

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

BILL FILING TEMPLATE

Be It Enacted, by the Senate and House of Representatives, etc., as follows

SECTION 1. (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, as appearing in the 2004 Official Edition, or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the Massachusetts water resources authority, may grant to the city of Boston, for consideration as provided in section 7(a), certain permanent easements in lands located in the city of Boston adjacent to Chelsea street, which permanent easements consist of permanent easement “A”, permanent easement “B”, two permanent gate easements located on the northeasterly side of Chelsea street in the city of Boston, and one permanent gate easement located on the southwesterly side of said Chelsea Street, all as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated May 21, 2003 on file with said division and authority. Said permanent easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

(b) All such permanent easements shall be granted to the city of Boston without interference with or prejudice to the rights of the Massachusetts water resources authority to access, operate and maintain its water and sewer facilities located in, upon or adjacent to the permanent easement areas. In addition, unless a written permit of the Massachusetts water resources authority shall have first been obtained, no buildings or structures or foundations of buildings or structures, or parts thereof, shall be erected or maintained in or upon any part of the easement areas authorized by this section 1.

SECTION 2. (a) Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, as so appearing, or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the Massachusetts water resources authority, may grant to the city of Boston, for consideration as provided in section 7(a), certain temporary construction easements in lands located in the city of Boston adjacent to Chelsea street, which temporary construction easements consist of temporary construction easement “A” and temporary construction easement “B”, as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated May 21, 2003 on file with said division and authority. Said temporary construction easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

SECTION 3. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, as so appearing, or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation, may grant to the city of Boston, for consideration as provided in section 7(b), certain permanent easements in land located in the city of Chelsea adjacent to Chelsea street, which permanent easements consist of permanent easement “A” and permanent easement “B” all as shown on a plan titled “Sketch of proposed Areas to be Acquired by the City of Boston”, dated July 7, 2003 on file with said division and department. Said permanent

easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

SECTION 4. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, as so appearing, or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation, may grant to the city of Boston, for consideration as provided in section 7(b), certain temporary construction easements in land located in the city of Chelsea adjacent to Chelsea street, which temporary construction easements consist of temporary construction easements "A1" and "A2" and temporary construction easement "B" as shown on a plan titled "Sketch of proposed Areas to be Acquired by the City of Boston", dated July 7, 2003 on file with said division and department. Said temporary construction easements are to be granted to the city for the purpose of constructing a new Chelsea street bridge.

SECTION 5. The exact boundaries of the easement areas described in sections 1, 2, 3 and 4 shall be determined by the commissioner of the division of capital asset management and maintenance, in consultation with the Massachusetts water resources authority and the commissioner of the department of conservation and recreation, after completion of one or more surveys.

SECTION 6. The city of Boston shall be responsible for any costs for surveys, recording and other expenses relating to the grant of easements to the city of Boston as provided in sections 1, 2, 3 and 4 pursuant to this act.

SECTION 7. (a) In consideration for the grant of the easements described in sections 1 and 2, the city of Boston, notwithstanding any special or general law to the contrary, shall relinquish to the commonwealth ownership or any interest of said city thereto of the property located at 600 Chelsea Street in the East Boston district of the city of Boston, described as Parcel Two in the Metropolitan District Commission Order of Taking recorded with Suffolk County registry of Deeds in Book 5757 page 252, dated January 5, 1939, and bounded and described as follows:

Beginning at the intersection of the boundary line between land of the commonwealth metropolitan district commission, and land of the city of Boston with the southeasterly pierhead line of Chelsea creek, which point is distant south 51 degrees, 4 minutes and 43 seconds, west measuring along the pierhead line of Chelsea creek 51.90 feet from the intersection of the pierhead line with the southwesterly side line of Chelsea street; Thence the line runs south 40 degrees, 28 minutes, 47 seconds east by said land of the commonwealth of Massachusetts 110.10 feet to a point in the northwesterly sideline of a taking by the commonwealth dated February 18, 1893, 33.83 feet to a point at land now or formerly of the Standard Oil Co. 127.66 feet to said southeasterly pierhead line of Chelsea creek; Thence north 51 degrees 04 minutes, 42 seconds east by said pierhead line

30.01 feet to the point of beginning; comprising 3,580 square feet more or less land supposed to be owned by the city of Boston.

(b) In consideration for the grant of easements described in sections 3 and 4, the city of Boston shall pay to the commissioner of the department of conservation and recreation the full and fair market value of said easements. This payment to the department of conservation and recreation shall be deposited in the Urban Parks Trust Fund, as established by section 34 of chapter 92 of the General Laws.

SECTION 8. No document granting the easements in the property authorized in sections 1, 2, 3 and 4 shall be valid unless such document provides that the property shall be used solely for the purposes as described in said sections 1, 2, 3 and 4. Any document granting the easements described in sections 1 and 2 shall include a clause providing that if any easement area ceases to be used for such purposes, then, upon the recording of notice in the Suffolk registry of deeds by the commissioner of the division, said easement shall terminate and be of no further force and effect. Any document granting the easements described in sections 3 and 4 shall include a clause providing that if any easement area ceases to be used for such purposes, then, upon the recording of notice in the Suffolk registry of deeds by the commissioner of the division, said easement shall terminate and be of no further force and effect, and said property will revert to the commonwealth to be used for the purposes stated in article 97 of the amendments to the constitution.

SECTION 9. All temporary construction easements granted to the city of Boston pursuant to sections 2 and 4 of this act shall terminate on December 31, 2012 or upon re-acceptance of the Chelsea street bridge by the city of Boston, whichever shall first occur, and said temporary construction easements shall then revert to the commonwealth to be used for their original purposes.