

The Commonwealth of Massachusetts

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MESSAGE FROM HIS EXCELLENCY THE GOVERNOR  
RECOMMENDING LEGISLATION TO AMEND THE  
NINETEEN HUNDRED AND SEVENTY-NINE  
CAPITAL OUTLAY PROGRAM TO PROVIDE  
FUNDING FOR THE JUDGMENT ENTERED  
IN FAVOR OF BOSTON COLLEGE HIGH  
SCHOOL AS A RESULT OF AN EMINENT  
DOMAIN TAKING BY THE UNI-  
VERSITY OF MASSACHUSETTS.

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January 9, 1980.

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**The Commonwealth of Massachusetts**

EXECUTIVE DEPARTMENT  
STATE HOUSE      BOSTON 02133

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January 9, 1980.

*To the Honorable Senate and House of Representatives:*

Today I am submitting to your Honorable Bodies the accompanying legislation entitled "An act amending the nineteen hundred and seventy-nine Capital Outlay Program to provide funding for the judgment entered in favor of Boston College High School as a result of an eminent domain taking by the University of Massachusetts.

I have been requested by the University of Massachusetts which in turn was requested by the Attorney General and the Comptroller to initiate the action necessary to effect payment of the judgment and interest, as well as associated fees and expenses. That case was a land damage claim against the Commonwealth arising from the eminent domain taking of December 10, 1969, for the Boston Campus of the University at Columbia Point. The stipulated amount of the judgment is \$1,515,099. Interest at the rate of 6% is accruing since entry of the judgment on July 10, 1979. The total of fees and expenses is \$6,675.00.

I am filing this legislation as an amendment to the 1979 Capital Outlay Program because it was a necessary adjunct to the construction of the University of Massachusetts at Boston. Please remember that interest is running on the agreed amount at 6% per year from the date Judgment was filed July 10, 1979, until the plaintiff is paid. It is approximately one hundred eighty dollars (\$180) per day.

The unexpended balance of the Capital Outlay appropriation for acquisition of land at Columbia Point was returned to the Treasury of the Commonwealth. Consequently, a new appropriation will have to be enacted in order to effect payment of the judgment. I therefore respectfully request that you enact the proposed

legislation requiring an appropriation in the amount of \$1,650,000 to pay the judgment, along with the interest and expenses.

Respectfully submitted,

EDWARD J. KING

*Governor*

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT AMENDING THE NINETEEN HUNDRED AND SEVENTY-NINE CAPITAL OUTLAY PROGRAM TO PROVIDE FUNDING FOR THE JUDGMENT ENTERED IN FAVOR OF BOSTON COLLEGE HIGH SCHOOL AS A RESULT OF AN EMINENT DOMAIN TAKING BY THE UNIVERSITY OF MASSACHUSETTS.

*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 2 of chapter 798 of the acts of 1979 is hereby  
2 amended by inserting after item 1102-9804, the following  
3 item: —

### Item

1599-0087 For the payment of a certain judgment entered  
in the Suffolk Superior Court, docket number  
656006, and for expenses incurred in connection  
with such action. .... \$1,650,000.

1 SECTION 2. The last sentence of the first paragraph of sec-  
2 tion 10 of said chapter 798 is further amended by striking out  
3 the words “one hundred sixty million eight hundred eighty-  
4 five thousand five hundred eight dollars” and inserting in  
5 place thereof the words: — one hundred sixty-two million five  
6 hundred thirty-five thousand five hundred eighty dollars.

1 SECTION 3. This act shall take effect upon its passage.