

therein as manifested by municipal or other contributions therefor, and other considerations affecting the feasibility, necessity or advantage of the proposed work. The water resources commission shall forward the results of its review to the department within a period of sixty days, and if such review is not completed within sixty days or within such further time as may be mutually agreed upon, the department shall establish priorities.

No work authorized under this section shall be begun until the department conducts bioengineering surveys to determine the types and extent of nuisance aquatic growth, evaluates water usages; establishes restrictions where necessary to protect the public health, safety and property, as well as fish and other animal life, and develops estimates of costs. Personnel of the department of public health in the performance of their duties under this section may enter upon, pass through or over private lands or property whether or not covered by water.

Approved August 18, 1969.

Chap. 723. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO LEASE AIR RIGHTS OVER LAND HELD BY IT IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

The Massachusetts Bay Transportation Authority is hereby authorized to lease 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 city of Malden bounded and described as follows:—

BEGINNING At the intersection of the Northerly side of Winter Street and the Westerly side of the MBTA right-of-way; thence

NORTHERLY 536.19', more or less, across Washington Street to the northeasterly corner of land located at 283-285 Washington Street; thence

WESTERLY 21', more or less, to the northwesterly corner of said 283-285 Washington Street to the easterly side of Washington Street; thence

NORTHERLY 1,217.24', more or less, to the intersection of the Malden-Melrose City Line and the easterly side of the lot of land at 373-375 Washington Street; thence

EASTERLY 163', more or less, along the Malden-Melrose City Line to the westerly side of the MDC land; thence

SOUTHERLY 1261.69', more or less, along the southwesterly boundaries of MDC land to a point; thence

SOUTHERLY 197.95', more or less, along the westerly corner of MDC land at a point; thence

SOUTHERLY 89', more or less, along southwesterly boundaries of southerly MDC land to a point on the northeasterly corner of land located at 55-65 Winter Street; thence

WESTERLY 165-79', more or less, to the northwesterly corner of 55-65 Winter Street; thence

NORTHERLY 77.01', more or less, to the northeasterly corner of land located at 69 Winter Street; thence

WESTERLY 63.92', more or less, to the northwesterly corner of land located at 69 Winter Street; thence

SOUTHERLY 460', more or less, along the westerly boundaries of said MBTA land to northerly side of Winter Street; thence

WESTERLY 70', more or less, along the northerly side of said Winter Street to the point of beginning.

The foregoing description is intended to include all the Massachusetts Bay Transportation Authority property located between Clifton street, Malden to the Malden-Melrose city line. Subject to such terms and conditions, if any, as the authority may impose in any such lease, the leasehold estate created by such lease may be subleased in whole or in part, assigned, pledged or mortgaged, and any 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 act shall be subject to the building, fire, garage, health and zoning ordinances, by-laws, rules and regulations of the city of Malden. Any building or other thing erected or affixed under any such lease 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. Any such leasehold estate may be sold or taken by the collector of taxes of said city for the nonpayment of any taxes 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 act all remedies provided by the General Laws for the collection of taxes by collectors of cities and towns. The authority shall include in any lease of such air rights and space a provision whereby the lessee agrees, in the event that the foregoing tax provision is determined by a court of competent jurisdiction to be inapplicable, to pay annually to said city money in lieu of taxes which would otherwise be assessed in such year. Each lease made pursuant to this paragraph shall require that the lessee file with the authority a statement under oath containing the names and addresses of the officers and directors, in the case of a corporation, and in the case of a partnership or other voluntary association, the name and address of all persons having a financial or beneficial interest in said lease. The lessee shall within thirty days after any change in said officers or directors, or of persons holding any such interest, file a corrected statement under oath with the authority. No billboards shall be erected under the provisions of this act. Two independent and qualified appraisers shall be appointed by the authority to determine the fair rental value of any premises to be leased under the provisions of this act. The provisions of paragraph (c) of section five of chapter one hundred and sixty-one A of the General Laws shall not apply to any lease made under the provisions of this act. The authority shall not lease any air rights or space under this act without the consent of the city council and the approval of the mayor of the city of Malden.

Approved August 18, 1969.