

HOUSE No. 4332

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

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TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

July 17, 2014

To the Honorable Senate and House of Representatives,

I am filing for your consideration the attached legislation entitled “An Act Authorizing the Town of Milton to Acquire Certain Land and to Convey Certain Land”

Senator Brian Joyce, and the Town of Milton Board of Selectmen (Town) have requested that I file this legislation on behalf of the Town. The purpose of this legislation is to allow the Town to acquire from CSX Transportation, Inc. (CSX) approximately 1,220 square feet of land known as the Hendries Building located between land owned by the Town and land owned by Carrick Realty Trust (Carrick Property) and transfer that land to Carrick Realty and Trust contingent upon the property being used for mixed commercial and residential development pursuant to a special permit issued by the Town.

In 2003, the Town acquired its property on this site to be in a position to influence the redevelopment and re-use of the Hendries Building. The redevelopment and re-use of the Hendries Building is a critical component of the revitalization of the Central Avenue/Milton Business District. In addition to new businesses, and a mixed use condominium development, Massworks has also provided grants as part of the effort to improve the streetscape of this area.

In 2008 and 2013 the sole bidder, Carrick Realty Trust, attempted to purchase the land, but, due to failed negotiations and the lack of a special permit to be issued by the Town, Carrick was unable to do so. The Town anticipates that if they were to seek proposals for purchase of the Hendries Building for a third time, there will likely be no proposers other than Carrick.

The Hendries Building has been condemned and presents a public safety hazard. A transfer of the property to Carrick would save the Town the \$250,000 cost of demolishing the Hendries building. Development of the Carrick Property, the CSX Property and the property currently owned by the Town as a mixed use project is a key component to achieving the revitalization of this business district.

I urge your early and favorable consideration of this bill.

Respectfully submitted

Deval L. Patrick,
Governor

HOUSE No. 4332

Message from His Excellency the Governor recommending legislation relative to authorizing the town of Milton to acquire certain property and to convey certain property.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the town of Milton to acquire certain property and to convey certain property.

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 the provisions of Section 16 of Chapter 30B of the
2 General Laws, or any other general or special law to the contrary, the Town of Milton is hereby
3 authorized to acquire from CSX Transportation, Inc., or the then current owner, a certain parcel
4 of land containing approximately one thousand two hundred twenty (1,220) square feet with a
5 building, which property is located at Central Avenue and Eliot Streets, Milton, Massachusetts,
6 between property owned by the Town of Milton and property owned by Carrick Realty Trust.

7 SECTION 2: The Milton Board of Selectmen shall be authorized to acquire said property
8 for a fair value as determined by said Board of Selectmen.

9 SECTION 3: Notwithstanding the provisions of Section 16 of Chapter 30B of the
10 General Laws, or any other general law or special law to the contrary, the Town of Milton is
11 hereby authorized to convey to Carrick Realty Trust, or its successor in interest, owner of the
12 property identified as 131 Eliot Street, Milton, Massachusetts, and shown on Town of Milton
13 Assessors Maps as Section E, Block 24, Lots 45 and 46, on such terms as the Board of
14 Selectmen deem appropriate:

15 a.) the parcel described in Section 1 above; and

16 b.) a property owned by the Town of Milton, identified as 0 Central Avenue,
17 containing approximately 7,045 square feet, and shown on the Town of Milton Assessors Maps
18 as Section E, Block 24, Lot 47.

19 SECTION 4: The Milton Board of Selectmen shall be authorized to convey said property
20 described in Section 3, above, for a fair value as determined by said Board of Selectmen. If the

21 Milton Board of Selectmen decides to dispose of the property described in Section 3, above, at a
22 price less than the value as determined through procedures customarily accepted by the
23 appraising professions as valid, the governmental body shall publish notice of its decision in the
24 central register, explaining the reasons for its decision and disclosing the difference between
25 such value and the price to be received. The Milton Board of Selectmen may accept an
26 appraisal of the property conducted, accepted and agreed to before the effective date of this act.

27 SECTION 5: The authorizations contained in Sections 3 and 4 shall be contingent upon
28 the property being used for mixed commercial and residential development pursuant to a special
29 permit issued by the Milton Planning Board pursuant to subsection J of Section III of the Milton
30 Zoning By-Laws.

31 SECTION 6: This Act shall take effect upon its passage.