

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the Charlestown Navy Yard

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5116 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE CHARLESTOWN NAVY YARD.

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. For the purposes of enabling the United States of America to extend the present limits of the
2 Charlestown Navy Yard within the Boston National Historical Park and to administer and manage the areas hereby
3 ceded as a part of the said national historical park, an exemption from the harbor line established by chapter 64 of
4 the Acts of 1899, chapter 490 of the Acts of 1938, and chapter 475 of the Acts of 1948 is hereby authorized so that
5 nothing in sections 14 and 34 of chapter 91 of the General Laws or any other general or special law to the contrary
6 would restrict the placement of a structure beyond the current harbor line but restricted within the area described as
7 follows:

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9 Beginning at a point with a NAD 1927 coordinate of N500128.25, E720497.13 on the existing State Harbor
10 Line (1948 Pier & Bulkhead Line) that is S 77°07'27"W, a distance of 156.64 feet along the existing State
11 Harbor Line from a point located at NAD 1927 coordinate N500163.15, E720344.43;

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13 The boundary of the State Harbor Line Exemption Area shall turn and run S 79°12'22"W, a distance of
14 449.63 feet to NAD 1927 coordinate N500044.04, E720055.46;

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16 Thence said boundary of the State Harbor Line Exemption Area shall turn and run N57°39'39"W, a
17 distance of 33.92 feet to a point on the existing State Harbor Line which is S 65°32'54"W, a distance of
18 165.40 feet from a point located at NAD 1927 coordinate N500130.65, E720177.36.

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The above described State Harbor Line Exemption Area is shown on a plan titled "Proposed State Harbor Line Exemption Area & Boundary Line, Charlestown Navy Yard, Boston National Historical Park, Boston, Massachusetts" numbered 457/62,360, dated 1/23/08, prepared for the United States Department of the Interior, National Park Service, Denver Service Center by Nitsch Engineering, Inc.

SECTION 2. The lands lying between the prior wharf or harbor line as described in the said cessions of land referred to in Section 1 hereof between the Commonwealth and the United States of America for the United States Navy Yard, and the line now established under Section 1 of this Act, shall be referred to as "the newly ceded lands and waters" and are described as follows:

A certain parcel of land located along the southerly boundary of the Boston National Historical Park south of Chelsea Street in Boston (Charlestown District), Massachusetts, bounded and described as follows:

Beginning at a point on the Pier and Bulkhead Line of 1948, said point being the southwest property corner of the United States Department of the Interior;

Thence running N 65°32'54"E, a distance of 165.40 feet along said Pier and Bulkhead Line of 1948;

Thence turning and running N 78°59'28"E, a distance of 170.20 feet along said Pier and Bulkhead Line of 1948;

Thence turning and running S 77°07'27"E, a distance of 156.64 feet along said Pier and Bulkhead Line of 1948;

Thence turning and running S 79°12'22"W, a distance of 449.63 feet along the boundary of the State Harbor Line Exemption Area;

Thence turning and running N 57°39'39"W, a distance of 33.92 feet along said boundary of the State Harbor Line Exemption Area to the point of beginning.

Said Parcel contains an area of 21,738 square feet and is shown as "Proposed State Harbor Line Exemption Area" on a plan titled "Proposed State Harbor Line Exemption Area & Boundary Line, Charlestown Navy Yard, Boston National Historical Park, Boston, Massachusetts" numbered 457/62,360, dated 1/23/08,

54 prepared for the United States Department of the Interior, National Park Service, Denver Service Center by
55 Nitsch Engineering, Inc.

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58 SECTION 3. For the purposes of administering and managing the Charlestown Navy Yard within the Boston
59 National Historical Park, the newly ceded lands and waters are hereby ceded to the United States of America
60 including jurisdiction over and all right and claim of the Commonwealth to those portions of land covered by
61 navigable waters, subject to the following conditions: (A) a copy of the plan of the harbor line exemption area and a
62 copy of the document whereby the Secretary of the Army shall have approved the revised park property line where it
63 diverges from the 1948 Pier and Bulkhead Line as a revised pierhead and bulkhead line shall be filed with the office
64 of the state secretary; (B) said jurisdiction is vested and ceded upon the express condition that the Commonwealth
65 shall retain concurrent jurisdiction with the United States of America in and over said newly ceded lands and waters,
66 so far that all civil and criminal processes as may be issued by the authority of the Commonwealth may be executed
67 on said newly ceded lands and waters and in or on any structure erected thereon, in the same way and manner as
68 though this cession had not been made; (C) provided further that title to and jurisdiction over said newly ceded land
69 shall revert to and revest in the Commonwealth whenever said land ceases to be used by the United States of
70 America as a unit of the National Park System; and (D) that concurrent jurisdiction shall be vested upon acceptance
71 by the United States of America when the Director of the National Park Service files a notice of such acceptance
72 with the governor and the state secretary.

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74 SECTION 4. Notwithstanding sections 14 and 34 of chapter 91 the United States of America is hereby
75 authorized to construct, maintain, and repair pile supported and floating public structures including related utilities,
76 in or over said newly ceded lands and waters in accordance with plans to be filed with and approved in accordance
77 with all other substantive and procedural requirements of chapter 91 of the General Laws and its regulations other
78 than the exemption permitted in this Act from the harbor line requirements of sections 14 and 34 of said chapter 91.