



NEW BEDFORD
PORT AUTHORITY

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February 18, 2020

Council President Joseph Lopes
133 William Street, Room 215
New Bedford, MA 02740

Dear Council President Lopes:

In 2018 the New Bedford Harbor Development Commission dba New Bedford Port Authority (NBPA) received grant funding from the Seaport Economic Council to purchase a central Command Center to house all NBPA staff, as well as an office for marine police and marine fire personnel.

In the summer of 2019 the NBPA issued a Request for Proposals (RFP) for Site Acquisition and received one responsive bid from a Seller who owned property brokered by Remax Vantage, which is located at 123 MacArthur Drive, the former Royal Restaurant.

In the fall of 2019, the NBPA entered into a Purchase & Sales agreement with the Seller conditioned upon the completion of the project as outlined in the RFP subject to the approval of the New Bedford City Council. A copy of the Purchase & Sales agreement is attached hereto for your information.

As required by Section 5 of the NBPA's enabling legislation, the New Bedford City Council must approve the NBPA's purchase of property. Accordingly, request is made that the approval of NBPA's purchase of 123 MacArthur Drive, be placed on an upcoming City Council agenda. (Copy of pertinent portion of enabling legislation attached.)

Please do not hesitate to call or email me with any questions or concerns. We will await your instruction and appreciate your consideration of this important item.

Sincerely,

Pamela Lafreniere, Esq.
Deputy Director & General Counsel
New Bedford Port Authority

CC David Gerwatowski

CHAPTER 76C -
ACTS OF 1957

AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO
ESTABLISH A HARBOR DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to establish a harbor development commission, hereinafter referred to as the commission, which shall consist of the mayor, ex officio, and six members to be appointed by the mayor and confirmed by the city council of said city. Of the members originally appointed, one shall serve for a term of one year, two for terms of two years and three for terms of three years. Upon the expiration of the term of each such member his successor shall be appointed in like manner for a term of three years. Each appointive member shall hold office until his successor is appointed and qualified. Members of the commission shall serve without compensation.

SECTION 2. The commission shall be in administrative charge of the port of New Bedford; shall cause to be made all necessary plans for the development of the New Bedford waterfront in areas defined in section three; 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; shall administer all land and water terminal facilities under its control; shall keep itself thoroughly informed as to the present and probable future requirements of steamships and shipping and as to the best means which can be provided at said port for the accommodations of steamships, railroads, warehouses and commercial and industrial establishments.

SECTION 3. For the purposes of this act the commission may use all tidal or other waterfront properties now owned by the city of New Bedford, and may acquire, with the approval of the mayor and city council and director of the division of waterways in the department of public works by purchase approximately seventy-five acres of the tidal and other waterfront lands lying north of the Fairhaven Bridge on the west side of the New Bedford harbor, including the tidal lands lying immediately east of the New Haven Railroad yards, terminating at the most northerly boundary of said New Haven Railroad yards and the tidal and other waterfront lands lying south of the New Bedford Fairhaven Bridge as far south as Cove Street but excepting therefrom any land owned by the New Bedford Gas and Edison Light Company or any land owned by any company engaged in the fishing business.

Approved March 14, 1960.

SECTION 4. The commission, with the approval of the mayor and city council may hold such real property as defined in section three, and such rights and easements therein as the commission may from time to time consider necessary for the purpose of constructing, or securing the construction or utilization of, public piers and the necessary utilities in connection therewith, including the planning, design and development of sites for warehouses and commercial and industrial establishments, as in the opinion of the commission may be necessary and desirable for such purposes.

SECTION 5. The commission may sell, and in this connection enter into a purchase and sale agreement for the transfer of title, and may lease for period not exceeding twenty years under such covenants and conditions as it may prescribe, industrial and commercial locations, storage facilities, wharves, piers, foreshores, bulkheads, docks, sheds, grain elevators and warehouses within its charge.

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and locations for use as condominiums, luxury apartments, and commercial buildings related thereto. The commission may lease sites as listed above for a longer period, provided every lease for such site for a period exceeding twenty years shall provide for a readjustment of the rental at intervals of not more than twenty years. No contract for the sale of any land, buildings or structures, and no lease for a term exceeding five years, shall be valid until approved by the mayor and city council. Subject to the foregoing provisions of this act, the commission may acquire, purchase, hold, sell, lease, sublease, and otherwise deal and dispose of any land or interest therein to such extent as may be necessary, useful, desirable or convenient in connection with the leasing or operation of any pier, wharf, dock, maintenance of the foreshores, operation of warehouses and industrial locations

Approved July 6, 1982.

SECTION 6. The operations of the commission shall be conducted and regulated in such manner as to promote and encourage industrial and commercial development of the port of New Bedford to the fullest possible extent by making available to the persons engaged in commerce and industry the piers, wharves and other facilities of the commission at the lowest cost consistent with sound economy and prudent management. Excess of income received by the commission over current expenses and liabilities shall be determined at least annually, and the amount thereof, if any shall be deposited in a special fund which, after accumulation of a reasonable reserve for loss and depreciation, may be used, first, by the payment on account of any bonded indebtedness outstanding on loans which the city may have made to accomplish the purposes herein enumerated, and secondly, for the proper construction, reconstruction, replacement or expansion of the sites, buildings, plants and equipment under its jurisdiction as the commission may from time to time determine.

SECTION 7 The city of New Bedford, for the purposes specified in section four, may, with the approval of the emergency finance board, borrow an initial sum of three hundred thousand dollars, and issue bonds or notes of the city therefor, which shall bear on their face, the words New Bedford Harbor Development Loan, Act of 1957, such loan to be paid in not more than thirty years from the date of issue, and said city, for the same purposes, may, after producing satisfactory evidence to the emergency finance board that the city has entered into one or more agreements under section five which would warrant further harbor development, with the approval of said board, borrow an additional sum or sums, provided that the total loans authorized under this section shall not exceed five million dollars in the aggregate. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates of issue. Indebtedness incurred under this act shall be in excess of the statutory limit of indebtedness, and shall except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 8 (a) The commission shall be deemed to be a public instrumentality for the purpose of this act, and shall have an official seal and may alter the same as its pleasure

(b) The mayor of the city of New Bedford shall be chairman of the commission. Any members of the commission may be removed by the mayor, with approval of the city council, for misfeasance, malfeasance or wilful neglect of duty, but only after reasonable notice and public hearing by the mayor