

HOUSE No. 53

By Mr. Petruccelli of Boston, petition of Anthony Petruccelli and others authorizing the Division of Capital Asset Management and Maintenance to transfer easements in certain land in the city of Boston. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

PETITION OF:

Anthony Petruccelli
Thomas M. Menino

Michael F. Rush
Stephen Stat Smith

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN LAND TO THE CITY OF BOSTON.

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. (a) Notwithstanding sections 40E to 40J, inclusive,
2 of chapter 7 of the General Laws, as appearing in the 2004 Official
3 Edition, or any other general or special law to the contrary, the com-
4 missioner of the division of capital asset management and mainte-
5 nance, in consultation with the Massachusetts water resources
6 authority, may grant to the city of Boston, for consideration as pro-
7 vided in section 7(a), certain permanent easements in lands located
8 in the city of Boston adjacent to Chelsea street, which permanent
9 easements consist of permanent easement "A", permanent easement
10 "B", two permanent gate easements located on the northeasterly side
11 of Chelsea street in the city of Boston, and one permanent gate ease-
12 ment located on the southwesterly side of said Chelsea Street, all as
13 shown on a plan titled "Sketch of proposed Areas to be Acquired by
14 the City of Boston", dated May 21, 2003 on file with said division
15 and authority. Said permanent easements are to be granted to the
16 city for the purpose of constructing a new Chelsea street bridge.

17 (b) All such permanent easements shall be granted to the city of
18 Boston without interference with or prejudice to the rights of the
19 Massachusetts water resources authority to access, operate and

20 maintain its water and sewer facilities located in, upon or adjacent to
21 the permanent easement areas. In addition, unless a written permit
22 of the Massachusetts water resources authority shall have first been
23 obtained, no buildings or structures or foundations of buildings or
24 structures, or parts thereof, shall be erected or maintained in or upon
25 any part of the easement areas authorized by this section 1.

1 SECTION 2. (a) Notwithstanding sections 40E to 40J, inclusive,
2 of chapter 7 of the General Laws, or any other general or special law
3 to the contrary, the commissioner of the division of capital asset
4 management and maintenance, in consultation with the Massachu-
5 setts water resources authority, may grant to the city of Boston, for
6 consideration as provided in section 7(a), certain temporary con-
7 struction easements in lands located in the city of Boston adjacent to
8 Chelsea street, which temporary construction easements consist of
9 temporary construction easement “A” and temporary construction
10 easement “B”, as shown on a plan titled “Sketch of proposed Areas
11 to be Acquired by the City of Boston”, dated May 21, 2003 on file
12 with said division and authority. Said temporary construction ease-
13 ments are to be granted to the city for the purpose of constructing a
14 new Chelsea street bridge.

1 SECTION 3. Notwithstanding sections 40E to 40J, inclusive, of
2 chapter 7 of the General Laws, as so appearing, or any other general
3 or special law to the contrary, the commissioner of the division of
4 capital asset management and maintenance, in consultation with the
5 commissioner of the department of conservation and recreation, may
6 grant to the city of Boston, for consideration as provided in
7 section 7(b), certain permanent easements in land located in the city
8 of Chelsea adjacent to Chelsea street, which permanent easements
9 consist of permanent easement “A” and permanent easement “B” all
10 as shown on a plan titled “Sketch of proposed Areas to be Acquired
11 by the City of Boston”, dated July 7, 2003 on file with said division
12 and department. Said permanent easements are to be granted to the
13 city for the purpose of constructing a new Chelsea street bridge.

1 SECTION 4. Notwithstanding sections 40E to 40J, inclusive, of
2 chapter 7 of the General Laws, or any other general or special law to
3 the contrary, the commissioner of the division of capital asset man-
4 agement and maintenance, in consultation with the commissioner of

5 the department of conservation and recreation, may grant to the city
6 of Boston, for consideration as provided in section 7(b), certain tem-
7 porary construction easements in land located in the city of Chelsea
8 adjacent to Chelsea street, which temporary construction easements
9 consist of temporary construction easements “A1” and “A2” and
10 temporary construction easement “B” as shown on a plan titled
11 “Sketch of proposed Areas to be Acquired by the City of Boston”,
12 dated July 7, 2003 on file with said division and department. Said
13 temporary construction easements are to be granted to the city for
14 the purpose of constructing a new Chelsea street bridge.

