

SENATE No. 1579

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

SENATE No. 1579

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 1579) of Barry R. Finegold for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain property. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the lease of property used by the Greater Lawrence Community Boating Program, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 sections 40E to 40I inclusive, of chapter 7 of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance shall, in consultation with the commissioner of conservation and
4 recreation, lease or enter into other agreements for a term not to exceed 99 years certain land
5 located in the city of Lawrence to the Greater Lawrence Community Boating Program, a non-
6 profit organization. The parcels are shown as follows:

7 (a) Lot No. 1 on a plan entitled “Plan of Land located in Lawrence, MA prepared for the
8 Greater Lawrence Boating Project, Inc.”, Date 3/19/80, Scale 1”=40’, recorded in the North

Essex District Registry of Deeds as Plan No. 8587, more particularly bounded and described as follows:

Beginning southeasterly by the northwesterly line of Wolcott street, a distance of 250 feet,

Thence southerly by lot 2 as shown on said plan, a distance of 275.13 feet,

Thence westerly by land now or formerly of the Cyr Trust, a distance of 198.97 feet,

Thence northerly by the Merrimack River, a distance of 570 feet,

Thence easterly by land now or formerly of the city of Lawrence, a distance of 81.76 feet, to the point of beginning.

(b) Lot No. 2 on a plan entitled "Plan of Land located in Lawrence, MA prepared for the Greater Lawrence Boating Project, Inc.", Date 3/19/80, Scale 1"=40', recorded in the North Essex District Registry of Deeds as Plan No. 8587, more particularly bounded and described as follows:

Beginning at a point at the intersection of Wolcott street and Eaton street,

Thence running S47-01-42E a distance of 190 feet,

Thence turning and running S42-59-18W a distance of 100 feet,

Thence turning and running S47-01-42E a distance of 50 feet,

Thence turning and running S42-59-18W a distance of 100 feet,

Thence turning and running S47-01-42E a distance of 5.85 feet,

Thence turning and running S65-06-06W a distance of 53.92 feet,
Thence turning and running N47-01-18W a distance of 35.23 feet,
Thence turning and running S42-59-18W a distance of 106.06 feet,
Thence turning and running N26-22-49W a distance of 373.61 feet,
Thence turning and running N78-22-25E a distance of 275.13 feet to the point of the
beginning.

The Greater Lawrence Community Boating Program shall use the property for the
specific purpose of parks and recreation in accordance with the terms of the Project Agreement
between the commonwealth and the city of Lawrence dated February 12, 1982, and the
amendment thereto.

SECTION 2. Any lease shall permit the Greater Lawrence Boating Project to access
rights of way and roads to facilitate ingress and egress.

SECTION 3. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
Laws or any other general or special law, rule or regulation to the contrary, the leases or other
agreements executed under section 1 shall be on terms and conditions and consideration
acceptable to the commissioner of capital asset management and maintenance after consultation
with the commissioner of conservation and recreation; provided, however, that said lease or
other agreement shall provide, without limitation, that: (a) the lessees shall manage, operate,
improve, repair and maintain the land and appurtenances associated therewith during the term of
the lease; (b) the lessee shall carry comprehensive general liability insurance naming the
commonwealth as a co-insured, protecting the commonwealth against all claims for personal

injury or property damage arising from land and appurtenances associated therewith during the term of the lease; (c) the lessee shall provide appropriate public access to public park land; (d) the lessee shall be responsible for outreach and stewardship; and (e) the lessee shall not design or construct any facilities on the parcel without the written approval of the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation; provided, however, that the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation shall not approve any design or construction project under this section unless the commissioners have determined that the lessee has sufficient financial resources to complete the project.

SECTION 4. Each 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 lease or other agreement authorized under this act; provided, however, that the costs may be determined by the commissioner of capital asset management and maintenance.

SECTION 5. Notwithstanding any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the contrary, the procurement of services or to the construction and design of improvements shall not be applicable to a lessee under this act.

SECTION 6. Notwithstanding any other general or special law to the contrary, if a property described in section 1 ceases to be used at any time for the public purposes described in this act, or used for any purpose other than the public purposes stated in this act, the commissioner of capital asset management and maintenance shall give written notice to the lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to

70 respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of
71 the parcel is not thereafter established, the lease shall terminate.