

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-six

AN ACT

AUTHORIZING AND DIRECTING THE UNIVERSITY OF MASSACHUSETTS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON TO THE UNITED STATES OF AMERICA FOR THE JOHN FITZGERALD KENNEDY LIBRARY AND AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO ESTABLISH A JOHN FITZGERALD KENNEDY PARK IN THE CITY OF CAMBRIDGE AND FOR OTHER PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately authorize and direct the conveyance of land to the United States of America for the John Fitzgerald Kennedy Library and to provide for the establishment of a John Fitzgerald Kennedy Park, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Notwithstanding any provision of general or special law, the board of trustees of the University of Massachusetts, hereinafter called the university, or any officer designated by said board, is hereby authorized and directed to convey on behalf of the commonwealth to the United States of America, without consideration, to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, hereinafter called the library, by deed approved as to form by the attorney general, all the right, title, and interest of the commonwealth and the university in and to a certain parcel of land, situated at the northeasterly portion of the peninsula of land known as Columbia Point adjacent to Dorchester Bay in the City of Boston, Suffolk County, Massachusetts, bounded and described as follows:

Beginning at the southeasterly corner of said parcel, said point being N 478,916.51' and E 726,297.22' on the Massachusetts State Coordinate System, said point is also the intersection of the U.S. Pierhead Line and the northerly sideline of a 200-foot sewer easement;

thence running N 50° - 08' - 22" W along the northerly sideline of said easement a distance of 954.86 feet;

thence turning and running N 21° - 27' - 34" E a distance of 677.50 feet;

thence turning and running S 68° - 32' - 26" E a distance of 487.54 feet to the U.S. Pierhead Line;

thence turning and running S 1° - 41' - 16" E along the said U.S. Pierhead Line a distance of 1,064.63 feet to the point of beginning;

Containing an area of 545,557 square feet or 12.524 acres, of which about 9.5 acres are above approximate mean high water and about 3.0 acres are below approximate mean high water, as shown on a plan entitled "Plan of Land for John Fitzgerald Kennedy Library, Columbia Point, Boston, Mass." by Harry R. Feldman, Inc. and dated March 15, 1976 and revised April 6, 1976, a copy of which plan is recorded with the Suffolk County Registry of Deeds in Book 8860, End.

The deed conveying said parcel of land shall provide that the United States shall cause a suitable memorial to be placed in a prominent place indicating that the site of the library was a gift from the people of the commonwealth.

SECTION 2. Notwithstanding any provision of general or special law, the board of trustees of the university is authorized, on behalf of the commonwealth, to make agreements with the United States of America, acting by and through the Administrator of General Services, upon such terms and conditions as the board of trustees may consider proper, and also to grant easements in, over or upon other land of the university, such agreements and easements to be for purposes related to or compatible with the library, including without limitation the use of other land, buildings and equipment of the university, the means of access to and utilities for the library, parking for visitors and employees of the library and security arrangements for the library. The board of trustees, acting for and on behalf of the commonwealth, is further authorized to reserve any necessary easements, compatible with the library, in, over or upon the land described in section one.

SECTION 3. Notwithstanding any provision of general or special law, the department of environmental quality engineering is authorized to issue licenses to the United States of America, acting by and through the Administrator of General Services in connection with the library, to permit the filling of land or flats below the high water mark and along the existing shoreline of the parcel described in section one

in order to provide a protective embankment or sea wall for said parcel and also to permit such dredging as may be necessary or appropriate in connection with access by water to said parcel and the construction of a wharf or pier for purposes of such access. Any such licenses shall be irrevocable and perpetual.

SECTION 4. Upon the reconveyance by the United States of America to the commonwealth of ten acres of land, more or less, located in the city of Cambridge, county of Middlesex, which was donated to the United States of America pursuant to chapter eight hundred and sixty-four of the acts of nineteen hundred and sixty-five to provide a site for the library, which site has been and is being used by the Massachusetts Bay Transportation Authority, hereinafter called the MBTA, the Metropolitan District Commission, hereinafter called the MDC, acting on behalf of the commonwealth, is authorized and directed to lay out on the part of said ten-acre parcel shown as parcel 1A on the plan mentioned below, including the pedestrian connector shown thereon, a public reservation to be known as the John Fitzgerald Kennedy Park; to improve, beautify, maintain, and preserve said reservation in its entirety as parkland and for passive recreation; and to cause a suitable memorial to John Fitzgerald Kennedy to be appropriately placed in said park indicating that said park is dedicated by the people of the commonwealth to the memory of John Fitzgerald Kennedy. Said parcel 1A shall be deemed to have been acquired by the commonwealth for purposes enumerated in Article XCVII of the Amendments to the Constitution of the Commonwealth.

