



CLOVIS C. GREGOR

Councilor-District Five

118 Trenton Street
Pawtucket, RI 02860

December 7, 2021

To: David Moran, City Council President &
The Honorable Members of the Pawtucket City Council

RE: PETITION AUTHORIZING THE CITY OF PAWTUCKET TO TAKE APPROPRIATE STEPS TO ENTER INTO AN OPTION TO PURCHASE OR FIRST RIGHT TO PURCHASE AGREEMENT WITH RESPECT TO THE PROPERTY LOCATED AT 482 PAWTUCKET AVE. (former Angelica) FURTHER IDENTIFIED, IN THE LAND EVIDENCE RECORDS OF THE CITY OF PAWTUCKET, AS ASSESSOR PARCELS 630635, 630634, 630633, 630632 AND 640850.

PURPOSE:

IN ORDER TO SECURE, FOR CONSIDERATION, SAID PROPERTY AS A VIABLE REPLACEMENT OPTION SITE FOR MORLEY FIELD. THIS IS NECESSARY IN ORDER TO ALLOW FOR SUFFICIENT TIME IN WHICH TO CONDUCT ALL NECESSARY REVIEWS OF ALL MATTERS INCLUDING SCOPE, SITE DEVELOPMENT, ENVIRONMENTAL REMEDIATION AS WELL AS DEMOLITION, DESIGN AND CONSTRUCTION.

Dear Council President and Honorable Members of the Council,

BACKGROUND:

As you know, per Resolution approved 08/12/2021, the City Council voted unanimously for approval of the petition to Acquire Morley Field (94 Moshassuck Street, AP 62; Lots 291 & 309) put forth by private developer JK Equities, LLC for commercial use. Same is attached hereto as **Exhibit "A"** for your reference. The transfer of title and ownership, as you are also aware of, is specifically contingent upon the National Park Service (NPS) and RI Department of Environmental Management (RIDEM) collective review and approval of a strict recreation conversion process. *(See **Exhibit "B"** 36 CFR § 59 - LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES; POST-COMPLETION COMPLIANCE RESPONSIBILITIES). Said regulatory rules and requirements were developed as a means to protect the environmental integrity and purpose for which local community recreational lands, funded by the NPS, were developed. This because lawmakers recognized that these development areas are as vulnerable as they are critical to the community residents for whom it was meant to benefit.

As such, the recreation conversion process specifically requires that the City of Pawtucket develop and submit a detailed plan for the replacement of Morley Field that is of equal or greater size and value to the community. More specifically and per NPS & RIDEM's strict guidelines, a proposed conversion plan must adhere to and reflect our collective responsibility and accountability to the community most affected and wherein the subject public recreational land, to be replaced, is located.

cgregor@pawtucketri.com
(401) 359-3426

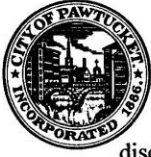
The community neighborhood most affected, in this case, is the 5th. District wherein Morley Field is situated. With that in mind, the Council pledged that District 5 is to be accorded preference as to relocation of the replacement site for Morley Field. *See Exhibit A.

ISSUES, FINDINGS & PROPOSAL:

District 5 has no open recreational green space short of Morley Field. As such, it is easy to see the critical importance and value of recreational green space to this most affected community. Hence, it becomes ever more crucial and absolutely imperative that the collective Council, together with the Administration, ensure that all viable District 5 replacement options, are properly and fully explored and considered. For again, it remains the Council's, as well as the Administration's, collective duty and obligation to look after the interest of the residents most affected by the loss of Morley Field. A readily visible and accessible replacement site option, within District 5, is not only imperative but is of paramount necessity as an investment in our most vulnerable and affected residents. The children of District 5 who will be left with no safe and healthy green recreational space in which to live and play. Moreover, it would be most materially consistent with the Council's intent, as contemplated in approving the sale of Morley Field Resolution, just as it would be most materially consistent in fulfilling the recreation conversion obligations required by NPS and RIDEM.

