

## Paden, Liza

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**From:** Susan Redlich [sredlich@verizon.net]  
**Sent:** Tuesday, February 25, 2014 9:04 AM  
**To:** Paden, Liza  
**Cc:** City Council; 'Cambridge Residents Alliance'  
**Subject:** re-Special Permit Application #288

Dear Board,

The current proposal by a private developer to convert the Middlesex jail should be denied. Disposal or sale of public property, built or bought with taxpayer money, should require a transparent public process that allows for alternative uses to be proposed and issues of concern to the neighborhood to be aired. I am also concerned that the state may not have adequately followed the rules laid out in Chapter 7C, section 33 of the General Laws, regarding disposition of property.\*  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter7c/Section33>

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\*The commissioner may, after notification to and with the advice of the executive heads of state agencies and secretaries of the executive offices, determine that real property is not needed for the use of any state agency. If the commissioner determines that such property is surplus to both the current and foreseeable needs of state agencies, the commissioner shall determine whether any other public agency has a current or foreseeable direct public use for the property. For the purposes of determining whether property is surplus to direct public use, direct public use is defined in this section as use of property for a public agency's own operations, but does not include conveyance by such agency of any interest in the property to another party, but does include lease of the property by local housing authorities to public housing tenants.

When property is determined to be surplus, to either current state or current direct public uses, but not to foreseeable state or foreseeable direct public uses, the commissioner shall take such action as is necessary to ensure that any disposition of the property is temporary and maintains the commissioner's ability to make such property available to a state agency or other public agency at such time as it is needed.

If the commissioner determines that the property is not needed for current or foreseeable state or direct public use as defined above and that the property should be disposed of, the commissioner shall declare that the property is available for disposition and shall identify restrictions, if any, on the property's use and development necessary to comply with established state and local plans and policies, and the commissioner shall send written notification of such to the house and senate committees on ways and means, and the joint committee on state administration.

The commissioner may convene an advisory committee to advise him on reuses and to recommend reuse restrictions for property declared surplus; provided however that the Commissioner shall not convene a new advisory committee to advise on reuses if a re-use committee is currently active. If an advisory committee is convened, the commissioner shall invite the representatives to the general court from the city or town in which the property is located to serve on the committee. The commissioner shall prepare a preliminary report on his findings, which shall include both his recommendation, and those of the advisory committee if established, for reuse restrictions for the property.

The commissioner shall conduct a public hearing to consider potential reuses and reuse restrictions for the surplus property and to review the secretary of administration and finance preliminary report if the property exceeds 2 acres or if the commissioner determines that a hearing should be held for a smaller parcel. If the commissioner determines to conduct a hearing, the commissioner shall provide notice in the central register of the public hearing at least 60 days prior to (1) notification to the house and senate committees on ways and means and the joint committee on state administration, of a temporary disposition of property to a public agency for less than 5 years for a direct public use, or (2) submission of a request to the general court for authority to otherwise dispose of real property as provided in this section. A notice of the public hearing shall also be placed, at least once each week for the 4 consecutive weeks preceding the hearing, in newspapers with sufficient circulation to inform the people of the affected locality. The hearing shall be held in the locality in which the property is located not sooner than 30 days and not later than 35 days after the notice is published in the central register.

The commissioner may, with the written approval of the secretary of administration and finance, enter into agreements for the direct public use of surplus real property by public agencies other than state agencies, for a term not to exceed 5 years. Such agreement shall prohibit subsequent conveyance of interest in the property by the public agency to another party. The commissioner shall notify the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight 30 days prior to the final authorization of any such agreement. The notification shall include the commissioner's report on recommended reuse restrictions. In no event shall any such agreement be made when the general court is not in session.

The commissioner shall establish the value of surplus property through procedures customarily accepted by the appraising profession as valid for determining property value. The value shall be calculated both for: (1) the highest and best use of the property as currently encumbered; and (2) uses and encumbrances defined by the commissioner.

The commissioner may, with the approval of the secretary of administration and finance, request from the general court authorization to dispose of state real property determined to be surplus to state agency needs: (1) to public agencies of the commonwealth other than state agencies for direct public uses, over a period exceeding 5 years, (2) to a public agency of the commonwealth other than a state agency, for uses other than direct public uses, and (3) to an individual, entity, or the federal government; or any extension of any agreement for such use beyond a cumulative period of 5 years. Accompanying his request for authorization to dispose of property, the commissioner shall submit his report including a description of the property, its current use, structures, and approximate metes and bounds, the value of the property and recommended restrictions, if any, on reuses of the property. The commissioner shall also request authorization to negotiate real property disposition agreements with parties to be selected by the commissioner after the commissioner evaluates competitive proposals. Disposition agreements subsequently negotiated by the commissioner shall be consistent with the reuse restrictions approved by the general court.