

**HOUSE . . . . . No. 4268**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brendan P. Crighton***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the authorization for the exchange of an easement in the control of the Department of Conservation and Recreation to facilitate a project important to the economic development of the city of Lynn.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/6/2018</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/6/2018</i>

**HOUSE . . . . . No. 4268**

By Mr. Crighton of Lynn, a petition (subject to Joint Rule 12) of Brendan P. Crighton and Daniel Cahill that the Department of Conservation and Recreation be authorized to grant a certain easement for economic development in the city of Lynn. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act amending the authorization for the exchange of an easement in the control of the Department of Conservation and Recreation to facilitate a project important to the economic development of the city of Lynn.

*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. Chapter 38 of the acts of 2003 is hereby amended by striking out the  
2 words “the city of Lynn” wherever they appear, and inserting the following in place thereof:-  
3 Lynn Redevelopment LLC.

4 SECTION 2. Section 1 of said chapter 38 is hereby amended by striking out the words  
5 “sections 40E to 40J, inclusive, of chapter 7” and inserting in place thereof the following:-  
6 sections 32 through 37 of chapter 7C.

7 SECTION 3. Section 1 of said chapter 38 is hereby amended by striking out the words  
8 “in order that the city of Lynn or its successors or assigns may convey the easement”.

9 SECTION 4. Section 1 of said chapter 38 is hereby amended by deleting the second  
10 paragraph thereof and replacing it with the following paragraph:

11 The easement to be transferred by Lynn Redevelopment LLC pursuant to clause (a) of  
12 section 2 hereof may not be used to support an increase in floor area ratio or create additional  
13 lots on land owned by Lynn Redevelopment LLC.

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15 SECTION 5. Section 2 of said chapter 38 is hereby amended by striking out clause (a)  
16 and inserting the following in place thereof:-

17 (a) transferring easements for conservation and recreation purposes to the  
18 commonwealth, acting by and through the department of conservation and recreation, as shown  
19 on a plan entitled “Public and DCR Vehicular Access Easements Exhibit Plan, Lynn, MA,”  
20 Scale: 1”=50’, dated November 9, 2017 prepared for grantee by Hancock Associates to be  
21 recorded at the Essex South district registry of deeds and consisting of: a new easement for  
22 conservation and recreation purposes on a parcel of land comprising approximately 122,401±  
23 square feet (2.8100 acres); a public vehicular access easement for use of an approximately  
24 6,871± square foot area with an 11-space parking area; and a pedestrian and vehicular access  
25 easement over an approximately 28,752± square foot area so that employees and agents of the  
26 department can access the improvements constructed under clause (b). Modifications to this plan  
27 may be made before the conveyance of the easement, with the approval of the department of  
28 conservation and recreation;

29 SECTION 6. Section 2 of said chapter 38 is hereby amended by striking out clause (d)  
30 and inserting in place thereof the following:-

31 (d) conveying in escrow to the commonwealth, acting by and through the division of  
32 capital asset management and maintenance a parcel of land containing 8,139 s.f. at 1 - 19

33 Exchange Street, described in the deed from David L. Keimach to Michael T. Miles, trustee,  
34 Miles Group of Lynn Realty Trust, recorded in Essex south registry of deeds at book 19345,  
35 page 265; and simultaneously transferring a permanent conservation restriction upon the parcel  
36 to the commonwealth, acting by and through the department of conservation and recreation,  
37 restricting the use of the parcel to public park purposes and no other use; and.

38 SECTION 7. Section 2 of said Chapter 38 is hereby amended by striking out clause (f)  
39 in its entirety.

40 SECTION 8. Section 3 of said chapter 38 is hereby amended by striking out the last  
41 sentence.

42 SECTION 9. Said chapter 38 is hereby amended by striking out section 5 and inserting  
43 in place thereof the following section:-

44 Section 5. The grantor's obligation to complete the release authorized in section 1 shall  
45 be conditioned upon the grantee's completion of the obligations set forth in clause (a) of section  
46 2 and the payment of any monetary consideration required in sections 3 and 4. The remaining  
47 obligations set forth in section 2 may be performed after the release authorized in section 1 upon  
48 such terms and conditions as the commissioner of the division of asset management and  
49 maintenance may determine in consultation with the commissioner of the department of  
50 conservation and recreation. Construction by the grantee, or its agents, of the improvements  
51 described in clause (e) of section 2 shall not be subject to public procurement laws provided that  
52 the grantee shall pay prevailing wages for any such construction.

53 Within 21 days of the issuance of any building permit to grantee, or its successors or  
54 assigns, for construction of any building improvements on any portion of the easement released

55 under section 1, grantee shall provide financial security to the division acceptable to the  
56 commissioners of the division and the department to ensure construction of the improvements  
57 required by clause (b) of section 2 within a time period to be set by the division not to exceed 36  
58 months from the date of the release.

59 Prior to the release authorized in section 1, grantee shall provide financial security to the  
60 division acceptable to the commissioners of the division and the department to ensure  
61 construction of the improvements required by clause (e) of section 2 within a time period to be  
62 set by the division not to exceed 36 months from the date of the release.

63 The division and the department with good cause may extend the time periods for  
64 completion of the improvements required by clauses (b) and (e) of section 2.

65 Upon completion of the improvements required by clause (e) of section 2 to the  
66 reasonable satisfaction of the commissioners of the division and the department, the division may  
67 close on the property held in escrow under clause (d) of section 2 and in accordance with any  
68 additional terms and conditions previously determined by the division, after which the division  
69 shall transfer the parcel to the care and control of the department for conservation and recreation  
70 purposes.

71 SECTION 10. This act shall take effect upon its passage.