

SENATE No. 02233

The Commonwealth of Massachusetts

PRESENTED BY:

Eileen M. Donoghue

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 city of Lowell to acquire easements over certain parcels of land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>

SENATE No. 02233

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 2233) of Eileen M. Donoghue, Thomas A. Golden, Jr., Kevin J. Murphy and David M. Nangle for legislation to authorize the city of Lowell to acquire easements over certain parcels of land. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the city of Lowell to acquire easements over certain parcels of land.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for the city of Lowell to acquire certain easements over land owned by the commonwealth, 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:

1 SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the department of conservation and
4 recreation and the University of Massachusetts at Lowell, may grant to the city of Lowell, and the
5 city of Lowell may acquire, easements over 4 parcels of land in Lowell located in said city of

6 Lowell. The parcels, which shall be diverted from their present uses for higher education and
7 conservation and recreation to highway uses, are generally bounded and described as follows:

8 (1) Parcel No. B-7: A parcel of land supposed to be owned by the commonwealth,
9 located in the city of Lowell, and bounded by the line described as follows: beginning at a point,
10 said point being N60°39'05"E and 29.42 feet from station 15+73.96 of the University Avenue
11 baseline thence, turning and running S29°20'55"E 101.56 feet to a point said point being
12 N60°39'05"E and 29.42 feet from station 14+72.40 of said baseline thence, turning and running
13 S54°56'58"W 71.19 feet to a point said point being S60°39'05"W and 41.42 feet from station
14 14+65.33 of said baseline thence, turning and running N29°20'55"W 108.63 feet to a point said
15 point being S60°39'05"W and 41.42 feet from station 15+73.96 of said baseline thence, turning
16 and running N60°39'05"E 70.83 feet to the point of beginning; containing about 7,444± square
17 feet or 0.171± acres;

18 (2) Parcel No. B-8: A parcel of land supposed to be owned by the commonwealth,
19 located in the city of Lowell, and bounded by the line described as follows: beginning at a point,
20 said point being N60°39'05"E and 37.83 feet from station 15+95.96 of the University Avenue
21 baseline thence, turning and running S29°20'55"E 22.00 feet to a point said point being
22 N60°39'05"E and 37.83 feet from station 15+73.96 of said baseline thence, turning and running
23 S60°39'05"W 95.00 feet to a point said point being S60°39'05"W and 57.16 feet from station
24 15+73.96 of said baseline thence, turning and running N29°20'55"W 22.00 feet to a point said
25 point being S60°39'05"W and 57.16 feet from station 15+95.96 of said baseline thence, turning
26 and running N60°39'05"E 95.00 feet to the point of beginning; containing about 2,090± square
27 feet or 0.048± acres;

28 (3) Parcel No. B-9: A parcel of land supposed to be owned by the commonwealth,
29 located in the city of Lowell, and bounded by the line described as follows: beginning at a point,
30 said point being N60°39'05"E and 29.42 feet from station 18+15.31 of the University Avenue
31 baseline thence, turning and running S29°20'55"E 219.34 feet to a point said point being
32 N60°39'05"E and 29.42 feet from station 15+95.96 of said baseline thence, turning and running
33 S60°39'05"W 70.83 feet to a point said point being S60°39'05"W and 41.42 feet from station
34 15+95.96 of said baseline thence, turning and running N29°20'55"W 187.73 feet to a point said
35 point being S60°39'05"W and 41.42 feet from station 17+83.69 of said baseline thence, turning
36 and running northeasterly along the shoreline of the Merrimack River 77.6 feet more or less to
37 the point of beginning; containing about 14,339± square feet or 0.329± acres;

38 (4) Parcel No. TE-11: A parcel of land supposed to be owned by the commonwealth,
39 located in the city of Lowell, and bounded by the line described as follows: beginning at a point,
40 said point being N60°39'05"E and 53.87 feet from station 18+21.46 of the University Avenue
41 baseline thence, turning and running S45°25'22"E 350.45 feet to a point said point being
42 N60°39'05"E and 150.90 feet from station 14+84.70 of said baseline thence, turning and running
43 S54°52'10"W 122.11 feet by land now or formerly of Boott Hydropower, Inc., said point being
44 N60°39'05"E and 29.42 feet from station 14+72.40 of said baseline thence turning and running
45 N29°20'55"W 101.56 feet to a point said point being N60°39'05"E and 29.42 feet from station
46 15+73.96 of said baseline thence, turning and running N60°39'05"E 8.42 feet to a point said
47 point being N60°39'05"E and 37.83 feet from station 15+73.96 of said baseline thence, turning
48 and running N29°20'55"W 22.00 feet to a point said point being N60°39'05"E and 37.83 feet
49 from station 15+95.96 of said baseline thence, turning and running S60°39'05"W 8.42 feet to a
50 point said point being N60°39'05"E and 29.42 feet from station 15+95.96 of said baseline

51 thence, turning and running N29°20'55"W 219.34 feet to a point said point being N60°39'05"E
52 and 29.42 feet from station 18+15.31 thence, turning and running northeasterly along the
53 shoreline of the Merrimack River in two courses about 14 feet and about 11 feet, respectively, to
54 the point of beginning; containing about 25,071± square feet or 0.576± acres. The exact
55 boundaries may be determined by the commissioner of capital asset management and
56 maintenance based upon a survey.

57 SECTION 2. The consideration for the grant of the easements shall be the full and fair
58 market value of the easements as determined by the commissioner of capital asset management
59 and maintenance pursuant to 1 or more independent professional appraisals.

60 Notwithstanding any general or special law to the contrary, the inspector general shall
61 review and approve the appraisal required pursuant to this section. The inspector general shall
62 prepare a report of his review of the methodology utilized for the appraisal and shall file the
63 report with the commissioner of capital asset management and maintenance, and the house and
64 senate committees on ways and means.

65 The city shall be responsible for all costs and expenses including, but not limited to, costs
66 associated with any engineering, surveys, appraisals and document preparation related to the
67 grant of easements authorized in subsection (a) as such costs may be determined by the
68 commissioner.