Said parcel 1A is shown on a plan entitled "Plan of Land in Cambridge - Mass.", dated May 18, 1976 by William S. Crocker, Inc., Boston, Mass., hereinafter in sections four and five called the plan, recorded with Middlesex South District Registry of Deeds in Book 12984, End, and bounded and described as follows:

SOUTHEASTERLY by a curved line at the junction of Boylston Street and Memorial Drive, about twenty-eight and 15/100 (28.15) feet;

SOUTHERLY AND SOUTHWESTERLY about nine hundred five and 27/100 (905.27) feet, by Memorial Drive;

NORTHWESTERLY by land now or formerly of the Society of St. John the Evangelist, forty-seven and 26/100 (47.26) feet;

NORTHEASTERLY by Parcel 1B, as shown on said plan four hundred forty and 92/100 (440.92) feet;

NORTHWESTERLY by Parcel 1B, as shown on said plan four hundred seventy-eight and 22/100 (478.22) feet;

NORTHEASTERLY forty-five and 20/100 (45.20) feet, by Bennett Street;

SOUTHEASTERLY in part by land now or formerly of the Commonwealth of Massachusetts, in part by Parcel 2 and in part by Parcel 2A, as shown on said plan, four hundred eighty-two and 39/100 (482.39) feet;

NORTHEASTERLY by Parcel 2A, as shown on said plan three hundred eighteen and 11/100 (318.11) feet;

NORTHWESTERLY by Parcel 2A, as shown on said plan one hundred and 00/100 (100.00) feet;

NORTHEASTERLY by Parcel 2, as shown on said plan eighteen and 00/100 (18.00) feet;

SOUTHEASTERLY by Boylston Street, four hundred two and 98/100 (402.98) feet;

Said parcel 1A containing 220,396 square feet, more or less, or 5.06 acres, more or less.

The use of said parcel 1A for said park shall, however, be subject to the right of the MBTA to occupy and use the portion of parcel 1A located to the northwest of the temporary park division line shown on the Plan, and also, on a non-exclusive basis, the pedestrian connector included in said parcel 1A, including the right to use all existing tracks, equipment, and facilities thereon and any additions or alterations thereto, to permit construction staging, to operate interim mass transportation services, and to operate and charge fees for on-grade public parking, for such period as the MBTA may require, but in no event longer than eight years following the passage of this act; provided that, during all of such period and thereafter, the public shall have continuous access to said park by use of the pedestrian connector. Such occupancy by the MBTA shall be for such fair rental and on such other terms as the MBTA and the MDC may agree; provided that the MBTA's obligation to pay such rent shall be contingent upon prior approval by the proper federal authorities of the inclusion of such rent as an appropriate charge to a federal construction grant for the extension of the so-called Red Line of said MBTA.

The use of said parcel 1A for said park shall be further subject to the right of the MBTA to occupy and use the portion of parcel 1A located to the southeast of the temporary park division line shown on the plan

for such period as the MBTA may require, but in no event longer than six months following the passage of this act.

