildings.

282 The acquisition, procurement, planning, design, construction, reconstruction, improvement, renovation,
283 enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management,
284 maintenance, operation or leasing of all or any portion of a redevelopment project undertaken by the agency in
285 furtherance of this chapter and any contract for construction and design or other consulting services for or relating
286 to, the construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration,
287 repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of
288 real property by the agency pursuant to this chapter shall be exempt from the provisions of section 38A½ to 38O,
289 inclusive, of this chapter, section 44A to 44J, inclusive, of chapter 149, and section 39M of chapter 30 or any other
290 special or general law or rule or regulation providing for the advertising or bidding of construction, development,
291 financing, management, leasing or improvements to, or the acquisition or disposition of interests in real or personal
292 property, but the provisions of sections 26 to 27F, inclusive, and section 29, all of said chapter 149 shall apply to
293 those elements of redevelopment project undertaken by the agency in furtherance of this chapter that, but for the
294 exemptions provided herein, would be subject to such sections.

295 Notwithstanding such exemptions, the procedures to be followed and the terms and conditions of such
296 procurement processes, including written procedures for the selection of construction, design, and other
297 professionals for the redevelopment of real property by the agency pursuant to this chapter, shall be determined by
298 the agency in consultation with, and subject to review by, the inspector general of the commonwealth as set forth in

299 this section, and the procedures shall also be approved by the board of directors of the agency. The inspector general
300 shall comment in writing on such procurement process and shall submit such comments to the agency, the chairs of
301 the joint committee on bonding, capital expenditures and state assets, the chairs of the joint committees on economic
302 development and emerging technologies, the clerk of the senate and the clerk of the house of representatives not less
303 than 30 days before the agency begins the procurement of design and construction services.

304 In order to effectuate an open, competitive and fair procurement and an effective contracting process, the
305 agency shall, not less than 45 days prior to the advertisement of the invitation for competitive bids using the
306 procurement process, submit to the inspector general all procedures and criteria developed for the implementation of
307 the alternative method, including a description of the project, the construction bid package, and evaluation criteria.
308 The inspector general shall submit written comments on the procedures to the agency not less than 30 days prior to
309 the advertisement. The agency shall submit the procedures and criteria and the comments of the inspector general to
310 the chairs of the joint committee on bonding, capital expenditures and state assets, the chairs of the joint committees
311 on economic development and emerging technologies, the clerk of the senate and the clerk of the house of
312 representatives at least 15 days prior to the advertisement for any contract to be awarded on the basis of an
313 alternative method. Such procedures and criteria shall be approved by a vote of the board of directors of the agency.
314 The agency shall submit to said joint committees a report of the results of such procurement. If the agency awards
315 the contract to other than the lowest responsive bidder, the agency shall submit to said committees and to the
316 inspector general a written justification describing in detail why such award is in the best interests of the agency.

317 Notwithstanding any other general or special law to the contrary, each public or state agency in the
318 commonwealth involved in the permitting, development or financing of economic development projects is hereby
319 authorized and directed to develop a coordinated one-stop program for businesses, institutions and private parties
320 that may intend to locate on the real property in order to enable development activities within such real property to
321 be more effectively promoted by the commonwealth.

322 Notwithstanding any other general or special law to the contrary, real property, and any personal property
323 located thereon, acquired by the agency and sold by it, or of real property so acquired by the agency and leased by it,
324 shall be subject to local taxation to the same extent and in the same manner as other lands are taxed; provided,
325 however, that if said agency or other individual, person, firm, corporation, or other entity creates a minimum of 100
326 new jobs on the real property they shall not incur said tax liability for a period of 5 years; provided further, that
327 nothing in this section shall prohibit the municipality from entering into an agreement with said lessee relative to
328 providing incentives and benefits pursuant to section 3A of chapter 23A.

