

HOUSE No. 04033

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Mahoney and John J. Binienda

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 passage of the accompanying bill:

An Act authorizing the conveyance, lease and change of use of certain park lands in the city of Worcester.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>

HOUSE No. 04033

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.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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 located
2 within Elm Park at 230 Park avenue, and may lease up to 3.0 acres of land surrounding the
3 building to Spencer Savings Bank, or its sole designee ("Bank"), for the purpose of renovating
4 the building to historic preservation standards acceptable to the city manager of said city for use
5 as a retail branch of the bank. The city of Worcester constructed and maintained the 6,735 square
6 foot fire alarm station building in Elm Park along Park avenue near the Elm street intersection
7 under the authority of chapter 574 of the acts of 1914, and such building is on the National
8 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-year
13 extensions to be exercised at the option of the Bank no sooner than 5 years prior to expiration of
14 the original or any extended term of the lease. Such lease shall include the following conditions:
15 that the property shall revert to park land should the building ever be demolished; and that the
16 authority granted by this act shall expire and the lease shall terminate unless renovations to the
17 building are commenced within 3 years from the effective date of this act and constructed to a
18 conclusion within a commercially reasonable time thereafter. Such lease shall further provide
19 that, in the event that the Bank shall cease operations in the building for any 12 consecutive
20 months, the lease shall terminate and the property shall revert to park land without any further
21 action by the city, the city council or the

22 General Court; provided, however that the city shall file a Notice of Lease Termination and
23 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 attempt to
26 find another not-for-profit acceptable to the city with a mission of parks, open space, recreation
27 and preservation, to use and manage the community room for the remainder of the lease term.

28 SECTION 2. The city of Worcester may enter into leases for the construction and use of
29 communications technology on an area of land containing approximately 2,500 square feet
30 within Elm Park located at the summit of Newton Hill. The city may, in conjunction with such

31 leases, also grant any necessary utility easements through Elm Park to Newton Hill to support
32 such use. The summit on Newton Hill shall continue to be the historic location of a certain flag
33 pole.

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

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

48 SECTION 5. In conjunction with the reconstruction of Belmont street, the city of Worcester may
49 construct a new bus stop shelter on such portion of Green Hill Park that abuts Belmont street
50 near the intersection of Skyline drive. The city shall grant a temporary easement of
51 approximately 1,545 square feet within Green Hill Park for the purpose of construction of the
52 bus stop shelter and a permanent easement of approximately 1,272 square feet within the park for

53 public use of such shelter upon completion. The city shall place such bus shelter under the care,
54 custody and control of the city commissioner of public works and parks for street purposes.

55 SECTION 6. In consideration of the conveyance and leases set forth in sections 1 and 2, and the
56 changes of use of certain portions of Green Hill Park for the purposes set forth in sections 4 and
57 5, the city of Worcester has purchased a tract of land adjacent to Green Hill Park, containing
58 approximately 12 acres or more, located off Trinity avenue and shown on the city assessors map
59 as parcel 39-030-00003. The city shall dedicate this parcel of land for park purposes as part of
60 Green Hill Park.

61 SECTION 7. As further consideration for the conveyance and leases set forth in sections 1 and 2,
62 and the changes of use of certain portions of Green Hill Park the city of Worcester has also
63 acquired a 10 foot wide trail easement on land located off Plantation street for conservation and
64 passive outdoor recreation purposes. Such easement shall be placed under the care, custody,
65 management and control of the department of public works and parks, and shall complete the
66 East Side trail which extends from downtown Worcester to the shores of Lake Quinsigamond.

67 SECTION 8. The city of Worcester shall prepare and record in the Worcester district registry of
68 deeds the plans of land describing the precise boundaries of the parcels of land as altered under
69 the authority granted by this act.

70 SECTION 9. This act shall take effect upon its passage.