

HOUSE No. 4801

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Authorizing the Conveyance of Certain Parcels of Land..

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1 SECTION Chapter 421 of the acts of 1991 is hereby repealed.

2 SECTION Chapter 305 of the acts of 1994 is hereby repealed.

3 SECTION Chapter 257 of the acts of 2006 is hereby repealed.

4 SECTION (a) Notwithstanding any general or special law to the contrary but subject to
5 sections 40E to 40J, inclusive, of chapter 7 of the General Laws, in order to facilitate the reuse of
6 the properties identified in subsection (b) and to generate non-tax revenues for the
7 commonwealth, the commissioner of capital asset management and maintenance may sell, lease
8 for terms up to 99 years including all renewals and extensions, or otherwise grant, convey or
9 transfer to purchasers or lessees an interest in any of those properties, or portions thereof, subject
10 to this section and on the terms and conditions that the commissioner considers appropriate. The
11 commissioner shall dispose of each property, or portions thereof, utilizing appropriate
12 competitive bidding processes and procedures. At least 30 days before the date on which bids,
13 proposals or other offers to purchase or lease a property, or any portion thereof, are due, the

commissioner shall place a notice in the central register published by the state secretary under section 20A of chapter 9 of the General Laws stating the availability of the property, the nature of the competitive bidding process and other information that he considers relevant, including the time, place and manner for the submission of bids and proposals and the opening of the bids.

(b) This section shall apply to the following properties:-

(1) a certain parcel of land located in the town of Belchertown at 205 State street, containing approximately 7.5 acres, together with any buildings and structures thereon;

(2) certain parcels of land located in the East Boston section of the city of Boston at 20 Addison street and 600 Chelsea street, together with any buildings and structures thereon, shown as Lot 1 and Lot 3 on a plan entitled "East Boston Electric Shop, Central Maintenance Facility, Plan of Land Located in East Boston, Massachusetts, Suffolk County," prepared by Bryant Associates, Inc., dated February 7, 2002, revision date May 28, 2002, on file with the division of capital asset management and maintenance, with the benefit of certain easements and appurtenances thereto as shown on said plan;

(3) a certain parcel of land located in the city of Chelsea at 24 Hillside avenue, containing approximately 0.15 acres, together with any buildings and structures thereon;

(4) a certain parcel of land located in the town of Danvers at 471 Maple street, containing approximately 0.367 acres, together with any buildings and structures thereon;

(5) a certain parcel of land located in the town of Dartmouth at 262 State road, containing approximately 0.75 acres, together with any buildings and structures thereon, formerly known as the state police barracks;

(6) a certain parcel of land located in the town of Foxborough at 32 Payson road, together with any buildings and structures thereon;

(7) a certain parcel of land located in the town of Foxborough on Walnut street, containing approximately 16 acres, together with any buildings and structures thereon;

(8) a certain parcel of land located in the city of Lawrence at 381 Common street, together with any buildings and structures thereon, formerly known as the Essex north district registry of deeds;

(9) a certain parcel of land located in the town of Marlborough at 525 Maple street, containing approximately 0.95 acres, together with any buildings and structures thereon, formerly known as the registry of motor vehicles;

(10) a certain parcel of land located in the town of Middleboro, containing approximately 34 acres of land, located northeasterly off Plymouth Street as shown on Middleborough Assessor's Map 21, parcels 993, 1111, 1842 and 2651, together with any buildings or structures thereon;

(11) a certain parcel of land located in the town of Norton between the east side of Hill street and the southerly side of South Washington street, containing approximately 45 acres, together with any buildings and structures thereon, being a portion of a parcel of land identified as "Area To Be Retained 63.9 Acres" shown on a plan entitled "Plan Showing Land In Norton, Mass. To Be Conveyed By The Commonwealth of Mass. To The Town Of Norton" on file with the division of capital asset management and maintenance;

(12) a certain parcel of land located in the town of Plymouth at 76 Court street, together with any buildings and structures thereon, formerly known as the armory;