329 Notwithstanding any other general or special law to the contrary, if the agency acquires title to, or another
330 interest in, real property formerly used as a department of mental health state hospital or department of mental
331 retardation in patient care facility, the agency shall ensure that at least 15 per cent of any housing units developed on
332 the real property be affordable supported housing for individuals who are clients, or former clients of the respective
333 department; provided, however, that such housing shall be made affordable and available to such individuals with
334 incomes of 15 per cent of average median income or below; and provided, further, that said restriction shall be
335 recorded in the registry of deeds or the registry district of the land court of the county in which the affected real
336 property is located, as running with the land, and that said real property shall not be released from such restriction
337 until after the expiration of 99 years from the date of initial occupancy by such eligible individuals. If there is no
338 plan to develop housing on the real property formerly used as a department of mental health state hospital or
339 department of mental retardation in-patient care facility, not more than 15% of the sale price shall be used to support
340 the development of affordable and supportive housing at another location for individuals who are clients or former
341 clients of the department of mental health or the department of mental retardation.

342 Notwithstanding any other general or special law to the contrary, real property acquired by the agency shall
343 remain to the extent affordable, accessible to the public, including but not limited to, the use of trails, pedestrian
344 walkways, open spaces, or recreational facilities.

345 (g) If the host municipality and the agency decline to accept title to, or another interest in, the real property
346 within the time proscribed by this section, the commissioner shall, within 30 days of being notified of said rejection
347 by the host municipality and the agency, formally recommend to the committee that said real property be officially

348 declared surplus to state uses. Upon receipt of the commissioner's official recommendation that the real property
349 should be declared surplus, the committee shall:

350 (i) within 10 days provide written notice, for each city or town in which the real property is located, to the
351 city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all
352 other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional
353 planning agency, and the members of the general court representing the host municipality. The committee shall set
354 forth in such notice a description of the real property and a declaration that the real property is being considered for
355 surplus designation. The committee shall also inform the municipality that it may elect to adopt the provisions of
356 chapter 43D and designate the real property a priority development site pursuant to said chapter 43D;

357 (ii) within 45 days conduct a public hearing in the host municipality to allow for local input as to whether
358 the real property should be officially declared surplus, the potential reuses for the real property if it is officially
359 declared surplus, including, but not limited to, its suitability for housing development, economic development, job
360 creation, or preservation as open space, and what reuse restrictions, if any, should be imposed on its use and
361 development; provided, however, that in the case of real property formerly used as a department of mental health
362 state hospital or department of mental retardation in patient care facility, the committee shall place a reuse restriction
363 on land ensuring that at least 15% of any housing units developed on the real property be affordable supported
364 housing for individuals who are clients, or former clients of the respective department; provided further, that such
365 housing shall be made affordable and available to such individuals with incomes of 15% of average median income
366 or below; and provided further that said restriction shall be recorded in the registry of deeds or the registry district of
367 the land court of the county in which the affected real property is located, as running with the land, and that said real
368 property shall not be released from such restriction until after the expiration of ninety-nine years from the date of
369 initial occupancy by such eligible individuals. The committee shall publish notice of the hearing in the central
370 register published by the state secretary pursuant to section 20A of chapter 9 within 30 days of the date of the
371 hearing. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks
372 preceding the hearing, in newspapers with sufficient circulation to inform the people of the affected locality. The
373 hearing shall be held in the host municipality no sooner than 30 days and no later than 35 days after the notice is
374 published in the central register.

375 (iii) within 120 days report in writing to the commissioner on the real property being considered for surplus
376 designation on the appropriate disposition for such real property. Said report shall include a determination of
377 whether the real property should be declared surplus, the potential reuses for the real property if it is declared by the
378 committee to be surplus, including its suitability for housing development, economic development or preservation as
379 open space, and what restrictions, if any, should be imposed on its use and development. The report shall also
380 include the recommendation of the host municipality, if any, and the smart growth report of the regional planning
381 council, if applicable.

