

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin Swan

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 to Convert Park Land and Replace Park Land at Ruth Elizabeth Park, Article 97.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>7/27/2016</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to Convert Park Land and Replace Park Land at Ruth Elizabeth Park, Article 97.

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

1 ORDER APPROVING A SPECIAL ACT AUTHORIZING

2 THE CITY OF SPRINGFIELD

3 TO CONVERT PARK LAND AT RUTH ELIZABETH PARK

4 FOR TRAFFIC IMPROVEMENT USE

5 PURSUANT TO ARTICLE 97

6 AND TO ACQUIRE AND DEDICATE REPLACEMENT PARK LAND

7

8 WHEREAS, the City of Springfield is the owner of a certain parcel of land consisting of

9 just over 5.922 acres, that is designated park land and is known as "Ruth Elizabeth Park", which

10 is bounded by Hancock Street, Hickory Street, and Walnut Street in Springfield, Massachusetts;

11 and

12

13 WHEREAS, as part of the proposed "Central Street Traffic Improvement Project", the
14 City of Springfield has a need to provide its residents with two-way traffic and 6-foot sidewalks
15 on either side of Hickory Street, which will provide safer vehicular circulation patterns and
16 pedestrian access to the nearby Elias Brookings Elementary school, as well as park users and
17 neighborhood residents; and

18

19 WHEREAS, the only feasible way to construct the improvements to Hickory Street and
20 the sidewalks on both sides of the street, is to realign Hickory Street, which construction will
21 require the change of use of a narrow segment of park land, approximately 6 feet wide and
22 totaling 0.054 acres, along the southerly boundary of Ruth Elizabeth Park abutting Hickory
23 Street, shown as the "Conversion Parcel" on the Plan attached hereto as Exhibit #1, which land is
24 proposed to be maintained and controlled by the City of Springfield Department of Public Works
25 ("Conversion Parcel"); and

26

27 WHEREAS, the Springfield Park Commission has determined that the conversion and
28 transfer of the depicted "Conversion Parcel": (i) will not have a deleterious impact on the
29 operation, activity, and availability of Ruth Elizabeth Park to the public; (ii) that no specific
30 recreation resources, facilities, activities, or opportunities will be impacted; (iii) that the
31 Conversion Parcel currently consists of the park fence line and woody growth along the fence, as
32 well as lawn areas bordering the fence line; (iv) there are no structures, resources, or park
33 amenities within the land area proposed to be converted; and (v) that the remaining 5.868 acres

34 of Ruth Elizabeth Park allows for the continued use of Ruth Elizabeth Park; and on February 3,
35 2016, the Springfield Park Commission voted its approval of the conversion of the parcel of
36 land; and

37

38 WHEREAS, the City will take all necessary steps to replace the 0.054 acres of converted
39 park land with replacement park land totaling 0.802 acres, by acquiring and converting the land
40 shown on Exhibit #1 as Acquisition Parcels A, B, and C, abutting Hickory Street and Walnut
41 Street, and dedicating such land as replacement park land under the control of the Springfield
42 Park Commission, which will become a part of Ruth Elizabeth Park, resulting in a net gain of
43 0.748 acres of park land;

44

45 WHEREAS, the replacement of 0.802 acres on Hickory and Walnut Streets, for the
46 conversion of 0.054 acres of Ruth Elizabeth Park for traffic improvement purposes, has been
47 reviewed by the Commonwealth of Massachusetts Energy and Conservation Services, which has
48 given its approval to the United States Department of the Interior, National Parks Service, for the
49 change of use of the Conversion Parcel in order to provide safer vehicular circulation patterns
50 and pedestrian access to the nearby Elias Brookings Elementary school, as well as park users and
51 neighborhood residents, and has approved the acquisition and dedication of Acquisition Parcels
52 A, B, and C as replacement park property; and

53

54 WHEREAS, the change of use of the Conversion Parcel from park land to traffic
55 improvement purposes, to allow 2-way traffic on Hickory Street and the construction of
56 sidewalks on both sides of the street, will provide safer vehicular circulation patterns and
57 pedestrian access to the nearby Elias Brookings Elementary school, as well as park users and
58 neighborhood residents, under the maintenance and control of the City of Springfield
59 Department of Public Works, consistent with the terms and conditions stated herein, and in the
60 attached Exhibits, provides an appropriate balance of the City’s interest in assisting Springfield
61 residents in expanding their access to Ruth Elizabeth Park, and improved safety in Springfield,
62 with the important consideration of preserving park space for the public use; and

63
64 WHEREAS, it is in the best interest of the City to approve the change of use of the
65 Conversion Parcel from park land to traffic improvement purposes in order to provide safer
66 vehicular circulation patterns and pedestrian access to the nearby Elias Brookings Elementary
67 school, as well as park users and neighborhood residents to improve pedestrian access; and

68
69 WHEREAS, ARTICLE XCVII (97) of the Constitution of the Commonwealth of
70 Massachusetts states lands and easements taken or acquired for such purposes shall not be used
71 for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by
72 yeas and nays, of each branch of the general court;

73
74 NOW THEREFORE, BE IT ORDERED,

75

76 A. That the Mayor of the City of Springfield be, and hereby is authorized on behalf of the
77 City of Springfield, to take any and all steps necessary to secure the passage by the General
78 Court of the special legislation entitled "AN ACT AUTHORIZING THE CITY OF
79 SPRINGFIELD TO CONVERT PARK LAND AT RUTH ELIZABETH PARK FOR TRAFFIC
80 IMPROVEMENT USE PURSUANT TO ARTICLE 97, AND TO ACQUIRE AND DEDICATE
81 REPLACEMENT PARK LAND" in substantially the same form as the draft Act attached hereto,
82 except for clerical or editorial errors.

83

84 B. That upon enactment by the General Court of the above referenced "AN ACT
85 AUTHORIZING THE CITY OF SPRINGFIELD TO CONVERT PARK LAND AT RUTH
86 ELIZABETH PARK FOR TRAFFIC IMPROVEMENT USE PURSUANT TO ARTICLE 97,
87 AND TO ACQUIRE AND DEDICATE REPLACEMENT PARK LAND", that the Mayor be
88 and is hereby authorized in the name of and on behalf of the City of Springfield;

89

90 To change the use of the Conversion Parcel (0.054 acres) from park use under the control
91 of the Park Commission, to traffic improvement use under the control of the Department of
92 Public Works, and to acquire on behalf of the City, and take all necessary steps to formally
93 transfer control of Acquisition Parcels A, B, and C (totaling 0.802 acres), to the Springfield Park
94 Commission, to be dedicated for park purposes as part of Ruth Elizabeth Park, consistent with
95 the terms and conditions of this Order and the attached Exhibits.