
By Mr. Umana, a petition of Mario Umana for legislation to authorize the use of airspace over certain off-street parking areas and facilities for building construction. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT AUTHORIZING THE USE OF AIRSPACE OVER CERTAIN OFF-STREET PARKING AREAS AND FACILITIES FOR BUILDING CONSTRUCTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 40 of the General Laws is hereby amended by in-
2 serting after section 22E the following section: —
3 *Section 22F.* Any lease entered into for a period exceeding
4 five years of an off-street parking area or facility which is
5 owned by, or has become the property of, a city or town,
6 whether acquired under general or special law and irrespective
7 of the date of acquisition, may, by written agreement, be
8 modified by the lessee and the board or officer having charge
9 thereof so as to require the construction of an office or other
10 building in the whole or any part of the airspace above the
11 grade line of such area or facility and in such parts of such
12 area or facility as may be necessary for structural supports and
13 means of ingress and egress to and from the building to be
14 erected in such airspace, without cost to the city or town, in
15 accordance with basic drawings and outline specifications made
16 a part of such agreement; provided, that (1) the term of the
17 lease shall not be extended for more than ninety-nine years
18 from the date of such modification; and (2) upon the termina-
19 tion of such lease as so modified such building shall become
20 the property of the city or town. The building and other things
21 erected or affixed pursuant to such modified lease of any
22 such airspace shall be taxed to the lessee thereof or his as-

23 signee in the same manner and to the same extent as if such
24 lessee or his assignee were the owners of the land in fee except
25 that the value of the land shall not be included in any such
26 assessment.