(13) a certain parcel of land located in the city of Pittsfield at 359 East street, together with any buildings and structures thereon, formerly known as the "William Russell Allen House";

(14) a certain parcel of land located in the city of Springfield at 288 Tyler street containing approximately 0.25 acres, together with any buildings and structures thereon.;

(15) a certain parcel of land located in the town of West Boylston containing approximately 20 acres, together with any buildings and structures thereon, formerly known as the county hospital; and

(16) certain parcels of land located at the former Lyman School For Boys in the town of Westborough, together with any buildings and structures thereon, designated as parcels B, C, D, G and J, as generally defined and described in sections 2, 3, 4, 7 and 10 of chapter 660 of the acts of 1987.

(c) The exact boundaries of the parcels described in subsection (b) shall be determined by the commissioner of capital asset management and maintenance after completion of a survey.

(d) Notwithstanding any general or special law to the contrary, the grantee or lessee of any property identified in subsection (b) shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the conveyances and transfers authorized in this section as such costs may be determined by the commissioner of capital asset management and maintenance.

76 (e) The commissioner may retain or grant rights of way or easements for access, egress,
77 utilities and drainage across any of the parcels and across other commonwealth property
78 contiguous to any of the parcels, and the commonwealth may accept from a developer such
79 rights of way or easements in roadways or across any of the parcels to be conveyed or transferred
80 for access, egress, drainage and utilities as the commissioner considers necessary and appropriate
81 to carry out this section.

82 (f) Each parcel shall be conveyed or leased without warranties or representations by the
83 commonwealth. Notwithstanding any general or special law to the contrary, the proceeds of all
84 conveyances and transfers under this section shall be deposited in the General Fund.

85 (g) Notwithstanding any general or special law to the contrary, the commissioner of
86 capital asset management and maintenance may transfer to the Massachusetts Department of
87 Transportation the care and custody of a portion of that certain parcel of land designated as
88 parcel L in section 12 of chapter 660 of the acts of 1987. This transfer shall be subject to
89 easements or restrictions that the commissioner may select, shall be without consideration and
90 shall not be subject to chapter 7 of the General Laws.

91 SECTION Notwithstanding chapter 564 of the acts of 1956, the town of Tewksbury
92 may sell, transfer and convey the property known as the “Police Station” at 935 Main street in
93 said town with a deed restriction that any new owner of the property shall grant to the
94 Tewksbury Housing Authority an easement to pass and repass by vehicular traffic, and create
95 and reserve 20 parking spaces at the rear of the parcel for the benefit of the residents of the
96 Tewksbury Housing Authority’s Carnation drive housing site. The Tewksbury Housing
97 Authority shall construct and maintain an adequate vegetative buffer between the parking area

and the property to be conveyed. The commonwealth, acting by and through the division of capital asset management and maintenance, shall release its reversionary interest reserved in the deed to the town of Tewksbury dated October 3, 1961 and recorded in the Middlesex north district registry of deeds in book 1553 at page 320; provided, however, that in consideration of said release by the commonwealth, the town of Tewksbury shall split the proceeds from the sale of the Police Station property equally with the commonwealth. The commonwealth and the town of Tewksbury shall take all actions they deem necessary or advisable to carry out the conveyance and release as set forth in sections 1 and 2, including, without limitation, the execution and recording of any and all documents relative thereto.

SECTION (a) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, may convey the property acquired by the former metropolitan district commission pursuant to item 6005-9575 of section 2H of chapter 273 of the acts of 1994, together with all trees and structures thereon, if any, and appurtenant access, utility and other easements, collectively referred to in this section as the “DCR Parcel” as directed herein. The DCR Parcel is shown on the plan entitled “Plan of Land Between Reserved Channel and East First Street in the South Boston Designated Port Area,” dated March 24, 2010, drawn by John A. Hammer III, PLS, on file with the Massachusetts Port Authority. The DCR Parcel shall be conveyed subject to and with the benefit of that certain lease between the Massachusetts Bay Transportation Authority and the Boston Harbor Lobstermen’s Association, Inc., dated April 1, 1984, with respect to approximately 96,000 square feet of land and associated water sheet and access rights. The exact boundaries of the DCR Parcel are set forth in section 106 of said chapter 273.