Potential District 5 replacement sites, which the City has identified, evaluated and/or considered, do not appear to be viable and are, certainly, not at all suitable in either size or location. The former home of Angelica, however, currently stands idle. This is a major concern among local District 5 residents whom have also expressed an avid interest in developing the property to something other than commercial or residential use. This is precisely why the proposed subject property option is so viable, as a replacement site for Morley Field. One, it is the largest available parcel of land in District 5 as it sits on 1.25 acres of land and has an additional .42 acres open space lot located on Dartmouth Street. This represents a combined total of 1.67 acres. Two, it is currently on the market and available for purchase, as is, free and clear of any debt and with no asking price, through JLL (Jones Lang LaSalle) on behalf of the property owners. *(See Exhibit "C", real estate offering from JLL outlining the specifics of the property together with site plan). The available acreage would be more than sufficient space to build a multi-use youth soccer field and recreational green space. The adjacent additional lot on Dartmouth Street would, similarly, be more than sufficient to accommodate parking, equipment storage as well as bathroom facilities. As such, the subject property represents a unique opportunity for the City to not only improve and provide for a safe and healthy neighborhood development and revitalization, but even more importantly to properly give back to the most affected community that which it will be losing: District 5's ONE and ONLY open green space and recreational land.

Neither the proposed petition, to enter into an option to purchase agreement with JLL, nor a potential ultimate acquisition of the subject property, if approved, will not hinder, interfere, delay or otherwise derail any alternative site evaluations or negotiations which the City may currently be engaged in as potential outside District 5 options. In fact, the acquisition and improvement of two separate lots, so long as it satisfies the NPS and RIDEM's recreation conversion requirements, is perfectly permitted. The conversion guideline envisions just such a situation as presented here. The affected community (District 5), not having sufficient available land space to satisfy the minimum size requirement, has to supplement the balance elsewhere outside its confined district. Moreover, a recreation conversion plan, as envisioned and consisting of two separate sites, are neither mutually exclusive or



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disqualifying simply because one of the sites may be acquired before the other. That is, of course, as long as both sites are identified in the plan and their collective conversion will fully satisfy the NPS and RIDEM's requirements of "equal or greater" size and amenities.

As to appropriation for this proposal, the agreement, executed by the City and JK Equities for the sale and purchase of Morley Field, provides for more than sufficient funding to effectuate an ultimate purchase and redevelopment of the subject property were it to move forward. Additional funding, should it become necessary, could easily be derived from the City's \$58.3 million (ARPA) American Rescue Plan Act funding. Federal guidelines, for allowable use of said ARPA funds, specifically permits for just such a purpose involving community development and improvement initiatives.

As time is of the essence, your collective consideration of this petition, is much appreciated. Subject to the Council's approval, I ask that the matter be promptly referred to the City's appropriate authorities, officers, members, agents and employees so that they may expeditiously undertake all such steps and actions as may be necessary to secure the option to purchase the proposed subject property. That they be further directed, authorized and empowered to conduct all such reviews and studies necessary to carry out this project and move it forward. That all subsequently generated reviews, recommendations and reports be forwarded to the Council for further review and consideration and including an opportunity for public comment.

Lastly, as the District 5 representative Council and as a longtime resident, I am keenly aware of the high stakes involved in the redevelopment/replacement plans for Morley Field as well as the affected community's desperate need for green space recreational development. As a young boy, whose family had recently immigrated to this country and city, I was extremely appreciative and happy to have Morley Field as a safe place where my brother, friends and I could play soccer and enjoy the healthy outdoors. That opportunity to have and enjoy a safe and healthy place to play MUST be preserved for the current and future children of District 5.

That having been said, I wish to also make it equally clear that I am in full support of the need for economic development, prosperity and job creation in the District. I am, similarly, appreciative and in full support of JK Equities' investment in our community and its initiative to build a modern commercial/industrial warehouse and distribution facility in District 5. I applaud their commitment and stated desire to give back to our community by ensuring that the location, integrity and quality of any proposed conversion/relocation plan will be in full compliance with the NPS/RIDEM requirements for the benefit of the residents of the most affected community. I invite anyone who has any questions or would like to discuss this proposal further to contact me

Most sincerely,

Clovis C. Gregor, Councilor District 5

cc: Richard Goldstein, City Clerk
Donald R. Grebien, Mayor
Sue Mara, Director of Planning
Dylan Zelazo, Director of Administration/Acting Commerce Director

cgregor@pawtucketri.com
(401) 359-3426

EXHIBIT A

City of Pawtucket

RESOLUTION OF THE CITY COUNCIL

APPROVED 8/12/2021

RESOLUTION AUTHORIZING THE PURCHASE AND SALE AGREEMENT WITH JK EQUITIES LLC FOR PLAT 62A, LOTS 291 AND 309, LOCATED AT 94 MOSHASSUCK STREET, OTHERWISE KNOWN AS MORLEY FIELD (AS AMENDED)

