

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

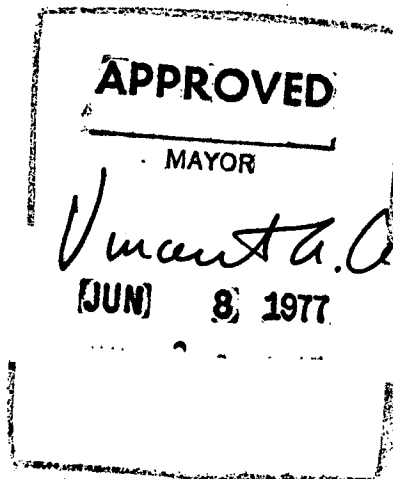
No. 371

Approved June 8, 1977

RESOLVED, that His Honor the Mayor is authorized to execute a Conveyance of a portion of that area of Lieutenant George E. Dillon Memorial Park, located along the northwesterly corner of Bucklin Street and Daboll Street, being a portion of Lot 663, as Set Out and Delineated on City Assessor's Plat 43, as further identified on accompanying Plan entitled, "Providence, R.I., P.W. Dept., Engineering Section, Plan No. 063975, Date August 26, 1976" containing Six Thousand Square Feet of Land to the Mayor's Office of Community Development, for the purpose of establishing the West End Multi-Purpose Center, all in accordance with Resolution of the City Council No. 428, approved September 9, 1976, a copy of which is hereto attached.