(b) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and recreation, may convey the portion of the DCR Parcel consisting of 569,517 square feet, as shown on the plan described in subsection (a) as the “Designated Port Area Parcel,” to the Massachusetts Port Authority. The legal description of the Designated Port Area Parcel is as follows:

Beginning at a point at the northeasterly corner of the parcel at the intersection of the westerly line of a street formerly known as O street and the southerly line of the Reserved Channel,

Thence S88-23-28W a distance of 802.82 feet by said Reserved Channel,

Thence S01-36-32E, a distance of 770.00 feet by land now or formerly of Exelon New Boston, LLC,

Thence N88-23-28E, a distance of 562.83 feet,

Thence N37-45-36E, a distance of 51.74 feet,

Thence N01-36-32W, a distance of 120.00 feet,

Thence N88-23-28E, a distance of 300.00 feet to said former O street,

Thence N01-36-32W, a distance of 610.00 feet by said former O street to the point of the beginning.

(c) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, on behalf of the department of conservation and

recreation, may convey the portion of the DCR Parcel consisting of 67,400 square feet, as shown on the plan described in subsection (a) as “MBTA Use Area,” to the Massachusetts Bay Transportation Authority. The legal description of the MBTA Use Area is as follows:

Beginning at a point on East First street being N88-23-28E, a distance of 810.00 feet from the intersection of the northerly sideline of East First street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 80.00 feet by said East First street,

Thence N01-36-32W, a distance of 280.00 feet,

Thence N88-23-28E, a distance of 100.00 feet,

Thence N01-36-32W, a distance of 250.00 feet, said last three courses by other land of the MBTA,

Thence S88-23-28W, a distance of 272.83 feet by the previously described Designated Port Parcel,

Thence S01-36-32E, a distance of 530.00 feet by land now or formerly of Exelon New Boston, LLC to the point of the beginning.

(d) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority may convey to the Massachusetts Port Authority the parcel of land consisting of 159,309 square feet shown on the plan described in subsection (a) as “Excess MBTA Parcel”, together with all trees and structures thereon, if any, and appurtenant access, utility or other easements. The legal description of the Excess MBTA Parcel is as follows:

161 Beginning at a point on East First street being N88-23-28E, a distance of 1362.82 feet
162 from the intersection of the northerly sideline of East First street and the easterly sideline of
163 Summer street,

164 Thence N88-23-28E, a distance of 210.00 feet by said East First street,

165 Thence N43-23-28E, a distance of 56.57 feet by land of Massport,

166 Thence N01-36-32W, a distance of 650.00 feet by said former O street,

167 Thence S88-23-28W, a distance of 300.00 feet,

168 Thence S01-36-32E, a distance of 120.00 feet,

169 Thence S37-45-33W, a distance of 51.74 feet, said last three courses by said Designated
170 Port Area Parcel,

171 Thence reversing southeasterly along a non-tangent curve to the right of radius 144.08
172 feet, an arc distance of 114.93 feet, on a chord bearing S49-15-39E,

173 Thence S19-21-25E, a distance of 169.03 feet,

174 Thence southeasterly along a non-tangent curve to the left of radius 340.00 feet, an arc
175 distance of 82.05 feet, on a chord bearing S26-39-44E,

176 Thence continuing southeasterly along a tangent curve to the left of radius 282.00 feet, an
177 arc distance of 100.89 feet, on a chord bearing S43-49-31E,

178 Thence S01-36-32E, a distance of 45.15 feet,

179 Thence S88-23-28W, a distance of 150.28 feet,

180 Thence S01-36-28E, a distance of 100.00 feet, said last 7 courses by remaining land of
181 MBTA shown as MBTA PARCEL, to the point of the beginning.