WHEREAS, JK Equities LLC ("the Buyer") has received Preliminary Plan approval by the City Planning Commission for the construction of a 159,562 square foot warehouse and distribution facility at 1 Moshassuck Street; and

WHEREAS, to allow for additional employee parking, JK Equities LLC is now seeking to purchase city-owned property ("Morley Field"), otherwise known as AP 62, Lots 291 and 309, located at 94 Moshassuck Street; and

WHEREAS, because Morley Field is a recreational facility which was partially funded by a grant from the National Park Service ("NPS"), the property is restricted to public recreation use only; and

WHEREAS, because of this restriction, to sell this property for commercial purposes the City must undergo a strict recreational conversion process ("the process") managed by NPS and the RI Department of Environmental Management ("RIDEM"), which will require the City to develop a plan to provide a replacement recreation facility for the community that is of equal or greater size and equal or greater value than Morley Field; and

WHEREAS, among the requirements of the process is the opportunity for public comment on the plan and approval of the plan by the City Council prior to formal submission to NPS and RIDEM; and

WHEREAS, to move the process forward, the city must enter into a Purchase and Sale agreement with the buyer for the Morley Field property with the understanding that the transfer of ownership will not take place until the plan for the replacement recreation facility is approved by all parties, including but not limited to NPS and RIDEM; and

WHEREAS, a Purchase and Sale agreement has been negotiated by the City and the Buyer which adequately references the required recreation relocation planning and approval process.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PAWTUCKET CITY COUNCIL, AT THE REQUEST OF JK EQUITIES LLC, UPON RECOMMENDATION OF THE CITY COUNCIL CITY PROPERTY COMMITTEE, DOES HEREBY AUTHORIZE AND EMPOWER THE CITY OF PAWTUCKET TO ENTER INTO A PURCHASE AND SALE AGREEMENT, ATTACHED HERETO AS EXHIBIT A, WITH JK EQUITIES LLC, FOR THE CITY-OWNED PROPERTY KNOWN AS MORLEY FIELD, LOCATED AT 94 MOSHASSUCK STREET IN THE CITY OF PAWTUCKET, CURRENTLY REFERENCED IN THE CITY OF PAWTUCKET, TAX ASSESSOR'S OFFICE AS ASSESSOR'S PLAT 62, LOTS 291 AND 309, WITH THE UNDERSTANDING THAT NO TRANSFER OF OWNERSHIP SHALL TAKE PLACE UNTIL COMPLETION OF THE RECREATION CONVERSION PROCESS MANAGED BY THE NATIONAL PARK SERVICE AND THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND THE APPROVAL OF THE RECREATION CONVERSION AND RELOCATION PLAN, WHICH WILL INCLUDE A NEW RECREATION FACILITY LOCATED WEST OF THE RIVER IN DISTRICT 4, 5 OR 6, WITH A PREFERENCE FOR DISTRICT 5.

EXHIBIT B

LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES;
POST-COMPLETION COMPLIANCE RESPONSIBILITIES).

36 CFR § 59.3 - Conversion requirements.

§ 59.3 Conversion requirements.

(a) Background and legal requirements. Section 6(f)(3) of the L&WCF Act is the cornerstone of Federal compliance efforts to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use. This section of the Act assures that once an area has been funded with L&WCF assistance, it is continually maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

(b) Prerequisites for conversion approval. Requests from the project sponsor for permission to convert L&WCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to the appropriate NPS Regional Director in writing. NPS will consider conversion requests if the following prerequisites have been met:

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not serve a recreation purpose.

(3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and at the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider State requests to change the project sponsor when it is determined that a different political jurisdiction can better carry out the objectives of the original project agreement. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property. Wetland areas and interests therein which have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion regardless of the nature of the property proposed for conversion.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction. Should a local project sponsor be unable to replace converted property, the

State would be responsible, as the primary recipient of Federal assistance, for assuring compliance with these regulations and the substitution of replacement property.

(iii) The acquisition of one parcel of land may be used in satisfaction of several approved conversions.

