

RECEIVED  
CITY CLERK'S OFFICE

2016 JAN 15 P 2:47

BOSTON, MA

PLEASE POST

January 15, 2016

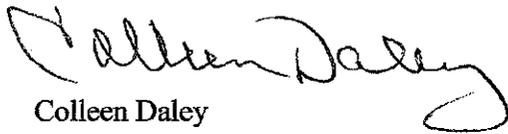
Maureen Feeney, City Clerk  
Boston City Hall  
One City Hall Square, Room 601  
Boston, MA 02201-2014

**RE: Public Facilities Commission Meetings**

Dear Ms. Feeney:

In accordance with the provisions of G.L. c. 30A, section 20(b) notice is hereby given that there will be a Public Facilities Commission Meeting held on **Wednesday, January 20, 2016 at 2:45 p.m.** at 26 Court Street, 11th Floor, Department of Neighborhood Development, Conference Room 11A. The Agendas for DND and PFD are attached hereto.

Sincerely,



Colleen Daley  
PFC Secretary

Public Facilities Department  
26 Court Street, 10 Fl.  
Boston, MA 02108  
617-635-4826 (phone)  
617-635-0558 (fax)



CITY OF BOSTON • MASSACHUSETTS  
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT  
MARTIN J. WALSH, MAYOR

RECEIVED  
CITY CLERK'S OFFICE

2016 JAN 15 P 2:47

January 20, 2016  
BOSTON, MA

Katherine P. Craven, Chair  
Lawrence D. Mammoli, Commissioner  
Dion S. Irish, Commissioner

Location:  
Public Facilities Commission  
26 Court Street, 11<sup>th</sup> Floor, Conf. Rm. 11A  
Boston, MA 02108

Meeting Time: 2:45 p.m.

Dear Commissioners:

I recommend that the following votes, attached hereto and referred to as the AGENDA, be approved by the Commission at its January 20, 2016 meeting:

- |                                       |  |  |
|---------------------------------------|--|--|
| <b>VOTE 1</b><br><b>Bernard Mayo</b>  | <b>TENTATIVE DEVELOPER DESIGNATION AND INTENT TO SELL TO ESCAZU DEVELOPMENT LLC:</b> Land with building thereon located at 139 Stoughton Street, Dorchester.   | <b>Purchase Price</b><br><b>\$20,001</b> |
|                                       | Ward: 13<br>Parcel Number: 01487000<br>Square Feet: 5,286<br>Use: Rehabilitation-Housing<br>Estimated Total Development Cost: \$374,000<br>Fiscal Year 2015 Assessed Value: \$258,400<br>March 2015 Appraised Value: \$150,000<br>DND Program: Neighborhood Housing<br>RFP Issuance Date: 08/17/2015   |  |
| <b>VOTE 2</b><br><b>Jim McDonough</b> | <b>RESCISSION OF THE TRANSFER OF LAND WITH BUILDING AND CONVEYANCE VOTE OF DECEMBER 3, 2014:</b> Located at 115 Federal Street, Boston, known as the Winthrop Street Garage, from the City of Boston Transportation Department's Off-Street Parking Facilities Board to the Public Facilities Commission and conveyance to the Boston Redevelopment Authority (BRA). | <b>Rescission of prior vote</b>          |
| <b>VOTE 3</b><br><b>Jim McDonough</b> | <b>TRANSFER OF THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF LAND WITH A PARKING GARAGE STRUCTURE FROM THE PUBLIC FACILITIES COMMISSION TO THE DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT:</b> Land with a parking garage structure   | <b>Property Transfer</b>                 |



located at 115 Federal Street, Boston.

Ward: 03

Parcel Number: 04225000

Square Feet: 47,738

Use: formerly used as an off-street parking garage

Fiscal Year 2016 Assessed Value: \$35,764,500.00

**VOTE 4**

**Jim**

**McDonough**

**and Donald**

**Wright**

**CONVEYANCE TO THE BOSTON REDEVELOPMENT AUTHORITY:**

Land with a parking garage structure located at 115 Federal Street, Boston.