182 (e) Notwithstanding any general or special law to the contrary, upon acquisition of the
183 Designated Port Area Parcel and the Excess MBTA Parcel pursuant to this section, the
184 Massachusetts Port Authority shall dedicate a haul road right-of-way for future truck access to
185 and egress from the Conley Terminal. The location and dimensions of such right-of-way may be
186 established and changed by the Massachusetts Port Authority from time to time as long as such
187 right-of-way remains north of, and does not encroach upon or cross, the Buffer Zone Area
188 described in subsection (f) or the Extended Buffer Areas described in subsection (g). At such
189 time as the additional right of way of appropriate width and dimensions is made available to the
190 Massachusetts Port Authority to enable the haul road right of way to connect directly from
191 Conley Terminal across the Excess MBTA Parcel and the Designated Port Area Parcel to
192 Summer street, the Massachusetts Port Authority shall design and construct said haul road.

193 (f) Notwithstanding any general or special law to the contrary, the Massachusetts Bay
194 Transportation Authority is authorized by this act to convey to the Massachusetts Port Authority
195 the parcel of land abutting East First street in South Boston shown as "Buffer Zone Area" on the
196 plan referenced in subsection (a), which shall be used by the Massachusetts Port Authority as a
197 buffer zone to help reduce visual and noise impacts associated with existing and future uses
198 along Reserved Channel. The Massachusetts Bay Transportation Authority shall retain an
199 easement within the Buffer Zone Area to maintain, repair and replace its existing access, egress
200 and utilities across such Buffer Zone Area, as the same may be relocated, modified or expanded
201 in a manner consistent with this section and with the approval of the Massachusetts Port
202 Authority. The legal description of the Buffer Zone Area is as follows:

203 Beginning at a point on East First street being N88-23-28E, a distance of 810.00 feet
204 from the intersection of the northerly sideline of East First Street and the easterly sideline of
205 Summer street,

206 Thence N88-23-28E, a distance of 552.82 feet by said East First street,

207 Thence N01-36-32W, a distance of 80.00 feet,

208 Thence S88-23-28W, a distance of 472.82 feet,

209 Thence N01-36-32W, a distance of 20.00 feet,

210 Thence S88-23-28W, a distance of 80.00 feet,

211 Thence S01-36-32E, a distance of 100.00 feet to the point of the beginning.

212 (g) Notwithstanding any general or special law to the contrary, upon acquisition of the
213 Designated Port Area Parcel, the Excess MBTA Parcel, and the Buffer Zone Area pursuant to
214 this section, the Massachusetts Port Authority shall: (i) dedicate the use of the Buffer Zone Area
215 and the areas labeled as “Extended Buffer Areas” on the plan described in subsection (a), as a
216 buffer zone along East First street to help reduce visual and noise impacts associated with
217 existing and future uses along Reserved Channel; and (ii) promptly engage in a planning process,
218 with a committee of South Boston community residents, to design the Buffer Zone Area and
219 Extended Buffer Areas to achieve the purposes of this section. The committee shall be
220 comprised of 10 members, 2 of whom shall be appointed by the mayor of the city of Boston; 2 of
221 whom shall be appointed by the senator in the general court representing the South Boston
222 district in which the DCR Parcel is located; 2 of whom shall be appointed by the representative
223 in the general court representing the South Boston district in which the DCR Parcel is located; 2

of whom shall be appointed by the city district councilor representing the South Boston district in which the DCR Parcel is located; and 2 of whom shall be appointed by the Massachusetts Port Authority. The legal descriptions of the areas labeled as “Extended Buffer Areas” on the plan described in subsection (a) are as follows:

Beginning at a point on East First street at the southwesterly corner of said Excess MBTA Parcel being N88-23-28E, a distance of 1362.82 feet from the intersection of the northerly sideline of East First street and the easterly sideline of Summer street,

Thence N88-23-28E, a distance of 1382.43 feet by said East First street,

Thence N01-36-32W, a distance of 100.00 feet,

Thence S88-23-28W, a distance of 1382.43 feet,

Thence S01-36-32E, a distance of 100.00 feet to the point of the beginning,

(h) The Massachusetts Port Authority may provide access and egress and utility services across the Buffer Zone Area and Extended Buffer Areas described in this section; provided, however, that after the acquisition of the Designated Port Area Parcel, the Excess MBTA Parcel and the Buffer Zone Area by the Massachusetts Port Authority under this section, freight hauling to and from Conley Terminal shall not encroach upon or cross the Buffer Zone Area or Extended Buffer Areas.