(4) The property proposed for substitution meets the eligibility requirements for L&WCF assisted acquisition. The replacement property must constitute or be part of a viable recreation area. Unless each of the following additional conditions is met, land currently in public ownership, including that which is owned by another public agency, may not be used as replacement land for land acquired as part of an L&WCF project:

(i) The land was not acquired by the sponsor or selling agency for recreation.

(ii) The land has not been dedicated or managed for recreational purposes while in public ownership.

(iii) No Federal assistance was provided in the original acquisition unless the assistance was provided under a program expressly authorized to match or supplement L&WCF assistance.

(iv) Where the project sponsor acquires the land from another public agency, the selling agency must be required by law to receive payment for the land so acquired.

In the case of development projects for which the State match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself, public land which has not been dedicated or managed for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.

(5) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

(6) All necessary coordination with other Federal agencies has been satisfactorily accomplished including, for example, compliance with section 4(f) of the Department of Transportation Act of 1966.

(7) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 6(f)(3) action. In cases where the proposed conversion arises from another Federal action, final review of the State's proposal shall not occur until the NPS Regional office is assured that all environmental review requirements related to that other action have been met.

(8) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original Land and Water Conservation Fund project.

(9) The proposed conversion and substitution are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreation plans.

(c) Amendments for conversion. All conversions require amendments to the original project agreements. Therefore, amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out with NPS. Section 6(f)(3) project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for a conversion. In such cases, an express commitment to satisfy section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the State. This commitment will be in the form of an amendment to the grant agreement.

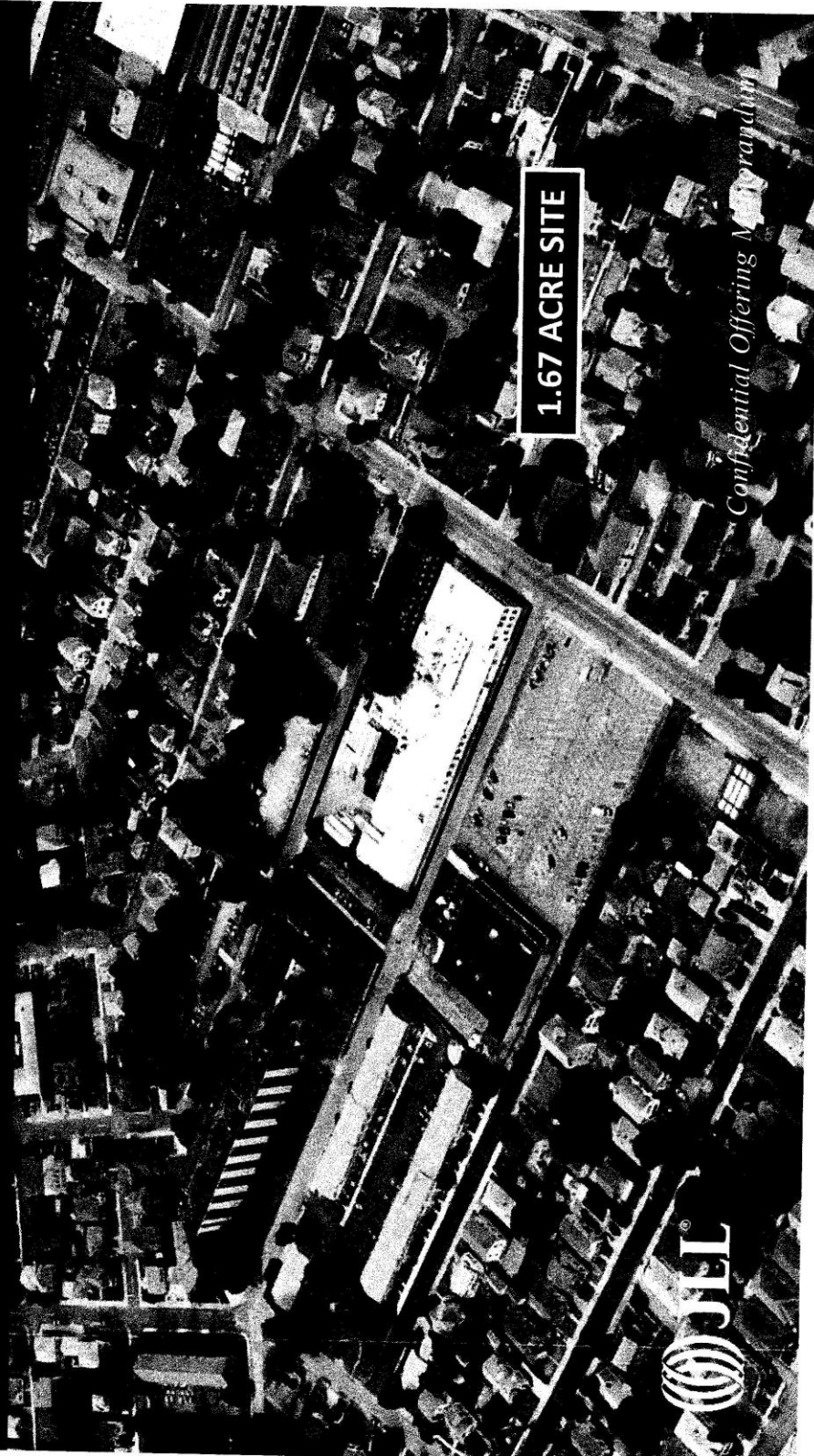
(d) Obsolete facilities. Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained for public outdoor recreation following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a L&WCF funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from a baseball field to a football field, for example, would not require NPS approval. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the State of all proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Statewide Comprehensive Outdoor Recreation Plan and/or equivalent recreation plans. Changes to other than public outdoor recreation use require NPS approval and the substitution of replacement land in accordance with section 6(f)(3) of the L&WCF Act and paragraphs (a) through (c) of this section.