IN CITY COUNCIL
JUN 2 1977
READ AND PASSED

Ralph Fugère PRES.
William C. Cope CLERK

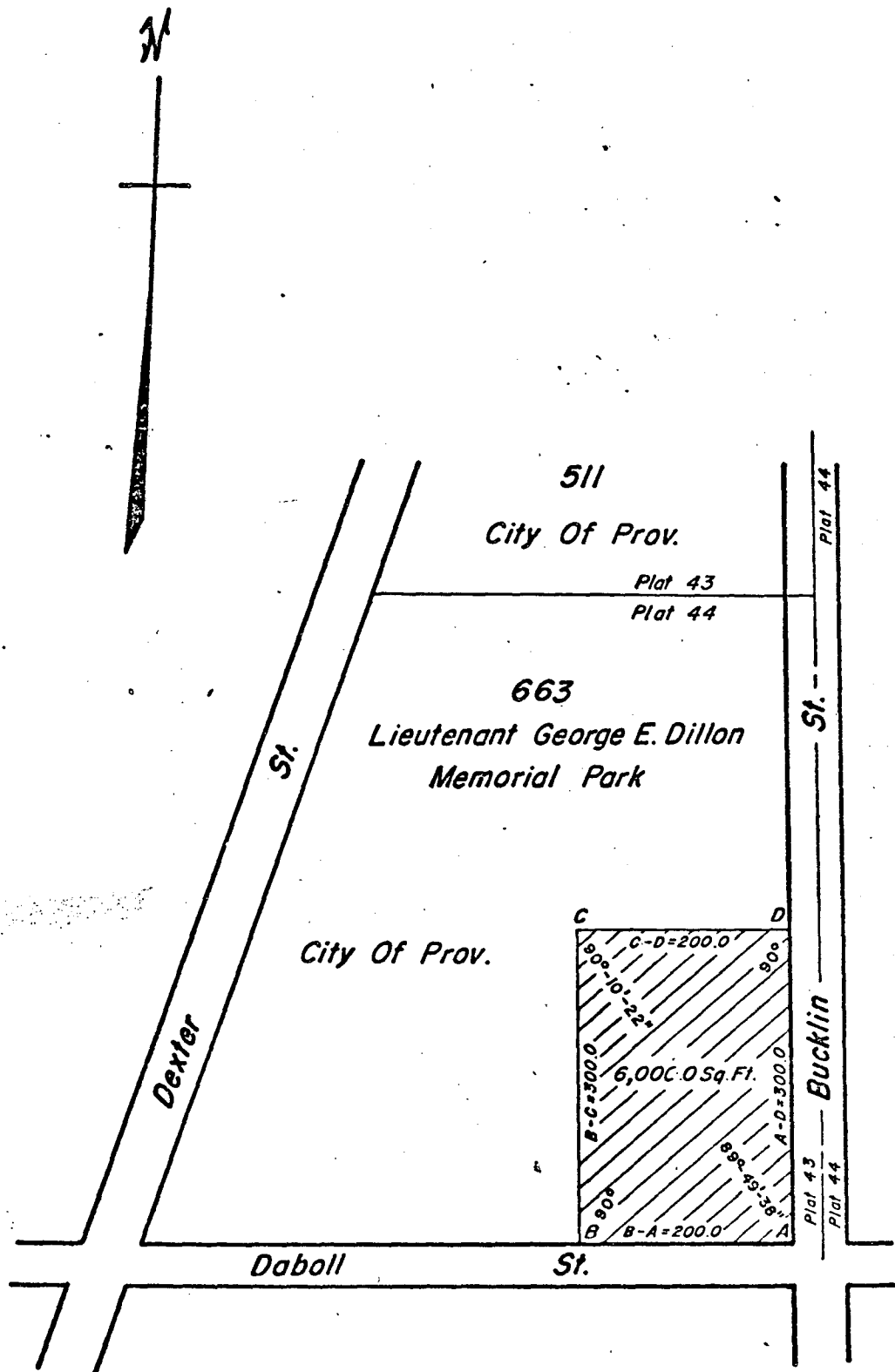


**THE COMMITTEE ON
CITY PROPERTY**

Approves Passage of
The Within Resolutions

Urmant Cooper
May 24, 1977 Clerk

PROVIDENCE, R.I.
 P. W. DEPT. -
 CITY
 Plan No. 063975
 Date August 26, 1976



Note:

Cross-Hatched Area (A-B-C-D-A)
 Portion Of Lot 663 Indicates
 Proposed Conveyance.

Area Contains 6000.00 Sq. Ft.

Lot Numbers From Assessor's Plats 43 & 44

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Group
 Showing Proposed Conveyance (Portion Of
Lt. George E. Dillon Memorial Park)
 Drawn by Petruska Checked by J. A. M.
 Scale 1" = 100' Date August 26, 1976
 City Engineer Joseph J. Camp

RESOLUTION OF THE CITY COUNCIL

No. 428

Approved September 9, 1976

WHEREAS, the enactment of the Housing and Community Development Act of 1974, marked a new era in relations between the Federal Government and the City of Providence, and

WHEREAS, Title I of the Act, the Community Development Block Grant Program, consolidated seven existing categorical grant-in-aid programs administered by the U.S. Department of Housing and Urban Development, the responsibility for determining needs, establishing priorities, and allocating resources for community development now rests with local elected officials, and

WHEREAS, the Division of Social Programs and Community Facilities Development within this newly established Department has as one of its major charges the construction and/or rehabilitation of multi-purpose facilities to serve principally the social needs of our low and moderate income citizenry, completion of this network of multi-purpose centers is being conducted through mechanisms which will insure neighborhood control of planning, development and operation,

NOW, THEREFORE, BE IT RESOLVED, that His Honor the Mayor, the Committee on City Property of the City Council and the Department of Recreation, are hereby respectfully requested to effect the conveyance of a portion of the area of Lieutenant George E. Dillon Memorial Park, located along the North Westerly corner of Bucklin Street and Daboll Street, being a portion of Lot 663 on City Assessor's Plat 43, to the Mayor's Office of Community Development, for the purpose of the establishment of the West End Multi-Purpose Center.

A true copy,
Attest:

Vincent Vespia
Vincent Vespia,
City Clerk.

