

HOUSE No. 3698

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Kelcourse

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 dissolve the Newburyport Redevelopment Authority and transfer its lands to the City of Newburyport.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>4/16/2019</i>

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By Mr. Kelcourse of Amesbury, a petition (subject to Joint Rule 12) of James M. Kelcourse (with the approval of the mayor and city council) that the city of Newburyport be authorized to abolish the Newburyport Redevelopment Authority. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to dissolve the Newburyport Redevelopment Authority and transfer its lands to the City of Newburyport.

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 the provisions of Massachusetts General Laws (MGL)
2 Chapter 121B, Section 4, and any general or special law, state agency regulations or guidelines
3 to the contrary, the Newburyport Redevelopment Authority, established on February 1, 1960, by
4 vote of the Newburyport City Council pursuant to said Chapter 121B, Section 4 is hereby
5 dissolved, and no approval from the Department of Housing and Community Development
6 (DHCD) or any other state agency shall be necessary to effect the same, except that upon
7 passage of this chapter, the Clerk of the City of Newburyport shall provide a copy of this chapter
8 to the State Secretary and said Newburyport Redevelopment Authority shall be dissolved
9 forthwith.

10 Notwithstanding the provisions of Massachusetts General Laws (MGL) Chapter 155,
11 Section 51, the Newburyport Redevelopment Authority shall be dissolved immediately and shall
12 not be continued as a body corporate after the effective date of this chapter.

13 SECTION 2. Notwithstanding any general or special law, state agency regulations or
14 guidelines to the contrary, the entirety, without exception, of all monies, and personal and real
15 property interests whatsoever held by the Newburyport Redevelopment Authority are hereby
16 transferred and conveyed to, and shall be vested in, the City of Newburyport, with all lands
17 whatsoever, including, without limitation tidelands, whether flowed or filled, to be held
18 permanently for the purposes of park and conservation uses, provided that public parking shall
19 not be an excluded use, under Article 97 of the Massachusetts Constitution.

20 The City may execute and deliver a certificate in a form suitable for recording
21 referencing the passage of this chapter along with a copy of said Chapter, and the Register of
22 Deeds for Essex County shall accept the same for recording and make a marginal reference
23 thereto upon the record of all applicable deeds for real property heretofore owned by the
24 Newburyport Redevelopment Authority, as provided in summary format by the City of
25 Newburyport. The Land Court shall also accept said certificate and a copy of this Chapter for the
26 purposes of issuing a Certificate of Title to the City of Newburyport for any registered land
27 heretofore owned by the Newburyport Redevelopment Authority.

28 SECTION 3. Notwithstanding any general or special law, state agency regulations or
29 guidelines to the contrary, after the effective transfer and conveyance to the City of the entirety
30 of all of the monies, and personal and real property interests of the Newburyport Redevelopment
31 Authority, as required by this chapter, all remaining powers and authorities held by the

32 Newburyport Redevelopment Authority, without exception, and including, without limitation,
33 the power of eminent domain, are hereby dissolved.

34 SECTION 4. The City shall reserve any monies transferred to the City pursuant to
35 Section 2 above in addition to no less than 100% of any ongoing meter revenues generated from
36 parking on the land solely for the purposes of design, construction, maintenance, or operation of
37 an extended Waterfront Park, as designated in this Order under Article 97. Such funds shall be
38 placed into a separate, designated Receipts Reserved for Appropriation fund for these purposes
39 as improvements to the public realm.

40 SECTION 5. If any provision of this Chapter conflicts with any provisions of any general
41 or special law, state agency regulations or guidelines, the provisions of this Chapter shall govern.

42 If at any point after the passage of this chapter, the City of Newburyport determines that a
43 new redevelopment authority shall be necessary in the City for any reason, it may vote to
44 organize a new redevelopment authority in accordance with Massachusetts General Laws (MGL)
45 Chapter 121B, Section 4.

46 SECTION 6. All members of the Newburyport Redevelopment Authority immediately
47 prior to the effective date of this Chapter shall immediately transfer all files, legal and financial
48 records or other materials belonging to the Newburyport Redevelopment Authority to the City of
49 Newburyport, acting through its Office of Planning and Development. Such files, records and
50 materials shall include any such items held by consultants or legal counsel to the Newburyport
51 Redevelopment Authority, without reservation.

52 SECTION 7. For the avoidance of all doubt, the General Court affirms that the City of
53 Newburyport shall be, for all purposes, the successor of interest to the Newburyport

54 Redevelopment Authority under that certain Stipulation in Land Court Case No. 39539, dated
55 March 31, 1980, and recorded in Essex South District Registry of Deeds Book 6695, Page 428,
56 including, without limitation, as to all outstanding obligations thereunder.

57 SECTION 8. This Chapter shall take effect upon its passage by the General Court.

58 SECTION 9. The City of Newburyport commits to designing, funding, and building a
59 Waterfront Park, in accordance with the will of the Residents of the City of Newburyport. On a
60 best-efforts basis, the design shall be consistent with the principles and references documented in
61 “COMM067_05_30_17” – Ad Hoc Central Waterfront Committee agreed upon by the
62 Newburyport City Council in May of 2017 by a 10-0 (1 absent) vote.