



NEW BEDFORD PORT AUTHORITY

September 26, 2019

52 Fisherman's Wharf TEL (508) 961-3000
New Bedford, MA 02740 FAX (508) 979-1517
WWW.PORTOFNEWBEDFORD.ORG

Councilor Naomi Carney
133 William Street
New Bedford, MA 02740

Dear Councilor Carney:

I am writing to you regarding the legal procedures for the potential lease of .0151 acres of land ("the Property") currently occupied by an accessory structure to a commercial property located on MacArthur Drive, shown on the City of New Bedford's Assessor's Map 53 as Lot 255 (51 Fisherman's Wharf). As you know, the New Bedford Harbor Development Commission dba New Bedford Port Authority (NBPA) has put together a Request for Proposal to lease the Property, but the RFP has not yet been issued. The draft RFP calls for an original 5-year term lease and allows for four additional 5-year terms.

It is my opinion, with which the City Solicitor agrees, that the next steps should be for the NBPA to (1) issue the RFP; (2) review the responses to the RFP; and (3) present a lease with the successful responder to the Mayor and City Council for their approval.

This procedure would effectuate the provisions of the NBPA's Enabling Legislation of 1957. Section 2 of the enabling legislation states that the NBPA "shall be in administrative charge of the port of New Bedford" and "shall have immediate charge of the lands, piers and other structures and facilities now or hereafter owned by the city or conveyed to the city by the commonwealth in said port." Section 3 provides that the HDC is entitled to use all of the waterfront property owned by the City. Section 5 provides that the NBPA may lease industrial and commercial locations within its charge (among other things) but that no lease over five years shall be valid unless approved by the Mayor and City Council.

The subject property is in the port of New Bedford. As a result, pursuant to the enabling legislation, it is in the administrative charge of the NBPA, and the NBPA may lease it for the term proposed in the draft RFP, subject to the Mayor and City Council's approval.

I would be grateful if you or the City Council's attorney would let me know if you concur with the proposed plan of action. If you do, the NBPA will promptly issue the RFP and then submit a proposed lease to the Mayor and City Council for approval.



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Sincerely,

Pamela Lafreniere

Pamela Lafreniere, Esq.
Deputy Director & In-House Counsel

Site Plan