1 SECTION 5. The exact boundaries of the easement areas
2 described in sections 1, 2, 3 and 4 shall be determined by the com-
3 missioner of the division of capital asset management and mainte-
4 nance, in consultation with the Massachusetts water resources
5 authority and the commissioner of the department of conservation
6 and recreation, after completion of one or more surveys.

1 SECTION 6. The city of Boston shall be responsible for any
2 costs for surveys, recording and other expenses relating to the grant
3 of easements to the city of Boston as provided in sections 1, 2, 3 and
4 4 pursuant to this act.

1 SECTION 7. (a) In consideration for the grant of the easements
2 described in sections 1 and 2, the city of Boston, notwithstanding
3 any special or general law to the contrary, shall relinquish to the
4 commonwealth ownership or any interest of said city thereto of the
5 property located at 600 Chelsea Street in the East Boston district of
6 the city of Boston, described as Parcel Two in the Metropolitan Dis-
7 trict Commission Order of Taking recorded with Suffolk County reg-
8 istry of Deeds in Book 5757 page 252, dated January 5, 1939, and
9 bounded and described as follows:

10 Beginning at the intersection of the boundary line between land of
11 the commonwealth metropolitan district commission, and land of the
12 city of Boston with the southeasterly pierhead line of Chelsea creek,
13 which point is distant south 51 degrees, 4 minutes and 43 seconds,
14 west measuring along the pierhead line of Chelsea creek 51.90 feet
15 from the intersection of the pierhead line with the southwesterly side
16 line of Chelsea street; Thence the line runs south 40 degrees, 28
17 minutes, 47 seconds east by said land of the commonwealth of

18 Massachusetts 110.10 feet to a point in the northwesterly sideline of
19 a taking by the commonwealth dated February 18, 1893, 33.83 feet
20 to a point at land now or formerly of the Standard Oil Co. 127.66
21 feet to said southeasterly pierhead line of Chelsea creek; Thence
22 north 51 degrees 04 minutes, 42 seconds east by said pierhead line
23 30.01 feet to the point of beginning; comprising 3,580 square feet
24 more or less land supposed to be owned by the city of Boston.

25 (b) In consideration for the grant of easements described in sec-
26 tions 3 and 4, the city of Boston shall pay to the commissioner of the
27 department of conservation and recreation the full and fair market
28 value of said easements. This payment to the department of conser-
29 vation and recreation shall be deposited in the Urban Parks Trust
30 Fund, as established by section 34 of chapter 92 of the General
31 Laws.

1 SECTION 8. No document granting the easements in the prop-
2 erty authorized in sections 1, 2, 3 and 4 shall be valid unless such
3 document provides that the property shall be used solely for the pur-
4 poses as described in said sections 1, 2, 3 and 4. Any document
5 granting the easements described in sections 1 and 2 shall include a
6 clause providing that if any easement area ceases to be used for such
7 purposes, then, upon the recording of notice in the Suffolk registry
8 of deeds by the commissioner of the division, said easement shall
9 terminate and be of no further force and effect. Any document
10 granting the easements described in sections 3 and 4 shall include a
11 clause providing that if any easement area ceases to be used for such
12 purposes, then, upon the recording of notice in the Suffolk registry
13 of deeds by the commissioner of the division, said easement shall
14 terminate and be of no further force and effect, and said property
15 will revert to the commonwealth to be used for the purposes stated
16 in article 97 of the amendments to the constitution.

1 SECTION 9. All temporary construction easements granted to
2 the city of Boston pursuant to sections 2 and 4 of this act shall termi-
3 nate on December 31, 2012 or upon re-acceptance of the Chelsea
4 street bridge by the city of Boston, whichever shall first occur, and
5 said temporary construction easements shall then revert to the com-
6 monwealth to be used for their original purposes.