

HOUSE No. 4545

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 3698). March 5, 2020.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport.

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 section 4 of chapter 121B and section 51 of chapter 155 of
2 the General Laws or any other general or special law to the contrary, the Newburyport
3 redevelopment authority, established on February 1, 1960 by vote of the city council of the city
4 of Newburyport pursuant to said section 4 of said chapter 121B, is hereby dissolved and shall not
5 be continued as a body corporate after the effective date of this act. No approval from the
6 department of housing and community development or any other state agency shall be necessary
7 to effect the same.

8 SECTION 2. Notwithstanding any general or special law to the contrary, the entirety,
9 without exception, of all monies, and personal and real property interests whatsoever held by the
10 Newburyport redevelopment authority are hereby transferred and conveyed to, and shall be
11 vested in, the city of Newburyport, with all lands whatsoever, including, without limitation
12 tidelands, whether flowed or filled, to be held permanently for the purposes of park and

13 conservation uses; provided, however, (i) public parking shall not be an excluded use; and (ii) all
14 existing public rights for fishing, fowling and navigation within said tidelands shall be preserved
15 in their entirety.

16 The city may execute and deliver a certificate in a form suitable for recording referencing
17 the passage of this act along with a copy of said act and the register of deeds for Essex county
18 shall accept the same for recording and make a marginal reference thereto upon the record of all
19 applicable deeds for real property heretofore owned by the Newburyport redevelopment
20 authority, as provided in summary format by the city of Newburyport. The land court shall also
21 accept said certificate and a copy of this act for the purposes of issuing a certificate of title to the
22 city of Newburyport for any registered land heretofore owned by the Newburyport
23 redevelopment authority.

24 SECTION 3. The city of Newburyport shall, for all purposes, be the successor of interest
25 to the Newburyport redevelopment authority under the stipulation in land court case number
26 39539, dated March 31, 1980, and recorded in Essex South district registry of deeds at book
27 6695, page 428, including, without limitation, as to all outstanding obligations thereunder.

28 SECTION 4. The city of Newburyport shall reserve any monies transferred to the city
29 pursuant to section 2, in addition to no less than 100 per cent of any ongoing meter revenues
30 generated from parking on the land solely for the purposes of design, construction, maintenance,
31 or operation of an extended waterfront park and related infrastructure on: (1) the lands described
32 in section 2; provided, that the lands shall be protected under article 97 of the Constitution, and
33 (2) adjacent property as deemed necessary by the city of Newburyport for the purposes of
34 integrating the waterfront park expansion with adjacent public parks, ways and infrastructure.

35 Such funds shall be placed into a separate, designated receipts reserved for appropriation fund
36 for these purposes as improvements to the public realm.

37 SECTION 5. If any provision of this act conflicts with any provisions of any general or
38 special law, state agency regulations or guidelines, the provisions of this act shall govern.

39 If after the effective date of this act, the city of Newburyport determines that a new
40 redevelopment authority shall be necessary in the city for any reason, it may vote to organize a
41 new redevelopment authority in accordance with section 4 of chapter 121B of the General Laws.

42 SECTION 6. All members of the Newburyport redevelopment authority immediately
43 prior to the effective date of this act shall immediately transfer all files, legal and financial
44 records or other materials belonging to the Newburyport redevelopment authority to the city of
45 Newburyport, acting through its office of planning and development. Such files, records and
46 materials shall include any such items held by consultants or legal counsel to the Newburyport
47 redevelopment authority, without reservation.

48 SECTION 7. The city of Newburyport shall design, fund, and construct an extended a
49 waterfront park. On a best-efforts basis, the design shall be consistent with the principles and
50 references documented in the ad hoc central waterfront committee's proposed amendment, dated
51 May 30, 2017 agreed upon by the Newburyport city council in May, 2017, which is on file with
52 the city clerk.

53 SECTION 8. This act shall take effect upon its passage.