

SENATE No. 02338

The Commonwealth of Massachusetts

SENATE, July 11, 2012

Recommended new draft from the Senate committee on Ways and Means for the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the city of Lawrence (Senate, No. 1975)

For the committee,

STEPHEN M. BREWER.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the division of capital asset management and maintenance to lease certain property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc..

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the division of capital asset management and maintenance to lease property in the city of Lawrence to the Greater Lawrence Community Boating Program, Inc., to operate a community boating program, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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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 may, in consultation with the commissioner of conservation and
4 recreation, lease or enter into other agreements for a term not to exceed 25 years certain land and
5 the buildings and other appurtenances thereon located in the city of Lawrence to the Greater
6 Lawrence Community Boating Program, Inc., a non-profit organization, for nominal
7 consideration to provide for the continued use, operation, maintenance, repair and improvements

8 of the so-called Abe Bashara Boathouse and appurtenances located in Lawrence Heritage State
9 Park on the Merrimack River at 1 Eaton street, Lawrence, Massachusetts.

10 The parcels are shown as follows:

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

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

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

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

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

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

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

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

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

28 Thence turning and running S42-59-18W a distance of 100 feet,
29 Thence turning and running S47-01-42E a distance of 50 feet,
30 Thence turning and running S42-59-18W a distance of 100 feet,
31 Thence turning and running S47-01-42E a distance of 5.85 feet,
32 Thence turning and running S65-06-06W a distance of 53.92 feet,
33 Thence turning and running N47-01-18W a distance of 35.23 feet,
34 Thence turning and running S42-59-18W a distance of 106.06 feet,
35 Thence turning and running N26-22-49W a distance of 373.61 feet,
36 Thence turning and running N78-22-25E a distance of 275.13 feet to the point of the
37 beginning.

38 The commissioner of capital asset management and maintenance may, in consultation
39 with the commissioner of conservation and recreation, further define the premises subject to
40 lease or other agreement.

41 SECTION 2. Any lease shall permit the Greater Lawrence Community Boating Program,
42 Inc. to access rights of way and roads to facilitate ingress and egress.

43 SECTION 3. The lessee shall use the property solely for the purpose of operating a
44 public non-motorized educational and recreational boating program that is open to all residents
45 of the commonwealth without preference for use being accorded any 1 group over another. The
46 lease or other agreement pertaining to the lease of the property shall include a provision

47 restricting the use of the property to such purposes and providing for termination of the lease if
48 the property ceases to be used for such purpose.

49 SECTION 4. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
50 Laws or any other general or special law or rule or regulation to the contrary, the leases or other
51 agreements executed under section 1 shall be on terms and conditions acceptable to the
52 commissioner of capital asset management and maintenance after consultation with the
53 commissioner of conservation and recreation; provided, however, that such lease or other
54 agreement shall provide, without limitation, that: (a) the lessees shall manage, operate, improve,
55 repair and maintain the land, buildings and appurtenances associated therewith during the term of
56 the lease; (b) the lessee shall carry comprehensive general liability insurance naming the
57 commonwealth as a co-insured, protecting the commonwealth against all claims for personal
58 injury or property damage arising from land, buildings and appurtenances associated therewith
59 during the term of the lease; (c) the lessee shall provide appropriate public access to public park
60 land; (d) the lessee shall be responsible for outreach and stewardship; (e) the lessee shall be
61 responsible for capital improvements to the premises and (f) the lessee shall not design or
62 construct any facilities on the parcel without the written approval of the commissioner of capital
63 asset management and maintenance, in consultation with the commissioner of conservation and
64 recreation; provided, however, that the commissioner of capital asset management and
65 maintenance and the commissioner of conservation and recreation shall not approve any design
66 or construction project under this section unless the commissioners have determined that the
67 lessee has sufficient financial resources to complete the project. All consideration received from
68 the lease or other agreement shall be payable to the department of conservation and recreation.

69 SECTION 5. The lessee shall be responsible for all costs and expenses including, but not
70 limited to, costs associated with any engineering, surveys, appraisals and lease preparation as
71 such costs may be determined by the commissioner of capital asset management and
72 maintenance.

73 SECTION 6. No general or special law or rule or regulation relating to the advertising,
74 bidding or award of contracts, to the procurement of services or to the construction and design of
75 improvements shall apply to the lessee under this act.

76 SECTION 7. Notwithstanding any other general or special law to the contrary, if a
77 property described in section 1 ceases to be used at any time for the public purposes described in
78 this act, or used for any purpose other than the public purposes stated in this act, the
79 commissioner of capital asset management and maintenance shall give written notice to the
80 lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to
81 respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of
82 the parcel is not thereafter established, the lease shall terminate.