

By Mr. Cusack of Arlington, petition of John F. Cusack that the Massachusetts Bay Transportation Authority be directed to lease to the town of Arlington the ground and air rights of the Boston and Maine Railroad right of way within said town. Transportation.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT AUTHORIZING AND DIRECTING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO GRANT TO THE TOWN OF ARLINGTON THE GROUND AND AIR RIGHTS ON THE SO-CALLED BOSTON AND MAINE RIGHT OF WAY WITHIN THE TOWN OF ARLINGTON.

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

1 The Massachusetts Bay Transportation Authority is hereby  
2 authorized and directed to lease to the town of Arlington ground  
3 and air rights on the so-called Boston and Maine Right of Way  
4 including rights for support, access, utilities, and light and air, for a  
5 term of years not exceeding ninety-nine years over a certain parcel  
6 of land owned by said Authority; provided, however, that said  
7 town shall provide to said Authority by easements, such access to  
8 such property as the Authority may require for the use, safety,  
9 maintenance, repair and reconstruction of said property.

10 The leasehold estate created by such lease may be subleased in  
11 whole or in part, assigned, pledged or mortgaged, and any pledge  
12 or mortgage may be foreclosed by appropriate action. The con-  
13 struction or occupancy of any building or other thing erected or  
14 affixed under any lease under this act shall be subject to the  
15 building, fire, garage, health and zoning ordinances, by-laws, rules  
16 and regulations of the town of Arlington. Any building or other  
17 thing erected or affixed under any such lease shall be taxed to the  
18 lessee thereof or his assigns in the same manner and to the same  
19 extent as if such lessee or his assigns were the owners of the land in

20 fee; provided that no part of the value of the land shall be included  
21 in any such assessment. Any such leasehold estate may be sold or  
22 taken by the collector of taxes of said town for the nonpayment of  
23 any taxes assessed as aforesaid in the manner provided by law for  
24 the sale or taking of real estate for nonpayment of local taxes. Said  
25 collector shall have for the collection of taxes assessed under this  
26 act all remedies provided by the General Laws for the collection of  
27 taxes by collectors of cities and towns. No billboards shall be  
28 erected under the provisions of this act. The premises authorized  
29 to be leased under the provisions of this act shall be leased by said  
30 Authority to said town for a nominal rental. The provisions of  
31 paragraph (c) of section five of chapter one hundred and sixty-one  
32 A of the General Laws shall not apply to any lease made under the  
33 provisions of this act.