382 The determination of the committee shall be binding upon the commissioner.

383 SECTION 5. Said chapter 7 is hereby further amended by striking out section 40F¹/₂ as appearing in the 2004
384 Official Edition, and inserting in place thereof the following section:—

385 Section 40F¹/₂. (a) If, pursuant to section 40F¹/₄, the committee determines that a parcel of real property is surplus to
386 both current and foreseeable state uses the commissioner shall proceed with the disposition of the real property in
387 accordance with the provisions of this section. Notwithstanding any other general or special law to the contrary, any
388 real property officially declared surplus by the committee shall be designated by the economic assistance
389 coordinating council as an economic target area, an economic opportunity area, and a certified project, as those
390 terms are defined in section 3A of chapter 23A, and such real property shall be eligible for all the incentives and
391 benefits provided by the economic development incentive program; provided, further, that any real property
392 officially declared surplus by the committee shall, upon local approval, automatically qualify as a priority
393 development site for the purposes of chapter 43D.

394 The commissioner shall establish the value of surplus real property using customarily accepted appraisal
395 methodologies. The value shall be calculated both for (i) the highest and best use of the real property as currently
396 zoned, and (ii) subject to uses, restrictions and encumbrances as may be defined by the general court and the
397 committee. Appraisals under this paragraph shall be conducted by an independent licensed appraiser. In no instance
398 in which the commonwealth retains responsibility for maintaining the real property shall the terms provide for
399 payment of less than the annual maintenance costs.

400 (b) The commissioner, within 60 days of receipt of notice from the committee, shall:—

401 (i) publicly declare the real property available for disposition and identify any restrictions on its use and
402 development imposed by the general court or the committee; and

403 (ii) place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating
404 the availability of the real property and requesting proposals from any public or private entity, agency, individual
405 partnership, or joint venture regarding the use, reuse, rehabilitation, renovation, reconstruction, purchase, ownership,
406 lease, construction, or development of the real property. Said notice shall also include the time and location for
407 submission of bids and proposals and the opening thereof, and other information the commissioner may deem
408 relevant; provided, however, that said notice shall simultaneously be filed with the chairs of the joint committee on
409 bonding, capital expenditures and state assets and the chairs of the joint committee on economic development and
410 emerging technologies.

411 All responses to the request for proposals issued pursuant to this section shall be submitted to the
412 commissioner within 60 days after the publishing of the notice in the central register. The commissioner shall,
413 within 30 days, review all the proposals received and shall recommend to the committee what he deems to be the 3
414 proposals which represent the highest and best use of the real property. The commissioner shall simultaneously send
415 notice to each city or town in which the real property is located, to the city manager in the case of a city under Plan
416 E form of government, the mayor and city council in the case of all other cities, the chairman of the board of
417 selectmen in the case of a town, the county commissioners, the regional planning agency, and the members of the
418 general court representing the host municipality of the proposals selected by the commissioner and recommended to
419 the committee. The committee shall, with 21 days of receiving a recommendation from the commissioner, conduct a
420 public hearing in the host municipality on the proposals recommended by the commissioner. The committee by a
421 majority vote shall, within 60 days of the public hearing in the host municipality, select the proposal which it deems
422 represents the highest and best use of the real property. In determining the highest and best use of the real property
423 as required by this section, the commissioner and the committee shall pay due consideration to the impact upon the
424 host municipality, including, but not limited to, impact to housing, infrastructure, natural resources, open space and
425 economic development.

426 If no proposals are received by the commissioner pursuant to the request for proposals issued pursuant to
427 this section, or if the committee determines that the proposals received and recommended by the commissioner do
428 not represent the highest and best use of the real property, or if the committee fails to secure a majority vote, the
429 commissioner shall dispose of the real property using appropriate alternative competitive processes and procedures.
430 Such alternative competitive processes and procedures may include, but shall not be limited to, absolute auction,
431 sealed bids and requests for price and development proposals. The commissioner shall dispose of the real property
432 within 90 days of receiving notification from the committee; provided, further, that the commissioner shall, 30 days
433 prior to disposition of the real property pursuant to an alternative competitive process, notify the host municipality
434 and the committee of the alternative competitive process to be used. The commissioner shall, at least 30 days prior
435 to the disposition of the surplus real property using an alternative competitive process, place notice in the central
436 register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such real
437 property, the nature of the competitive process and other information deemed relevant, including the time and
438 location of the auction, the submission of bids or proposals and the opening thereof.

