



# OFFICE OF THE CITY CLERK

Rosaria Salerno  
City Clerk

Room 601, Boston City Hall, Boston, Massachusetts 02201, 617-635-4600, Fax: 617-635-4658

June 2, 2009

To the City Council

Dear Councilors:

In compliance with the order passed by your Honorable Body December 6, 1976, this is to inform you that the following was filed by the Boston Redevelopment Authority with the City Clerk on May 26, 2009.

Servicenter Chapter 121A Project, Certificate of Project Termination

Respectfully,

Rosaria Salerno  
City Clerk

RS/pt

May 22, 2009

Ms. Rosaria Salerno, City Clerk  
City of Boston  
One City Hall Square, Room 601  
Boston, MA 02201

Re: Servicenter Chapter 121A Project, Certificate of Project Termination

Dear Ms. Salerno:

Reference is made to a certain Certificate of Vote dated April 30, 2009 regarding the Servicenter Chapter 121A Project Certificate of Project Termination that was filed with your office and enclosed with a transmittal letter, dated March 6, 2009, from Theresa Donovan, Assistant Secretary of the Boston Redevelopment Authority ("BRA"), the receipt of which was acknowledged by your office on May 7, 2009.

Enclosed for filing with your office is a fully executed Certificate of Project Termination.

Please acknowledge the filing of this transmittal letter and the enclosed document on the enclosed copy of this letter and return the same to the undersigned.

Very truly yours,

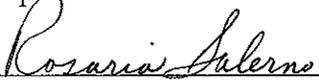


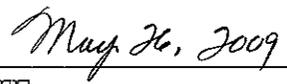
Theresa Donovan

Assistant Secretary

Enclosures: a/s

Receipt of the aforementioned documents is hereby acknowledged.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
DATE

CERTIFICATE OF PROJECT TERMINATION

Re: Servicer Chapter 121A Project

The undersigned hereby certifies that he is the Director of the Boston Redevelopment Authority (the "Authority") and that by vote of the Authority taken on April 28, 2009, he has been authorized to execute this Certificate of Project Termination in connection with the Servicer Chapter 121A Project and deliver counterparts of the certificate to the following:

- BWH Real Estate Holdings Limited Partnership, a Massachusetts limited partnership (hereinafter the "Owner");
- Clerk of the City of Boston;
- Collector-Treasurer, Treasury Department of the City of Boston;
- Commissioner of Assessing, Assessing Department of the City of Boston; and
- Department of Revenue, Commonwealth of Massachusetts.

Reference is made to the following documents and facts:

1. On January 18, 1979, the Authority by vote adopted a Report and Decision (the "Report and Decision") on the Servicer Chapter 121A Project (the "Project") located on Brookline Avenue, Fenwood Road, Francis Street and Binny Street in the Longwood Medical Area of Boston. The vote was approved by the Mayor of the City of Boston (the "Mayor") on February 2, 1979 and filed with the Clerk of the City of Boston ("City Clerk") on February 7, 1979. The Project consists of a multi-use building consisting of (i) 43,205 square feet in the basement and first floor used for a Materials Handling Center for the attached Brigham and Women's Hospital (connected to it by a tunnel under Francis Street); (ii) a six floor 634 space parking garage operated by the Medical Area Service Corporation ("MASCO"); (iii) 11,850 square feet of commercial/retail space (the Materials Handling Center, parking garage, and commercial/retail space are collectively known as the "Multi-Use Building"); and (iv) an adjoining Pedestrian Park. The adjoining Pedestrian Park consists of approximately 12,593 square feet with trees, benches, paving and landscaped areas. The Multi-Use Building

located on Parcel 1B (described below) and the Pedestrian Park located on Parcel 2B (described below) are referred to herein collectively as the "Project" and Parcel 1B and Parcel 2B constitute the "Project Area." The Project was approved with for a fifteen (15) year term with an additional fifteen (15) year extension for a total of a thirty (30) year term.

Servicenter Ltd., a Massachusetts limited partnership, was the original Chapter 121A entity approved to own, operate and maintain the Project. The General Partner of Servicenter Ltd. was George Macomber.

2. On June 21, 1979, the Authority, by vote, adopted a First Report and Decision Amendment. Such vote was approved by the Mayor on July 19, 1979 and the vote as so approved was filed with the City Clerk on July 26, 1979. The First Report and Decision Amendment, in part, approved the admittance of Thomas W. Cornu and Richard H. Sayre as additional General Partners of Servicenter, Ltd.