(i) The transfers in legal title and changes in use of land authorized in this section shall occur notwithstanding any inconsistent public use and no compensation shall be paid. Notwithstanding any general or special law or regulation to the contrary, the transfers in legal title and changes in use of land authorized by this section may be implemented without any

review, approval, authorization or procedure otherwise applicable under any general or special law or rule or regulation.

(j) After acquisition of the Designated Port Area Parcel, the Excess MBTA Parcel and the Buffer Zone Area by the Massachusetts Port Authority under this act, the Massachusetts Port Authority shall use and maintain the Buffer Zone Area and Extended Buffer Areas as described herein as a buffer zone along East First street to help reduce visual and noise impacts associated with the existing and future uses along Reserved Channel and the Buffer Zone Area and the Extended Buffer Areas shall be subject to the Article XCVII of the Constitution.

(k) Notwithstanding section 2B of chapter 59 of the General Laws or section 17 of chapter 465 of the acts of 1956, leasehold improvements leased to a foreign or domestic electric company, distribution company or generating company, as such terms are defined in section 1 of chapter 164 of the General Laws, constructed on land acquired by the Massachusetts Port Authority pursuant to this section shall be subject to taxation and assessment to the lessee thereof in the same manner as the lands and buildings thereon would be taxed to such lessee under said section 2B of said chapter 59 by the city of Boston, except that the payment of the tax shall not be enforced by a lien upon or sale of the lands; provided, however, that a sale of the leasehold interest therein and of the buildings thereon may be made by the collector of the city of Boston in the manner provided by law for the nonpayment of taxes on real property. Except as expressly provided in this section, the land acquired by the Massachusetts Port Authority pursuant to this act shall not be subject to taxation or assessment by the city of Boston nor shall the Massachusetts Port Authority be required to make payments in lieu of taxes to the city of Boston with respect to such land, such land being used for an essential governmental function.

SECTION (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation and the University of Massachusetts at Lowell, may convey to the city of Lowell, 3 parcels of land, generally shown as parcels 13, 22 and 25 in a plan entitled "Plan of the Road in the City of Lowell, Middlesex County, Bridge Replacement, University Avenue over the Merrimack River" on file with the city engineer of the city of Lowell.

(b) The first parcel to be conveyed, parcel 22, contains approximately 0.082 acres. The parcel is bounded by the line described as follows: beginning at a point, said point being S60°39'05"W and 82.92 feet from station 13+34.63 of the University avenue baseline thence, turning and running N53°29'54"E and 147.38 feet to a point, said point also being N60°39'05"E and 63.32 feet from station 13+52.98 of said baseline thence, turning and running N40°59'40"W and 25.26 feet more or less to a point on the shoreline of the Northern Canal said point also being N60°39'05"E and 58.22 feet from station 13+77.71 of said baseline thence, turning and running by the shoreline of the Northern Canal 145 feet more or less to a point said point also being S60°39'05"W and 85.82 feet from station 13+57.74 of said baseline thence, turning and running S36°30'06"E and 23.30 feet to the point of beginning.