**Conveyance**

Ward: 03

Parcel Number: 04225000

Square Feet: 47,738

Fiscal Year 2016 Assessed Value: \$35,764,500.00

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT  
AGENDA  
PUBLIC FACILITIES COMMISSION**

**January 20, 2016**

**VOTE 1:** That Escazu Development LLC, a Massachusetts limited liability company, with an address of 1582 Dorchester Avenue, Dorchester, MA 02122 to be tentatively designated as developer of the land with building thereon located at 139 Stoughton Street (Ward 13, Parcel Number 01487000) in the Dorchester District of the City of Boston containing approximately 5,286 square feet of land, for the period of 12 months from the date of the vote subject to such terms, conditions and restrictions as the Director deems appropriate for proper redevelopment of this parcel; and

FURTHER VOTED: Subject to the approval of the Mayor under St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12) that it is the intent of this Commission to sell the aforementioned property to Escazu Development LLC;

AND, FURTHER, VOTED: That the Director be, and hereby is, authorized to advertise the intent of this Commission to sell the above described property in accordance with the provisions of Chapter 642 of the Acts of 1966 and the applicable statutory terms of M.G.L. c.30B, section 16.

**VOTE 2:** That the vote of this Commission at its meetings of December 3, 2014, which provides as follows:

WHEREAS, on October 24, 2014 the City of Boston Transportation Department's Off-Street Parking Facilities Board ("the Board") voted to determine and declare that the site at 115 Federal Street, Boston, which includes a four story parking garage and consisting of approximately 47,738 square feet, together with land, air rights, and structures thereon, and with any and all appurtenant rights and benefits and subject to and with the benefit of all easement of record ("the Property"), is no longer required for public off-street parking purposes pursuant to 1946 Mass. Stat. c. 474, as amended;

WHEREAS, the Chair of the Board notified the Public Facilities Commission Chair, by way of a letter dated October 24, 2014; of the Board's aforementioned vote and requested the Public Facilities Commission to take all necessary action for the transfer of the Property in accordance with all applicable laws; and

WHEREAS, subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31A (as appearing in St. 1966, c. 642, § 12) that the Property be and the same hereby is, transferred from the care, custody, management and control of the City of Boston Transportation Department's Off-Street Parking

Facilities Board to the care, custody, management and control of the Public Facilities Commission; and

WHEREAS, subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31B (as appearing in St. 1966, c. 642, § 12) that the Property is surplus land as defined in St. 1909, c. 486, § 31B (as appearing in St. 1966, c. 642, § 12) as such land and building belongs to the City and is in the care, custody, management and control of the Public Facilities Commission, and said Commission hereby recognizes that the Property is no longer held by the City for a specific purpose, therefore, the same hereby is conveyed as surplus land from the Public Facilities Commission to the Boston Redevelopment Authority (BRA), a body politic and corporate established pursuant to Massachusetts General Laws Chapter 121B as amended, with offices at One City Hall Square, Boston, Massachusetts 02201-1007, subject to such terms, conditions and/or restrictions as the Public Facilities Commission deems appropriate and as approved as to form by the City's Corporation Counsel;

NOW, THEREFORE, BE IT VOTED: That the Director of the Department of Neighborhood Development be, and hereby is, authorized to deliver an instrument conveying the Property on behalf of the City of Boston acting through its Public Facilities Commission to the Boston Redevelopment Authority;

be, and hereby is, rescinded in its entirety.