[51 FR 34184, Sept. 25, 1986, as amended at 52 FR 22747, June 15, 1987]

EXHIBIT C

482 Pawtucket Ave

Pawtucket, RI



1.67 ACRE SITE



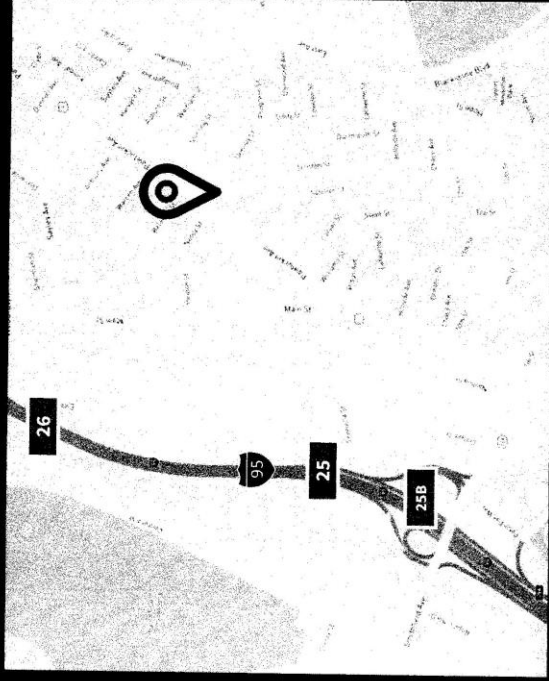
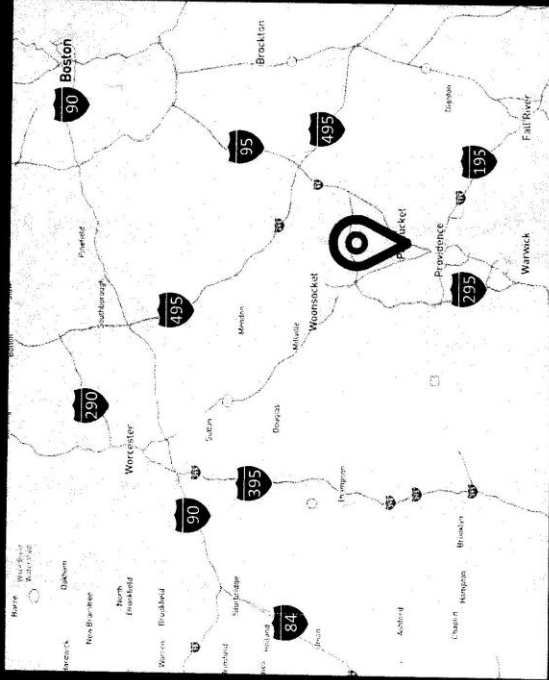
Confidential Offering Memorandum

