

By Ms. Rourke of Lowell, petition of Susan F. Rourke for legislation to authorize the Division of Capital Planning and Operations to grant rights and easements over certain parcels of land in the city of Lowell to the United States of America. State Administration.

**The Commonwealth of Massachusetts**

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

AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT RIGHTS AND EASEMENTS OVER CERTAIN PARCELS OF LAND IN THE CITY OF LOWELL TO THE UNITED STATES OF AMERICA.

*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 Division of Capital Planning and Opera-  
2 tions is hereby authorized to grant permanent air rights and  
3 easements for Canalway and trolley system development purposes  
4 pursuant to the Lowell National Historical Park Act, 16 U.S.C.  
5 ss 410cc *et seq.*, to the United States over certain parcels of land  
6 in the City of Lowell which are presently under the care, custody  
7 and control of the Commissioner of the Department of  
8 Environmental Management. Said parcels are bounded and  
9 described as follows:

10 PARCEL I (Northern Canal Island)

11 Beginning at a point on the northeasterly line of School Street  
12 and on the northerly side of the Northern Canal; thence along  
13 the line of School Street

14 N46°-51'-34"W, a distance of about fifteen feet (15) to the face  
15 of a concrete wall at the Merrimack River; thence by the  
16 Merrimack River along said wall

17 NORTHEASTERLY, more or less, a distance of about twenty-  
18 four feet (24) to the shoreline of the Merrimack River; thence  
19 along said shore line

20 NORTHEASTERLY and EASTERLY, more or less, a  
21 distance of about one thousand two hundred and twenty-five feet  
22 (1,225) to a point on the northwesterly line of the Northern Canal  
23 Walkway; thence along the northwesterly line of said walkway  
24 SOUTHWESTERLY, more or less, a distance of about three  
25 hundred and twenty-one feet (321) to the westerly end of the  
26 walkway; thence by the westerly end of the walkway  
27 SOUTHERLY, more or less, a distance of seven and  $5/10$  feet  
28 (7.5) to a point on the back edge of the northerly granite wall of  
29 the Northern Canal; thence along said canal wall as follows:  
30  $S87^{\circ}-35'-13''W$ , a distance of thirty-eight and  $82/100$  feet  
31 (38.82) to an iron pin set,  
32 WESTERLY, more or less, a distance of about two hundred  
33 and one feet (201) to an iron pin set,  
34 SOUTHWESTERLY, more or less, a distance of about two  
35 hundred and thirty-eight feet (238) to an iron pin set, and  
36 SOUTHWESTERLY, more or less, a distance of about one  
37 hundred and ninety-nine feet (199) to a point at the base of some  
38 granite steps; thence by the base of said steps  
39 SOUTHEASTERLY, more or less, a distance of about two feet  
40 (2) to the water face of the northly granite wall of the Northern  
41 Canal; thence along said canal wall  
42  $S54^{\circ}-34'-18''W$ , a distance of ten and  $34/100$  feet (10.34) to a  
43 point, and  
44  $S42^{\circ}-34'-31''W$ , a distance of eighty-eight and  $02/100$  (88.02)  
45 to the point of beginning.  
46 Containing two and  $2/10$  acres (2.2), more or less.  
47 Being identified as Parcel 29-B in an Order of Taking dated  
48 December 1, 1986 and recorded at the Middlesex North District  
49 Registry of Deeds in Book 3830 on Page 70.  
50 The Lowell Historic Preservation Commission (LHPC) may  
51 have non-exclusive use of PARCEL I for public pedestrian access,  
52 public art, construction or repair and maintenance of improve-  
53 ments including, but not limited to, stairs and security gate at  
54 School Street, upper level walkway surface, board picket fence  
55 along upper level walkway, wood decking to provide handicapped  
56 access between island walkway and the Great River Wall, lower  
57 level walkway along canal edge, railing along canal wall, signage  
58 and landscaping. The LHPC may also use PARCEL I to provide

59 reasonable access by vehicles needed to install and maintain  
60 improvements on PARCEL II, described below.

61 PARCEL II (Tremont Yard)

62 Beginning at the point of the northerly street line of French  
63 Street Extension being the southeasterly corner of the herein  
64 described premises;

65 Thence running by land now or formerly of Courier-Citizen  
66 Company North 33 degrees 15 minutes 49 seconds East a distance  
67 of 22.89 feet to a point;

68 Thence running northwesterly by a curved line to the right  
69 having a radius of 676.06 feet a distance of 162.18 feet to a point;

70 Thence running northwesterly by a curved line to the right  
71 having a radius of 39.00 feet a distance of 63.96 feet to a point;

72 Thence running North 33 degrees 52 minutes 21 seconds East  
73 a distance of 60.46 feet to a point;

74 Thence turning and running North 56 degrees 07 minutes 39  
75 seconds West a distance of 24.77 feet to a point;

76 Thence turning and running South 33 degrees 52 minutes 21  
77 seconds West a distance of 60.46 feet to a point;

78 Thence running southerly by a curved line to the left having  
79 a radius of 63.77 feet a distance of 104.58 feet to a point;

80 Thence turning and running southeasterly by said northerly  
81 street line of French Street Extension by a curved line to the left  
82 having a radius of 720.00 feet a distance of 161.05 feet to the point  
83 of beginning.