439 (c) The commissioner shall place a notice in the central register, and provide written notice to the host
440 municipality; said notice shall be sent to the city manager in the case of a city under Plan E form of government, the
441 mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town,
442 the county commissioners, the regional planning agency, and the members of the general court representing said

443 host municipality. Said notice shall identify the individual or firm selected as party to such real property transaction,
444 along with the amount of such transaction. If the commissioner accepts an amount below the value calculated
445 pursuant to this section he shall include the justification therefore, specifying the difference between the calculated
446 value and the price received.

447 The commissioner shall ensure that any rental agreement, and in the case of a conveyance, a deed or
448 separate disposition agreement as deemed appropriate by the commissioner, shall set forth all such reuse restrictions;
449 shall provide for effective remedies on behalf of the commonwealth, including that title to the real property, or such
450 lesser interest as is the subject of the disposition agreement, shall revert to the commonwealth in the event of a
451 violation of any such reuse restrictions; and shall provide, in the case of a disposition to the host municipality or a
452 non-profit organization for a direct public use, that the title to the real property, or such lesser interest as is the
453 subject of the disposition agreement, shall revert to the commonwealth in the event the real property is no longer
454 utilized for such direct public use.

455 No agreement for the conveyance, lease or rental or other disposition of state-owned real property pursuant
456 to this chapter, and no deed, executed by or on behalf of the commonwealth pursuant to this chapter, shall be valid
457 unless such agreement or deed contains the following declaration, signed by the commissioner:

458 The undersigned certifies under penalties of perjury that I have fully complied with the provisions of
459 sections 40F, 40F¹/₄, 40F¹/₂, 40F³/₄, 40H, and 40J of chapter 7 of the General Laws in connection with the real
460 property described herein.

461 _____

462 Commissioner, DCAMM

463 Date: _____

464 The commissioner shall maintain, for a period of at least 6 years, a file containing a copy of each document
465 necessary to establish fulfillment of the requirements of this chapter as it relates to the disposition of surplus real
466 property. Such file shall be open to public inspection.

467 (d) All net cash proceeds from the conveyance, lease or other transfer of real property pursuant to this chapter shall
468 be allocated, upon receipt, to the Surplus Land Proceeds Fund established pursuant to section 2000 of chapter 29
469 of the General Laws.

470 SECTION 6. Said chapter 7 is hereby further amended by inserting after section 40F¹/₂ the following section:—

471 Section 40F³/₄. The commissioner shall be responsible for the acquisition and control of real property in the
472 manner and to the extent provided in this chapter. The commissioner may delegate such responsibility to an
473 administrator, who has 10 years of experience in the management of commercial, industrial, institutional or public
474 real property. When responsibility is delegated to an administrator the written approval of the commissioner shall be
475 required before such transaction is finalized.

476 The commissioner shall acquire interest in real property on behalf of the commonwealth for the use of state
477 agencies by gift, purchase, devise, grant, eminent domain, rental, lease, rental-purchase or otherwise.

478 In acquiring buildings for the use of state agencies, first consideration shall be given to any structures that
479 have been certified as historic landmarks as provided by sections 26 through 27C inclusive of chapter 9, that have
480 been listed in the National Register of Historic Places as provided by 16 U.S.C. section 470a (1974) or that have
481 been designated historic landmarks by local historic commissions, unless use of such buildings would not be feasible
482 in terms of costs and requirements when compared with other available properties.

483 Notwithstanding any other general or special law to the contrary, real property acquired for the use of state
484 agencies shall be held in the name of the commonwealth.

485 The commissioner shall assist in the preparation and shall approve of plans for the organization of all space
486 within and around buildings and appurtenant structures used by state agencies, and shall assign the use of space
487 within and around the state house, subject to such rules as the committee on rules of the 2 branches acting
488 concurrently may adopt, in accordance with the provisions of sections 10, 16A and 17 of chapter 8; the John W.
489 McCormack state office building; the Leverett Saltonstall state office building; the Springfield office building; the
490 Pittsfield office building; the Erich Lindemann building; the Charles F. Hurley building; any real property acquired
491 for the use of state agencies, the greater part of which is not needed by any one state agency; and any other real
492 property assigned by law to the division of capital asset management and maintenance.

