

HOUSE No. 1894

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 26, 1947.

The committee on Cities, to whom was referred the petition (accompanied by bill, House, No. 769) of Adolph J. Koob and others relative to the release of certain restrictions affecting certain land on Boylston, Berkeley, Providence and Clarendon Streets in the city of Boston, report the accompanying bill (House, No. 1894).

For the committee,

SHERMAN MILES.

Representative DESMOND of Lowell dissenting.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT TO RELEASE CERTAIN INTERESTS OR RIGHTS AFFECTING LAND ON BOYLSTON, BERKELEY, PROVIDENCE AND CLARENDON STREETS 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. Subject to the rights, if any there be,
2 of parties other than the commonwealth, the com-
3 monwealth hereby releases the parcel of land in
4 Boston bounded as follows, viz.: northerly by Boylston
5 street, easterly by Berkeley street, southerly by
6 Providence street, and westerly by Clarendon street,
7 from whatever interest or right it may have in the
8 operation and effect of the provisions, stipulations,
9 agreements and restrictions heretofore imposed on
10 said lands by its deeds, such release to be effective
11 in the manner and in the time specified in section two
12 of this act.

1 SECTION 2. Such release shall become effective
2 upon the recording of a written agreement in the
3 registry of deeds for Suffolk county signed by, or in
4 behalf of, each of the owners of land on either side of
5 Boylston street between Berkeley street and Clarendon
6 street, and approved in writing by the attorney gen-
7 eral as being in compliance with this section, provid-

8 ing: *First*: That the signers of such agreement, each
9 for himself, as owner of his particular parcel of land,
10 and for his heirs, executors, administrators, successors
11 and assigns, release the commonwealth from all claims
12 and demands, if any such there be, by reason of the
13 release by the commonwealth provided for in this act.
14 *Second*: That the owner of each of the several parcels
15 of land on the southerly side of Boylston street be-
16 tween Berkeley and Clarendon streets, for himself,
17 as owner of his particular parcel of land, and for his
18 heirs, executors, administrators, successors and as-
19 signs, agrees that no building or portion of a building
20 shall be constructed on his said land within twenty-
21 five feet of the southerly side of Boylston street after
22 the release provided for in section one of this act
23 becomes effective unless the front wall thereof on
24 Boylston street shall (a) be even with the southerly
25 line of said street as it existed on January first, nineteen
26 hundred and forty-seven; (b) be at least thirty feet
27 in height above the level of Boylston street where it
28 adjoins said land.

1 SECTION 3. This act shall take effect upon its pas-
2 sage, subject, however, to the provisions of section two
3 with reference to the effective date of said release.

