

# **HOUSE . . . . . No. 4468**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 7, 2016.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4295) of Aaron Michlewitz that the Massachusetts Department of Transportation be authorized to lease of certain parcel of land in the city of Boston, reports recommending that the accompanying bill (House, No. 4468) ought to pass.

For the committee,

PETER V. KOCOT.

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act concerning a certain parcel of land in 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. Notwithstanding section 20 of Chapter 6C of the General Laws, the  
2 Massachusetts Department of Transportation ( the “department”), may enter into a long term  
3 lease or other disposition agreement with an abutter, for certain property located in the City of  
4 Boston on the corner of Hanover and Cross Street that is 2900-square feet, otherwise known as  
5 Parcel 11A, provided that (1) the consideration paid for such lease or other disposition is  
6 determined as set forth in Section 3 below (2) the department reserves any and all easements and  
7 rights needed for its transportation purposes, (3) there is recognition by the abutter that the  
8 department’s transportation needs remain paramount, (4) the transfer documents shall include  
9 such terms and conditions the Secretary of Transportation and/or General Counsel determine are  
10 necessary or desirable, (5) the abutter complies with the department’s negative impacts  
11 requirements for indemnification, covenants not to sue and releases and (6) approval of the  
12 department Board is obtained, if required. The abutter shall be obligated to take such premises  
13 “as is, where is” with all existing site conditions including existing environmental conditions.

14 SECTION 2. The entity to which said parcel is leased or sold to shall maintain an  
15 accessible buffer around the statue dedicated to world welterweight boxing champion Tony  
16 DeMarco and shall, in consultation with the Italian-American Sports Hall of Fame and the  
17 Privitera Family Charitable Foundation, be responsible for the maintenance and security of said  
18 statue and shall take all necessary measures to provide public access to said statue, and shall not  
19 infringe on existing sidewalks or other public ways.

20 SECTION 3. An independent appraisal of the fair market value and value in use of the  
21 parcel described in section 1 shall be prepared in accordance with the usual and customary  
22 professional appraisal practices by a qualified appraiser commissioned by the department.  
23 Consideration for the grant of the above-described interest shall be the full and fair market value  
24 or the value in proposed use, whichever is greater, as determined by the department, and  
25 calculated with regard to its full development potential as assembled with other lands owned or  
26 otherwise controlled by the grantee The department shall submit the appraisal or appraisals to  
27 the inspector general for his or her review and comment. The inspector general shall review and  
28 approve the appraisal or appraisals, and the review shall include an examination of the  
29 methodology utilized for the appraisal or appraisals. The inspector general shall prepare a report  
30 of his or her review and file the report with the department for submission by said department to  
31 the house and senate committees on ways and means and the joint committee on state  
32 administration and regulatory oversight. Said commissioner shall submit copies of the appraisals,  
33 and the inspector general's review and approval and comments, if any, to the house and senate  
34 committees on ways and means and the joint committee on state administration and regulatory  
35 oversight at least 30 days prior to the execution of documents effecting the transfers described in  
36 section 1.