

ARTICLE 4

FOURTH ARTICLE

Submitted by: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, in fee simple, a parcel of land located at 111 Cypress Street, Brookline, MA, as shown on the taking plan attached hereto and to be recorded herewith, including all buildings and structures thereon and all privileges and appurtenances thereto belonging, as well as all trees and shrubs thereon, excepting therefrom any easements of record shown on said taking plan included within such description by whomsoever the same may be owned, consisting of approximately 38,961 Square Feet, for general municipal purposes, and for all purposes and uses accessory thereto, including but not limited to, inter alia, the expansion of both the existing High School campus and High School educational facilities and amenities, including class rooms, conference and meeting rooms, study areas and educational office space, and that to meet such expenditure to appropriate a sum of money to be expended at the direction of the Selectmen, to pay costs of acquiring said property, and for the payment of all costs incidental and related thereto, and to determine whether such amount shall be raised by taxation, transfer from available funds, borrowing or otherwise; to authorize the Selectmen to apply for, accept and expend any grants from any source whatsoever that may be available to pay any portion of this project or to take any other action relative thereto.

Land Description:

Unregistered Land

Beginning at the point of curvature at station 7+10.14 (left) on Brington Road as shown on the street datacard on file in the Engineering Division office.

Thence running by Brington Road N27-30-09W for twenty-three and 30/100 feet (23.30') to a point

Thence turning and running by land N/F of John Murphy et al. for four courses, N20-59-54E for sixty two and 92/00 feet (62.99'), N50-52-08E thirty three and 88/ feet (33.88'), N23-34-11E thirty eight and 20/00 feet (38.20'), N66-25-49W forty six and 30/100 feet (46.30') to a point at land N/F George K Sioras et al.

Thence turning and running by land N/F of George K. Sioras N52-49-11E for fifty six and 28/100 feet (56.28') to a point

Thence turning and running S68-43-47E for one hundred seventy five and 65/100 feet (175.65) to Cypress Street

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Thence turning and running by Cypress Street S32-19-41W for fifty and 71/100 feet (50.71') to a point of curvature

Thence running by Cypress Street on a curve to the left having a radius of 657.85 feet for a distance of one hundred seventy four and 28/100 feet (174.28') to a point of reverse curvature

Thence running by Cypress Street and Brington Road by a curve to the right having a radius of 20.11 feet for a distance of thirty four and 46/100 feet (34.46') to a point of common curvature

Thence running by Brington Road by a curve to the right having a radius of two hundred and 00/100 feet (200.00') for a distance of one hundred twenty nine and 62/100 feet (129.62') to the point of beginning.

Registered Land

Beginning at an angle point 63.12 feet N32-19-41E from a point of tangency on Cypress Street.

Thence running by Cypress Street S32-19-41W for twelve and 41/100 feet (12.41') to a point

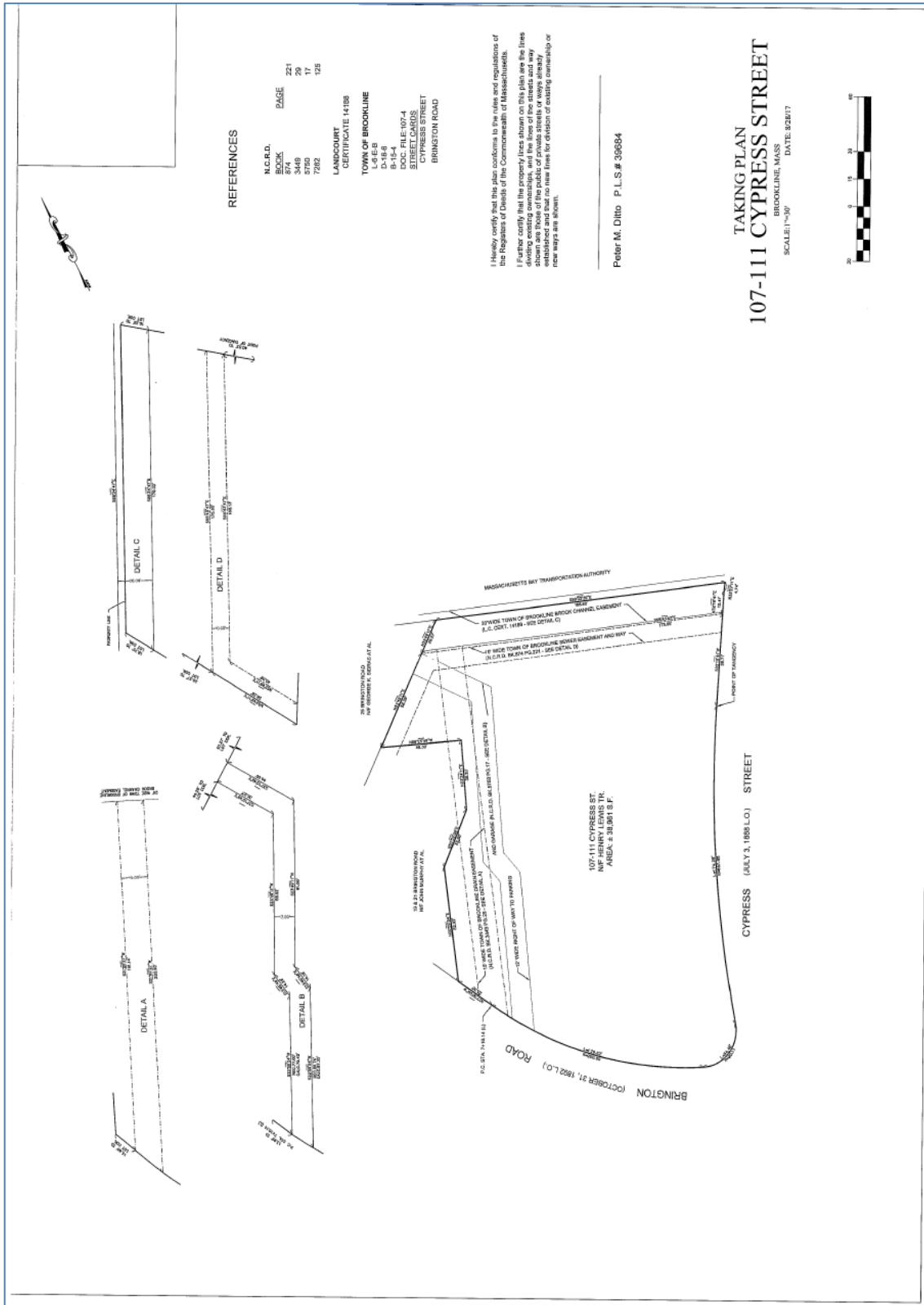
Thence turning and running N68-43-47W for one hundred seventy five and 65/100 feet (175.65') to land N/F of George K. Sioras

