

Chap. 703. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO LEASE TO THE BROOKLINE REDEVELOPMENT AUTHORITY CERTAIN AIR RIGHTS OVER LAND HELD BY IT IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

The Massachusetts Bay Transportation Authority is hereby authorized to lease to the Brookline Redevelopment Authority air rights, including rights for support, access, utilities, light and air at one time, or from time to time, for a term or terms not exceeding ninety-nine years over a parcel of land owned or held by it in the town of Brookline bounded and described as follows:

PARCEL A-1. Beginning at a stone monument at the intersection of the southwesterly side line of Brook Street and the northeasterly side line of land belonging to the M.B.T.A. and running S49°-04'-20"E a distance of 83.00 feet to the southwesterly line of the M.B.T.A. property; thence running by land of the Town of Brookline by a curve to the right with a radius of 2190.00 feet a distance of 108.80 feet to a point of compound curvature; thence running by land of the Town of Brookline, M.B.T.A., Brookline Redevelopment Authority and the Sudbury Brass Goods Inc. by a curve to the right with a radius of 2368.40 feet a distance of 493.80 feet to an angle; thence running by land of the Brookline Redevelopment Authority S11°-28'-00"W a distance of 20.22 feet to an angle; thence running by lands of Brookline Redevelopment Authority, Brookline Ice Co., Inc., and C. G. Mullowney et al S60°-04'-40"W a distance of 191.88 feet to an angle; thence running N29°-55'-20"W a distance of 63.95 feet to the northeasterly side line of the M.B.T.A. property; thence running N59°-28'-45"E a distance of 4.10 feet to an angle; thence running N56°-08'-29"E a distance of 61.66 feet to an angle; thence running N53°-29'-56"E a distance of 7.00 feet to an angle; thence running N46°-20'-06"E a distance of 27.50 feet to an angle; thence running N48°-24'-26"E a distance of 18.25 feet to an angle; thence running N45°-57'-06"E a distance of 39.12 feet to an angle; thence running N47°-02'-26"E a distance of 53.38 feet to an angle; thence running S55°-25'-09"E a distance of 0.96 feet to an angle; the last eight described lines running by land of the Brookline Redevelopment Authority; thence running by a curve to the left with a radius of 2285.75 feet a distance of 139.73 feet to an angle; thence running N80°-27'-30"W a distance of 3.64 feet to an angle; thence running N43°-32'-52"E a distance of 120.40 feet to an angle; thence running N40°-46'-14"E a distance of 98.75 feet to an angle; thence running N39°-01'-05"E a distance of 98.75 feet to an angle; thence running N36°-29'-55"E a distance of 49.41 feet to an angle; thence running N35°-36'-31"E a distance of 67.08 feet to the point of beginning, the last six described lines running by land of the Town of Brookline, containing 65,637 square feet of land be the same more or less.

The Brookline Redevelopment Authority may, with the approval of the board of selectmen, construct such buildings or other things in these particular locations pursuant to any such lease and may lease any such buildings or other things constructed by it or may sublease or assign such air rights or any portion thereof, provided, that no

construction in said location by it or by its sublessee or assignee will be in any way detrimental to the maintenance, use and operation of the Massachusetts Bay Transportation Authority.

Any lease granted under this section may be assigned, pledged or mortgaged and the liens of such pledge or mortgage may be foreclosed by appropriate action.

The construction or occupancy of any building or other thing erected or affixed under any lease under this section of air rights shall be subject to the building, fire, garage, health or zoning laws and the building, fire, garage, health and zoning by-laws, by-laws, rules and regulations applicable in the Town of Brookline.

Neither such air rights nor any buildings or other things erected or affixed pursuant to any such lease nor the proceeds from any such lease shall be taxed or assessed to the Massachusetts Bay Transportation Authority, under any general or special law; but buildings and other things erected or affixed pursuant to any such lease granted by said Authority shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided that no part of the value of the land shall be included in any such assessment; and provided, further, that payment of any such taxes shall not be enforced by any lien upon or sale or taking of said land except that the leasehold estate may be sold or taken by the collector of taxes of the town of Brookline for the nonpayment of any tax assessed as aforesaid in the manner provided by law for the sale or taking of real estate for nonpayment of local taxes. Said collector shall have for the collection of taxes assessed under this section all other remedies provided by the General Laws for the collection of taxes by collectors of cities and towns.

The Massachusetts Bay Transportation Authority shall include in any lease of such air rights provisions whereby the lessee agrees to pay annually to the town of Brookline a sum of money in lieu of taxes which would otherwise be assessed for such year, said sum to be paid in the event that the foregoing tax provision is determined by a court of competent jurisdiction to be inapplicable.

Approved July 19, 1968.

Chap. 704. AN ACT PROVIDING THAT POLICE OFFICERS SHALL HAVE AN ADDITIONAL DAY OFF OR AN ADDITIONAL DAY'S PAY WHENEVER A DAY, ON WHICH THEY ARE ABSENT FROM DUTY BECAUSE OF INJURIES SUSTAINED IN LINE OF DUTY, FALLS ON A HOLIDAY.

Be it enacted, etc., as follows:

The first sentence of section 17A of chapter 147 of the General Laws, as appearing in chapter 205 of the acts of 1965, is hereby amended by striking out, in line 10, the words "or vacation day" and inserting in place thereof the words:—, vacation day or a day on which he is absent from duty because of injuries sustained in line of duty.

Approved July 19, 1968.