

HOUSE No. 3863

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

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 adoption of the accompanying bill:

An Act authorizing the lease of air rights over a portion of a municipal off-street parking area - rear of the property located at 280-290 Harvard Street.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/13/2014</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/13/2014</i>

HOUSE No. 3863

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 3863) of Frank I. Smizik and Cynthia S. Creem (by vote of the town) that the town of Brookline be authorized to issue a lease of air rights over a certain portion of town owned land. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the lease of air rights over a portion of a municipal off-street parking area - rear of the property located at 280-290 Harvard Street.

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 any general or special law to the contrary, the town of
2 Brookline is hereby authorized to lease any part or portion of the air rights over its municipal off-
3 street parking area located on the Northeasterly side of Centre Street and to the rear of the
4 property located at 280-290 Harvard Street in Brookline, the property generally known and
5 referred to and shown as Parcel 09 in Block 082 on Sheet 16 of the Town’s 2013 Assessors Atlas
6 and more particularly depicted and described on a “Site Plan of Coolidge Corner Theater in
7 Brookline, Massachusetts”, dated February 20, 2013 by Neponset Valley Survey Assoc., Inc.,
8 now or hereafter owned by it, for a period not to exceed 99 years, to Hamilton Charitable
9 Corporation, a corporation duly organized and existing under the laws of the Commonwealth of
10 Massachusetts and having a usual place of business of 39 Brighton Avenue, Allston,
11 Massachusetts 02134 or its designee, upon such terms and conditions as the board of selectmen
12 shall determine to be in the best interests of the town. The air rights to be leased over said
13 property contains approximately 950 square feet as shown on said plan and is bounded and
14 described as follows:

15 Beginning at a point on the southerly property line of the Coolidge Corner Theatre, said
16 point being 37.10’ feet northwesterly from the southerly property corner of said theatre, thence
17 running:

18 Southwesterly by land now or formerly of the Town of Brookline, 10.00’; thence running
19 northwesterly by land now or formerly of the Town of Brookline 95.00’; thence running

20 northeasterly by land now of the Town of Brookline; 10.00'; thence running along the southerly
21 property line 95.00 to the point of beginning.

22 Said air rights easement contains an area of 950 square feet more or less.

23 Said air rights easement is as shown on a plan entitled "Easement Plan at Coolidge
24 Corner Theatre" as prepared by Neponset Valley Survey associates, Inc. and dated February 20,
25 2013.

26 SECTION 2. This act shall take effect upon its passage.