

By Mr. LeLacheur of Lowell, petition of Edward A. LeLacheur, John F. Cox, Steven C. Panagiotakos and Carol C. Cleven for legislation to authorize the Division of Capital Planning and Operations to grant easements over certain parcels of land located in the city of Lowell. State Administration.

The Commonwealth of Massachusetts

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

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

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 the provisions of sections
2 forty E to forty J, inclusive of chapter seven of the General Laws
3 or any other general or special law to the contrary, the
4 commissioner of the division of capital planning and operations
5 is hereby authorized and directed to grant easements and air
6 rights, by deed or deeds approved as to form by the attorney
7 general, without consideration, over certain parcels, including
8 park and environmental land located in the city of Lowell to the
9 Bio Development Corporation for construction of energy related,
10 steam transport pipes. Construction and development must be
11 consistant with the Lowell Preservation Plan, subject to the
12 requirements of sections two to four, inclusive, and such
13 additional terms and conditions as said commissioner may
14 prescribe in consultation with the department of environmental
15 management. Said parcels are described in the following
16 instruments: Order of Taking dated December 1, 1986 and
17 recorded in the Middlesex north district registry of deeds in
18 Book 3830, on Page 70; deed from Frank and Claire Barrett dated
19 May 27, 1977 and recorded in said registry in Book 2251,
20 Page 235; and deed from Paul and Lorraine Desmarais dated
21 October 7, 1977 and recorded in said registry in Book 2279 on

22 Page 435. Said commissioner may grant a right of reasonable
23 access by foot and vehicle over adjacent lands to facilitate
24 the installation and maintenance of improvements related to
25 said easements.

1 SECTION 2. Said easements shall not be inconsistent with the
2 commonwealth's use and operation of the canal system as a state
3 and national park. Any improvements made on the above
4 described parcels shall not interfere with the use, maintenance or
5 operation by Boott Hydropower, Inc., their successors and
6 assigns, for hydroelectric power production.

1 SECTION 3. The department of environmental management
2 shall not assume any costs for appraisals, surveys, and other
3 expenses deemed necessary by the commissioner of capital
4 planning and operations for the disposition of this property, or
5 for its development or maintenance.

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