The MBTA shall, during its occupancy of any part of parcel 1A, be fully responsible for protection and maintenance of the property. The MBTA shall vacate such parcel, and deliver to the MDC full possession thereof, within the time limits specified above for the northwest and southeast portions, respectively, and shall exercise its best efforts to do so as soon as practicable within said limits with respect to each portion. The MBTA shall retain the right, upon vacating said parcel, to remove and salvage, at its option, any tracks or other equipment; provided, however, that the MBTA shall not be responsible for demolition of any existing facilities or for any other preparation of said parcel for reuse. All rents paid by the MBTA for use of parcel 1A and the entire proceeds from the sale of parcel 2A to the President and Fellows of Harvard College, hereinafter called Harvard, as provided in section five of this act shall be credited on the books of the commonwealth to a fund to be known as the John Fitzgerald Kennedy Library and Park Fund, hereinafter called the JFK Fund. The rents and proceeds credited to the JFK Fund pursuant to this section shall be used, subject to appropriation, for the purpose of enabling the MDC to lay out and construct the John Fitzgerald Kennedy Park. All unexpended balances remaining in the JFK Fund at the end of each fiscal year shall be appropriated only for the purposes specified in this section and in section six of this act. Insofar as practicable, the portion of the park to be located to the southeast of the temporary park division line shown on the Plan shall be constructed contemporaneously with construction by Harvard on said parcel 2A. The MDC shall maintain and operate said park, and for such purposes the MDC is authorized to receive and expend gifts, bequests, devises, or other contributions, public or private. Any gifts, bequests, devises, or contributions received by the MDC pursuant to this section shall be credited to the Metropolitan Parks Trust Fund.

SECTION 5. Upon reconveyance by the United States of America to the commonwealth of the ten-acre parcel of land referred to in section four of this act, the commonwealth, acting by and through the secretary of administration and finance, hereinafter called the secretary, is authorized and directed to sell and convey to Harvard, for purposes of Harvard's John Fitzgerald Kennedy School of Government and related

academic uses, by deed approved as to form by the attorney general, all right, title, and interest of the commonwealth in and to parcel 2A as shown on said plan and bounded and described as follows:

NORTHEASTERLY three hundred eighteen and 11/100 (318.11) feet, by land now or formerly owned by John Fitzgerald Kennedy Library Incorporated;

SOUTHEASTERLY by Parcel 1A on said plan, one hundred and 00/100 (100.00) feet;

SOUTHWESTERLY by Parcel 1A on said plan, three hundred eighteen and 11/100 (318.11) feet;

NORTHWESTERLY by Parcel 1A on said plan, one hundred and 00/100 (100.00) feet.

Containing 31,811 square feet, more or less, or 0.730 acres, more or less, in consideration of payment by Harvard to the commonwealth of sixteen dollars per square foot, being the fair market value of said parcel.

SECTION 6. Upon reconveyance by the United States of America to the commonwealth of the ten-acre parcel of land referred to in section four of this act, the commonwealth, acting by and through the secretary, is hereby authorized to sell and convey parcel 1B shown on said plan in the manner hereinafter provided; said parcel 1B being bounded and described as follows:

NORTHEASTERLY, by Bennett Street a distance of three hundred fifty-seven and 87/100 (357.87) feet;

SOUTHEASTERLY, by parcel 1A on said plan a distance of four hundred seventy-eight and 22/100 (478.22) feet;

SOUTHWESTERLY, by parcel 1A on said plan a distance of four hundred forty and 92/100 (440.92) feet; and

NORTHWESTERLY, in part by land now or formerly of Society of St. John the Evangelist and in part by University Road, four hundred fifty-three and 16/100 (453.16) feet.

Containing 183,354 square feet, more or less, or 4.21 acres, more or less.

The MBTA, however, shall have the right to occupy and use said parcel, including the right to use all existing tracks, equipment, and facilities thereon and any additions or alterations thereto to operate interim mass transportation services, and to operate and to charge fees for on-grade public parking, for such period as the MBTA may require,

but in no event longer than two and one-half years following the passage of this act. The MBTA shall make payments for each month or part thereof of such occupancy to the secretary at the rate of seventeen thousand one hundred and twenty-five dollars per month; and such occupancy shall further be subject to such other terms as the MBTA and the secretary may agree. Should the commonwealth, acting by and through the secretary, prior to two and one-half years following the passage of this act, transfer said parcel for reuse in the manner hereinafter authorized, the MBTA shall retain, and the deed conveying the property shall so provide, an option to lease said parcel for the remainder of the two and one-half year period at a monthly rental equal to the greater of the monthly rental provided above or an amount equal to one-twelfth of seven per cent per annum of the consideration paid for such conveyance, and upon the same terms previously agreed to by the MBTA and the secretary.