84 Containing 7,338 square feet, which is 0.17 acre, more or less.

85 The above described land is shown as Parcel "A" on Sheet 1  
86 of a set of plans entitled "PLAN OF LAND IN LOWELL, MASS.  
87 LAND ACQUISITIONS FOR LOWELL TROLLEY EXTEN-  
88 SION" prepared by Bryant Associates, Inc., dated December 16,  
89 1985, and recorded at Middlesex North District Registry of Deeds  
90 in Plan Book 157, Plan No. 148.

91 Being and intending to be a portion of the land acquired by  
92 the Commonwealth of Massachusetts, Department of Environ-  
93 mental Management in a deed recorded in the Middlesex North  
94 District Registry of Deeds in Book 2251, on Page 234.

95 The LHPC may use PARCEL II to maintain and operate an  
96 electric transportation system, including but not limited to;  
97 railroad tracks, catenary poles and overhead wires, boarding

98 platform and other associated appurtenances such as fencing,  
99 lighting and signage, and pedestrian access to said boarding  
100 platform. The LHPC and its assigns shall have exclusive use of  
101 said trolley transportation system. The Commonwealth may grant  
102 to the LHPC a right of reasonable access by foot and vehicle over  
103 adjacent land of the Commonwealth, to facilitate maintenance of  
104 these improvements.

105 PARCEL III Proposed Trolley Bridge)

106 All that aerial easement for railroad and bridge purposes over  
107 and above a portion of Eastern Canal in the City of Lowell,  
108 County of Middlesex, and Commonwealth of Massachusetts,  
109 being shown as "PARCEL F" on a plan entitled "PLAN OF  
110 LAND IN LOWELL, MASS. ACQUISITIONS FOR LOWELL  
111 TROLLEY EXTENSION AND ACCESS" by Bryant Associates,  
112 Inc., dated April 17, 1989 and revised June 6, 1989, being recorded  
113 at the Middlesex Registry of Deeds in Plan Book 174 as Plan  
114 number No. 75, bounded and described as follows;

115 Beginning at a point on the northwesterly face of the  
116 southeasterly wall of said Eastern Canal, said point being 10,00  
117 feet North 32° 40' 38" East of the intersection of the northerly street  
118 line of East Merrimack Street with said northwesterly face of the  
119 southeasterly canal wall; thence running North 29° 33' 45" West  
120 64.72 feet across said Eastern Canal to the southeasterly face of  
121 the northwesterly wall of said canal; thence running the following  
122 three courses along said face of the northwesterly canal wall:

123 North 32° 58' 36" East, 69.13 feet,

124 South 82° 11' 55" East, 3.54 feet,

125 North 36° 13' 22" East, 1.65 feet, thence running South 29° 33' 45"  
126 East, 60.56 feet across said Eastern Canal to a point on said  
127 northwesterly face of said southeasterly wall of the canal; thence  
128 running South 32° 40' 38" West, 74.20 feet along said face of the  
129 canal wall to the Point of Beginning.

130 Containing 0.10 of an acre, more or less.

131 PARCEL III being a portion of the air rights acquired by the  
132 Commonwealth of Massachusetts by an Order of Taking dated  
133 December 1, 1986 and recorded at th Middlesex North District  
134 Registry of Deeds in Book 3830, Page 70.

135 The LHPC may use PARCEL III to provide continuous public  
136 pedestrian access along the canals and to extend and operate a

137 trolley transportation system, by installing a railroad bridge over  
138 the Eastern Canal. The LHPC may install and maintain  
139 improvements associated with said bridge including, but not  
140 limited to, railroad track, overhead wires, railings, signage and  
141 lighting. The LHPC shall have exclusive use of said trolley  
142 transportation system.

143 PARCEL IV (Cantilevered walkway along Northern Canal  
144 Waste Gatehouse)

145 All that aerial easement for the purpose of restoring a  
146 cantilevered walkway along the base of the Southerly wall of the  
147 Northern Canal Waste Gatehouse, bounded as follows:

148 Northerly by the southerly wall of said Gatehouse,  
149 Westerly by the southward extension of a line parallel to and  
150 six feet westerly of the westerly wall of said Gatehouse,  
151 Southerly by a line being parallel to and 10 feet from said  
152 southerly wall of said Gatehouse,  
153 Easterly by the southward extension of a line parallel to and  
154 six feet easterly of the easterly wall of said Gatehouse.

