

By Mr. Lozzi of Lynn, petition of Vincent J. Lozzi for legislation to authorize the Division of Capital Planning and Operations to lease a certain parcel of land in the city of Malden under the control of the Metropolitan District Commission to Anthony W. and Alice M. Spadafora. State Administration.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE A CERTAIN PARCEL OF LAND IN MALDEN NOW UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION.

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 operations
2 is hereby authorized to execute and deliver in the name of and
3 on behalf of the commonwealth, subject to the provisions of
4 sections forty E through forty J of chapter seven of the General
5 Laws, and to such terms and conditions as determined by said
6 division in consultation with the metropolitan district commis-
7 sion, and in keeping with the provisions of this act, one or more
8 instruments to lease a certain portion of state-owned land located
9 in the city of Malden to Anthony W. Spadafora and Alice M.
10 Spadafora for parking purposes and as described as follows: —

11 A certain parcel of land situated in Malden, Middlesex County,
12 Commonwealth of Massachusetts, and shown on a plan entitled
13 "Study Plan of Land in Malden, Mass.," Scale 1"=20' dated
14 November 3, 1987 bounded and described as follows:

15 Beginning at a point, said point on a westerly sideline of Canal
16 Street and being the lot corner between land now or formerly of
17 Trustees of Anthony W. Spadafora Trust and Land now or
18 formerly of Commonwealth of Massachusetts Metropolitan
19 District Commission;

20 Thence S 01°-31'-40"W by the sideline of Canal Street, a
21 distance of one hundred and twenty and 00/100 (120.00) feet;

22 Thence S 59°-51'-40"W by land now or formerly of Products
23 Research & Chemical Corp. a distance of forty-eight and 17/100
24 (48.17) feet;

25 Thence N 01°-31'-40"E by land now or formerly of Common-
26 wealth of Massachusetts, Metropolitan District Commission a
27 distance of seventy-four and 00/100 (74.00) feet;

28 Thence N 65°-47'-33"W by land now or formerly of
29 Commonwealth of Massachusetts, Metropolitan District
30 Commission a distance of one hundred forty-five and 23/100
31 (145.23) feet;

32 Thence N 01°-31'-40"E by land now or formerly of Common-
33 wealth of Massachusetts, Metropolitan District Commission a
34 distance of fifteen and 00/100 (15.00) feet;

35 Thence S 88°-28'-20"E by land now or formerly of Trustees of
36 Anthony W. Spadafora Trust a distance of one hundred seventy-
37 five and 00/100 (175.00) feet to the said point of beginning
38 containing 11,200 square feet of land, more or less, according to
39 said plan.

40 The original lease or leases of said state-owned land to Anthony
41 W. Spadafora and Alice M. Spadafora shall be for a period not
42 to exceed ten years and shall be for not less than fair market value
43 for comparable rentals in the locality. Said division, in
44 consultation with the metropolitan district commission, may
45 renew such lease or leases, subject to the approval of the general
46 court, for an additional period of ten years; provided, however,
47 that any additional renewals or leases for any further terms of
48 years shall also require approval of the general court. The deputy
49 commissioner of said division shall file with the clerk of the House
50 of Representatives who shall forward to the joint committee on
51 State Administration, and with the inspector general of the
52 Commonwealth a copy of the lease authorized by this act at least
53 twenty business days prior to the execution thereof by said
54 division. The inspector general shall review and file comments and
55 any recommendations thereto to the joint committee on State
56 Administration within fifteen business days of the receipt of such
57 lease by the inspector general, and said inspector general shall
58 deliver a copy of such comments and recommendations to the
59 division. Said lease, when executed by the deputy commissioner,
60 shall be deemed conclusively authorized hereby; provided,

61 however, that all provisions therein are consistent with the provi-
62 sions of this act. The deputy commissioner from time to time is
63 hereby authorized to execute and deliver, in the name and on
64 behalf of the Commonwealth, a notice of such lease for recording
65 and any and all other agreements and instruments related to the
66 lease authorized hereby which the division may determine
67 appropriate from time to time. Any such notice of lease, lease
68 instrument, or instruments, when executed by the deputy commis-
69 sioner shall be deemed conclusively authorized hereby; provided,
70 however, that all provisions therein are consistent with this act.

71 No sub-lease of such land or any portion thereof shall be
72 executed without the prior approval of the general court.

73 The aforementioned lease or leases shall not be transferable to
74 any other party or parties other than those mentioned in this act
75 without the prior approval of the general court.

1 SECTION 2. The lease or leases authorized by section one of
2 this act shall be restricted solely to the parking of motor vehicles,
3 free of charge, and said land shall not be built upon in any manner
4 without the written approval of the division of capital planning
5 and operations and the metropolitan district commission, a copy
6 of which shall be sent to the joint committee on state
7 administration to be kept on file.

1 SECTION 3. It shall be a condition of said lease or leases that
2 Anthony W. Spadafora and Alice M. Spadafora shall, subject to
3 the written approval of the division and oversight by the
4 metropolitan district commission, demolish at the expense of said
5 Anthony W. Spadafora and Alice M. Spadafora, an abandoned
6 wood frame building now on the portion of said land to be leased
7 and declared to be excess by said division and said commission.

1 SECTION 4. The lease or leases authorized by this act shall
2 terminate if at any time said land is used for any purpose other
3 than parking.

