

# HOUSE . . . . . No. 4033

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***John J. Mahoney and John J. Binienda***

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*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 conveyance, lease and change of use of certain park lands in the city of Worcester.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>3/30/2012</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>4/4/2012</i>
<i>Harriette L. Chandler</i>		

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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.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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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

such use. The summit on Newton Hill shall continue to be the historic location of a certain flag pole.

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

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

SECTION 5. In conjunction with the reconstruction of Belmont street, the city of Worcester may construct a new bus stop shelter on such portion of Green Hill Park that abuts Belmont street near the intersection of Skyline drive. The city shall grant a temporary easement of approximately 1,545 square feet within Green Hill Park for the purpose of construction of the 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.