

# HOUSE . . . . . No. 3783

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By [SPONSOR PREFIX] [SPONSOR NAME] of [SPONSOR CITY], a petition (accompanied by bill, House, No. 3783) of [PETITIONERS LIST] (with the approval of the mayor and city council) for legislation to authorize the conveyance of certain parcels of land in the city of Revere. State Administration and Regulatory Oversight. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven

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### AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF LAND IN THE CITY OF REVERE.

*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 Revere, acting by and through its Mayor and City Council, in  
2 concurrence with the approval granted by the Conservation Commission of the City of Revere,  
3 may convey to the Commonwealth, acting by and through the commissioner of conservation and  
4 recreation, for conservation purposes, 89.21 acres of City of Revere real property, located in the  
5 Rumney Marsh Area of Critical Environmental Concern identified on the City of Revere Zoning  
6 Atlas Map, on file in the office of the City Clerk of the City of Revere, as follows: Map 19, block  
7 327, Parcels 3, 4, 5, 6, 8, 10, 11, 13, 14, 15 and 16 containing 40.36 acres. Map 19, Block 328,  
8 Parcels 2, 3 and 6 containing 14.34 acres. Map 19, Block 329, Parcel 10 containing 1.3 acres.  
9 Map 20, Block 329, Parcels 1, 13, and 14 containing 15.25 acres. Map 20, Block 330, Parcels 3  
10 and 4 containing 14.50 acres, and Map 30, Block 448A, Parcel 2 containing 3.46 acres.

11           Section 2. The parcels of land described in Section 1 of this Act may be conveyed by the  
12 City of Revere to the Commonwealth, acting by and through the commissioner of conservation  
13 and recreation, subject to the following conditions. Consideration for said parcels shall be the fair  
14 market value of the parcels as determined by an agreement between the City of Revere and  
15 department of conservation and recreation dated March 15, 2001, as amended and on file with  
16 the department. The deed conveying the parcels of land described in Section 1 of this Act shall  
17 contain a restriction prohibiting any building on such property and precluding any use of the said  
18 parcels other than for passive recreation purposes. The commissioner of conservation and  
19 recreation shall include the parcels of land described in Section 1 of this Act in its Rumney  
20 Marsh Reservation managed by the department of conservation and recreation and shall protect

21 and preserve such land as park land in accordance with Article 97 of the Articles to the  
22 Constitution of the Commonwealth of Massachusetts.

23 Section 3. The City Solicitor and/or the Assistant City Solicitor of the City of Revere, at  
24 the City's expense, shall prepare the necessary documents to convey the aforementioned City of  
25 Revere real property described in Section 1 to the Commonwealth, acting by and through the  
26 commissioner of conservation and recreation.

27 Section 4. Pursuant to the express authority in Chapter 841 of the Acts of 1975, and in  
28 conjunction with the transit-oriented development at Revere Beach, as described in a draft and  
29 final environmental impact report approved by the secretary of energy and environmental affairs,  
30 the Commonwealth, acting by and through the commissioner of the division of capital asset  
31 management and maintenance in consultation with the commissioner of conservation and  
32 recreation, may convey to the City of Revere certain parcels known as the "north lot" and the  
33 "maintenance facility lot" subject to the provisions of Section 5 of this Act and in connection  
34 with said conveyance the division of capital asset management and maintenance is hereby  
35 authorized to take by eminent domain all or any portions of said parcels (including any former  
36 street locations adjacent thereto) to confirm the Commonwealth's title thereto. The north lot is  
37 currently used as a public parking area and the maintenance facility lot is currently used as a  
38 public parking area and for department of conservation and recreation maintenance activities.

39 Section 4A. Pursuant to authority in Chapter 841 of the Acts of 1975 and in furtherance  
40 of the intent of Chapter 877 of the Acts of 1977, the Commonwealth, acting by through the  
41 commissioner of the division of capital asset management and maintenance in consultation with  
42 the commissioner of conservation and recreation shall convey to the MBTA for nominal  
43 consideration that certain parcel of land located within the limits of Chester Avenue in Revere,  
44 Massachusetts, adjacent to Parcel "A" as described in Chapter 77 of the Acts of 1977 and shown  
45 as Parcel "X" on that certain plan entitled "Plan of Land, Wonderland Station, Ocean Avenue,  
46 Revere, Massachusetts," prepared by Nitsch Engineering and dated July 8, 2008.

47 Section 5. The parcels of land described in Section 4 of this Act may be conveyed by the  
48 Commonwealth, acting by and through the commissioner of the division of capital asset  
49 management and maintenance in consultation with the commissioner of conservation and  
50 recreation, to the City of Revere, subject to the following conditions. The City shall only transfer  
51 the maintenance facility lot, or portion thereof, to a redeveloper, as provided under Chapter 841  
52 of the Acts of 1975, upon completion and delivery of a replacement maintenance facility to the  
53 Commonwealth which is acceptable to the department of conservation and recreation. In  
54 conjunction with the conveyance of the maintenance facility lot to the City, the City shall grant a  
55 lease to the Commonwealth for nominal consideration for such portion of the maintenance  
56 facility lot as shall be necessary to allow the department of conservation and recreation's  
57 continued use of the maintenance facility located on the maintenance facility lot, which use shall  
58 terminate upon the transfer of a replacement maintenance facility to the department. In addition,

