

HOUSE No. 4482

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act authorizing the Department of Conservation and Recreation to enter into a certain lease..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1 (a) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
2 Laws or any other general or special law to the contrary, the division of capital asset
3 management and maintenance, on behalf of and in consultation with the department of
4 conservation and recreation, using such competitive proposal process as the division considers
5 necessary or appropriate, may lease and enter into other agreements, for a term not to exceed 25
6 years with 1 or more operators, for the boat ramp in North Point Park in the city of Cambridge so
7 as to provide for the continued use, operation, maintenance, repair and improvement of such
8 state-owned boat ramp together with the land and appurtenances associated thereto.

9 There shall be an option for renewal or extension for operations and maintenance services
10 not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the
11 division of capital asset management and maintenance in accordance with the original contract
12 terms and conditions or contract terms and conditions more favorable to the commonwealth. All
13 leases shall contain a provision that requires the lessee to carry comprehensive general liability
14 insurance with the commonwealth named as a co-insured, protecting the commonwealth against

all personal injury or property or other damage arising from the boat ramp during the term of the lease.

Such lease and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance, after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the property. Any such lease or other arrangement requiring capital improvements to be made shall include a description of the required capital improvements and, at minimum, performance specifications. The consideration for the lease shall be the full and fair market value of the lease of the parcels as determined by the commissioner of capital asset management and maintenance pursuant to 1 independent professional. The appraisal shall be prepared in accordance with usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Urban Parks trust, established under section 1 of chapter 132A of the General Laws.

(b) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve any appraisals pursuant to paragraph (a) and the review shall include an examination of the methodology utilized for establishing a lease consideration. Within 30 days of receiving the lease, the inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance. Within 30 days of receiving the inspector general's report, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on bonding, capital

expenditures and state assets but no later than 15 days before the execution of any agreement or other document relating to the lease.

(c) Notwithstanding any general or special law to the contrary, lessee shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and lease preparation related to the transfers and conveyances authorized pursuant to this section as such costs may be determined by the commissioner of the division of capital asset management and maintenance. The lessee shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the maintenance, use and operation of the boat ramp.

(d) To ensure a no-net-loss of lands protected for conservation purposes, the lessee shall convey, or cause to be conveyed, to the commonwealth land or an interest in land to be held by the department of conservation and recreation for said conservation purposes. The land or interest in land shall be of greater value than as determined in accordance with paragraph (a) and shall be acceptable to the department, in its discretion.