

SWANSEA REDEVELOPMENT AUTHORITY  
DECLARATION OF PURPOSE AND POLICY  
WITH RESPECT TO THE FORMER  
SWANSEA MALL PROPERTY

The Swansea Redevelopment Authority (“SRA”) hereby adopts this declaration of purpose and policy (“Declaration”).

WHEREAS, the SRA is a public body politic and corporate authorized to transact business and exercise powers under Chapter 121B of the General Laws, as reflected in the Certificate of Formation issued by the Secretary of the Commonwealth on March 9, 2020 pursuant to G.L. c. 121B, §4; and

WHEREAS, the SRA is charged with redeveloping and improving substandard, decadent, and blighted areas in the Town of Swansea; and

WHEREAS, the SRA may exercise the power of eminent domain pursuant to G.L. c. 121B, §§ 11 and 46; and

WHEREAS, the SRA has identified property in the Town of Swansea (“Town”), located at 262 Swansea Mall Drive, as shown on a plan recorded with the Fall River Registry of Deeds at Book 158, Page 32, and commonly referred to as the Swansea Mall Property (the “Property”), which in its present form is decadent and blighted, and the redevelopment of which would benefit the Town and its residents by increasing the Town’s tax base, fostering economic activity, and creating jobs on land currently vacant and/or underutilized; and

WHEREAS, said Property is currently subject to certain restrictions and easements that prevent or substantially hinder the redevelopment and beneficial use of said land.

NOW, THEREFORE, the SRA hereby declares its intention to exercise its powers of eminent domain with respect to such easements consistent with the following procedures:

1. Policy. It shall be the goal of the SRA to encourage, aid, foster, support, incentivize, and facilitate the redevelopment and productive usage of the Property by the most socially and economically beneficial means possible. The SRA shall pursue this goal with certain approved policies in mind and with specific target objectives in mind, including but not limited to:
  - a. Private parties shall be responsible for and bear the primary expense and burden of all redevelopment of the Property;
  - b. Private parties will submit requests to the SRA for support in these efforts, which request shall contain sufficient information and details to allow the SRA to fully deliberate and consider the matter at an open meeting pursuant to G.L. c. 30A, §§18-25, as amended and as further suspended, supplemented, amended or modified by the Executive Order of the Governor of The Commonwealth of

Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020 (the “Executive Order”));

- c. The SRA will identify measures it can take to aid the redevelopment and productive use of the Property proactively;
- d. The SRA will make efficient use of its resources by strategically allocating same in a manner that will obtain the greatest social and economic benefit for the Town with the least expenditure;
- e. The existing rights of all private parties, abutters, and stakeholders shall be preserved to the greatest extent possible;
- f. The diminishment or taking of any interest in land shall only be pursued after public deliberation, a public hearing, input from and negotiation with relevant stakeholders, and consideration of all economic factors;
- g. The SRA shall exercise its powers under Chapter 121B for clearly defined purposes and in pursuit of established objectives, which shall at minimum include an understanding of the type of development or business activities that are reasonably likely to exist as a result of such exercise of the SRA’s powers;
- h. Local businesses and employment of local residents will be prioritized in all SRA sponsored or aided redevelopment efforts;
- i. Sound planning practices will be followed with respect to all redevelopment efforts, which shall include, but not be limited to, sustainable development, business and housing diversity, comprehensive planning, smart growth principals, and multi-modal transportation; and
- j. Long-term growth strategies and plans for the Property will be developed and pursued.

The enumeration of any policy or principle herein shall not be construed to limit or constrain the powers of the SRA, but to guide its actions with respect to the Property and to further the goal of enabling the redevelopment and productive use of the Property.

2. Hearings. The SRA will conduct public hearings pertaining to the potential redevelopment of the Property consistent with the requirements of the Open Meeting Meeting Law, G.L. c. 30A, §§18-25, as amended and as further suspended, supplemented, amended or modified by the Executive Order, which hearings will focus on the Property’s (1) former use, and the causes that led to the decline or discontinuance of that use; (2) current use and state of repair; (3) future use or uses, and which use or uses would provide the greatest social and economic benefit to the Town, region, and the residents thereof; (4) barriers to the redevelopment of the Property and means of addressing such barriers in the most economic and efficient manner; and (5) other factors, issues, and considerations deemed relevant to the efficient, and successful redevelopment of the Property. The information obtained in such hearings shall form the basis of the SRAs future actions and the SRA’s development and approval of a demonstration and/or urban renewal plan.

