

HOUSE No. 5946

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 11, 1990.

The committee on State Administration, to whom was referred the petition (accompanied by bill, House, No. 4996) of Thomas W. McGee that the Division of Capital Planning and Operations be directed to lease a certain parcel of land to the Veterans of Foreign Wars in the town of Wrentham, reports recommending that the accompanying bill (House, No. 5946) ought to pass.

For the committee,

JOSEPH N. HERMANN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT AUTHORIZING A LEASE OF CERTAIN REAL ESTATE TO THE WRENTHAM VFW POST.

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 deputy commissioner of the division of
2 capital planning and operations is hereby authorized and directed
3 subject to the provisions of sections 40E to 40J, inclusive, of chap-
4 ter 7 of the General Laws to execute and deliver, in the name of
5 and on behalf of the Commonwealth, one or more instruments
6 to lease a certain parcel of land located in the town of Wrentham,
7 to the Veterans of Foreign Wars of the United States, Wrentham
8 Post No. 9658, Wrentham, Massachusetts, hereinafter referred to
9 as the lessee, for a period of thirty years, upon such terms and
10 conditions as may be mutually agreed upon by the division and
11 the post and in a form approved by the attorney general. Said
12 original lease shall include two additional optional terms of ten
13 years to commence immediately on the expiration of the original
14 term at the request of the lessee; provided, however, that any
15 additional renewal of said lease for any further period of years
16 beyond the two ten-year options set forth above and any change
17 in terms and conditions of said original lease, except those
18 authorized by this act, shall require the approval of the general
19 court, notwithstanding any general or special law or any rule or
20 regulation to the contrary; for the sole purpose of erecting and
21 maintaining a VFW Post and parking area thereto.

22 Said deputy commissioner shall provide to the joint committee
23 on state administration and the inspector general of the
24 commonwealth a copy of said lease or leases at least twenty
25 business days prior to the execution thereof by said deputy
26 commissioner. The inspector general shall review and comment
27 within fifteen business days of the receipt of such lease or leases.
28 A copy of said review and comment, and any recommendations

29 thereon, by the inspector general shall thereupon be forwarded
30 to said joint committee on state administration. Said lease or
31 leases, when executed by said deputy commissioner, shall be
32 deemed conclusively authorized hereby; provided; however, that
33 all provisions therein are consistent with the provisions of this act.
34 Said deputy commissioner from time to time is hereby authorized
35 to execute and deliver, in the name of and on behalf of the
36 commonwealth, a notice of such lease or leases for recording and
37 any and all other agreements and instruments related to the lease
38 or leases authorized hereby which the deputy commissioner may
39 determine appropriate from time to time. Any such notice of lease,
40 leases, lease instrument, or instruments, when executed by said
41 deputy commissioner shall be deemed conclusively authorized
42 hereby; provided, however, that all provisions therein are
43 consistent with this act.

44 The lessee or lessees shall carry, in an amount approved in
45 writing by said deputy commissioner, comprehensive general
46 liability insurance protecting the lessee or lessees and the
47 commonwealth against personal injury and property damage
48 occurring on or within any building or associated with any activity
49 related to the use of the aforementioned land, and such fire and
50 extended risk insurance as said deputy commissioner may deem
51 appropriate.

52 No sublease or subleases of said land and facilities, or any
53 portion thereof, shall be executed without the prior approval of
54 the General Court.

55 No privately owned, occupied or financed building of any kind
56 may be erected upon said land without the prior written approval
57 of the deputy commissioner, and a copy thereof shall be forwarded
58 to the joint committee on state administration, provided however,
59 any privately owned, occupied or financed building shall revert
60 to the commonwealth upon the expiration of said lease or leases
61 and upon such terms and conditions as the deputy commissioner
62 may deem appropriate. Plans for any such building shall be
63 submitted to said deputy commissioner for approval prior to any
64 construction thereon. In like manner any alteration, addition,
65 destruction, or demolition thereof shall require the prior written
66 approval of said deputy commissioner. Copies of any and all such
67 plans, together with all written approvals by said deputy

68 commissioner shall be sent by said deputy commissioner to the
69 joint committee on state administration to be kept on file.

70 The lease or leases authorized by this act shall provide that the
71 commonwealth may repossess the leased premises together with
72 any buildings erected thereon if payment of the rent or any other
73 required sum is not timely paid, or if the lessee or lessees otherwise
74 default, and notwithstanding such default, the lessee or lessees will
75 continue to owe the rent or any other required sums due to the
76 commonwealth under the provisions of said lease or leases.

77 No lease or leases, other than that provided for by the first
78 paragraph, nor any sale, transfer, conveyance, or any other
79 disposition of said land and buildings if any, may be made without
80 the prior approval of the General Court.

1 SECTION 2. In the event the parcel, and building, if any
2 described in section one is not used for the purposes as described
3 in said section one within five years of the effective date of this
4 act, or if the Wrentham VFW Post #9658, in Wrentham,
5 Massachusetts ceases to use said parcel, and building thereon, if
6 any, shall revert to the commonwealth upon such terms and
7 conditions as the deputy commissioner may determine.