

HOUSE No. 3320

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 department of capital asset management and maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc..

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|----------------------|------------------|
| <i>Garrett J. Bradley</i> | <i>3rd Plymouth</i> | <i>1/18/2013</i> |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> | |

HOUSE No. 3320

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 3320) of Garrett J. Bradley and Thomas J. Calter for legislation to authorize the Division of Capital Asset Management and Maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the department of capital asset management and maintenance to lease certain land in the town of Hull to The Friends of the Paragon Carousel, Inc..

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 the department of
3 capital asset management and maintenance may, in consultation with the commissioner of
4 conservation and recreation, lease for a term not to exceed 25 years, 2 parcels of land as
5 described in section 2 of this act to The Friends of the Paragon Carousel, Inc., a non-profit
6 organization, for nominal consideration to provide for the continued use of the parcels of land
7 known as the “Clock Tower Building” and the Paragon Park carousel in the town of Hull.

8 SECTION 2. The real property leased pursuant to this act shall contain the following 2
9 parcels:

10 (1) the parcel of land with the “Clock Tower Building” thereon, situated on the easterly
11 side of George Washington Boulevard in the Town of Hull, County of Plymouth, Massachusetts
12 bounded and described as follows:

13 Beginning at a point of other land of the Commonwealth and owners unknown, said point
14 being the southwesterly corner of the herein described premises:

15 Thence running N 30°–37′–59″ W, 90.96 feet to a point;

16 Thence turning and running S 56°–31′–10″ W, a distance of 52.23 feet to a point;

17 Thence turning and running N 27°–03′–37″ W, a distance of 32.61 feet to a point;

18 Thence turning and running N 59°–25′–17″ W, a distance of 159.19 feet to a point;

19 Thence turning and running S 30°–39′–50″ E, a distance of 119.63 feet to a point;

20 Thence turning and running S 58°–45′–41″ W, a distance of 109.16 feet to the point of
21 beginning.

22 Containing 14,720 square feet of land more or less; and

23 (2) a parcel of land situated on the easterly side of George Washington Boulevard, the
24 southerly side of Wharf Avenue and the westerly side of Nantasket Avenue in the Town of Hull,
25 County of Plymouth, Massachusetts and is described as follows:

26 Beginning at a point on the easterly side of George Washington Boulevard at other land
27 of the Commonwealth said point being the southeasterly corner of the herein described premises:

28 Thence running N 27°–03′–37″ W a distance of 89.64 feet to a point;

29 Thence turning and running by a curve to the right with a radius of 25.26, a distance of
30 38.39 feet to a point;

31 Thence running N 60°–00′–00″ E a distance of 122.34 feet to a point;

32 Thence turning and running S 29°–15′–07″ E a distance of 111.94 feet to a point;

33 Thence turning and running S 59°–25′–17″ W a distance of 150.69 feet to the point of
34 beginning.

35 Containing 16,720 square feet of land more or less.

36 SECTION 3. No lease of the property described in section 2 shall be valid unless such
37 lease provides that said property shall be used only for purposes which relate to the operation of
38 a carousel, including sales office, snack bar, shops selling or distributing material appropriate to
39 the environment of the carousel and promotion of the area; storage of materials and equipment
40 supporting the carousel and related activities; offices for management, bookkeeping and
41 administration of the carousel and related activities; a museum; and educational training
42 workspace.

43 SECTION 4. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
44 Laws or any other general or special law or rule or regulation to the contrary, the leases or other
45 agreements executed under this act shall be on terms and conditions acceptable to the
46 commissioner of the department of capital asset management and maintenance after consultation
47 with the commissioner of the department of conservation and recreation; provided, however, that
48 such lease or other agreement shall provide, without limitation, that: (a) the term of the lease
49 shall be for 25 years; (b) the department of conservation and recreation shall pay for

50 infrastructure maintenance to prevent deterioration of any structure on the property in section 1;
51 and (c) the property described in section 2 shall be leased for the nominal consideration of \$1 per
52 annum.

53 SECTION 5. Notwithstanding any other general or special law to the contrary, if the
54 property described in section 2 ceases to be used at any time for the public purposes described in
55 this act, or used for any purpose other than the public purposes stated in this act, the
56 commissioner of capital asset management and maintenance shall give written notice to the
57 lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to
58 respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of
59 the parcel is not thereafter established, the lease shall terminate.