

ADMINISTRATIVE POLICY #14

RE: Acquiring Real Estate

GENERALLY

Acquiring and holding real estate for public use is regulated by the Massachusetts General Laws as adopted by the Great and General Court.

POLICY

The Town of Seekonk should acquire and hold real estate for the necessary provision of Town services and to successfully undertake the functions of local government.

The acquisition of real estate should be coordinated by the Board of Selectmen which is the Chief Administrative Officer of the Town under the Home Rule Charter adopted in 1976.

The three most common methods of acquiring real estate are a gift, a purchase, or a taking by eminent domain.

PROCEDURE

1. When a board, commission, officer or branch of the Town government determines that the Town should consider acquiring certain real estate, it shall advise the Board of Selectmen of its thinking on the matter. The Board of Selectmen will meet with any board, commission, officer or branch of the government to review such potential acquisitions.
2. In reviewing potential acquisitions, the Board of Selectmen shall consider the Master Plan, Open Space Plan, the needs of the Town, cost, number of acres, buildings, and other factors it considers to be important.
3. The Board of Selectmen or its designee(s) may undertake negotiations with the owner(s) of potential real estate acquisitions under the Massachusetts General Laws. Real estate purchases are subject to the approval of Town Meeting which must appropriate the necessary funds.
4. In the case of a gift, the Board of Selectmen must vote to accept such gift on behalf of the Town for the gift to be valid.
5. In the case of taking by eminent domain, it must be voted by a two-thirds vote of the Town Meeting and executed by the Board of Selectmen.

The appropriation must also be voted.

6. In the case of Conservation land, the Conservation Commission has special powers as spelled out in the Conservation Commission Act. However, since the Board of Selectmen appoints the members, calls Town Meetings, and places articles in the Town Meeting Warrant; it is important that the Conservation Commission keeps the Board of Selectmen fully informed of its goals for Conservation acquisitions prior to conducting any informal or formal negotiations with owners.

7. It shall be the policy of the Board of Selectmen that at least two valid independent appraisals shall be obtained for each potential acquisition of real estate before the matter is brought before the Town Meeting for a vote. The Board of Selectmen may waive this requirement for cause.

Terry L. Proctor

Terry L. Proctor
Executive Secretary

This policy was adopted by the Board of Selectmen on 6/10/87.