

**HOUSE . . . . . No. 3673**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Russell E. Holmes and Linda Dorcena Forry***

*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 authorizing the Division of Capital Asset Management and Maintenance to convey certain state owned land to the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>

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By Representative Holmes of Boston and Senator Forry, a joint petition (subject to Joint Rule 12) of Russell E. Holmes and Linda Dorcena Forry for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain parcel of state owned land to the city of Boston. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act authorizing the Division of Capital Asset Management and Maintenance to convey certain state owned land to the city of Boston.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the conveyance of certain land from the Commonwealth of Massachusetts to the City of Boston, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Notwithstanding any general or special law to the contrary, the  
2 commissioner of capital asset management and maintenance, in consultation with the  
3 commissioner of conservation and recreation, may convey certain land currently under the care  
4 and control of the department of conservation and recreation to the city of Boston to be placed  
5 under the care and control of its public works department for general municipal purposes,  
6 including a street light facility, subject to the provisions of sections 3 through 5, inclusive, and to  
7 such additional terms and conditions as the commissioner of capital asset management and  
8 maintenance may prescribe in consultation with the commissioner of conservation and  
9 recreation; provided, however, that such additional terms and conditions shall be consistent with  
10 the purposes of this act. The parcel authorized to be conveyed contains an area of 2.951 acres or  
11 128,546 square feet, more or less, and shall be shown on a plan of land to be filed by the division  
12 of capital asset management and maintenance with the Suffolk registry of deeds. Prior to  
13 finalizing the transaction or making the conveyance authorized herein, the division of capital  
14 asset management and maintenance may make minor modifications to the area and plan to carry  
15 out the purposes of this act.

16 SECTION 2. The parcel authorized to be conveyed pursuant to section 1 includes a  
17 portion of a certain parcel of land located in the city of Boston described in a deed recorded in  
18 the Suffolk registry of deeds in book 8773, page 674, and also as shown on an "Exhibit Plan"  
19 prepared by Nitsch Engineering and dated May 9, 2012, on file with the division of capital asset  
20 management and maintenance, and being more particularly described as follows:

21 Beginning at a point being located at the most northwesterly corner of the parcel on the  
22 southerly sideline of Canterbury Street at 2932019.85 feet in the northing and 764388.10 feet in  
23 the easting referenced to Massachusetts State Plane Coordinate System (NAD 83);

24 thence running by a curve to the left by said southerly sideline of Canterbury Street,  
25 having a radius of 619.00 feet, and an arc length of 128.83 feet to a point of tangency;

26 thence N86°27'19"E by said southerly line of Canterbury Street, a distance of 6.64 feet to  
27 a point;

28 thence N88°08'52"E by said southerly line of Canterbury Street, a distance of 88.73 feet  
29 to a point of curvature;

30 thence by a curve to the right by the southerly line of Canterbury Street, having a radius  
31 of 163.00 feet and an arc length of 48.78 feet to a point of compound curvature at the  
32 southwesterly line of Canterbury Lane;

33 thence by a compound curve to the right by said southwesterly line of Canterbury Lane,  
34 having a radius of 118.00 feet and an arc length of 65.62 feet to a point of tangency;

35 thence S44°50'45"E, by said southwesterly line of Canterbury Lane, a distance of 331.81  
36 feet to a point;

37 thence S34°54'07"W by remaining land of the Commonwealth of Massachusetts, a  
38 distance of 97.62 feet to a point of curvature;

39 thence by a curve to the right by remaining land of the Commonwealth of Massachusetts,  
40 having a radius of 160.00 feet and an arc length of 138.60 feet to a point;

41 thence N44°39'27"W, by remaining land of the Commonwealth of Massachusetts, a  
42 distance of 188.34 feet to a point;

43 thence N44°39'36"W by remaining land of the Commonwealth of Massachusetts, a  
44 distance of 298.43 feet to a point;

45 thence N10°05'32"W by remaining land of the Commonwealth of Massachusetts, a  
46 distance of 81.68 feet to the point of beginning.

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48 SECTION 3. The conveyance authorized in section 1 shall be contingent upon the  
49 Massachusetts Bay Transportation Authority conveying, for no consideration, easements upon  
50 land near the Neponset River to the Commonwealth, to be placed under the care and control of  
51 the department of conservation and recreation for conservation and recreation purposes  
52 associated with the Neponset River Greenway. The easements shall allow the department of  
53 conversation and recreation to construct, operate, maintain and repair a public recreational  
54 corridor and to authorize public access to such recreational facilities, subject to the rules and  
55 regulations of the department of conversation and recreation and section 32 of chapter 184 of the  
56 General Laws. The parcels upon which such easements shall be granted are: (a) parcels  
57 containing 36,700 square feet, more or less, in the vicinity of the Neponset River Greenway near  
58 Mattapan Square as described in chapter 480 of the Acts of 1923; (b) parcels containing 41,800  
59 square feet, more or less, in the vicinity of the Neponset River Greenway near Port Norfolk as  
60 described in a deed recorded in the Suffolk registry of deeds in book 8067, page 503; (c) parcels  
61 containing 18,850 square feet, more or less, in the vicinity of the Neponset River Greenway near  
62 Valley Road Station as described in chapter 480 of the Acts of 1923; and (d) parcels  
63 containing 44,000 square feet, more or less, in the vicinity of the Neponset River Greenway near  
64 Butler Street Station as described in chapter 480 of the Acts of 1923. The exact boundaries of  
65 the parcels shall be determined by the commissioner of the division of capital asset management  
66 and maintenance in consultation with the commissioner of the department of conservation and  
67 recreation after completion of a survey; provided, however, that the easements conveyed  
68 pursuant to this section shall contain a total area of 3.24 acres or 141,350 square feet, more or  
69 less, and shall be shown on a plan of land to be filed by the division of capital asset management  
70 and maintenance with the Suffolk registry of deeds.

71 SECTION 4. Notwithstanding any general or special law to the contrary, the city of  
72 Boston shall be responsible for all costs and expenses, including but not limited to, costs  
73 associated with any engineering, surveys, appraisals, and deed preparation related to the  
74 conveyance authorized pursuant to this act as such costs may be determined by the commissioner  
75 of the division of capital asset management and maintenance.

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77 SECTION 5. Notwithstanding any general or special law to the contrary, the city of  
78 Boston shall accept the new alignment of Canterbury Street from Canterbury Street to Morton  
79 Street as a city street upon the completion of the conveyance authorized in section 1 as may be  
80 determined by the commissioner of the division of capital asset management and maintenance.