

SENATE No. 3033

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 grant of easements in or takings of certain parcels of land to the city of Boston.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

Norfolk and Suffolk

SENATE No. 3033

By Mr. Rush, a petition (accompanied by bill, Senate, No. 3033) of Michael F. Rush (with the approval of the mayor and city council) for legislation to authorize the grant of easements in or taking of certain parcels of land to the city of Boston. Municipalities and Regional Government. [Local approval received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing the grant of easements in or takings of certain parcels of land to the city of Boston.

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. The City of Boston, acting by and through its Parks and Recreation
2 Commission may grant a highway easement to the City of Boston Department of Public Works
3 for roadway purposes or permit the City of Boston Department of Public Works, acting by and
4 through its Public Improvements Commission, the granting to or taking of a highway easement
5 for roadway purposes, over a portion of that certain parcel designated as City of Boston
6 Assessors' Parcel No. 0401966000, which is known commonly as Joslin Park (and which is
7 bounded by Brookline Avenue, Joslin Place, Pilgrim Road and Deaconess Road), such portion
8 measuring approximately 3,654 square feet, and which area is depicted as the "Highway
9 Easement Area" on the certain plan of land entitled "1 Joslin Place, Brookline Avenue, Boston,
10 Massachusetts Article 97 Change in Use Exhibit C-1", dated October 24, 2025, and prepared by
11 VHB, Inc., which Plan is on file with the City of Boston Parks and Recreation Commission

12 (hereinafter "Exhibit C-1"), to facilitate the construction of a new cancer hospital and associated
13 site work and public benefits (including improvements to the adjacent Joslin Park), and, in
14 connection therewith, authorize the temporary use of Joslin Park in connection with the
15 construction of the roadway improvements contemplated by the granted highway easement, the
16 construction of the reconfigured Joslin Park, and the construction of the new cancer hospital and
17 related improvements on the abutting property at One Joslin Place, all of which is to be
18 constructed by the owner of One Joslin Place and its air rights leasehold tenant.

19 SECTION 2. As a condition of and consideration for said transfer or taking, and to ensure
20 no net loss of land subject to Article 97 of the Amendments to the Constitution of the
21 Commonwealth, the City intends to (a) acting by and through its Public Improvements
22 Commission, abandon its easement rights in and to that portion of Deaconess Road, a City of
23 Boston public street, measuring approximately 1,516 square feet, which parcel of land is
24 designated as "City Area to Park Area = 1,516 SF" on said Plan, (b) on behalf of its Public
25 Improvements Commission, abandon its easement rights in and to that portion of Joslin Place, a
26 City of Boston public street, measuring approximately 2,378 square feet, which parcel of land is
27 designated as "City Area to Park Area = 2,378 SF" on said Plan, (c) on behalf of its Public
28 Improvements Commission abandon its easement rights in and to two (2) portions of Joslin
29 Place, City of Boston public street, measuring approximately 189 square feet in the aggregate,
30 which parcels of land are designated as "Joslin Place Area to Park Area (Typ) - From Owner of
31 Joslin Place" on said Plan, (d) on behalf of its Public Improvements Commission, abandon its
32 easement rights in and to that portion of Joslin Place, a City of Boston public street, measuring
33 approximately 920 square feet, which parcel of land is designated as "Shared Path Subject to
34 Pedestrian and Maintenance Long-Term License or Other Legally Enforceable Means Area 920

35 SF" on said Plan, and (e) following the City's abandonment of the aforementioned portions of
36 Joslin Place, accept a deed from Joslin Diabetes Center, Inc., or the then owner of that certain
37 parcel designated as City of Boston Assessors' Parcel No. 0401988001, which is known
38 commonly as 415-435 Brookline Avenue, of those certain portions of the former Joslin Place,
39 comprised of the areas referenced in clause (c) and the portion of the area in clause (d) owned by
40 the owner of such parcel, and which conveyance shall (i) be to a depth of no less than 12 inches
41 below the designed finished surface grade, including those changes contemplated in the "Article
42 97 Change in Use Plan," prepared by VHB, Inc., dated October 24, 2025; and (ii) subject to
43 customary license approval by the Parks Department, shall provide that the owner of the 415-435
44 Brookline Avenue shall have the right, directly or through third party utility providers, to
45 maintain, repair, replace, and reasonably relocate utilities, in the subsurface areas retained by
46 such owner and such owner shall have the right, directly or through third party utility providers,
47 to disturb the surface of the park land to maintain, repair and replace such utilities, from time to
48 time, provided that the owner, and provided that the owner, or such third party utility provider,
49 restore the surface above the utilities, including all paths, plantings and other park infrastructure
50 disturbed by the installation; all of which land conveyed pursuant to clauses (a), (b), (c) and (d)
51 shall be held by the City of Boston under the care, custody, and control of the Parks and
52 Recreation Commission, for public park and recreational purposes subject to said Article 97.

53 SECTION 3. No document or instrument conveying or taking a highway easement in the
54 approximately 3,654 square feet authorized in Section 1 shall be valid unless and until (i) the
55 City of Boston Public Improvements Commission delivers an instrument abandoning the
56 easement rights in and to the "City Area to Park Area = 1,516 SF", consisting of approximately
57 1,516 square feet, the "City Area to Park Area = 2,378 SF", consisting of approximately 2,378

58 square feet, and the "Shared Path Subject to Pedestrian and Maintenance Long-Term License or
59 Other Legally Enforceable Means Area 920 SF", consisting of approximately 920 square feet;
60 and (ii) Joslin Diabetes Center, Inc., or the then owner of that certain parcel designated as City of
61 Boston Assessors' Parcel No. 0401988001, which is known commonly as 415-435 Brookline
62 Avenue, has delivered a deed to the City conveying the two (2) areas depicted on the Plan as
63 "Joslin Place Area to Park Area (Typ) - from Joslin Place Owner", consisting of 189 square feet
64 in the aggregate, and the portion of the area depicted as "Shared Path Subject to Pedestrian and
65 Maintenance Long-Term License or Other Legally Enforceable Means Area 920 SF" owned by
66 said owner of 415-435 Brookline Avenue, which deed shall be to a depth of no less than 12
67 inches below the designed finished surface grade immediately following the completion of
68 construction of the initial park improvements on such real estate, the fee ownership of such
69 subsurface area shall be retained by the owner of the parcel identified as 415-435 Brookline
70 Avenue above; all of which shall, upon abandonment of the existing roadways easements by the
71 City of Boston, acting on behalf of its Public Improvements Commission, and upon transfer to
72 the City of Boston by Joslin or the then owner, such parcels shall be held and maintained by the
73 Parks and Recreation Commission solely for public park and recreational purposes, consistent
74 with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth.

75 SECTION 4. The square footages contained in Sections 1, 2 and 3 above, and reflected in
76 Exhibit C-1 are approximate and are subject to final changes that may occur during permitting,
77 approvals and actions by the City of Boston, including the Public Improvement Commission,
78 with regard to the roadway reconfiguration and layout and the construction of the reconfigured
79 roadway and reconfigured Joslin Park, and such revisions to the areas identified in Sections 1,2
80 and 3 above, and reflected in Exhibit C-1, shall be authorized by this Act, provided, that, in no

81 event shall the aggregate square footage of the land to be conveyed to the City of Boston Parks
82 and Recreation Department for Article 97 identified in Section 2 and 3 above, and reflected in
83 Exhibit C-1, be less than the square footage of the Highway Easement Area identified in Section
84 1, as the same may be modified pursuant to this Section 4.

85 SECTION 5. This act shall take effect upon passage.