EXECUTIVE SUMMARY

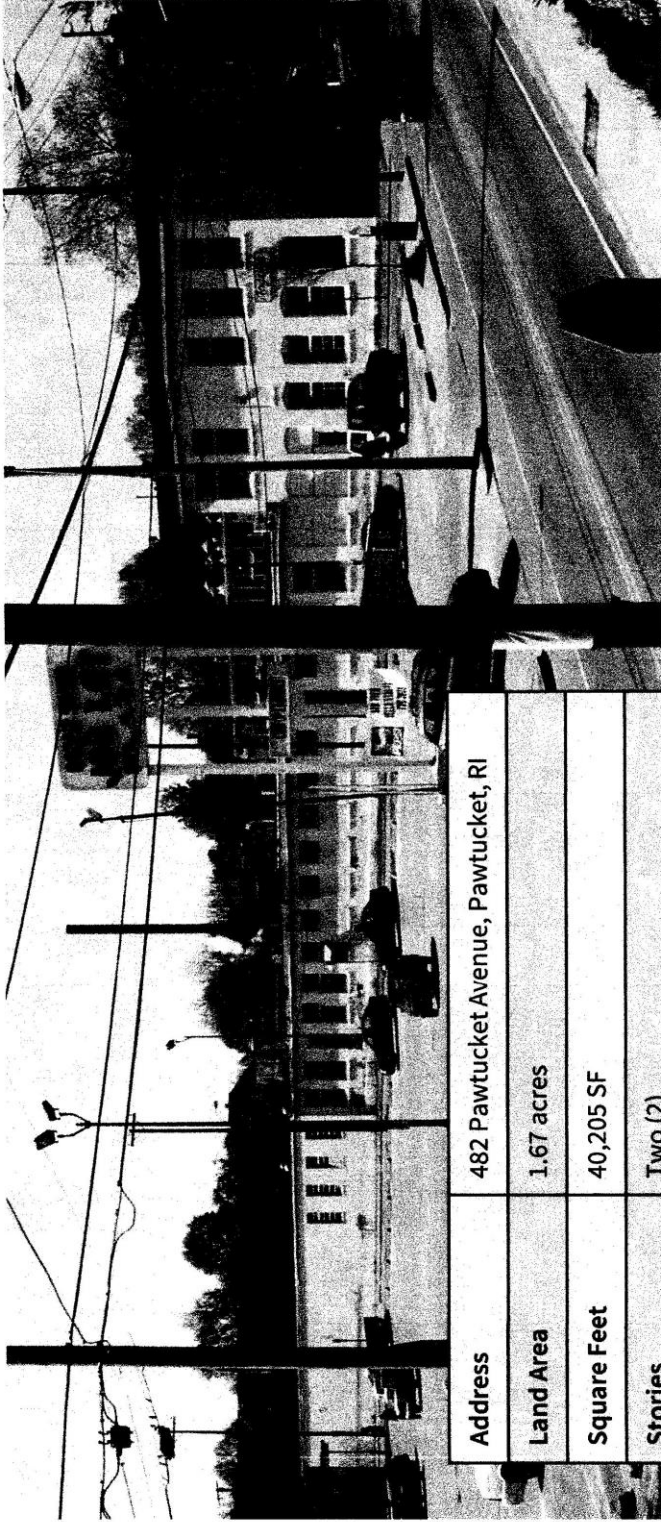
JLL has been exclusively retained to offer for sale 482 Pawtucket Avenue, a +/- 40,000 SF industrial manufacturing facility, in Pawtucket, Rhode Island that will be delivered vacant. The building sits on a 1.25-acre parcel, with an additional .42 AC parcel for parking. The Property also has a .35 AC loading/outdoor storage area, included within the acreage. The property is being offered as-is, free and clear of any debt and with no asking price.

PROPERTY

ADDRESS	482 Pawtucket Avenue, Pawtucket, RI
BUILDING SF	40,205 SF Facility
LAND ACRES	1.67
YEAR BUILT	1900
DOCKS	Four (4)
CLEAR HEIGHT	Various
POWER	TBD



PROPERTY OVERVIEW



Address	482 Pawtucket Avenue, Pawtucket, RI
Land Area	1.67 acres
Square Feet	40,205 SF
Stories	Two (2)
Assessor's Parcel	630635, 630634, 630633, 630632 & 640850
Year Built	1900, Renovated 2014 - new roof
Clear Height	Various
Docks/Drive-ins	Four (4)
Zoning	MB - Industrial Built-Up

SITE PLAN

