

HOUSE No. 4120

Substituted, on motion of Mr. Smizik of Brookline, for a bill with the same title (House, No. 3863). May 27, 2014.

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 may lease any part or portion of the air rights over a certain parcel, currently or
3 hereafter owned by the town, to Hamilton Charitable Corporation, duly organized under the laws
4 of the commonwealth with its usual place of business being 39 Brighton avenue in the city of
5 Boston, or its designee, so that the Coolidge Corner Theatre Foundation may expand its
6 operations as a community movie house within property owned by Hamilton Charitable
7 Corporation located at 280-290 Harvard street in the town of Brookline. The board of selectmen
8 shall determine the terms and conditions of the lease in the best interests of the town; provided,
9 however, that the period of the lease shall not exceed 99 years. The parcel, which is used as an
10 off-street parking area and located on the northeasterly side of Centre street to the rear of the
11 property located at 280-290 Harvard street in the town of Brookline, is generally known, referred
12 to and shown as Parcel 14 in Block 082 on Sheet 16 of the town's 2013 Assessors Atlas and
13 depicted, in part, on a "Site Plan of Coolidge Corner Theater in Brookline, Mass.", dated
14 February 20, 2013 by Neponset Valley Survey Assoc., Inc. The air rights to be leased over the
15 parcel contains approximately 950 square feet as shown on said plan as "proposed air easement"
16 and is bounded and described as follows:

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

20 Southwesterly by land now or formerly of the town of Brookline, 10.00'; thence running
21 northwesterly by land now or formerly of the town of Brookline 95.00'; thence running

22 northeasterly by land now of the town of Brookline 10.00'; thence running along the southerly
23 property line 95.00 to the point of beginning.

24 Said air rights are above an area that is 950 square feet more or less.

25 Said air rights are as shown on a plan entitled "Site Plan at Coolige Corner Theatre in
26 Brookline, Mass." as prepared by Neponset Valley Survey associates, Inc. and dated February
27 20, 2013.

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