155 PARCEL IV being a portion of the air rights acquired by the  
156 Commonwealth of Massachusetts by an Order of Taking dated  
157 December 1, 1986 and recorded at said Middlesex Registry in  
158 Book 3830, Page 70.

159 The LHPC may use PARCEL IV to provide public pedestrian  
160 access by restoring a cantilevered walkway over Northern Canal.  
161 The LHPC may install or repair and maintain improvements  
162 including, but not limited to, support structure, decking, signage  
163 and railing.

164 PARCEL V (Northern Canal Walkway)

165 Beginning at a point on the southwesterly wall of the Northern  
166 Canal Waste Gatehouse, said point being one and 24/100 feet  
167 (1.24) distant from the southeasterly corner thereof; thence  
168 running along the southeasterly edge of the granite walkway along  
169 the Northern Canal as follows:

170 S 55°-59'-38"W, a distance of thirty-five and 35/100 feet (35.35)  
171 to a point,

172 S 54°-48'-52"W, a distance of four hundred ninety-one and  
173 45/100 feet (491.45) to a point,

174 S55°-30'-18"W, a distance of forty and 24/100 feet (40.24) to  
175 a point,

- 176 S58°-18'-36"W, a distance of thirty-six and 51/100 feet (36.51)  
177 to a point,  
178 S60°-52'-05"W, a distance of twenty-five and 18/100 feet (25.18)  
179 to a point,  
180 S63°-25'-15"W, a distance of eighteen and 43/100 feet (18.43)  
181 to a point,  
182 S64°-23'-07"W, a distance of thirteen and 70/100 feet (13.70)  
183 to a point,  
184 S66°-21'-58"W, a distance of thirty-one and 35/100 feet (31.35)  
185 to a point,  
186 S68°-30'-30"W, a distance of thirty-one and 77/100 feet (31.77)  
187 to a point,  
188 S72°-39'-30"W, a distance of thirty and 91/100 feet (30.91) to  
189 a point,  
190 S75°-12'-31"W, a distance of thirty-three and 70/100 (33.70) to  
191 a point,  
192 S78°-46'-51"W, a distance of thirty-nine and 43-100 (39.43) to  
193 a point,  
194 S82°-18'-38"W, a distance of thirty and 40/100 feet (30.0) to  
195 a point,  
196 S85°-23'-04"W, a distance of thirty-seven 57/100 feet (37.57)  
197 to a point,  
198 S87°-43'-27"W, a distance of twenty-six and 22/100 feet (26.22)  
199 to a point, and  
200 S88°-33'-07"W, a distance of two hundred fifty-eight and  
201 29/100 feet (258.29) to a point at the end of a granite wall of the  
202 Northern Canal; thence running by the westerly end of the  
203 walkway and along Parcel 29-B  
204 N01°-26'-54"W, a distance of nine and 5/10 feet (9.5) to a point  
205 on the northwesterly edge of the walkway; thence running along  
206 the edge of said walkway by Parcel 29-B and the Merrimack River  
207 EASTERLY and NORTHEASTERLY, more or less, a  
208 distance of about one thousand one hundred and seventy-seven  
209 feet (1,177) to a point on the southwesterly wall of the Northern  
210 Canal Waste Gatehouse, the last line described being the  
211 northwesterly edge of the walkway, said northerwesterly edge  
212 being nine and 5/10 feet (9.5) distant from and running parallel  
213 with the southeasterly edge of the walkway as hereinbefore

214 described; thence along the southwesterly wall of the Northern  
215 Canal Waste Gatehouse

216 S29°-58'-11"E, a distance of ten and 06/100 (10.06) to the point  
217 of beginning.

218 Containing eleven thousand and thirty-eight square feet  
219 (11,038) of land, more or less.

220 PARCEL V being identified as the "NORTHERN CANAL  
221 WALKWAY" in said Order of Taking.

222 The LHPC may use PARCEL V to provide public pedestrian  
223 access consistent with the operation of the Northern Canal  
224 Walkway as a Park, and to install or repair and maintain the  
225 following improvements to support public access:

226 a. Railings on both sides of the walkway;

227 b. Construct ramps at grade changes to allow for handicapped  
228 access;

229 c. Repair concrete walkway.

1 SECTION 2. Any improvements made on the above described  
2 parcels shall not interfere with the use, maintenance or operation  
3 by Boott Hydropower, Inc., their successors and assigns, for  
4 hydroelectric power production.

1 SECTION 3. In the event that the parcels herein conveyed  
2 cease to be used for the purpose for which they were intended,  
3 which is solely for public park purposes, all interests conveyed  
4 in these parcels shall revert to the Commonwealth of  
5 Massachusetts.

1 SECTION 4. This act shall take effect upon its passage.