493 The commissioner, with the written approval of the commissioner of administration, may transfer use of,
494 and responsibility for maintenance of, buildings, including equipment therein, within or between state agencies. No
495 such transfer within or between state agencies which involves either a change in the purposes for which such
496 building is currently used or a change in use in excess of 50 per cent of the usable floor space, shall be made without
497 the prior approval of the general court. Any such transfer shall be based on a determination, made by the
498 commissioner with the advice of the executive heads of affected agencies and secretaries of the executive offices in
499 which such agencies are located, that such real property is not needed, is under utilized, or is not being put to
500 optimum use under current conditions. The commissioner shall notify the house and senate committees on ways and
501 means, the chairs of the joint committee on bonding, capital expenditures and state assets and the representatives to
502 the general court from the city or town in which such real property is located not less than 30 days prior to the final
503 authorization of any transfer which does not require the approval of the general court, and such transfer shall only be
504 made when the general court is in session except as provided hereafter. Such transfer may be made when the general
505 court is not in session, and the thirty day notification requirement may be waived, only if the commissioner certifies
506 in writing that an emergency exists; provided, however, that any such transfer may be authorized for a period not to
507 exceed 6 months, and provided, further, that the commissioner shall submit his certification to and notify the house
508 and senate ways and means committees, the chairs of the joint committee on bonding, capital expenditures and state
509 asset, and the representatives to the general court from the city or town in which such real property is located of such
510 transfer at the earliest possible opportunity.

511 SECTION 7. Section 40H of said chapter 7, as appearing in the 2004 Official Edition, is hereby amended by striking
512 out, in lines 23 and 24, the words "state administration" and inserting in place thereof the following words:—
513 bonding, capital expenditures and state assets

514 SECTION 8. Said chapter 7 is hereby further amended by striking out section 40I and inserting in place thereof the
515 following section:—

516 Section 40I. The clerk of the house of representatives and the clerk of the senate shall, within 10 days of the filing
517 of any legislation authorizing the conveyance, lease, transfer, or other disposition of any state-owned real property
518 forward a copy of said bill to the commissioner. Within 90 days of the receipt of said copy, the commissioner shall
519 submit in writing a report to the commissioner of administration, the legislative committee before which the bill is
520 pending, and the joint committee on bonding, capital expenditures and state assets together with a recommendation
521 for either the approval or the disapproval of the bill and his reasons therefor.

522 If the commissioner is recommending the approval of a bill proposing the disposition of a parcel exceeding
523 2 acres, said report shall include: (1) a description of the real property including its current use, structures, and
524 approximate metes and bounds; (2) the value of the real property, determined through procedures customarily
525 accepted by the appraising profession as valid for such purposes, calculated both for (a) the highest and best use of
526 the real property as currently encumbered and (b) uses and encumbrances that would be imposed by the bill if
527 enacted; (3) all current and foreseeable direct public uses identified by following the division's procedures for such
528 purposes as they apply to the real property to be disposed (4) other potential public and private uses of the real
529 property; and (5) any other information the general court may require.

530 The commissioner shall expeditiously review and recommend approval or disapproval of any proposal to
531 the general court for the sale, rental or other disposition of real property acquired on behalf of state agencies, and
532 shall dispose of real property as mandated by the general court.

533 The provisions of this section shall not apply to recommendations filed by the commissioner with the joint
534 commit on bonding, capital expenditures and state assets pursuant to the provisions of subsection (b) of section
535 40F¼.

