

**HOUSE . . . . . No. 4482**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Ten**  
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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

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

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

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

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

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

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