3. Research/Development. The SRA will study the economic and business environment that exists in the Town, that led to the discontinuance of the former use of the Property, and that may prove successful in the future and use such information to guide its activities in relation to the Property in the future. The SRA will also seek information pertaining to existing restrictions on the use of the Property, including, but not limited to, environmental regulations, zoning requirements, and easements attached thereto, and the need to satisfy, reduce, release, remove, or otherwise alter or accommodate such restrictions to provide for the redevelopment of the Property with the least expense to the SRA and interference with existing rights. Such research will be used to conduct cost-benefit analyses of all SRA actions in relation to the Property, and guide the SRA in its efforts to support redevelopment of the Property.
4. Valuation. The SRA will work with its consultants and consult with Town officials to obtain valuations of the property, interests therein, and other information or records relevant to a comprehensive understanding of the Property and its future prospects. The SRA will also obtain independent assessments of the value of the property and of any and all easements attached to the Property. The SRA will work with all stakeholders to determine which portions of the Property are most valuable and appropriate for development, what barriers exist to the redevelopment of any portion of the Property, and how the SRA can most efficiently aid, foster, or incentivize said redevelopment. The SRA will engage in good faith negotiations with the holders of any and all easements deemed substantial barriers to the redevelopment of the Property and attempt to obtain the friendly transfer of same for fair market value.
5. Negotiation. The SRA will work with the owner(s) of any and all easements to preserve, ensure, or establish new means of ingress and egress to affected properties and structures, and to minimize disruptions to existing and future commercial activities on and around the Property, and will hold public hearings as necessary and appropriate to this end. The SRA will aid and serve abutters to the Property in preserving, maintaining, and improving their properties and business activities to the same extent the SRA aids and serves the private parties involved in the ownership and leasing of the Property. The SRA will exercise all of its powers equitably and for the purpose of providing a public benefit and spurring economic activity, and will not favor any individual property or private party in relation to its efforts to help redevelop the Property.
6. Economic Development. The SRA will obtain development plans and certain redevelopment commitments from the owners of the Property prior to the exercise of any powers or the expenditure of any public funds for the purposes contemplated by this Declaration. Such plans and commitments may include, but shall not be limited to, architectural and consultant engagements, construction plans, condominium declarations, loan or mortgage documents, commitments to create affordable housing

and housing for the elderly or disabled, permit applications and/or approvals, and any other plan or agreement necessary to determine the appropriateness of the SRAs exercise of its powers under Chapter 121B and deemed consistent with the purpose and intent of this Declaration. Where appropriate and feasible, the SRA will obtain written agreements from the private developer involved in the redevelopment of the Property providing for their commitment and intent with respect to any particular course of action.

7. Approval. The exercise of the SRA's powers shall comply fully with the provisions of Chapter 121B, and any and all rules and regulations the SRA may promulgate in the future, including the development of planning documents and quantum of vote requirements. The SRA shall not permanently bind itself to any particular project or course of action, but may set short and long-term planning goals that may be amended and revised from time to time. The approval of any short- or long-term planning goal, this Declaration, or amendments to either, shall follow sufficient deliberation and public hearings to allow the SRA to make a well-informed decision, and shall be approved by a majority of the Board. Meetings and hearings may be conducted without a sufficient number of SRA members to bind the SRA, however, the exercise of the SRA's powers, the adoption of short- or long-term plan, or the firm commitment to any course of action must be approved by a majority of the Board.
8. Support Staff and Service. To the extent appropriate and as resources permit, the SRA may hire clerks, grant-writers, and other administrative and professional staff to help it carry out its core functions, its powers under Chapter 121B, and this Declaration. The SRA may engage consultants, engineers, planners, appraisers, attorneys, and any other professionals it deems necessary and appropriate to achieve the goals of urban renewal, redevelopment, and this Declaration. The SRA shall comply with all provisions of G.L. c. 30B, if and when applicable, to the procurement of such services, and shall not be bound to seeking or accepting the lowest bid or proposal in the procurement of such services.
9. Funding. The SRA will proactively seek all appropriate sources of funding, including but not limited to allocations, grants, awards, borrowing, and the issuance of bonds. The SRA may hire a grant-writer if doing so is deemed economically efficient for the SRA. The issuance of any and all bonds shall be conducted consistent with the provisions of G.L. c. 44. The SRA will seek to leverage existing sources and funds to minimize the need for borrowing.
10. Amendment. This Declaration may be amended, up to and including rescission, by majority vote of the members of the SRA.

*Signatures to Follow*

Approved, this 10<sup>TH</sup> day of August, 2020.

Swansea Redevelopment Authority,

By its Members,

Susan Kedar

[Signature]  
Sine Weyland  
Paul Treloar