

HOUSE No. 4033

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Mahoney and John J. Binienda

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 passage of the accompanying:

An Act authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Harriette L. Chandler</i>	
	<input type="checkbox"/> <i>[District]</i>
	<input type="checkbox"/>

HOUSE No. 4033

By Messrs. Mahoney of Worcester and Binienda of Worcester, a petition (accompanied by bill, House, No. 4033) of John J. Mahoney, John J. Binienda and Harriette L. Chandler (with the approval of the mayor and city council) that the city of Worcester be authorized to transfer certain property and land in said city. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester.

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 city of Worcester may convey by sale the former fire alarm building
2 located within Elm Park at 230 Park avenue, and may lease up to 3.0 acres of land surrounding
3 the building to Spencer Savings Bank, or its sole designee ("Bank"), for the purpose of
4 renovating the building to historic preservation standards acceptable to the city manager of said
5 city for use as a retail branch of the bank. The city of Worcester constructed and maintained the
6 6,735 square foot fire alarm station building in Elm Park along Park avenue near the Elm street
7 intersection under the authority of chapter 574 of the acts of 1914, and such building is on the
8 National Register of Historic Places.

9 The building, as renovated, shall house a community meeting room to be managed by
10 Preservation Worcester, a non-profit collaboration organized for the preservation of historic
11 buildings and places within the city of Worcester.

12 The lease to the Bank shall be for an initial term of 70 years, with the option for 3, 10-
13 year extensions to be exercised at the option of the Bank no sooner than 5 years prior to
14 expiration of the original or any extended term of the lease. Such lease shall include the
15 following conditions: that the property shall revert to park land should the building ever be
16 demolished; and that the authority granted by this act shall expire and the lease shall terminate
17 unless renovations to the building are commenced within 3 years from the effective date of this
18 act and constructed to a conclusion within a commercially reasonable time thereafter. Such lease
19 shall further provide that, in the event that the Bank shall cease operations in the building for any
20 12 consecutive months, the lease shall terminate and the property shall revert to park land
21 without any further action by the city, the city council or the

22 General Court; provided, however that the city shall file a Notice of Lease Termination
23 and Reversion to Park Land and such notice shall be recorded in the Worcester district registry of
24 deeds.

25 In the event that Preservation Worcester shall cease to operate or exist, the Bank shall
26 attempt to find another not-for-profit acceptable to the city with a mission of parks, open space,
27 recreation and preservation, to use and manage the community room for the remainder of the
28 lease term.

29 SECTION 2. The city of Worcester may enter into leases for the construction and use of
30 communications technology on an area of land containing approximately 2,500 square feet
31 within Elm Park located at the summit of Newton Hill. The city may, in conjunction with such
32 leases, also grant any necessary utility easements through Elm Park to Newton Hill to support
33 such use. The summit on Newton Hill shall continue to be the historic location of a certain flag
34 pole.

35 SECTION 3. In consideration of the conveyance and leases set forth in sections 1 and 2,
36 and in recognition that Doherty High School is located within Elm Park under the authority
37 granted by chapter 121 of the acts of 1960, the city of Worcester hereby declares that should the
38 city and the Worcester public schools determine that such property is no longer needed for
39 Worcester public schools purposes, the authority granted by said chapter 121 shall expire and the
40 land previously transferred from park land to school land shall revert to park land upon said
41 determination.

42 SECTION 4. Notwithstanding chapter 267 of the acts of 1950, the city may change the
43 use of an additional portion of Green Hill Park containing approximately 36,060 square feet,
44 adjacent to the 34,550 square foot area dedicated to water supply purposes authorized by such
45 act, for the maintenance of 2 water supply system tanks and the installation and maintenance of
46 public safety and emergency communications towers, stations and facilities; and provided
47 further, that the city may grant any necessary easements and leases to construct and support such
48 telecommunication technology in, around, to and from the current water supply system tanks,
49 mains, and public safety radio transmission towers.

50 SECTION 5. In conjunction with the reconstruction of Belmont street, the city of
51 Worcester may construct a new bus stop shelter on such portion of Green Hill Park that abuts
52 Belmont street near the intersection of Skyline drive. The city shall grant a temporary easement
53 of approximately 1,545 square feet within Green Hill Park for the purpose of construction of the
54 bus stop shelter and a permanent easement of approximately 1,272 square feet within the park for
55 public use of such shelter upon completion. The city shall place such bus shelter under the care,
56 custody and control of the city commissioner of public works and parks for street purposes.

57 SECTION 6. In consideration of the conveyance and leases set forth in sections 1 and 2,
58 and the changes of use of certain portions of Green Hill Park for the purposes set forth in

59 sections 4 and 5, the city of Worcester has purchased a tract of land adjacent to Green Hill Park,
60 containing approximately 12 acres or more, located off Trinity avenue and shown on the city
61 assessors map as parcel 39-030-00003. The city shall dedicate this parcel of land for park
62 purposes as part of Green Hill Park.

63 SECTION 7. As further consideration for the conveyance and leases set forth in sections
64 1 and 2, and the changes of use of certain portions of Green Hill Park the city of Worcester has
65 also acquired a 10 foot wide trail easement on land located off Plantation street for conservation
66 and passive outdoor recreation purposes. Such easement shall be placed under the care, custody,
67 management and control of the department of public works and parks, and shall complete the
68 East Side trail which extends from downtown Worcester to the shores of Lake Quinsigamond.

69 SECTION 8. The city of Worcester shall prepare and record in the Worcester district
70 registry of deeds the plans of land describing the precise boundaries of the parcels of land as
71 altered under the authority granted by this act.

72 SECTION 9. This act shall take effect upon its passage.