

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Approving the Filing of Special Legislation which authorizes the use of certain parcels of land as described more particularly below, which currently contain public fields, athletic facilities, and facilities pertaining thereto, for the purposes of constructing a new high school and for other school-related, and incidental, purposes thereto.

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The City of Lowell owns parcels of land at 512 Clark Road and 512.1 Clark Road, collectively described more particularly in deeds filed with the Registry of Deeds for Middlesex County North at Book 776 Page 282, Book 1661 Page 343, and Book 28537 Page 242, and comprising approximately 18.65 acres located to the north and west of the intersection of Clark Road and Village Street, including an easterly portion that borders Clark Road and is within the boundaries of Tewksbury (hereinafter, the “Clark Road Fields”); and

The Clark Road Fields are presently athletic fields and public space; and

The City of Lowell is desirous of potentially erecting a public high school on portions of the Clark Road Fields; and

The City of Lowell owns parcels of land at 438 Douglas Road, 424 Douglas Road and 392 Douglas Road, respectively described more particularly in deeds filed with the Registry of Deeds for Middlesex County North at Book 943 Page 425 (also Book 7471 Page 347), Book 859 Page 20 (also Book 8268 Page 9), and Book 995 Page 395 (also Book 2091 Page 98), each located to the east of Douglas Road; and

The entirety of parcel 438 Douglas Road, and portions of 424 Douglas Road and 392 Douglas Road, collectively comprising approximately 3.7 acres (not including Cawley Stadium), is presently used as a parking lot for Cawley Stadium, which area is hereinafter referred to as the “Stadium Parking Land”; and

As part of the potential school project, the use of the Stadium Parking Land would be altered to serve as playing fields in connection with the proposed school, but the Cawley Stadium itself would not be altered; and

The City received state funds in part to improve Cawley Stadium and a part of the Clark Road Fields, and a part of the Clark Road Fields was conveyed to the City by the Lowell High School Alumni Association for recreational purposes, and as a result of these events the City will undertake procedures in accordance with Article 97 of the Massachusetts Constitution and other applicable statutes and regulations, if any, concerning the potential erection of a high school at the Clark Road Fields; and

There shall be no net loss of municipal recreational use as a result of this designation because if a public school is erected at the Clark Road Fields the recreational uses currently provided by the Clark Road Fields and the Stadium Parking Land will be replicated in full by the designation and, if necessary, the improvement of 22.35 or more acres of land owned by the City of Lowell, and currently held for other municipal, non-Article 97 purposes, for recreational uses equivalent with the current recreational use of lands as described above; and

The authority of the General Court is required for the construction of a school building and for school-related uses at said site under the provisions of Article 97 of the Massachusetts Constitution and other applicable statutes, if any; and

The City of Lowell is desirous of petitioning the General Court for the passage of legislation authorizing the City of Lowell to use the Clark Road Fields and the Stadium Parking Land for the construction of a public school and school-related uses; and

The Lowell City Council hereby delegates to the City Manager any and all authority over City properties either included in this vote or otherwise in order to advance the purposes of this vote, including but not limited to provision to the General Court and state agencies, if required, all necessary plans required for the replication in full of the acreage and functional use of the Clark Road Fields and the Stadium Parking Land; and

A two-thirds vote of the Lowell City Council is required for the filing of such a petition for special legislation.

NOW THEREFORE, BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Council of the City of Lowell, by a two-thirds vote, hereby authorizes and approves the filing of special legislation to read as follows:

**An Act authorizing the City of Lowell to use land at 512 Clark Road and 512.1 Clark Road, which includes land extending into Tewksbury and is currently athletic fields and public space, and land at 438 Douglas Road and portions of 424 Douglas Road and 492 Douglas Road, which is currently a parking lot for Cawley Stadium, for the construction of a new public high school and school related purposes thereto;**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The City of Lowell is hereby authorized to use approximately 18.65 acres of City-owned land at 512 Clark Road and 512.1 Clark Road, Lowell collectively described more particularly in deeds filed with the Registry of Deeds for Middlesex County North at Book 776 Page 282, Book 1661 Page 343, and Book 28537 Page 242, which includes land extending into Tewksbury and which is currently athletic fields and public space (hereinafter “Clark Road Fields”), for the construction of a new public high school and school related purposes thereto; and

Section 2. The City of Lowell is hereby authorized to use approximately 3.7 acres of City-owned land at 438 Douglas Road, 424 Douglas Road and 392 Douglas Road, Lowell, respectively described more particularly in deeds filed with the Registry of Deeds for Middlesex County North at Book 943 Page 425 (also Book 7471 Page 347), Book 859 Page 20 (also Book 8268 Page 9), and Book 995 Page 395 (also Book 2091 Page 98), which land shall include the entirety of parcel 438 Douglas Road and portions of 424 Douglas Road and 392 Douglas Road for a total of approximately 3.7 acres and which land is currently a parking lot for the Cawley Stadium in Lowell (hereinafter “Stadium Parking Land,”) for the construction of new playing fields in connection with the proposed school; and

Section 3. There shall be no net loss of municipal recreational use as a result of this disposition because if a public school is constructed at the Clark Road Fields the recreational uses provided by the Clark Road Fields and the Douglas Road Land will be replicated in full by the designation and, if necessary, the improvement of 22.35 or more acres of land owned by the City of Lowell, and currently held for other municipal, non-Article 97 purposes, for recreational uses equivalent with the current recreational use of the property described in sections 1 and 2 above; and

Section 4. In submitting this legislation, the City of Lowell authorizes the City Manager to create and provide to the General Court and state agencies any and all additional information that may be necessary for passage; and

Section 5. In submitting this legislation, the City of Lowell authorizes the General Court to make such changes in the drafting process as are necessary for passage; and

Section 6. This act shall take effect upon its passage during the current year.