

By Mr. Hogan of Everett, petition of William F. Hogan and Joseph C. DiCarlo that certain licenses for the purpose of maintaining existing solid fill and erecting and maintaining certain buildings in tidewaters of the Malden River adjoining tidal creeks in the city of Everett be irrevocable. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF MAINTAINING EXISTING SOLID FILL, PLACING AND MAINTAINING SOLID FILL AND THE ERECTING AND MAINTAINING OF CERTAIN BUILDINGS IN CERTAIN TIDEWATERS OF THE MALDEN RIVER AND ADJOINING TIDAL CREEKS IN THE CITY OF EVERETT BE IRREVOCABLE.

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. License numbered 177 granted by the Port of
2 Boston Authority to the City of Everett on April twentieth,
3 nineteen hundred and fifty-one to maintain existing fill and
4 to place and maintain solid fill in certain tidewaters of the
5 Malden river and adjoining tidal creeks in the city of Everett,
6 shall, notwithstanding any provision of law to the contrary,
7 be irrevocable; provided, however, that applicable provisions
8 of chapter ninety-one of the General Laws are or have been
9 complied with, and that if the commonwealth or any of its
10 political subdivisions shall take, within ten years after the
11 effective date of this act, any land which has the benefit of
12 said license, the damages recoverable by reason of such tak-
13 ing shall not exceed the cost of acquisition of such land by the
14 owner from whom the taking is made together with the cost
15 to such owner of any buildings or improvements thereon,
16 with interest at four per cent annually from the date any
17 such cost was incurred.

1 SECTION 2. License numbered 5461 granted by the depart-
2 ment of public works to Avco Corporation on November
3 sixth, nineteen hundred and sixty-eight, to maintain existing
4 solid fill, to place and maintain solid fill and to erect and
5 maintain buildings in filled areas in and over the tidewaters
6 of Malden river and adjoining tidal creeks in the city off
7 Everett, shall, notwithstanding any provision of law to the
8 contrary, be irrevocable; provided, however, that applicable
9 provisions of chapter ninety-one of the General Laws are or
10 have been complied with, and that if the commonwealth or
11 any of its political sub-divisions shall take, within ten years
12 after the effective date of this act, any land which has the
13 benefit of said license, the damages recoverable by reason of
14 such taking shall not exceed the cost of acquisition of such
15 land by the owner from whom the taking is made together
16 with the cost to such owner of any buildings or improvements
17 thereon, with interest at four per cent annually from the date
18 any such cost was incurred.

1 SECTION 3. All licenses or permits granted or hereafter
2 granted by the metropolitan district commission or other
3 authority having jurisdiction in the matter to Avco Corpora-
4 tion to maintain existing solid fill, to place and to maintain
5 solid fill, and to erect and maintain buildings in filled areas
6 the parcel of land situated in the city of Everett as herein-
7 after described and in tidewaters of the Malden River and
8 adjoining tidal creeks in the city of Everett, shall, notwith-
9 standing any provision of general or special law to the con-
10 trary, be irrevocable; said parcel of land being more partic-
11 ularly described as follows: a certain parcel of land in
12 Everett, Middlesex County, Massachusetts, on Santilli High-
13 way, Revere Beach Parkway and Malden River, containing
14 821,870 square feet, more or less, shown on a plan entitled
15 "Remainder of O'Riordan Estate, Santilli Highway, Everett,
16 Massachusetts," dated November 1966, Thomas DeLeo, City
17 Engineer, recorded in Middlesex South Registry of Deeds,
18 Book 11268, Page 251; provided, however, that applicable
19 provisions of chapter ninety-one of the General Laws and of
20 chapter six hundred and forty-seven of the acts of nineteen
21 hundred and fifty-seven are or have been complied with, and

22 that if the commonwealth or any of its political sub-divisions
23 shall take, within ten years after each such license or permit
24 is granted, any land which has the benefit of such license or
25 permit, the damages recoverable by reason of such taking shall
26 not exceed the cost of acquisition of such land by the owner
27 from whom the taking is made together with the cost to such
28 owner of any buildings or improvements thereon, with inter-
29 est at four per cent annually from the date any such cost was
30 incurred.