536 SECTION 9. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNN the following
537 sections:—

538 Section 2000. There shall be established and set upon the books of the commonwealth a separate fund to be known
539 as the Surplus Real Property Proceeds Fund, hereinafter called the fund. The fund shall be administered by the
540 department of housing and community development. All monies deposited into the fund shall, within 90 days of
541 receipt, be distributed by the fund in the following order of priority:—

542 (i) to reimburse host municipalities for bona fide costs incurred by said municipalities for the maintenance
543 and upkeep of the surplus real property wherein the funds originated;

544 (ii) a minimum of 10 per cent of the remaining net cash proceeds after funding the costs identified in clause
545 (i) to a host municipality; provided, however, upon certification by the commissioner of the division of
546 capital asset management and maintenance that a host municipality expedited permitting in accordance
547 with part (i) of subsection (g) of section 40F¼ or took other affirmative actions, which at the discretion of
548 the Commissioner, furthered the commonwealth's objectives for the parcel, shall be entitled to 20 per cent
549 of the remaining net cash proceeds after funding the costs identified in clause (i) of this section. If said
550 municipality exercises its right of first refusal as authorized pursuant to subsection (d) of section 40F¼ it
551 shall not receive a percentage of the sale proceeds; provided, however, that if a municipality assigns its
552 right of first refusal pursuant to said subsection (d) of said section 40F¼ to a non-profit organization for a
553 direct public use, it shall receive 10 per cent of the net cash proceeds remaining after funding the costs
554 identified in clause (i);

555 If a city or town fails to close on a surplus property due solely to a failure to receive an affirmative
556 vote on a debt exclusion to raise funds for the purchase of the particular parcel pursuant to section 21C of
557 chapter 59 of the General Laws, the city or town shall remain eligible to receive its share of proceeds of the
558 sale as provided in this section.

559 (iii) after distribution of net cash proceeds pursuant to clauses (i) and (ii), not more than \$2,800,000 shall be
560 deposited in District Local Technical Assistance Fund established pursuant to section 2PPP; and

561 (iv) after distribution of net cash proceeds pursuant to clauses (i), (ii), and (iii) the remaining net cash
562 proceeds shall be deposited in smart growth housing trust fund established pursuant to section 35AA of
563 chapter 10.

564 Section 2PPP. There shall be established and set upon the books of the commonwealth a separate fund to be known
565 as the District Local Technical Assistance Fund. Amounts credited to the fund shall be administered by the Bureau
566 of Municipal Assistance within the Department of Revenue which shall ensure that the funds are used for activities
567 consistent with the purpose of this act and the Massachusetts management and accounting reporting system, so-
568 called. Said amounts shall be used solely for the administration and implementation of the provisions of this section.

569 Recipients of said funds shall provide matching resources of not less than 10%, no more than ½ of which
570 may be in-kind services, and shall report such annually on their expenses and program activities to the
571 commonwealth and local governments. Each regional planning district created under chapter 40B or by special act
572 shall be granted a fixed annual base award of \$150,000 from said fund, with the exception of the Metropolitan Area
573 Planning Council, which shall receive a base appropriation of \$200,000, the Martha's Vineyard commission which

574 shall receive a full annual appropriation of \$100,000 and the Nantucket planning and economic development
575 commission, which shall receive a full annual appropriation of \$50,000 as its full annual appropriation. One-half of
576 the remainder of the annual appropriation to said fund shall be apportioned among said entities based on the
577 percentage of the commonwealth's population served by each entity, with the other half apportioned based on the
578 percentage of the commonwealth's communities served by each entity.

579 SECTION 10. Section 9 of chapter 40A of the General Laws is hereby amended by striking out the fifteenth
580 paragraph and inserting in place thereof the following paragraph:—

581 Zoning ordinances or by-laws shall also provide that research and development uses, whether or not such
582 uses are currently permitted as a matter of right, may be permitted in any non-residential zoning district upon the
583 issuance of a special permit; provided, however, that the granting authority finds that such uses do not substantially
584 derogate from the public good. "Research and development uses" may include any 1 or more of the following:
585 investigation, development, laboratory and similar research uses; any related office uses; limited manufacturing
586 uses; and uses accessory to any of the foregoing in any field of science. "Limited manufacturing" may, subject to
587 the issuance of such special permit, be an allowed use provided that the following requirements are satisfied: (1)
588 such manufacturing activity is directly related to research uses; (2) no manufacturing activity occurs within 50 feet
589 of a residential district; and (3) substantially all manufacturing activity occurs inside of buildings with any
590 manufacturing activities occurring outside of buildings subject to such conditions as may be imposed by the granting
591 authority.

