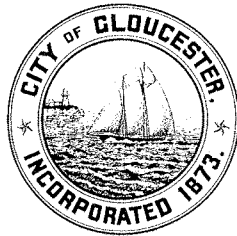


City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

January 18, 2012

Dear Members of the School Committee,

Attached you will find a memorandum from Suzanne Egan, General Counsel, explaining the status of the property and the process through which the School Committee may vote to declare the Fuller School building and land surplus property, the special legislation authorizing the City to acquire the building and land for school purposes, and the certificate of title. The administration asks the School Committee to declare the Fuller School surplus.

The Fuller School has not been used as a K-5 school since the '06-'07 school year. In 2007-2008, the city's 5<sup>th</sup> graders used the building while the construction to expand the other elementary schools was completed. In 2008, the city made a \$3.5 million investment to accommodate the needs of a k-5 configuration and as a result, Beeman Elementary is now a K-5 school rather than 3-5 and Plum Cove is k-5. rather than k-2.

Today, Fuller sits largely empty and at great cost to the city. Those dollars are far better off directed towards the vibrant schools that are serving the educational program. I ask that you move swiftly yet deliberately.

The Administration is eager to support the SC as it undertakes its deliberations on this important decision. Please do not hesitate to contact me or Suzanne Egan or any member of city staff as the Committee takes up this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk  
Mayor

Attachments

LAW DEPARTMENT  
MEMORANDUM

TO: Chairman and Members of the School Committee

FROM: Suzanne P. Egan *SPE*  
General Counsel

RE: Fuller School

DATE: January 18, 2012

---

The School Committee is requested to vote to declare the Fuller School surplus property. In 1969, the City Council voted to acquire the land and building for school purposes. In 1970, special legislation by the General Court was enacted to authorize the city to acquire the Fuller School, then known as St. Peter's High School, for school purposes and to spend such sums not to exceed five million dollars.(St.1970, c.87, attached.) The certificate of title provides that the City of Gloucester is the owner of the property.(copy attached). The transfer and sale of school property is subject to the provisions of Massachusetts General Law chapter 40, sections 3 and 15A. The sale or transfer of all city owned property is subject to the provision of Section 2-3 of the Code of Ordinances.

General Law chapter 40, section 3, authorizes the city to hold and sell real property. Property that is held generally by the city may be conveyed or leased to a third party following the procedures set out in Section 2-3 of the Code of Ordinances and, where appropriate, the provisions of General Law chapter 30B. However, school buildings not in actual use may only be leased or rented with the approval of the school committee. Additionally, property owned by the city and whose care, custody and maintenance is delegated to a particular department for a specific purpose is regulated by the procedure set forth in chapter 40, section 15A.

General Law chapter 40, section 15A, sets out the procedure through which city property which is delegated to a particular department and held for a particular purpose may be reused for another purpose. The School Committee, as the current custodian of the property, may vote to declare that the Fuller School building and grounds are no longer in actual use as a school building and no longer required for school purposes. The Committee thereafter gives notice of such determination to the City Council.

At any time thereafter, the City Council may, by vote of two thirds of all its members and the approval of the mayor, transfer the care, custody and control of the land to the same or another department for another specific purpose. Once the property is declared surplus, section 2-3 of the Code of Ordinances sets for the procedure for council authorization for the disposition of city property. The mayor, upon recommendation of the land disposition committee may, advise the council that the property has been determined to be surplus and request it be disposed.

Chap. 87. An Act authorizing the city of Gloucester to acquire LAND AND BUILDINGS IN SAID CITY, KNOWN AS st. peter's high school, to remodel, renovate, construct ADDITIONS TO, ORIGINALLY EQUIP AND FURNISH SAID BUILDINGS AND TO BORROW MONEY FOR SAID PURPOSES.

Be it enacted, etc., as follows:

Section 1. The city of Gloucester is hereby authorized to acquire for school purposes certain land and buildings in said city owned by the Archdiocesan Central High Schools, Inc., and more particularly known as St. Peter's High School, and after such acquisition said city may remodel, renovate, construct additions, originally equip and furnish said buildings. For said purposes said city may appropriate and expend such sums as may be necessary, not exceeding, in the aggregate, five million dollars.

