



## Treasury Department

Martin J. Walsh, Mayor

December 12, 2018

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

Location:  
Winter Chambers  
26 Court Street, 1<sup>st</sup> Floor  
Boston, MA 02108

Meeting time: 9:30 a.m.

Dear Commissioners:

I recommend that the following vote, attached hereto and referred to as the City of Boston Treasury Department agenda, be approved by the Commission at its December 12, 2018 meeting:

### **VOTE 1: Richard DePiano, Second Assistant Collector Treasurer, Treasury Department**

**Distribution of Property to The Benjamin Franklin Institute of Technology (BFIT):** land and buildings located at 41-47 Berkeley Street, Boston, Massachusetts.

**Consideration: \$1.00**

Ward: 05  
Parcel Number: 00688000  
Square Feet for Land: 16,000 (total)  
Assessed Value Fiscal Year 2018: \$5,875,000 (total)  
Appraised Value November 3, 2017: \$10,000

WHEREAS, the Massachusetts Supreme Judicial Court on October 4, 2018 ordered<sup>1</sup> the City of

<sup>1</sup> The Benjamin Franklin Institute of Technology v. Maura Healey, et al., Supreme Judicial Court for Suffolk County, No. SJ-2018-0418.

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Boston to distribute property<sup>2</sup>, held in a charitable trust for the sole benefit of The Benjamin Franklin Institute of Technology, a Massachusetts Corporation, with an address of 41 Berkeley Street, Boston, MA 02116; and

WHEREAS, the property consists of approximately 16,000 square feet of land, with buildings and improvements thereon, located at 41-47 Berkeley Street in the City of Boston (Ward: 05, Parcel: 00688000); and

WHEREAS, the City of Boston serves as trustee of a charitable trust, which holds legal title to the property for the sole benefit of The Benjamin Franklin Institute of Technology; and

WHEREAS, distribution of the property to The Benjamin Franklin Institute of Technology is consistent with the original purpose of the charitable trust and is in the best interest of The Benjamin Franklin Institute of Technology, as the sole beneficiary; and

WHEREAS, pursuant to G.L.c. 203E, §§ 410 and 412, the charitable trust was declared terminated by the Massachusetts Supreme Judicial Court<sup>3</sup>; and

WHEREAS, the City of Boston is ordered by the Massachusetts Supreme Judicial Court to distribute the property to The Benjamin Franklin Institute of Technology; and

THEREFORE, 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 in accordance with the order of the Massachusetts Supreme Judicial Court to distribute the property to The Benjamin Franklin Institute of Technology, a Massachusetts Corporation; and

FURTHER VOTED: the Chief Financial Officer, Collector-Treasurer be, and hereby is, authorized to deliver an instrument, approved as to form by the City's Corporation Counsel, distributing said property, on behalf of the City of Boston with the approval of the Mayor, to The Benjamin Franklin Institute of Technology in consideration of ONE DOLLAR (\$1.00).

Sincerely,

Emme Handy  
Chief Financial Officer  
Collector-Treasurer

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<sup>2</sup> The property is not held by the City of Boston for a specific municipal purpose. Instead the property is held in title by the City, as trustee, in compliance with the terms of a charitable trust for the sole benefit of The Benjamin Franklin Institute of Technology.

<sup>3</sup> The Benjamin Franklin Institute of Technology v. Maura Healey, et al., Supreme Judicial Court for Suffolk County, No. SJ-2018-0418.