

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

An act authorizing the granting of easements in parcels of land to the City of Lowell, which are currently owned by the Commonwealth of Massachusetts by and through the Department of Conservation and Recreation, for the purpose of the construction of Outflow Structures and Mainline Drains.

The City of Lowell, pursuant to a consent decree by and between the City of Lowell, the Environmental Protection Agency, and the Commonwealth of Massachusetts, is required to undertake certain remediations regarding Combined Sewer Overflows systems within the City of Lowell, including such system in Centralville; and

New Mainline Drains and Outflow Structures are required to be constructed to complete sewer separation in Centralville and route stormwater to the Merrimack River; and

The parcels through which access to the Merrimack River would be used are owned by the Commonwealth of Massachusetts by and through the Department of Conservation and Recreation for the purposes of Conservation and Recreation; and

The City of Lowell requires easements from the Department of Conservation and Recreation for the proposed uses of Outflow Structures and Mainline Drains; and

The proposed use furthers the objectives of Article 97 of the Constitution of the Commonwealth, namely enhancing the right of the people to clean water and the conservation of water and other natural resources along the Merrimack River; and

The authority of the General Court is required for the Department of Conservation and Recreation to grant an easement to the City of Lowell for the construction of said Outflow Structures and Mainline Drains pursuant to Article 97 of the Constitution of the Commonwealth; and

The City of Lowell is desirous of petition the General Court for the passage of legislation authorizing the Department of Conservation and Recreation to grant an easement to the City of Lowell of certain parcels of land for the construction of Outflow Structures and Mainline Drains; and

The Lowell City Council hereby delegates to the City Manager any and all authority over City Properties either included in this vote or otherwise in order to advance the purpose of this vote, including but not limited to provision to the General Court and state agencies, if required, all necessary plans required for the granting of easements over said land; and

A two-thirds vote of the Lowell City Council is required for the filing of such a petition for special legislation.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Manager approves amendments to the bill before enactment by the General Court. The City Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE GRANT OF EASEMENTS IN CERTAIN PARCELS OF
LAND TO THE CITY OF LOWELL

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Department of Conservation and Recreation may grant to the City of Lowell temporary construction and perpetual easements for the construction of outfall structures and laying on mainline drains along the Merrimack River on three certain parcels of land located within the City of Lowell containing approximately 11,115 square feet for permanent easements and 33,350 square feet for temporary construction easements respectively labelled as “Temporary Construction Easement” and “Permanent Easement” on a plan of land entitled “Centralville Sewer Separation Drain Outfall Easements” dated May 1, 2024, prepared by CDM Smith and on file with the City. The parcels are a portion of the land described in an Order of Taking recorded in the Middlesex North Registry of Deeds in Book 3830 Page 70, which the Commonwealth obtained for recreation and conservation purposes. The parcel is further described in a plan of land entitled “Lowell Heritage State Park” and recorded in said registry in Plan Book 157, Plan 69.

SECTION 2. As consideration for the conveyance authorized in section 1, the City of Lowell shall cease operation of the Combined Sewer Overflow system currently in use in the area that will be serviced by the contemplated overflow structures and mainline drains, in order to to enhance the conservation of the Merrimack River and related natural resources pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.