Section 2. For said purposes the city of Gloucester may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, five million dollars, and may issue bonds or notes therefor which shall bear on their face the words Gloucester School Acquisition Loan, Act of 1970. Each authorized issue shall constitute a separate Acts, 1970. -

OWNER'S DUPLICATE CERTIFICATE

Cert. No. 58734  
Docu. No. 241302

From TRANSFER Certificate No. 33897 , Originally Registered  
AUGUST 31, 1962 &  
SEPTEMBER 13, 1962 in Registration Book 138 Page 31958 & 32011

for the Southern Registry District of Essex County

THIS IS TO CERTIFY that

CITY OF GLOUCESTER, A MUNICIPAL CORPORATION WITH A USUAL PLACE OF  
BUSINESS IN:

CITY HALL, GLOUCESTER MA 01930

is  
the owner(s) in fee simple

of that land situated in GLOUCESTER

in the County of Essex and Commonwealth of Massachusetts, bounded  
and described as follows:

WESTERLY by Trask Street ninety three and 13/100 (93.13) feet;  
SOUTHERLY by a Way, forty (40) feet wide, as shown on plan  
hereinafter mentioned, two hundred eleven and 40/100  
(211.40) feet;  
WESTERLY on two courses measuring together three hundred seventy  
nine and 48/100 (379.48) feet,  
SOUTHERLY three hundred fifty (350) feet, and  
WESTERLY on two courses measuring together one hundred thirty  
and 11/100 (130.11) feet by land now or formerly of  
Benjamin Linskey et al Trs.;  
NORTHEASTERLY fifty (50) feet, and  
NORTHWESTERLY four hundred sixteen and 11/100 (416.11) feet by  
Northern Circumferential Highway State Highway Route  
128 (NO ACCESS)  
EASTERLY eighty three and 26/100 (83.26) feet,  
NORTHWESTERLY two hundred ninety three and 63/100 (293.63) feet,  
NORTHERLY two hundred thirty and 11/100 (230.11) feet,  
NORTHEASTERLY two hundred seventy and 84/100 (270.84) feet, and  
EASTERLY nine hundred fifty two and 89/100 (52.89) feet by land  
now or formerly of Shirley F. Woodger;  
SOUTHERLY by a way forty (40) feet wide, as shown on said plan,  
one hundred ten and 95/100 (110.95) feet; and  
WESTERLY eighty four and 67/100 (84.67) feet, and  
SOUTHERLY one hundred fifty (150) feet by land now or formerly of  
John J. Lawler.

All of said boundaries are determined by the Court to be located as  
shown upon plan numbered 31665-B, drawn by Port Engineering Assoc.  
Inc., Surveyors, dated December 28 1987, as modified and approved by  
the Court, filed in the Land Registration Office, a copy of a portion  
of which is filed with Certificate of Title 58734 in said Registry,  
and the above described land is shown as lot 1, on last mentioned plan.

Part of the above described land is subject to the rights described  
in an Easement from Roman Catholic Archbishop of Boston to Abram  
Linsky et al Trustees, dated September 26, 1962, and filed as Document  
102906 in said Registry, and shown on plan filed with said document.

Part of the above described land is subject to the rights described in an Easement from Roman Catholic Archbishop of Boston to Shirley F. Woodger, dated September 26, 1962, and filed as Document 102907 in said Registry, and shown on plan filed with document 102906.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

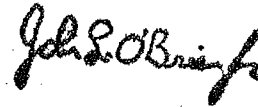
CITY OF GLOUCESTER

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate.

WITNESS, JOHN E. FENTON, JR., Chief Justice of the Land Court, at Salem, in said County of Essex

the ninth day of December in the year nineteen hundred and eighty eight, at 3 o'clock and 57 minutes.

Attest, with the Seal of said Court,



---

JOHN L. O'BRIEN, JR., Assistant Recorder

CITY OF GLOUCESTER  
LAW DEPT.  
DALE AVENUE  
GLOUCESTER, MA. 01930