



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
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SEAN REARDON
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: ACQUISITION OF PROPERTY FOR NEW JOHN F. CUTTER JR. FIRE STATION (WEST END)
DATE: 1/3/22

As recommended by the City Solicitor and Bond Counsel, we respectfully request that the City Council vote again on the Order authorizing the acquisition by friendly taking of 7,535 square feet of property adjacent to the existing John F. Cutter Jr. Fire Station in the west end to facilitate designing and building a modern new facility.

The City of Newburyport has been working for some time to develop a new west end fire station. The current facility is inadequate in nearly every respect, as it has no separation between the living quarters and the carcinogens of the Apparatus Room and equipment area. The facility has no insulation, no cooling system, no fire protection sprinkler system, no handicapped accessibility, no accommodation for a multi-gendered fire service staff, no storage space, and almost no parking. Renovation and reuse of the existing facility is not economically feasible or desirable.

The City reached a written agreement with the owners of the property adjacent to the station on 10/22/21 for \$400,000 along with several other considerations. On 11/29/21, the City Council unanimously authorized the acquisition of the adjacent property as well as borrowing funds to pay the compensation. However, the City ran out of time to complete all the required steps to record a taking at the Registry of Deeds within 30 days of the authorization (per state law MGL Chapter 79, Section 3).

Please note that once any such borrowing is authorized, there is a 20-day referendum period until the authorization becomes valid during which time the City's Bond Counsel reviews all of the required documentation in order to issue an opinion as to its validity, enforceability and tax status of the debt issuance. The City received a letter from its Bond Counsel indicating the need to provide a copy of an appraisal per City Council Rule 7I, or document a vote to waive the rule. The City Council orally reached a consensus while deliberating on this matter that Rule 7I requiring an appraisal should be waived for this project for a number of reasons. However, when the Council unanimously authorized acquisition of the property on 11/29/21, the Council did not formally vote to waive Rule 7I.

In addition, the sellers and their attorney provided documentation of their mortgage assignment later than originally anticipated just as the Christmas holiday began (as the City needs the mortgage to be fully paid off by the proceeds and released). A new mortgage payoff statement is required past 12/25/21. These procedural requirements caused insufficient time in the remaining days of the 30-day period to complete the process, including securing the City Council's vote waiving the appraisal rule, securing a new mortgage payoff

statement, mailing the Mylar plan and all certified documents to the title examiner, and then sending them to the Registry for recording prior to 12/29/21.

This is not the first time that the City has had to vote again to confirm a property acquisition, and with your support these steps should not delay the closing on the property by more than a few weeks. Enclosed with this memo is the updated Order from the City Solicitor with a reference to a vote under Section 26 of the Newburyport City Council Rules (2021) suspending the application of Rule 71 requiring submission of an appraisal as it may apply to this disposition of land. The City Solicitor recommends a separate vote to suspend the application of Rule 71.

Thank you for your consideration.