

MEMORANDUM

APRIL 11, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
DANA WHITESIDE, DEPUTY DIRECTOR, COMMUNITY ECONOMIC
DEVELOPMENT

SUBJECT: DUDLEY SQUARE DEMONSTRATION PROJECT; ORDER OF TAKING

SUMMARY: This Memorandum seeks (1) authorization to adopt an Order of Taking of certain air rights on Warren Street and Washington Street in the Dudley Square section of the city of Boston, pursuant to Massachusetts General Laws Chapter 79; and (2) authorization for the Director to petition the city of Boston Public Improvement Commission to discontinue the air rights; and (3) authorization for the Director to execute a Deed and to enter into any and all documents and agreements necessary and appropriate in connection with the eminent domain taking.

BACKGROUND/PROJECT SITE

On November 14, 2001, the Boston Redevelopment Authority (the "Authority") Board adopted a demonstration project plan pursuant to Mass. General Laws Chapter 121B, Section 46(f) (the "Plan") for the redevelopment of a key portion of the Dudley Square area of Roxbury. The Plan was ratified and confirmed by the Authority on January 20, 2005 and amended on December 15, 2011 to include the properties located at 2304-2306 Washington Street and 2326-2328 Washington Street (the "Plan Area").

The Plan Area is now comprised of 7 parcels, which are owned in fee by Dudley Square Realty Corporation, a Massachusetts nonprofit corporation, under M.G.L. c. 180 (the "Proponent"). Construction has begun on the Dudley Square Municipal Office Building, an approximately 160,000 square foot office building of which approximately 140,000 square feet will be devoted to office use primarily for Boston Public Schools staff and also for staff from the BRA Office of Jobs and Community Services and approximately 20,000 square feet will be devoted to street level neighborhood retail (the "Project").

Through the design process for the Project it has been determined that there are certain architectural details of the existing façade of the Ferdinand Building that extend into the public way. It is necessary that the Authority take certain air rights from the City to accommodate the architectural features of the building (the “Air Rights”) and convey them to the Proponent.

REQUESTED AUTHORITY ACTION

In order to clear up the title to the site, it is necessary that the Authority take the Air Rights by eminent domain and convey them to the Proponent.

RECOMMENDATION

It is recommended that the Authority (1) adopt an Order of Taking relating to certain air rights located on Warren Street and Washington Street in the Dudley Square section of the city of Boston pursuant to Massachusetts General Laws Chapter 79; and (2) authorize the Director to convey the Air Rights to Dudley Square Realty Corporation, a Massachusetts nonprofit corporation, under M.G.L. c. 180 and to execute any and all documents and agreements necessary and appropriate in connection with the eminent domain taking.

Appropriate votes follow:

VOTED: That the Authority hereby adopts the resolution that states “BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated April 11, 2013 relating to certain air rights located on Warren Street and Washington Street in the Dudley Square section of the city of Boston, Suffolk County, Commonwealth of Massachusetts be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk”; and

FURTHER

VOTED: That, the Director be, and hereby is, authorized to petition the city of Boston Public Improvement Commission to discontinue the air rights; and

FURTHER

VOTED: That, the Director be, and hereby is, authorized to execute a Deed and any and all documents and agreements necessary and appropriate in connection with the eminent domain taking.