

HOUSE No. 4067

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 31, 2007.

The committee on Bonding, Capital Expenditures and State Assets to whom was referred the petition (accompanied by bill, House, No. 65) of Martin J. Walsh and John A. Hart, Jr. relative to authorizing the commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan and McLaughlin Companies, Inc., reports recommending that the accompanying bill (House, No. 4067) ought to pass.

For the committee,

DAVID L. FLYNN.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO SULLIVAN AND MCLAUGHLIN COMPANIES, INC. .

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

1 SECTION 1. The commissioner of capital asset management
2 and maintenance, hereafter in this act referred to as the commis-
3 sioner, in consultation with the commissioner of the department of
4 conservation and recreation, may, notwithstanding sections 40E to
5 40J, inclusive, of chapter 7 of the General Laws, or any other
6 general or special law to the contrary, by deed approved as to
7 form by the attorney general, convey for parking purposes certain
8 property located on Tenean Street in the city of Boston, including
9 any and all rights-of-way and easements appurtenant thereto,
10 which is currently under the control of and used by the department
11 of conservation and recreation for recreation and natural resource
12 purposes, to Sullivan & McLaughlin Companies, Inc., or its nomi-
13 nees, successors and assigns, hereafter in this act referred to as the
14 buyer, subject to the provisions of section 2 of this act. The parcel
15 is more particularly described as being all or a portion of Parcel 2
16 in the “Order of Taking, Commonwealth of Massachusetts, Metro-
17 politan District Commission” dated January 18, 1962, recorded at
18 the Suffolk Registry of Deeds in Book 7624, Page 579 and shown
19 on the plan made a part thereof and recorded therewith entitled:
20 “Commonwealth of Massachusetts, Metropolitan District Com-
21 mission, Parks Division, William T. Morrissey Boulevard, Boston
22 (Dorchester District), Plan of Land to be Taken from the City of
23 Boston Board of Park Commissioners under the provisions of
24 Chapter 509, Acts of 1949, * * * January 17, 1962, Benjamin W.
25 Fink, Director of Park Engineering,” being plan accession number

26 40251-V.T. This parcel shall be conveyed by deed without war-
27 ranties or representations by the commonwealth. The deed shall
28 restrict the use of the property to parking purposes only. Within
29 thirty days of the effective date of this act, the commissioner, pro-
30 vided that he enters into an agreement to sell the property to the
31 buyer, shall grant a temporary lease or license to the buyer at a
32 nominal amount that will provide the buyer with complete access
33 to and control of the property until the provisions of section 2
34 have been met. The commissioner shall determine the exact
35 boundaries and size of the parcel based upon a survey.

1 SECTION 2. In consideration of the conveyance of the prop-
2 erty authorized by section 1 of this act, the buyer shall pay the
3 commonwealth the full and fair market value of the property
4 based upon an independent professional appraisal as determined
5 by the commissioner.

6 The inspector general shall review and approve the appraisal.
7 The inspector general shall prepare a report of his review of the
8 methodology utilized for the appraisal and shall file the report
9 with the commissioner for the submission to the house and senate
10 committees on ways and means and the chairmen of the joint
11 committee on bonding, capital expenditures and state assets. The
12 commissioner shall, 30 days before the execution of any agree-
13 ment authorized by this act, or any subsequent amendment
14 thereof, submit the agreement or amendment and a report thereon
15 to the inspector general for his review and comment. The
16 inspector general shall issue his review and comment within 15
17 days of receipt of any agreement or amendment. The commis-
18 sioner shall submit the agreement and any subsequent amend-
19 ments of the agreement, and the reports and the comments of the
20 inspector general, if any, to the house and senate committees on
21 ways and means and the chairmen of the joint committee on
22 bonding, capital expenditures and state assets at least 15 days
23 before execution.

1 SECTION 3. The buyer shall be responsible for all costs asso-
2 ciated with the conveyance authorized by section 1 of this act
3 including, but not limited to, any engineering, surveys, appraisals,

4 deed preparation and any other expenses the commissioner may
5 deem necessary for the conveyance. The sales proceeds received
6 by the commonwealth in connection with the conveyance shall be
7 deposited in the General Fund.