

**Acts****2010****CHAPTER 117** AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE CONCORD HOUSING DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING AND OPEN SPACE PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith a certain parcel of land in the town of Concord, 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:

SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, may convey a portion of a certain parcel of state-owned land in the town of Concord, currently under the care and control of the department of correction, to the Concord Housing Development Corporation. The parcel is located at 965 Elm street and is referenced on a map titled "Affordable Housing and Open Space, Concord, Massachusetts" and dated January 9, 2009. Such land shall be used for housing, of which 100 per cent shall be deemed affordable housing as determined by the ranges established by the Concord Housing Development Corporation and for public open space purposes. The commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, shall determine the exact boundaries of the parcel after completion of a survey. The Concord Housing Development Corporation shall acquire access to cross the former railroad right-of-way abutting the parcel, shall ensure compatibility for the proposed Bruce Freeman Rail Trail to cross the parcel and shall provide a second means of access for emergency purposes. The Concord Housing Development Corporation shall ensure a clear field of view as needed for security considerations of the department of correction facility and shall have an appropriate setback from the southerly wall of the department of correction facility. The Concord Housing Development Corporation shall ensure a development setback from the river and any other dimensional setbacks required by law. This parcel shall be conveyed by deed without warranties or representations by the commonwealth.

SECTION 2. The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, as determined by the commissioner of the division of capital asset management and maintenance based upon an independent professional appraisal and including the conditions set forth in section 1; provided, however, that any costs

related to remediation of the site shall be applied against the final appraised value of the parcel; and provided further, that the commissioner of capital asset management and maintenance may accept the findings of a previous appraisal of the parcel conducted by an appraiser acceptable to that commissioner.

SECTION 3. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve the appraisal required pursuant to section 2. The inspector general shall prepare a report of his review of the methodology utilized for the appraisal and shall 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 state administration and regulatory oversight. Thirty days before the execution of a deed for the conveyance authorized by this act or any subsequent amendment thereto, the commissioner of capital asset management and maintenance shall submit the proposed deed or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days after receipt of the proposed deed or amendment. The commissioner shall submit the proposed deed or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the deed or amendment.

SECTION 4. Notwithstanding any general or special law to the contrary, the Concord Housing Development Corporation shall be responsible for all costs and expenses of the transaction authorized in this act as determined by the commissioner of capital asset management and maintenance including, but not limited to, the costs of any engineering, surveys, appraisals and deed preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its ownership. The Concord Housing Development Corporation may accept funds from the Walden Woods Project in support of, and in furtherance of, the Concord Housing Development Corporation's responsibilities under this act.

SECTION 5. The deed or other instrument conveying the parcel to the Concord Housing Development Corporation shall provide that if the parcel ceases at any time to be used for the purposes set forth in this act, title to the parcel shall, at the election of the commonwealth, revert to the commonwealth.

Approved, May 27, 2010.
