

SENATE No. 2202

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 for permanent dedication for park and conservation purposes, with public parking not excluded, under Article 97 of the Massachusetts Constitution.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 2202

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2202) of Diana DiZoglio for legislation to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport for permanent dedication for park and conservation purposes, with public parking not excluded, under Article 97 of the Massachusetts Constitution. 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 for permanent dedication for park and conservation purposes, with public parking not excluded, under Article 97 of the Massachusetts Constitution.

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.

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

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

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

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

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

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

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

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

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

SECTION 7. For the avoidance of all doubt, the General Court affirms that the City of 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.