The MBTA shall, during any occupancy of said parcel, be fully responsible for protection and maintenance of the property. The MBTA shall vacate said parcel and deliver to the title holder of said parcel full possession thereof two and one-half years following the passage of this act, and shall exercise its best efforts to do so as soon as practicable. The MBTA shall not relocate its equipment or facilities from the property to any other location in the city of Cambridge without having consulted with and requested a recommendation from the city council of said city. The MBTA shall, prior to vacating said parcel, demolish and remove the so-called Bennett Street Garage located on said parcel; and the MBTA shall retain the right at its option to remove and salvage any tracks or other equipment; provided, however, that the authority shall not be responsible for demolition of any other existing facilities or for any other preparation of said parcel for reuse.

There shall be established for purposes of this act a Cambridge MBTA Yards Project Review Board, hereinafter called the board. The board shall be comprised of five members, one of whom shall be the state representative of the legislative district in which the development is to be located who shall be the chairman, one of whom shall be the city manager of the city of Cambridge, and three of whom shall be appointed by the governor. Any person or entity proposing to develop commercial, residential, or combined commercial and residential facilities within said parcel 1B shall submit to the commissioner of administration and to

the board for review a reuse plan describing in reasonable detail the type of development to be undertaken, the time within which such development is to be completed, and proposed means of financing the development, and including a site plan showing at a minimum the location and outlines of proposed buildings, the density of proposed uses, proposed streets, drives, parking areas, walks, landscaping improvements, and open areas within the site, and the relationship of the site to the surrounding neighborhood. No reuse plan shall be approved by the commissioner of administration unless after public hearing on such plan he, after consulting the board, approves of the plan and the financing thereof and further finds that such plan is consistent with the sound needs of the surrounding neighborhood as contemplated by the land use and development policy plans and studies for the Harvard Square area prepared for the city of Cambridge.

Within thirty days after final submission of any reuse plan, the commissioner of administration shall approve or disapprove said plan. Upon approval by the commissioner of administration of a reuse plan, he is authorized and directed to convey, by deed approved as to form by the attorney general, all right, title, and interest of the commonwealth in and to said parcel 1B, to an appropriate public or private entity for development by it or others for commercial, residential, or combined commercial and residential uses in accordance with such approved plan. Such sale must be in return for consideration which equals the fair market value of said parcel at the time of the sale of said parcel, as determined by the average of two independent appraisals by qualified, disinterested appraisers appointed by the commissioner of administration promptly following passage of this act, whose fees may be paid out of the proceeds of such sale or disposition.

The entire proceeds to the commonwealth from the sale or other disposition of parcel 1B in accordance with this section shall be credited to the JFK Fund. Said proceeds shall be used, subject to appropriation, as follows: the first two million dollars shall be donated by the commonwealth, acting by and through the commissioner of administration, to the United States of America, acting by and through the Administrator of General Services, to finance improvements on the site for the library and approaches thereto; and the balance shall be applied by the MDC for the acquisition, laying out, and construction of the John Fitzgerald Kennedy Park, up to

an amount which the MDC, after consulting with the board, determines to be required for such purposes, and then for other parks in urban areas of the commonwealth as determined by the secretary of environmental affairs.

House of Representatives, August 9, 1976.

Preamble adopted, *Thomas W. McKee*, Speaker.

In Senate, August 9, 1976.

Preamble adopted, *Kevin B. Stuntz*, President.

House of Representatives, August 9, 1976.

Bill passed to be enacted, *Thomas W. McKee*, Speaker.

In Senate, August 10, 1976.

Bill passed to be enacted, *Kevin B. Stuntz*, President.

August 19, 1976.

Approved,

at 10 o'clock and 15 minutes, A. M.

Michael Dukakis Governor.

71.5 377
Comm. from the City Clerk transmitting Chapter
298 of the Acts of, 1976, the same being "An
Act Authorizing And Directing The University
Of Massachusetts To Convey A Certain Parcel
Of Land In The City Of Boston To The United
States Of America For The John Fitzgerald
Kennedy Library And Authorizing And Directing
The Metropolitan District Commission To
Establish A John Fitzgerald Kennedy Park In
The City Of Cambridge And For Other Purposes."

In City Council,
September 13, 1976

- Placed on File -