

HOUSE No. 4823

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act authorizing a ground lease of land owned by the department of conservation and recreation for conservation and recreation purposes in the town of Hingham..

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. Notwithstanding any general or special law to the contrary, but subject to
2 section 40J of chapter 7 of the General Laws, the commissioner of capital asset management and
3 maintenance , in consultation with the department of conservation and recreation may lease to
4 the Massachusetts bay transportation authority within the mass transit division of the department
5 of transportation for a term, including extensions, not to exceed 99 years, a portion of a certain
6 parcel of land owned by the former department of environmental management, now the
7 department of conservation and recreation, and used for conservation and recreation purposes in
8 the town of Hingham, commonly known as the Hingham Shipyard, said parcel being shown on a
9 plan on file at the Massachusetts Land Court, at Certificate No. 66482, Book 332-82, Document
10 No. 213561. The exact boundaries of the parcel to be leased herein shall be determined by the
11 commissioner of capital asset management and maintenance, in consultation with the department
12 of conservation and recreation, based upon a survey prepared in accordance with section 5.

SECTION 2. Any lease agreement entered into by the commissioner of capital asset management and maintenance pursuant to this section shall provide that the parcel shall be used solely for the construction and operation of a ferry terminal intermodal transportation center at the Hingham Shipyard, which center shall be used for transportation services and ferry services, administrative and office uses with respect to the Massachusetts bay transportation authority, for administrative and office uses relating to public ferry access to the Harbor Islands state park, visitors center and marine transportation maintenance and support with respect to the department of conservation and recreation and the Massachusetts environmental police, and office space for the harbor master of the town of Hingham, and such other accessory uses directly related to the purposes identified in a memorandum of agreement entered into by and between the division of capital asset management and maintenance , the department of conservation and recreation and the Massachusetts bay transportation authority dated May 18 , 2009. The lease agreement shall also comply in all respects with the terms and conditions of said memorandum of agreement and shall also provide that if the parcel ceases to be used for the purposes described in this section, the commonwealth may terminate the lease under such terms and conditions as the lease may prescribe. Said lease agreement shall also provide by reservation or otherwise, that the department of conservation and recreation shall retain the right to use a minimum 3,285 gross square feet within the ferry terminal intermodal center for administrative purposes. The specifications for said office space shall be determined by the department of conservation and recreation, the Massachusetts bay transportation authority and th division of capital asset management and maintenance.

SECTION 3. The consideration for the lease authorized by section 1 shall be the Massachusetts bay transportation authority's obligation to construct the ferry terminal intermodal

transportation center and the Massachusetts bay transportation authority shall be responsible for all costs and expenses associated with the planning, design, permitting and construction of the ferry terminal intermodal transportation center. The Massachusetts bay transportation authority will be the sole owner of its leasehold interest in the ferry terminal intermodal center and will be allowed to occupy the land and maintain ferry service at the Hingham Shipyard for the leased term, as provided in the memorandum of agreement.. The proposed lease shall also include coterminous rights to the ferry docking system for the Massachusetts bay transportation authority, the department of conservation and recreation, the Massachusetts environmental police and the town of Hingham's harbormaster.

SECTION 4. Any lease agreement entered into by the commonwealth pursuant to this act shall be on such other terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the Massachusetts bay transportation authority and the department of conservation and recreation,, deems appropriate.

SECTION 5. The Massachusetts bay transportation authority shall be responsible for procuring all work including, without limitation, legal services, surveys, title and the preparation of plans and specifications as deemed necessary or appropriate and as memorialized in the memorandum of agreement described in section 2 and shall pay all costs and expenses therefore. The Massachusetts bay transportation authority shall also be responsible for all costs, liabilities and expenses of any kind for the development, construction, improvement, repair, maintenance, management and operation of the ferry terminal intermodal center and the costs for the ordinary maintenance of the leased premises shall be apportioned as set forth in the such memorandum of agreement.