592 SECTION 11. Chapter 40B of the General Laws, as so appearing, is hereby amended by inserting the following
593 section:—

594 Section 30. There shall be established within each regional planning district created under this chapter or by special
595 act a technical assistance center for the delivery of coordinated, comprehensive, and continuing technical services to
596 and among local governments. Technical assistance services may be provided in any subject area within the
597 capability of each technical assistance center that improves local government capacity, efficiency, knowledge and
598 ability to respond to issues, opportunities, laws and requirements including, but not limited to,: required municipal
599 asset inventory and management; communication systems including broadband, wireless and related facilities;
600 emergency and incident response systems; electronic government opportunities; remote image and data collection;
601 digital data management and archiving; geographic information systems; geo-location of infrastructure; internet and
602 internet-related technologies; data sharing and regional backup; computer system evaluation and networking;
603 intelligent transportation systems; statistical trends and modeling; digital recordation of accidents, fires and crime;
604 technical specifications relating to management of the sanitary code, water supplies, air quality, storm water and
605 natural resource area; and other land use and smart growth zoning issues.

606 Said regional planning districts shall annually consult with each member city and town to ensure locally
607 needed technical assistance services that: (i) aid communities in evaluating new technologies, equipment and
608 systems; (ii) aid communities in improving the efficiency of local government; (iii) reduce costs incurred by local
609 governments for performing duties required thereof; (iv) build capacity and provide needed skills; (v) aid
610 communities in meeting new state or federal regulations or requirements; (vi) provide specific services or initiate
611 demonstration projects; (vii) facilitate sharing of information or best practices among and between communities;
612 (viii) facilitate inter-municipal cooperation or cost sharing; (ix) provide training and skill development of
613 community employees; (x) aid in improvement of local standards, procedures and regulations; and (xi) promote
614 smart growth zoning, regulations, or standards.

615 Said regional planning districts shall coordinate and focus their programs to augment the services of the
616 local technical assistance centers. A core program of technical services shall be maintained in the fields of
617 management and data, environment, transportation and community development. Other fields may be covered as
618 appropriate and resources allow. Agencies of the commonwealth initiating or following through on programs or
619 regulations requiring outreach or technical assistance shall first consider utilizing the local technical assistance
620 centers while seeking the services previously enumerated and may enter directly into contracts with the regional

621 planning agencies or their technical assistance centers as they would with any city or town. This provision shall not
622 limit the ability of state agencies to work directly with individual communities.

623 SECTION 12. Notwithstanding the provisions of sections 40F, 40F¼, 40F½, 40F¾, 40H and 40I of chapter 7 of the
624 General Laws, the commissioner of the division of capital asset management and maintenance shall, upon the
625 execution of a mutually acceptable agreement between the commissioner and the Worcester Business
626 Development Corporation, convey a certain parcel of state owned land to the Worcester Business Development
627 Corporation. Said parcel is described by the city of Worcester assessor's office as being at a point on the westerly
628 sideline of Plantation street at the most southeasterly corner of the parcel to be described; said point also being
629 the most northeasterly corner of land now or formerly known as Parcel 10 of the Amended Definitive Subdivision
630 Plan for Worcester Business Development Corporation, dated January 3, 1990 and recorded in the Worcester
631 county registry of deeds, Plan Book 633, Page 78;

632

633 THENCE N. 71° 47' 26" W. along land known as Parcel 10, a distance of nine hundred twenty-
634 one and 45/100 (921.45) feet to a point on a stone wall;

635

636 THENCE N. 15° 38' 45" W. following a stone wall, a distance of four hundred seventy-five and
637 09/100 (475.09) feet to a point at the end of a stone wall;

638

639 THENCE N. 83° 00' 00" W., a distance of four hundred sixty-one and 28/100 (461.28)
640 feet to a point at the end of a stone wall;

641

642 THENCE N. 21° 04' 00" W. along a stone wall, a distance of two hundred eighty-seven and
643 35/100 (287.35) feet to an angle in the stone wall;

