

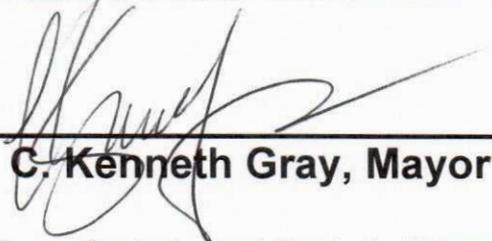
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AMESBURY CITY CLERK

**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND SIXTEEN**

SPONSORED BY:


C. Kenneth Gray, Mayor

BILL No. 2016-087

An Order to Transfer the Care, Custody, and Control of Margaret Rice Park from the Tax Title Custodian to the Mayor for General Municipal Purposes.

Summary: The City Council shall vote to transfer Margaret Rice Park to the Mayor for general municipal purposes.

Be it Ordered by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

Whereas, Margaret Rice Park consists of three parcels of land, as follows: Assessor's Map 97, Parcel 11, containing 31.90 acres, more or less, known as 46 Martin Road South; Assessor's Map 98, Parcel 17, containing 1.89 acres, more or less, known as 36 Martin Road South and Assessor's Map 98, Parcel 18, containing 3.71 acres, more or less, known as 34 Martin Road South; and

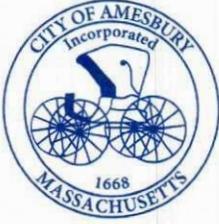
Whereas, Margaret Rice Park is currently under the care, custody, control and management of the Treasurer, as the tax title custodian of the City of Amesbury; and

Whereas, the Municipal Council voted, in Bill No. 1999-89, to transfer Margaret Rice Park to the Parks and Recreation Commission, pursuant to G.L. c. 40, §15A; and

Whereas, no finding having been made by the tax title custodian that Margaret Rice Park is not needed for the purposes of tax title purposes, Bill No. 1999-89 is void, *ab initio*; and

Whereas, Bill No. 2001-51, which sought to implement Bill No. 1999-89, is, similarly, without legal force or effect.

Now, therefore, the City Council votes, pursuant to G.L. c. 40, §15A, to transfer the care, custody, control and management of Margaret Rice Park, which is currently under the care, custody, control and management of the Treasurer, as the tax title custodian of the City of Amesbury, from said tax title custodian, to the Mayor, to be held for general municipal purposes.



Amesbury

Mayor C. Kenneth Gray

Office of the Mayor
City Hall, 62 Friend Street
Amesbury, MA 01913-2884

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September 2, 2016

The Honorable Ken Gray
Mayor
City of Amesbury
62 Friend Street
Amesbury, MA 01913

Dear Mayor Gray,

Pursuant to Mr. Scott's request for a legal review of the status of Margaret Rice Park, I engaged with KP Law to initiate a comprehensive review of the property's history and current standing with respect to its care, custody, control, and management.

After conducting extensive research, our team of attorneys has concluded, in summary, that the property is in fact not subject to the provisions of Article 97 of the Articles of Amendment to the Constitution of the Commonwealth. Further, KP Law discovered that the care, custody, control, and management of the property remains with the Treasurer in her capacity as the City's Tax Title Custodian.

As a result of this opinion, it is recommended that you sponsor an order to officially transfer the care, custody, and control of Margaret Rice Park from the Tax Title Custodian to the Mayor for general municipal purposes. This transfer will allow for the establishment of a clearer record of the property's ownership as well as the authority and responsibility thereof.

KP Law will make their attorneys available at the October 11 City Council meeting to address any questions or concerns during the public hearing regarding such an order.

Sincerely,

Evan Kenney
Chief of Staff



Amesbury

William Scott
Director Office of Community Development
City Hall, 62 Friend Street
Amesbury, MA 01913-2884

(978) 388-8110 - 313
scottw@amesburyma.gov

September 1, 2016

Mayor Ken Gray
City Hall
City of Amesbury
62 Friend Street
Amesbury Massachusetts 01913

Dear Mayor Gray,

During the research for the LEAD program the available files initially indicated that Margret Rice Park was the subject of two primary votes by the Council as follows; transfer control to the Parks Commission (Order 99-89 June 8 1999) ; and provide the land for use as soccer fields (Order 2001- 51, March 26, 2001).

First, regarding the Parks Commission transfer, the title search performed by legal counsel did not indicate the property was transferred. Therefore, I requested Evan Kenny, Chief of Staff, obtain a legal opinion to determine the care custody and control of the property. That is provided under separate cover letter by Mr. Kenney and should speak for itself as to ownership and control.

The second vote of the City Council was to dispose of the property for use as "multi-purpose" fields. The property is not the most feasible location. As a function of actual improvements, Margret Rice Park is actually not a park, it is the cratered remains of a gravel operation with some construction debris associated with former highway work. The highest and best use for the site in its current condition is not park land. Its lack of environmental, cultural, proximity to populations, and no facility, places in question its continued use as a park.

Therefore, while the legal opinion addresses the ownership and control issue the dedication of the property to multipurpose fields would not be advisable given the location, current site condition, and from the perspective of a pending large field project, the preferred location at Woodsom for soccer.

Sincerely,

William Scott



AMESBURY

Donna Cornoni, Treasurer
City Hall, 62 Friend Street
Amesbury, MA 01913-2825

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September 2, 2016

Margaret Rice Park
Martin Road South

Dear Mayor Ken Gray:

The Treasurer of the City of Amesbury, acting as Tax Title Custodian, hereby determines that the property described below currently held by it for tax title purposes is no longer needed for such purposes and that the property described below may be transferred to the Mayor for general municipal purposes. The property consists of three parcels of land as follows: Assessor's Map 97, Parcel 11, containing 31.90 acres, more or less, known as 46 Martin Road South; Assessor's Map 98, Parcel 17, containing 1.89 acres, more or less, known as 36 Martin Road South; and Assessor's Map 98, Parcel 18, containing 3.71 acres, more or less, known as 34 Martin Road South. Notice is hereby given of such determination to the City Council in accordance with the provisions of G.L.c. 40, §15A.

Thank you,

Donna Cornoni
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