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shall grant to said Mary Tierney creditable service for the aforesaid period of time.

Approved January 13, 1995.

Chapter 363. AN ACT RELATIVE TO OFF-STREET PARKING FACILITIES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 263 of the acts of 1929 is hereby amended by inserting after section 1B the following section:-

Section 1C. There is hereby established within the transportation department a body known as the off-street parking facilities board, hereinafter called the board, consisting of the commissioner of transportation, ex-officio, who shall be chairman of the board, the commissioner of property management, ex-officio, and the executive officer of said board who shall be appointed by the mayor and serve at his pleasure. The board shall have all of the powers and duties provided in chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six.

SECTION 2. Section 1 of chapter 474 of the acts of 1946, as most recently amended by section 1 of chapter 608 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The city of Boston, hereinafter called the city, acting by the off-street parking facilities board hereinafter called the board shall forthwith proceed with the establishment of such public off-street parking facilities in the city as the board may deem necessary.

SECTION 3. Said section 1 of said chapter 474 is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) The power to use for the purposes of this act any property now or hereafter within the custody, management and control of the board by virtue of chapter four hundred and thirty-four of the acts of nineteen hundred and forty-three which the board shall have determined should be devoted to the purposes of this act.

SECTION 4. Said section 1 of said chapter 474 is hereby further amended by striking out clause (e), as most recently amended by section 14 of chapter 608 of the acts of 1986, and inserting in place thereof the following clause:-

(e) The power to lease to any person any property acquired or used for the purposes of this act, to be used by the lessee for the parking of motor vehicles but for no other purpose, for such period, not exceeding forty years, and upon such terms as the board shall determine; provided, however, that every lease shall contain schedules of maximum rates to be charged by the lessee for the use by the public of the property thereby demised, and also regulations with respect to the use, operation and occupancy of such property; provided, also, that no lease shall be modified or cancelled, but nothing herein shall be construed to prevent the termination of any lease by the lessor, in accordance with its provisions, for the breach of any covenant or condition thereof; and provided, further, that any lease for a period

exceeding five years shall be upon the express condition, and shall contain a covenant on the part of the lessee, that within such period, not exceeding three years, after its execution as the board shall fix the lessee shall construct, or cause to be constructed, upon the demised premises at the expense of the lessee and without cost to the city such structures and facilities for parking as the board shall determine, which shall at least double the number of motor vehicles the demised premises can accommodate, shall be constructed according to plans and specifications prepared under the supervision of the board, shall forthwith upon construction become the property of the city, and shall, while the lease is in force, be kept in good order and condition by the lessee; and any such lease for a period exceeding five years shall provide for the immediate reimbursement of the city for the cost of the plans and specifications and shall further provide for the payment of such annual rental as the board shall determine to be reasonable but in no event less than four percent of the total cost to the city, as ascertained by the board, of the demised premises including any improvement thereof made prior to the execution of the lease.

SECTION 5. Said section 1 of said chapter 474 is hereby further amended by striking out clause (e $\frac{1}{2}$), as most recently amended by section 2 of chapter 801 of the acts of 1975, and inserting in place thereof the following clause:-

(e $\frac{1}{2}$) The power to construct, maintain and operate, on any property acquired for the purposes of this act after January first, nineteen hundred and sixty-three, or determined after said date to be devoted to such purposes under clause (b), and to lease to any person, including the Massachusetts Bay Transportation Authority, for operation for such period, not exceeding five years, and upon such terms as the board shall determine, such terminal for buses of said authority or of common carriers of passengers for hire, and such facilities accessory and incidental thereto, as the board shall determine; also the power to sell, lease or otherwise convey to any person for non-parking purposes upon such terms and conditions as the board shall determine, the whole or any part of the airspace, or any other space deemed to be surplus by the board because it is unnecessary or inappropriate for parking purposes, above, within or contiguous to any public parking facility constructed under this act for such uses as said board, giving due consideration to the maximum use of the parking facility, shall determine, and the power to include in any deed, lease or other instrument suitable provisions for the construction and maintenance of such structures within, over or adjacent to any such parking facility. The provisions of section three to the contrary notwithstanding, structures and other things erected or affixed pursuant to the lease of any such airspace shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided, that no part of the value of either the land or the off-street parking facility, except the fact of the proximity of such facility, shall be included in any such assessment or considered in determining valuation for the purpose of any such assessment; and, provided, further, that for the purpose of enforcing the payment of any such tax the leasehold interest of the lessee or his assigns may be sold or taken by the collector-treasurer of said city in the manner provided by law for the sale or taking of real estate for the non-payment of taxes, and said collector-treasurer shall have for the collection of any such tax all other remedies provided

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by law for the collection of taxes on real estate.

