

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - MASSACHUSETTS

Marchese v. Boston Redevelopment Authority

Supreme Judicial Court of Massachusetts, Suffolk - September 13, 2019 - N.E.3d - 2019 WL 4383932

Prospective purchaser brought certiorari action against urban renewal agency, alleging that Legislature had declared area surrounding baseball stadium a blighted area, that to facilitate improvements to area agency exercised its eminent domain powers and executed temporary taking of limited easement over portion of public way adjacent to stadium, that agency thereafter executed permanent taking and sold easement rights directly to baseball club, that in doing so agency exceeded scope of its authority, and that agency's actions caused prospective purchaser harm because he was not allowed to bid on easement rights.

Parties filed cross motions for judgment on the pleadings. The Superior Court granted agency's motion. Prospective purchaser appealed, and appeal was transferred.

The Supreme Judicial Court held that:

- Although the provision of the Uniform Procurement Act expressly exempting contracts to sell real property by an urban renewal agency "in accordance with a plan" does not define the word "plan," the Legislature did not intend to limit the scope of the exemption to urban renewal plans alone;
- Agency's sale of limited easement to baseball club was exempt from public bidding under provision of Uniform Procurement Act; and
- Prospective purchaser lacked standing to challenge agency's permanent taking and subsequent direct sale of easement.