



# The Commonwealth of Massachusetts

## AN ACT

### AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE CITY OF SOMERVILLE TO THE SOMERVILLE HOUSING AUTHORITY

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

*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.*

**SECTION 1.** The commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, notwithstanding Sections 40E to 40J, inclusive, of Chapter 7 of the General Laws, or any other general or special law to the contrary, may convey by deed approved as to form by the inspector general, to the Somerville housing authority, a political subdivision of the Commonwealth of Massachusetts, a certain parcel of land located at 34 North Street in the city of Somerville, at the corner of Alewife Brook Parkway and Powder House Boulevard, and consisting of approximately 4,750 square feet which form part of the right of way, sidewalks, curb and roadway of Alewife Brook Parkway. Such real property interests are currently under the care and control of the department of conservation and recreation and are held for use as a parkway which has been designated and restricted to "pleasure vehicles only" by the department of conservation and recreation. This parcel's approximate location is shown on a plan entitled

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

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

commissioner of capital asset management and maintenance. The grantee shall compensate the commonwealth by either (i) making a cash payment equal to the full and fair market value of the fee interest in the land as determined by these independent professional appraisals or (ii) providing to the department of conservation and recreation a fee interest in or a permanent restriction on land of equal or greater acreage and value as determined by these independent professional appraisals, acceptable to the department of conservation and recreation following substantial completion of the project to which the conveyances or releases pertain, in both cases, together with any obligations grantee may have for “no-net-loss” under Section 4. For the purposes of any such appraisal, the full and fair market value of the area to be conveyed shall be calculated with regard to its full development potential as assembled with other abutting lands owned or otherwise controlled by the grantee, if any. The commissioner of capital asset management and maintenance shall submit any such appraisals and a report thereon to the inspector general for review and comment. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve any such appraisal and the review shall include an examination of the methodology used for that appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of capital asset management and maintenance, the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets. The commissioner of capital asset management and maintenance shall, 30 days before the execution of a

conveyance authorized by this act, or a subsequent amendment thereto, submit the proposed conveyance or amendment and a report thereon to the inspector general for review and comment. The inspector general shall issue review and comment within 15 days after receipt of the proposed conveyance or amendment. The commissioner shall submit the proposed conveyance or amendment, and the reports and comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before the execution of the conveyance or amendment.

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

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

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