(c) The second parcel to be conveyed, parcel 25, contains approximately 0.289 acres. The parcel adjoins the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being S45°06'49"E and 41.50 feet from station 144+83.52 of said baseline, thence turning and running S45°06'49"E and 9.69 feet to a point, said point also being S45°06'49"E and 51.19 feet from station 144+83.52 of said baseline, thence running

N47°45'45"E and 15.00 to a point of curvature said point also being S45°06'49"E and 51.95 feet from station 144+68.54 of said baseline, thence running by a curve to the right having a radius of 23.10 feet an arc distance of 41.48 feet said point of also being S45°06'49"E and 81.29 feet from station 144+47.47 of said baseline thence turning and running S29°20'55"E and 115.95 feet more or less to a point on the shoreline of the Merrimack River, said point being S45°06'49"E and 192.88 feet from station 144+78.97 of said baseline and also S60°39'05"W and 50.00 feet from station 17+80.78 of the University Avenue baseline, thence turning and running easterly along the shoreline of said Merrimack River 112 feet more or less to a point, said point also being S45°06'49"E and 181.96 feet from station 143+67.96 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also N60°39'05"E and 53.87 feet from station 18+21.46 of the University avenue baseline, thence turning and running N45°23'58"W 75.74 to a point on the southerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648), said point also being 106.23 feet from station 143+68.34 of said baseline and also N60°39'05"E and 32.93 feet from station 18+94.24 of the University avenue baseline.

(d) The third parcel to be conveyed, parcel 13, contains approximately 0.118 acres. The parcel adjoins the northerly location line of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) and bounded by the line described as follows: beginning at a point, said point being N45°06'49"W and 55.01 feet from station 144+17.32 of the Veterans of Foreign Wars Highway of the 1949 State Highway Layout (Layout No. 3648) baseline and also S55°41'24"W and 54.10 feet from station 20+40.90 of the University avenue baseline, thence, turning and running by a curve to the left having a radius of 15.00 feet an arc distance of 20.74 feet to a point said point also being N45°06'49"W and 67.20 feet from station

313 144+02.58 from the Veterans of Foreign Wars Highway of the 1949 State Highway Layout
314 (Layout No. 3648) baseline and also S54°53'31"W and 41.81 feet from station 20+56.22 of the
315 University avenue baseline, thence turning and running by a curve to the left having a radius of
316 986.45 feet an arc distance of 188.37 feet to a point, said point also being S44°42'06"W and
317 40.51 feet from station 22+51.86 of said University avenue baseline, thence turning and running
318 N45°16'43"W 8.55 feet to a point, said point also being S44°37'45"W and 40.49 feet from
319 station 22+60.74 of said University avenue baseline, thence turning and running N45°00'09"W
320 and 164.54 feet to a point, said point also being S44°37'45"W and 39.44 feet from station
321 24+25.00 of said University avenue baseline, thence turning and running N44°37'45"E 9.24 feet
322 to a point on the westerly sideline of the University Avenue layout line, said point also being
323 S44°37'45"W and 30.20 feet from station 24+25.00 of said University avenue baseline.

324 (e) The consideration for the conveyance shall be the full and fair market value of the
325 parcels as determined by the commissioner of capital asset management and maintenance
326 pursuant to 1 or more independent professional appraisals.

327 (f) Notwithstanding any general or special law to the contrary, the inspector general shall
328 review and approve the appraisal required pursuant to subsection (e). The inspector general shall
329 prepare a report of his review of the methodology utilized for the appraisal and shall file the
330 report with the commissioner of capital asset management and maintenance, the house and
331 senate committees on ways and means and the joint committee on bonding, capital expenditures
332 and state assets. The commissioner of capital asset management and maintenance shall, 30 days
333 before the execution of any conveyance authorized by this section or any subsequent amendment
334 thereto, submit the proposed conveyance or amendment and a report thereon to the inspector
335 general for his review and comment. The inspector general shall issue his review and comment

336 within 15 days after receipt of the proposed conveyance or amendment. The commissioner of
337 capital asset management and maintenance shall submit the proposed conveyance or amendment
338 and the reports and the comments of the inspector general, if any, to the house and senate
339 committees on ways and means and the joint committee on bonding, capital expenditures and
340 state assets at least 15 days before execution of the conveyance.

341 (g) The city shall be responsible for all costs and expenses including, but not limited to,
342 costs associated with any engineering, surveys, appraisals and deed preparation related to the
343 conveyance authorized in subsection (a) as such costs may be determined by the commissioner.