SECTION 6. Clause (f) of said section 1 of chapter 474 is hereby amended by striking out, in lines 4 and 5, the words ", with the approval of the planning board and the traffic commission,".

SECTION 7. Said chapter 474 is hereby further amended by striking out section 2, as most recently amended by section 1 of chapter 316 of the acts of 1950, and inserting in place thereof the following section:-

Section 2. No contract for construction or work of any kind in connection with any parking facility, the estimated cost of which amounts to ten thousand dollars or more, shall be awarded by the board under this act unless proposals for the same shall have been invited by advertisements in at least one daily newspaper published in the city, once a week for at least two consecutive weeks, the last publication to be at least seven days before the time specified for the opening of said proposals, and then only to the lowest responsible bidder as determined by the board. Such advertisements shall state the time and place where plans and specifications of proposed construction or work may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the board the right to reject all proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this section. All contracts made by the board hereunder where the amount involved is one thousand dollars or more shall be in writing.

Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond and the board.

Any amounts received as a result of the failure of faithful performance required in any contract hereunder shall be credited to the Parking Facilities Fund established in section four.

SECTION 8. Section 4 of said chapter 474 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The board may expend from the fund without appropriation for the purposes of this act; provided, however, that if the amount in the fund at any time exceeds the total amount of indebtedness incurred under this act and then outstanding, together with interest thereon, so much of the excess as the board, shall determine is no longer required for the purposes of this act, may be used for general municipal purposes.

SECTION 9. Section 1 of chapter 456 of the acts of 1974 is hereby amended by striking out, in lines 8 and 9, the words "real property board of the city of Boston, as successor to the board of real estate commissioners of said city" and inserting in place thereof the following words:- off-street parking facilities board.

SECTION 10. Section 2 of said chapter 456 is hereby amended by striking out, in lines 6 and 7, the words "real property" and inserting in place thereof the following words:-

off-street parking facilities.

SECTION 11. Section 1 of chapter 801 of the acts of 1975 is hereby amended by striking out, in lines 6, 7 and 8, the words "real property board of the city of Boston, as successor to the board of real estate commissioners of said city" and inserting in place thereof the following words:- off-street parking facilities board.

SECTION 12. There shall be established within the transportation department, subject to chapter thirty-one of the General Laws, three new job titles: the executive officer of the off-street parking facilities board; the executive assistant to the off-street parking facilities board; and the administrative assistant to the off-street parking facilities board. The following positions in the property management department and the employees in said positions shall be transferred to the transportation department: the incumbent division engineer responsible for public off-street parking facilities for the property management department shall be transferred to the position of executive officer of the off-street parking facilities board; the incumbent executive secretary to the real property board shall be transferred to the position of executive assistant to the off-street parking facilities board; and the incumbent administrative assistant in the parking division shall be transferred to the position of administrative assistant to the off-street parking facilities board. Each of the aforementioned positions shall be subject to the direction, control and supervision of the commissioner of transportation, and as provided in chapter four hundred and eighty-six of the acts of nineteen hundred and nine, each such employee who immediately prior to such transfer held an office or position subject to the civil service laws and rules shall be appointed without examination or registration and shall upon such appointment retain all rights to retirement with pension that shall have or would have accrued, and each such employee's service shall be deemed continuous to the same extent as if this reorganization had not taken place.

SECTION 13. This act shall take effect upon its passage.

Approved January 13, 1995.

Chapter 364. AN ACT PERMITTING REGISTERS OF PROBATE TO ISSUE CERTIFICATES OF APPOINTMENT TO VOLUNTARY ADMINISTRATORS AND VOLUNTARY EXECUTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 195 of the General Laws, as most recently amended by section 29 of chapter 161 of the acts of 1993, is hereby further amended by adding the following paragraph:-

Upon payment of the proper fee, the register of probate may issue a certificate of appointment to said administrator, with a copy of the statement annexed thereto.

SECTION 2. Section 16A of said chapter 195, as most recently amended by section 31 of said chapter 161, is hereby further amended by adding the following paragraph:-