HOUSE DOCKET, NO. 3880 FILED ON: 9/23/2013

HOUSE . . . . . No. 3673

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:	DATE ADDED:
Russell E. Holmes	*6th Suffolk*	*9/23/2013*
Linda Dorcena Forry	*First Suffolk*	*9/23/2013*

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HOUSE . . . . . No. 3673

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.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

SECTION 1. Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey certain land currently under the care and control of the department of conservation and recreation to the city of Boston to be placed under the care and control of its public works department for general municipal purposes, including a street light facility, subject to the provisions of sections 3 through 5, inclusive, and to such additional terms and conditions as the commissioner of capital asset management and maintenance may prescribe in consultation with the commissioner of conservation and recreation; provided, however, that such additional terms and conditions shall be consistent with the purposes of this act. The parcel authorized to be conveyed contains an area of 2.951 acres or 128,546 square feet, more or less, and shall be shown on a plan of land to be filed by the division of capital asset management and maintenance with the Suffolk registry of deeds. Prior to finalizing the transaction or making the conveyance authorized herein, the division of capital asset management and maintenance may make minor modifications to the area and plan to carry out the purposes of this act.

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

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

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

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

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

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

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

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

thence S34˚54'07"w by remaining land of the Commonwealth of Massachusetts, a distance of 97.62 feet to a point of curvature;

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

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

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

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

SECTION 3. The conveyance authorized in section 1 shall be contingent upon the Massachusetts Bay Transportation Authority conveying, for no consideration, easements upon land near the Neponset River to the Commonwealth, to be placed under the care and control of the department of conservation and recreation for conservation and recreation purposes associated with the Neponset River Greenway. The easements shall allow the department of conversation and recreation to construct, operate, maintain and repair a public recreational corridor and to authorize public access to such recreational facilities, subject to the rules and regulations of the department of conversation and recreation and section 32 of chapter 184 of the General Laws. The parcels upon which such easements shall be granted are: (a) parcels containing 36,700 square feet, more or less, in the vicinity of the Neponset River Greenway near Mattapan Square as described in chapter 480 of the Acts of 1923; (b) parcels containing 41,800 square feet, more or less, in the vicinity of the Neponset River Greenway near Port Norfolk as described in a deed recorded in the Suffolk registry of deeds in book 8067, page 503; (c) parcels containing 18,850 square feet, more or less, in the vicinity of the Neponset River Greenway near Valley Road Station as described in chapter 480 of the Acts of 1923; and (d) parcels containing44,000 square feet, more or less, in the vicinity of the Neponset River Greenway near Butler Street Station as described in chapter 480 of the Acts of 1923. The exact boundaries of the parcels shall be determined by the commissioner of the division of capital asset management and maintenance in consultation with the commissioner of the department of conservation and recreation after completion of a survey; provided, however, that the easements conveyed pursuant to this section shall contain a total area of 3.24 acres or 141,350 square feet, more or less, and shall be shown on a plan of land to be filed by the division of capital asset management and maintenance with the Suffolk registry of deeds.

SECTION 4. Notwithstanding any general or special law to the contrary, the city of Boston 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 conveyance authorized pursuant to this act as such costs may be determined by the commissioner of the division of capital asset management and maintenance.

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