

SENATE No. 2219

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Monday, April 11, 2016

The committee on State Administration and Regulatory Oversight, to whom was referred the petition (accompanied by bill, Senate, No. 1656) of Robert L. Hedlund, Garrett J. Bradley and David F. DeCoste for legislation to authorize 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.,- reports the accompanying bill (Senate, No. 2219).

For the committee,
Joan B. Lovely

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 32 to 37 inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of the division 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 $30^{\circ}-37'-59''$ W, 90.96 feet to a point;

16 Thence turning and running S $56^{\circ}-31'-10''$ W, a distance of 52.23 feet to a point;

17 Thence turning and running N $27^{\circ}-03'-37''$ W, a distance of 32.61 feet to a point;

18 Thence turning and running N $59^{\circ}-25'-17''$ W, a distance of 159.19 feet to a point;

19 Thence turning and running S $30^{\circ}-39'-50''$ E, a distance of 119.63 feet to a point;

20 Thence turning and running S $58^{\circ}-45'-41''$ 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 $27^{\circ}-03'-37''$ 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 $60^{\circ}-00'-00''$ 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 32 to 37, inclusive, of chapter 7C 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 division 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; and (b) the property described in section 2 shall be leased for the nominal
50 consideration of \$1 per annum. The commissioner of capital asset management and maintenance
51 shall establish the value of the property for both the highest and best use of the property as
52 currently encumbered and for the purposes described in section 1. The commissioner shall place

53 notification in the central register of the conveyance, the amount of such transaction and the
54 difference between the calculated value and the price received.

55 The Friends of the Paragon Carousel, Inc. shall pay all costs and expenses of the transaction
56 authorized in this act, as determined by the commissioner of capital asset management and
57 maintenance, including, but not limited to, the costs of any surveys, all costs, liabilities and
58 expenses of any nature and kind related to the development, maintenance, use and operation of
59 the leased premises, and the operation costs for the portion of the parcels set aside for use by the
60 commonwealth.

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