59 the City of Revere shall grant a lease to the Commonwealth for nominal consideration for such  
60 portion of the north lot as shall be necessary to accommodate the department of conservation and  
61 recreation's beach management and maintenance activities on a temporary basis during the  
62 construction of the pedestrian bridge described in Section 7 of this Act and the construction of  
63 the beach operations facility described in Section 8 of this Act, which use shall commence upon  
64 the commencement of construction of the beach operations facility as described in Section 8 of  
65 this Act and shall terminate upon the completion of construction of the beach operations facility  
66 and the transfer of a replacement maintenance facility to the department. Consideration to be  
67 paid by the City to the Commonwealth for the north lot and for the maintenance facility lot shall  
68 be the fair market value of the parcels, as determined by the agreement between the City of  
69 Revere and the department of conservation and recreation dated March 15, 2001, as amended  
70 and on file with the department. Upon the sale by the City of Revere of the north lot, the  
71 maintenance lot, or any portion of either lot, the city shall deposit the proceeds from such sale  
72 into an escrow account established by the commissioner of the division of capital asset  
73 management and maintenance, in consultation with the commissioner of conservation and  
74 recreation, and the city of Revere, and said deposited funds, together with any interest earned  
75 thereon, shall be used for the construction of a replacement maintenance facility for the  
76 department of conservation and recreation on the Revere beach reservation, provided, however,  
77 that the design and construction of the replacement maintenance facility shall be subject to the  
78 review and approval by the division of capital asset management and maintenance and the  
79 department of conservation and recreation; provided further that the disbursement of funds from  
80 the escrow account shall be subject to the approval of the division of capital asset management  
81 and maintenance and the department of conservation and recreation, on such terms and  
82 conditions as may be set forth in any agreement governing the escrow account; provided further  
83 that such escrow agreement shall, without limitation, provide that if the city of Revere does not  
84 complete the construction of the replacement maintenance facility by such date as may be  
85 specified in the escrow agreement, the division of capital asset management and maintenance, in  
86 consultation with the department of conservation and recreation, may use the funds in the escrow  
87 account for the design and construction of the replacement maintenance facility, provided that  
88 any funds paid into the escrow account from the sale of the north lot, the facility maintenance  
89 lot, or portions thereof which are not needed for the design and construction of the replacement  
90 maintenance facility shall be paid to the commonwealth in accordance with the escrow  
91 agreement, and contain such other provisions as the commissioner of the division of capital asset  
92 management and maintenance, in consultation with the department of conservation and  
93 recreation, deem appropriate.

94 Section 6. The commissioner of the division of capital asset management and  
95 maintenance, acting in consultation with the commissioner of conservation and recreation, shall  
96 prepare the necessary documents to convey the aforementioned real property described in  
97 Section 4 to the City of Revere. The City of Revere shall be responsible for all costs, including,

98 without limitation, recording fees, to effect the transactions contemplated by Sections 4 and 5 of  
99 this act.

100 Section 7. In conjunction with the transit-oriented development described in Section 4 of  
101 this Act, the City of Revere and/or the Massachusetts Bay Transportation Authority or their  
102 respective agents are hereby authorized to construct a pedestrian bridge over Ocean Avenue in  
103 the City of Revere and to place the footings of said bridge in the Revere Beach Reservation, a  
104 property owned by the Commonwealth and used for recreation and other public purposes. The  
105 pedestrian bridge shall be owned by the Commonwealth and maintained by the City of Revere or  
106 its' assignee and shall serve as a connection between the Revere Beach Reservation and nearby  
107 transit facilities.

108 Section 8. In conjunction with the transit-oriented development and the pedestrian bridge  
109 described in Section 7 of this Act, in accordance with a plan on file with the department of  
110 conservation and recreation, a beach operations facility may be constructed by the City of Revere  
111 or its designee pursuant to an open solicitation process on land owned by the Commonwealth  
112 within the Revere Beach Reservation.

113 Section 9. In recognition of the federal and municipal open, public procurement  
114 procedures that have been or will be applied to all aspects of the design and construction of the  
115 parking garage, the public plaza, the pedestrian bridge and the beach operations facility, the  
116 provisions of Massachusetts General Laws chapter 7, chapter, 30B and chapter 149, sections 44A  
117 through 44M, shall not apply to the design or construction of the public plaza or other public  
118 amenities that may be constructed in connection with the transit-oriented development described  
119 in Section 4 of this Act, the pedestrian bridge described in Section 7 of this Act and the beach  
120 operations facility described in Section 8 of this Act

121 Section 10. The following roadways within or proximate to the transit-oriented  
122 development and the Revere Beach Project area as defined by Chapter 841 of the Acts of 1975,  
123 and as more specifically described in a map on file with the City of Revere, are hereby  
124 designated by the Commonwealth as Scenic Byways: Revere Beach Parkway, Winthrop  
125 Parkway-Winthrop Shore Drive, Revere Beach Boulevard, Ocean Avenue, Chester Street,  
126 Chester Avenue, West Street, part of Revere Street, part of Beach Street and part of Shirley  
127 Avenue.

128 Section 11. This act shall take effect upon its passage.