644

645 THENCE N. 52° 10' 50" W. continuing along the stone wall, a distance of two hundred forty-
646 seven and 05/100 (247.05) feet to an angle in the stone wall;

647

648 THENCE N. 34° 56' 10" E. continuing along the stone wall, a distance of twenty-two and 29/100
649 (22.29) feet to an angle in the stone wall;

650

651 THENCE N. 66° 40' 00" E. continuing along the stone wall, a distance of eight hundred thirty-
652 three and 90/100 (833.90) feet to an angle in the stone wall;

653

654 THENCE S. 43° 22' 40" E. continuing along the stone wall, a distance of seven hundred thirty-
655 nine and 50/100 (739.50) feet to an angle in the stone wall;

656
657 THENCE S. 67° 21' 50" E. continuing along the stone wall, a distance of seven hundred thirty
658 and 17/100 (730.17) feet to a point on the westerly sideline of Plantation street;

659
660 THENCE along the westerly sideline of Plantation Street, in part by a stone wall, the
661 following four (4) courses:

662
663 S. 18° 21' 30" W., a distance of eighty-seven and 41/100 (87.41) feet to a
664 point;

665
666 S. 15° 19' 30" W., a distance of two hundred thirty-eight and 20/100 (238.20)
667 feet to a point;

668
669 S. 10° 37' 00" W., a distance of two hundred seventy-one and 77/100 (271.77)
670 feet to a point; and

671
672 S. 19° 17' 00", a distance of one hundred eighty-one and 70/100 (181.70)
673 feet to the point of beginning.

674 Containing 32.4086 acres, more or less.

675 SECTION 13.

676
677 The sums set forth in section 13, for the purposes set forth in this act and subject to the conditions specified
678 under the provisions of this act, are hereby authorized for expenditure unless specifically designated otherwise,
679 subject to the provisions of law regulating the disbursement of public funds and approval thereof.

680
681 ECONOMIC DEVELOPMENT.

682
683 1599-2001

684 For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most
685 recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and
686 hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site
687 preparation at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste
688 removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall
689 be managed by the Massachusetts Development Finance
690 Agency.....\$7,000,000

691 SECTION 14. Notwithstanding any general or special law to the contrary, the state comptroller shall, within 10 days
692 of the effective date of this act, transfer \$2,800,000 from the General Fund to the District Local Technical
693 Assistance Fund established pursuant to section 2PPP of chapter 29 of the General Laws.

694 SECTION 15. Notwithstanding any general or special law to the contrary, for each parcel of real property acquired
695 pursuant to the provisions of chapter 7 of the General Laws, the Massachusetts Development Finance Agency shall
696 file with the house and senate committees on ways and means a written disclosure detailing any personal or
697 professional relationships between any officer, director or employee of the agency and any party involved with the
698 development or redevelopment of the real property including, but not limited to, any outside legal counsel and other
699 professional services. The agency shall, within 30 days of receiving a request by the house or senate committee on
700 ways and means, provide the committee with a detailed summary of all fees and expenditures incurred relative to the
701 development or redevelopment of real property acquired pursuant to the provisions of said chapter 7 including, but
702 not limited to, any fees paid to any outside legal counsel and other professionals retained by, or on behalf of, the
703 agency.

704 SECTION 16. Notwithstanding the provisions of this act, or any other general or special law to the contrary, the
705 town of North Reading and the town of Wilmington shall receive 20 per cent of the net cash proceeds, as that term is
706 defined in this act, from the sale of real property pursuant to chapter 271 of the acts of 1998, as most recently
707 amended by chapter 7 of the acts of 2001. The percentage of the net cash proceeds shall be divided between the
708 towns based on the percentage of the real property within each town.

709 SECTION 17. Sections 1 to 9, inclusive, shall not be effective as to the disposition of any real property designated
710 surplus by the commissioner of the division of capital asset management and maintenance prior to the effective date
711 of this act, or as to the disposition of any real property owned by the commonwealth and subject to a special act for
712 the conveyance, lease or other disposition of such real property with an effective date prior to the effective date of
713 this act..

714