

***Ad Hoc* CENTRAL WATERFRONT COMM. – PROPOSED AMENDMENT, MAY 30, 2017**

The *Ad Hoc* Central Waterfront Committee was charged to develop policies and objectives regarding a long-term vision for the Central Waterfront, including number of parking spaces, land ownership, and operational and maintenance responsibilities, subject to full Council approval. The Committee recommends that the City Council endorse the following terms of a final settlement.

Executive Summary of Proposed Settlement:

- NRA grants all parcels to Waterfront Trust for public park and waterside uses, *except* Firehouse Patio (City leases to Firehouse Ctr.) and Custom Hse. land (City leases to Custom Hse.)
- City takes exclusive easement to operate public parking at West & East Parking Lots
- Submerged lands equitably split between City and Waterfront Trust
- Construction of expanded park contingent upon raising capital funds

1. Master Plan reconciling Sidford-Uhlig Plan + COW Plan + Andy Port Plan

- a. Expanded **Market Landing Park**, including widened shoreline berm
- b. Reconfigured and smaller **West Parking Lot** and **East Parking Lot**
- c. Dimensions and locations of “**Ways**” settled for all time, with all ways perpendicular to shore, and non-vehicular **Central Wharf Way** aligned with Unicorn Street
- d. **Clipper City Rail Trail** passes through as a “loop”
- e. **Firehouse Center** lease with City adds patio as facility of public accommodation
- f. **Custom House** lease with (now) City adds land back to bulkhead, subject to current public uses
- g. **Harbor Master** operates all water-dependent uses (docks), as today

2. Waterfront Trust reorganizes, such that:

- a. Board of Trustees increases to seven (7). Mayor appoints four (4) and City Council appoints three (3). First two appointed by Council = 1 NRA member + 1 Settlor.
- b. One trustee serves ex-officio on Harbor Commission, and one Harbor Commissioner (or Harbor Master) serves as ex-officio on Waterfront Trust.
- c. No further role for 1980 litigants (Settlers) or the NRA
- d. Primary mission = stewardship of “public park and waterside uses”
- e. Acts as City commission: open meeting, conflicts of interest, & public records laws
- f. Can grant easements solely to government agencies for public purposes, at below market
- g. Duty to charge reasonable usage fees for public park and waterside uses
- h. Audit and enforcement rights by City Council and citizens
- i. Amendments require 2/3 Trustees + 2/3 City Council + Attorney General

3. Diverse, direct revenue streams to an autonomous Waterfront Trust

- a. Existing Income to continue:

Riverside Park parking revenues
Embayment + Upriver ≈250 linear ft. dockage fees
Park usage fees, etc
Donations, etc

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- b. New income from West & East Park Lots that increase with Park size/costs:

Park Size	West & East Pkg. Lot Revenues		City Cash Payment
4 acres (current)	10% Trust / 90% City	+	\$0
4.5 acres	30% Trust / 70% City		\$12,500
5 acres	50% Trust / 50% City		\$25,000
5.5 acres	70% Trust / 30% City		\$37,500
6+ acres (built out)	90% Trust / 10% City		\$50,000

Parking Revenue shares are fixed; require mutual City/Trust agreement to change

- c. New income from any docks extended outward from Embayment/Upriver ≈250 linear feet, shared with City in equal proportion to City's share of capital/grant investment.
- d. New income from ≈\$350,000 endowment fund created from WT and NRA reserves (Principal cannot be spent)
- e. City not obliged to help fund construction, maintenance, or replacement of any WT property excepting the Bulkhead

4. NRA grants 100% of its land, with no "deadline" for agency dissolution

- a. WT accepts NRA land, and confirmation of the following rights:
- Bulkhead, but City gets right to access for public waterside uses
 - Riverside Pk./Somerby Way, including all rights to public parking use
 - West Parking Lot, but City gets exclusive easement for public parking use
 - East Parking Lot, but City gets exclusive easement for public parking use
 - Scrap of land east of Railroad Avenue
 - Non-exclusive easement for telecommunications at Firehouse Center
 - Embayment, including all rights to use and revenue (no change)
 - Submerged lands upriver of Embayment (≈250 linear ft.), including use and revenue
- b. City accepts two parcels for non-profit tenants, and confirmation of the following rights:
- Firehouse Center patio, but restricted to use by City's non-profit Firehouse tenant
 - Submerged lands downriver of Embayment, including use and revenues
 - Land behind Custom House to Bulkhead, but restricted to use by City's non-profit Custom House tenant, subject to existing public uses, under a new 99-year lease
 - Non-exclusive easement for Clipper City Rail Trail (Mass. rights, too)
 - Non-exclusive easement for underground utilities
 - Non-exclusive easement for operations and maintenance
 - Vehicular public way through Riverside Park (Mass. rights, too.)
 - Exclusive easement for public parking use at West & East Pkg. Lots (resident privs.)
 - Non-exclusive easement to provide public safety services
- c. Accurate surveys and subdivision maps to be recorded

5. Parties agree to cooperate reasonably regarding planned public park expansion

- a. NRA to resolve Activities Use Limitation (AUL) with US EPA
- b. City to assist in identifying grants to fund construction of capital improvements
- c. Waterfront Trust obliged to build capital improvements only once funding in place