3. On September 4, 1980, the Authority, by vote, adopted a Second Report and Decision Amendment. Such vote was approved by the Mayor on September 23, 1980 and the vote as so approved was filed with the City Clerk on September 25, 1980. The Second Report and Decision Amendment, in part, approved the location of a transformer and brick enclosure within the Project Area.

4. On August 19, 1992, the Authority, by vote, adopted a Third Report and Decision Amendment. Such vote was approved by the Mayor on September 1, 1992 and the vote as so approved was filed with the City Clerk on September 4, 1992. The Third Report and Decision Amendment, in part, approved financing of the Project with Riskpen Funding Company, a subsidiary of Morgan Guaranty Trust Company of New York.

5. On August 22, 2002, the Authority, by vote adopted a Fourth Report and Decision Amendment. Such vote was approved by the Mayor on August 29, 2002 and the vote as so approved was filed with the City Clerk on September 25, 2002. The Fourth Report and Decision Amendment, approved the transfer of interests in Servicenter Ltd., from individuals to a newly formed corporation, Servicenter, Inc., approved the transfer of a portion of the Project Area that makes up the Pedestrian Park from Servicenter Ltd. to LAMB Associates Limited Partnership

("Lamb Associates"), and approved the refinancing of the portion of the Project that remains under Servicenter Ltd. ownership.

6. On November 9, 2004, the Authority, by vote adopted a Fifth Report and Decision Amendment. Such vote was approved by the Mayor on November 10, 2004 and the vote as so approved was filed with the City Clerk on November 12, 2004. The Fifth Report and Decision Amendment approved the transfer of the project from Servicenter Ltd. for Parcel 1B and Lamb Associates for Parcel 2B to BWH Real Estate Holdings Limited Partnership, the current Owner.

The Owner is made up of a single member LLC as its sole general partner, wholly owned and controlled by The Brigham and Women's Hospital, Inc. (the "BWH").

7. On December 14, 2004 and December 15, 2004, in accordance with the Fifth Report and Decision Amendment, the following documents were executed: (a) a Section 6A Contract was executed by and between the City of Boston and the Owner; and (b) a Regulatory Agreement was executed by and between the Authority and the Owner.

8. On November 13, 2008, the Authority, by vote adopted a Sixth Report and Decision Amendment. Such vote was approved by the Mayor on November 14, 2008 and the vote as so approved was filed with the City Clerk on November 20, 2008. The Sixth Report and Decision Amendment approved certain proposed signage for the Project.

Hereinafter, the following defined terms are used: (a) the Report and Decision as amended by the First, Second, Third, Fourth, Fifth and Sixth Amendments thereto, shall be referred to as the "Amended Report and Decision."

The Amended Report and Decision is on file with the City Clerk, Boston City Hall, One City Hall Square, Room 600, Boston, MA 02201.

The undersigned further certifies as follows:

By vote taken on April 28, 2009, the Authority in accordance with G.L. c. 121A, §18C, made a determination and finding with regard to the Project as follows: (1) that the Owner has carried out its obligations and performed the duties as imposed by G.L. c. 121A and the St. 1960, c. 652, as amended, to the satisfaction of the Authority; and (2) that the Project is

terminated as of February 7, 2009, and thereafter the property which constitutes the Project and BWH Real Estate Holdings Limited Partnership shall no longer be subject to the obligations, except for and any outstanding liabilities incurred, nor shall they enjoy the rights, benefits, exemptions and privileges conferred or imposed by Chapter 121A. The Authority acknowledges that all zoning deviations and building code relief requested for the Project and granted in accordance with the Amended Report and Decision, including but not limited to the Sixth Report and Decision Amendment approvals with respect to additional signage for the Project will continue in full force and effect following said termination.

IN WITNESS WHEREOF, the undersigned has set his hand to this Certificate of Project Termination this 21<sup>st</sup> day of May 2009.

BOSTON REDEVELOPMENT AUTHORITY  
By Its Director

  
\_\_\_\_\_  
John F. Palmieri, Director

APPROVED AS TO FORM:

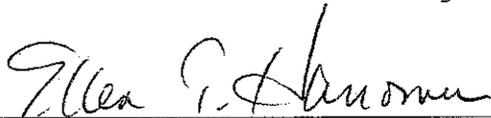
  
\_\_\_\_\_  
Kevin Morrison *KM*  
General Counsel  
Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

May 19, 2009

On this 19<sup>th</sup> of May 2009, before me, the undersigned notary public, personally appeared John F. Palmieri, Director of the Boston Redevelopment Authority, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Notary Public

My Commission Expires: 3/5/15



ELLEN T. HARROWER  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
March 5, 2015