**VOTE 3:** WHEREAS, on December 9, 2015 the Boston City Council did Order that the land at 115 Federal Street (Ward, 03, Parcel 04225000) was determined by the City's Off-Street Parking Facilities Board as not needed for off-street parking purposes and, therefore, the City Council found the property to be surplus within the meaning of St. 1909, c.486, section 31B (as appearing in St. 1966, c.642, § 12), and transferred the care, custody, management and control thereof to the Public Facilities Commission; and

WHEREAS, on December 14, 2015, the Mayor approved the above-mentioned Order;

NOW, BE IT VOTED: Subject to the approval of the Mayor under St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12) that the land, with a four-story parking garage, located at 115 Federal Street in the City of Boston, consisting of 47,738 square feet, be and the same hereby is, transferred from the care, custody, management and control of the Public Facilities Commission to the care, custody, management and control of the Department of Neighborhood Development.

**VOTE 4:** Subject to the approval of the Mayor under St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12) the Public Facilities Commission does hereby vote to convey to the Boston Redevelopment Authority, a body politic and corporate

established pursuant to Massachusetts General Laws Chapter 121B as amended, with offices at One City Hall Square, Boston, MA 02201-1007 the land, with a four-story parking garage, located at 115 Federal Street (Ward 03, Parcel 04225000) in the City of Boston containing approximately 47,738 total square feet, subject to such terms, conditions and restrictions as are stated in the memorandum of agreement attached hereto;

AND, FURTHER VOTED: That the Director be, and hereby is, authorized to deliver an instrument, approved as to form by the City's Corporation Counsel, conveying said property to the Boston Redevelopment Authority in compliance with the terms, conditions and restrictions as are stated in the memorandum of agreement attached hereto.

**MEMORANDUM OF AGREEMENT**

**BY AND BETWEEN  
THE CITY OF BOSTON  
AND  
THE BOSTON REDEVELOPMENT AUTHORITY**

This Memorandum of Agreement (“MOA”) is entered into this \_\_\_\_ day of January, 2016, by and between the CITY OF BOSTON, a body politic and corporate and municipal corporation organized and existing pursuant to St. 1909, c. 486, as amended, and other special laws (the “City”), and the BOSTON REDEVELOPMENT AUTHORITY, a body politic and corporate organized and existing pursuant to M.G.L. c. 121B, as amended (the “Authority”). The City and the Authority are hereinafter collectively referred to as “the Parties.”

- WHEREAS: The Winthrop Square Garage, owned by the City and located at 115 Federal Street, Boston Proper, Parcel 0304225000 (the “Garage”), is a deteriorated structure which has been discontinued for use as a garage since 2013; and
- WHEREAS: The Off-Street Parking Facilities Board, which had the care, custody and control of the Garage, voted on October 24, 2014 to determine and declare that the Garage site, together with land, air rights and structures thereon, with all appurtenant rights and benefits and subject to all easements of record, was no longer required for public off-street parking purposes pursuant to St. 1946, c. 474, as amended; and
- WHEREAS: The Chair of the Off-Street Parking Facilities Board requested that the Public Facilities Commission take all necessary action for the transfer of the Garage in accordance with all applicable laws; and
- WHEREAS: On June 3, 2015, the Mayor submitted an order to the City Council requesting that the Garage be declared surplus property and that care, custody and control of the Garage be transferred to the Public Facilities Commission; and
- WHEREAS: Within the Public Facilities Commission (“PFC”), the Department of Neighborhood Development’s (“DND”) mission, among others, is to set and implement the City’s housing policy, manage the City’s real estate portfolio, and strengthen Boston’s small businesses; and
- WHEREAS: DND disposes of surplus City-owned properties such as small municipal buildings, and vacant land that are then typically redeveloped into affordable housing opportunities or community gardens; and
- WHEREAS: The Authority is charged with the City’s urban renewal efforts and serves as the City’s urban planning and economic development agency; and

WHEREAS: The Authority plays a significant role in large-scale commercial developments throughout the City, and, in particular, the City's downtown; and

WHEREAS: Given the significant economic and development implications associated with the redevelopment of this parcel, the Parties agreed that the Authority is the more appropriate entity to manage the disposition of this property; and

