

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Fargo

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 capital asset management and maintenance to convey certain land to the town of Concord Housing Development Corporation for affordable housing and open space.

PETITION OF:

NAME:

Susan C. Fargo

DISTRICT/ADDRESS:

Third Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make , 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.** Notwithstanding the provisions of sections 40E through 40J of chapter 7 of the
2 General Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey to the Concord Housing Development Corporation a
4 portion of a certain parcel of state-owned land in said town, currently under the care and control
5 of the Department of Correction with a physical address at 965 Elm Street and referenced on a
6 map titled “Affordable Housing and Open Space, Concord, Massachusetts” and dated January 9,
7 2009. Such land will be used for housing, of which 100% shall be deemed affordable housing as
8 determined by the ranges established by the Concord Housing Development Corporation, and for
9 public open space. The commissioner shall determine the exact boundaries of the parcel after

10 completion of a survey. The Concord Housing Development Corporation shall acquire access to
11 cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the
12 proposed Bruce Freeman Rail Trail to cross the parcel, and shall provide a second means of
13 access for emergency purposes. The Concord Housing Development Corporation shall ensure a
14 clear field of view as needed for security considerations of the Department of Correction facility
15 and shall have an appropriate setback from the southerly wall of the Department of Correction
16 facility. The Concord Housing Development Corporation shall ensure a development setback
17 from the river and any other dimensional setbacks required by law.

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19 **SECTION 2.** The consideration for the parcel shall be the full and fair market value of the
20 parcel for the use authorized by this act, determined by the commissioner of capital asset
21 management and maintenance based upon an independent professional appraisal and including
22 the conditions set forth in Section 1. The inspector general shall review and approve the
23 appraisal, and the review shall include a review of the methodology used for the appraisal. The
24 inspector general shall have 30 days after receipt of the appraisal and a report by the
25 commissioner to undertake such review and approval. The inspector general shall submit a
26 report on this review and approval of the appraisal to the commissioner. At least 15 days before
27 conveying the parcel, the commissioner shall submit a copy of said inspector general's report to
28 the chairs of the house and senate committees on ways and means and the chairs of the joint
29 committee on state administration and regulatory oversight.

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31 **SECTION 3.** The Concord Housing Development Corporation shall be responsible for all costs
32 and expenses of the transaction authorized by this act as determined by the commissioner of
33 capital asset management and maintenance, including but not limited to the costs of any survey,
34 appraisal, and other expenses relating to the conveyance of the parcel, and shall be responsible
35 for all costs, liabilities and expenses of any nature and kind for its ownership. Due to the
36 collaborative effort involved in this project, the Concord Housing Development Corporation may
37 accept funds from the Walden Woods Project in support of and in furtherance of the Concord
38 Housing Development Corporation's responsibilities under this act.

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40 **SECTION 4.** The deed or other instrument conveying the parcel to the Concord Housing
41 Development Corporation shall, without limitation, provide that if the parcel ceases at any time
42 to be used for the purposes set forth in this act, title to the parcel shall, at the election of the
43 commonwealth, revert to the commonwealth.