Thence turning and running N52-49-11E for twenty and 27/100 feet (20.27') to land of MBTA

Thence turning and running S68-33-39E for one hundred sixty eight and 60/100 feet (168.60') to Cypress Street

Thence turning and running by Cypress Street for N35-27-11E for four and 74/100 feet (4.74) to the point of beginning.

Area of both the registered and unregistered parcels together - +/- 38,961 S.F



(A larger copy of this map will be available in the Selectmen's Office)

PETITIONER'S ARTICLE DESCRIPTION

This article asks Town Meeting to authorize the Selectmen to acquire 111 Cypress Street, a parcel of land near the High School, by eminent domain and appropriate the funds necessary for the acquisition of the property and attendant expenses. The Town has conducted several studies for High School expansion needs that incorporated the 111 Cypress Street property, including the Brookline School Population and Capacity Exploration (B-SPACE) Committee Final Report (September 2013), Brookline High School One Campus Options Presentation (Symmes Maini & McKee Associates, February 3, 2014), Executive Report Further Study Report, Brookline High School (Symmes Maini & McKee Associates, August 3, 2015), 9th Elementary School Brookline Schools Site Identification Study (CivicMoxie, October 2015), and the Brookline High School Feasibility Study (HMFH, June 2017). At its May, 2017 session, Town Meeting approved the expenditure of \$1.85 million for further feasibility and schematic design for an expansion of Brookline High School. Included in the option selected by the BHS Building Committee was the acquisition by the Town of the property at 111 Cypress Street in order to construct a building to meet the educational needs of all 9th graders at BHS. The 9th Grade Academy would include classrooms for all subjects, art and music classrooms, a cafeteria and a library as well as collaborative learning spaces.

Town Meeting voted overwhelmingly to authorize the \$1.85 million funding to pursue design of the 9th Grade Academy and this article represents the next step in the process of Town Meeting approval for this concept. The Board of Selectmen has determined that the Town may need to acquire the property by eminent domain. The Town has commissioned a professional appraisal, which will form the basis of the Town's Pro Tanto payment for the property – the initial payment made to the Owner following any taking by eminent domain. That appraisal, which will detail what the appraiser believes to be the highest and best use of the property, will be completed by November 1, 2017 in time for Town Meeting.

The Board of Selectmen is initiating this eminent domain action now rather than at a Town Meeting closer to the start of construction because we need information about the property to understand fully the funding that will be needed to build a 9th Grade Academy. Since we do not currently own the property, we do not have the right to examine the building and the land for geotechnical and environmental issues. Any budget for the project would need to reflect those kinds of findings. In addition, a tenant (an administrative non-clinical office for Brigham & Women's Physicians Group) is leasing the property and action now will allow the Town additional time to assist that tenant with the relocation process.

Therefore, we request that Town Meeting authorize the Board of Selectmen to acquire 111 Cypress Street, by eminent domain and appropriate the funds necessary for the acquisition of the property and attendant expenses.

SELECTMEN'S RECOMMENDATION

ADVISORY COMMITTEE'S RECOMMENDATION

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