WHEREAS: To ensure the appropriate distribution of funds from the ultimate conveyance or lease of the property, the Parties agree as follows:

1. The City, acting by and through the Public Facilities Commission, will convey ownership of the Garage to the Authority on the express condition that any and all net proceeds from the sale or lease of the Garage shall be the property of the City.
2. "Net proceeds" is defined as the sale price or any lease payments, minus the cost to the Authority of advertising for proposals, analyzing the proposals with such staff and outside experts that the Authority deems appropriate, the management, maintenance, and repair of the Garage from the effective date of this MOA until the disposition of the property through sale or lease, and any other necessary costs and expenses incurred in connection with the disposal of the Garage.
3. The City will deposit all net proceeds realized from the sale or lease of the Garage into the Surplus Property Disposition Fund in accordance with the provisions of St. 1982, c. 190, § 24, as amended by St. 1986, c. 701, § 4. Pursuant to St. 1982, c. 190, §24, first para., the deposited funds shall be used only as follows: "the amount equivalent to the debt incurred, and interest paid or payable thereon, as a result of the acquisition or improvement from time to time of the property shall be used only for purposes for which the city is authorized to incur debt for a period of ten years or more." In accordance with St. 1982, c. 190, §24, second par., as amended by St. 1986, c. 701, §4, any proceeds in excess of this amount "shall be credited to the capital fund of the city unless the city council by a majority vote determines with the approval of the mayor to credit such proceeds to the general fund of the city." It is appropriate to use proceeds from the disposition of the Garage that are credited to the general fund for purposes encouraging economic development, including, but not limited to, those that support public, affordable, and middle income housing.
4. The Public Facilities Commission shall include the terms of Paragraphs 1 through 3, above, in any vote to convey the Garage to the Authority, and shall make such vote conditional upon authorization of the Authority Board committing to incorporating the terms of Paragraph 1, above, into the Authority Board's approval of the disposition of the Garage to a selected developer.
5. The City and the BRA have identified tasks, costs and expenses that will likely be necessary in order to dispose of the Garage, including but not limited to: (i) site and structure investigation and preparation; (ii) property surveys; (iii) demolition; (iv)

environmental remediation; (v) investigation of existing utilities; (vi) property valuation; (vii) analysis of disposition options; (viii) evaluation of development proposals; (ix) title and legal review; and (x) other permitting requirements. Many of these tasks will require the use of outside consultants and licensed professionals.

6. The Authority, in collaboration with the City, acting by and through DND, shall keep accurate and comprehensive records concerning funds realized from the sale or lease of the Garage, as well as the necessary costs and expenses incurred by the Authority.
7. This MOA constitutes the entire agreement between the parties with respect to their individual and collective roles and responsibilities in carrying out the terms of this MOA and supersedes any prior or contemporaneous agreements or understandings. To the extent there is a conflict between the terms of this MOA and any prior arrangements to the contrary, the terms of this MOA shall govern.
8. This MOA shall be deemed to become effective as of the date it shall be executed by all Parties hereto (the "effective date").
9. If any provision of this MOA is declared or found to be illegal, unenforceable, or void by a court of competent jurisdiction, then both parties shall be relieved of all obligations under that provision. The balance of the MOA shall be enforced to the full extent permitted by Massachusetts law unless one or both parties would be materially prejudiced.
10. This MOA shall be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the Parties hereto have caused this MOA to be executed by their respective duly authorized representative.

CITY OF BOSTON:

BOSTON REDEVELOPMENT  
AUTHORITY:

By: \_\_\_\_\_  
Sheila A. Dillon, Director and Chief of Housing  
Department of Neighborhood Development

By: \_\_\_\_\_  
Brian P. Golden, Director  
Boston Redevelopment Authority

By: \_\_\_\_\_  
Sally Glora  
City Auditor

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Eugene L. O'Flaherty  
Corporation Counsel

\_\_\_\_\_  
E. Renee LeFevre  
General Counsel