

# HOUSE . . . . . No. 5421

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, March 28, 1989.

The committee on State Administration, to whom was referred the petition (accompanied by bill, House, No. 894) of Alvin E. Thompson, Kevin G. Honan, William G. Galvin and Michael LoPresti, Jr., that the Deputy Commissioner of Capital Planning and Operations be authorized to extend by lease a certain parcel of land and a boathouse in the city of Cambridge for use for rowing and other boating-related purposes, reports recommending that the accompanying bill (House, No. 5421) ought to pass.

For the committee,

JOSEPH N. HERMANN.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT AUTHORIZING AND DIRECTING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO EXTEND BY LEASE THE CURRENT OCCUPANCY AGREEMENT FOR A CERTAIN PARCEL OF LAND AND A BOATHOUSE IN THE CITY OF CAMBRIDGE FOR USE FOR ROWING AND BOATING-RELATED PURPOSES.

*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. The Division of Capital Planning and Opera-  
2 tions in consultation with the Metropolitan District Commission,  
3 is hereby authorized and directed subject to the provisions of  
4 section forty F $\frac{1}{2}$  and sections forty H thru forty J, inclusive, of  
5 chapter seven of the General Laws, to execute and deliver in the  
6 name and on behalf of the Commonwealth, subject to the terms  
7 and conditions as determined by said division in consultation with  
8 the Metropolitan District Commission, one or more instruments  
9 to lease a certain parcel of land 250 feet, more or less, in length  
10 and the existing boathouse and other improvements thereon, and  
11 the docks, floats, and piers associated therewith (collectively, the  
12 "improvements"), located in the city of Cambridge, 750 feet, more  
13 or less, easterly of the Boston University Bridge, for rowing and  
14 related purposes, to the Trustees of Boston University in order  
15 to effect an extension of said University's current right of use and  
16 occupancy of land and "improvements".

17 The original lease or leases of such state-owned land to Boston  
18 University shall be for a period not to exceed twenty-five years  
19 and shall be for not less than fair market value for comparable  
20 rentals. Said division, in consultation with said commission, may  
21 renew such lease or leases, subject to the approval of the general  
22 court, for an additional period of ten years; provided, however,  
23 that any additional renewals or leases for any further term of years  
24 shall also require approval of the general court.

25 The parcel of land to be leased herein by Boston University is

26 shown on a plan of land entitled "Lease Plan for Boston University  
27 Boat House Memorial Drive — Cambridge, MA." prepared by  
28 Harry R. Feldman, Inc., surveyors, dated December 1, 1988,  
29 containing 38,625 square feet, more or less, and bounded and  
30 described according to said plan, as follows: —

31 Beginning at a point in the southerly sideline of Memorial Drive  
32 distant easterly 750 feet, more or less, from the Boston University  
33 Bridge, thence running

34 North  $89^{\circ} 00' 00''$  East by the southerly sideline of Memorial  
35 Drive, 250 feet to a point; thence

36 South  $01^{\circ} 00' 00''$  East by other land of the Metropolitan  
37 District Commission, about 147 feet to the Harbor Commission  
38 Line; thence

39 South  $85^{\circ} 34' 30''$  West along the Harbor Commission Line,  
40 about 250.5 feet to a point; and thence

41 North  $01^{\circ} 00' 00''$  West by other land of the Metropolitan  
42 District Commission, about 162 feet to the point of beginning at  
43 Memorial Drive.

44 There are appurtenant to said property customary riparian  
45 rights in and to the Charles River.

46 Said division shall provide the clerk of the House of Representa-  
47 tives, who shall forward copies to the joint Committee on State  
48 Administration of the general court and the inspector general, a  
49 copy of said lease or leases at least twenty business days prior to  
50 the execution thereof by said division. The inspector general shall  
51 review and comment, and any recommendations thereon by the  
52 inspector general, shall be forwarded to said clerk and to said joint  
53 Committee on State Administration. Said lease or leases, when  
54 executed by the deputy commissioner, shall be deemed to have  
55 been conclusively authorized hereby; provided however that all  
56 provisions contained therein are consistent with the provisions of  
57 this act. Said deputy commissioner from time to time is hereby  
58 authorized to execute and deliver, in the name and on behalf of  
59 the Commonwealth, a notice of such lease or leases for recording  
60 and any and all other agreements and instruments related to the  
61 lease or leases authorized hereby which said division may, from  
62 time to time, determine appropriate. Any such notice of lease or  
63 leases, when executed by said deputy commissioner shall be  
64 deemed conclusively authorized hereby; provided, however, that  
65 all provisions contained therein are consistent with this act.

66 No sub-lease or sub-leases of such land or any building or  
67 portion thereof shall be executed without the prior approval of  
68 the general court.

69 No privately owned, occupied, or financed building of any kind  
70 may be erected upon said land without the written approval of  
71 said division, in consultation with the metropolitan district  
72 commission, a copy of which shall be submitted to the clerk of  
73 the house of representatives who shall forward same to the joint  
74 Committee on State Administration. Plans for any such build-  
75 ing shall be submitted to said division for its approval prior to  
76 any construction thereon. In like manner any alteration, addition  
77 thereto, or destruction or demolition thereof shall require the  
78 prior written approval of said division copies of any and all plans,  
79 together with all such written approvals therefor by said division  
80 shall be sent to the joint Committee on State Administration by  
81 said division to be kept on file.

82 The rental payment to the Commonwealth for the lease or leases  
83 authorized by this act shall not be subordinated to any household  
84 mortgage of the leasee.

85 The lease or leases shall provide that the Commonwealth may  
86 repossess the leased premises if payment of the rent or any other  
87 sum is not timely paid, or if the leasee otherwise defaults and that,  
88 notwithstanding such default, the lessee shall continue to owe rent  
89 or any other sums of money due to the Commonwealth under the  
90 provisions of said lease or leases.

91 The lessee shall carry, in an amount approved in writing by the  
92 deputy commissioner of the division, comprehensive general  
93 liability insurance protecting the lessee and the Commonwealth  
94 against personal injuries and property damage occurring on said  
95 property within any structure or building erected thereon, or using  
96 any equipment (including but not limited to boats of any size)  
97 assigned thereto; and such fire and extended risk insurance, as  
98 said deputy commissioner deems appropriate.

99 Boston University shall have the right, subject to the prior  
100 written approval of said deputy commissioner, to construct addi-  
101 tions to or extensions of any of the "Improvements", and to  
102 perform restorations, or renovations thereto.

103 No sale, transfer, conveyance or any other disposition of such  
104 land, and buildings thereon, if any, may be made without the prior  
105 approval of the general court.

1 SECTION 2. No lease or leases of the property described in  
2 Section 1 of this act shall be valid unless such lease or leases shall  
3 provide that the Trustees of Boston University shall provide that  
4 said property shall be utilized during the months of July and  
5 August, annually, for said University's summer rowing program,  
6 open to residents of the Commonwealth, and operated by and  
7 under the supervision of said University, in consultation with the  
8 division of Capital Planning and Operations and the Metropoli-  
9 tan District Commission. Said summer rowing program shall  
10 commence no later than the first Monday after the fourth of July  
11 and shall terminate on the last Friday in August, annually. Said  
12 rowing program shall not be required to operate on any Saturday  
13 or Sunday, thereof.

14 No lease or leases shall allow for the sale or consumption of  
15 alcoholic beverages of any kind in any building or on any land  
16 or "Improvements" leased under the Provisions of this Act.

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