THE COMMITTEE ON
PROPERTY

Recommends *Referred for Conveyance*

Clerk

11/9/76

THE COMMITTEE ON
CITY PROPERTY

Recommends

Clerk

3/22/77

THE COMMITTEE ON
CITY PROPERTY

Recommends

Clerk

3/29/77

Denial
Universal Property



LAW DEPARTMENT

May 18, 1977

Committee on City Property
City Hall
Providence, RI 02903

Re: Resolution Relative to George E. Dillon
Memorial Park

Gentlemen:

Per your request of June 29, 1976 with regard to whether a portion of the area of Lt. George E. Dillon Memorial Park, located along the northwesterly corner of Bucklin Street and Daboll Street, being a portion of Lot 663 on City Assessor's Plat 43 can be conveyed to the Mayor's Office of Community Development for the purpose of establishing the West-End Multi-Purpose Center, please be advised as follows:

Chapter 1120 of the Public Laws of R. I., January Session 1914, Section 1, states that "The City of Providence is hereby authorized and empowered to take for public park and playground purposes," ...the portinn of land in question. This land was condemned by the City of Providence under the authority granted by the state, and the deed with the description is noted in Deed Book 546 on Pages 32 and 33. The deed states that the subject parcel was in fact taken by the City of Providence for Public Park and playground purposes in accordance with Resolution No. 205 of the City Council, approved June 8, 1914.

To help us decide the question in issue, we must first look for the definition of "park." In Blair vs. Granger, 24 RI 17(20) our Supreme Court stated "a park is a piece of ground adapted and set apart for purposes of ornament, exercise and amusement." It was further defined in Carrolo vs. Zoning Board of Town of Westerly, 67 RI 128, 21A2d 265(266) as "A piece of ground, usually of considerable extent, set apart and maintained for public use and laid out in such a way as to afford pleasure to the eye as well as opportunity for open-air recreation."



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The word "park" has been defined in other jurisdictions in the following manner:

In Hills vs. Collingwood, 9 N.J. 369, 88 A2d 506, the court stated, "Public parks are areas to be devoted by law to recreation exclusively, and they may not be rezoned for commercial or private use. Zoning ordinances cannot increase or diminish the extent of the public use."

The above citation seems to emphasize the fact that a park is to be used for an open-air recreational facility, and a site that offers "pleasure to the eye."

Sec. 18-32 of the Providence Code deals with the management and regulation of public playgrounds. There it states, "the board of park commissioners shall manage and regulate the public playgrounds and places used for recreation activities of the city ... and conduct and promote thereon such forms of play, sport, physical and industrial education and recreation activities as said board of park commissioners in their discretion may from time to time determine." This section seems to expand further on the definition of "parks." To determine whether or not a multi-purpose center falls within these guidelines, it would have to be known exactly what the federal authorities contemplated by such a facility.

By definition, a multi-service community center is a community-developed and community-controlled structure and program which assists community residents and public and private agencies to work together toward fulfilling the critical needs of that neighborhood. The structure of said multi-service community center includes space for recreational and cultural activities and many other activities involved in areas of life which would serve as an assistance to those living in the area. The recreational facility which will be available appears to conform to the use of this land in question as required by Chapter 1120 of the Public Laws of R. I., January Session 1914, Sec. 1, which states that the City of Providence is hereby authorized and empowered to take for public park and playground purposes the portion of land in question. Also, this use appears to conform to the definition of the word "park" as enunciated in Carrolo vs. Zoning Board of Town of Westerly and Blair vs. Granger (Ibid).

Based upon the suggested recreational use of this property for a multi-purpose center and the requirements as were dictated to the City of Providence when the land in question was acquired, it is my opinion that the use of this property for a multi-purpose center would be acceptable under the law.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Rotondi, Jr.", written over the typed name.

John Rotondi, Jr.
Deputy City Solicitor

/abt

KNOW ALL MEN BY THESE PRESENTS.

THAT we WEBSTER KNIGHT, C. PRESCOTT KNIGHT and EDITH KNIGHT all of the City and County of Providence, in the State of Rhode Island and SOPHIE KNIGHT ROUSMANIERE, wife of Edmund S. Rousmaniere of Boston, in the County of Suffolk, in the Commonwealth of Massachusetts, being all the heirs at law of Robert Knight late of said City of Providence deceased, hereinafter called the Grantors, for and in consideration of the sum of THIRTY THOUSAND (30000) DOLLARS, to us paid by the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of said State of Rhode Island, and located in the County of Providence therein, hereinafter called the Grantee, the receipt whereof is hereby acknowledged, have remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto the said Grantee and its successors and assigns forever, all the right, title, interest, property, claim and demand which we now have, or of right ought to have, or claim in and to

THAT CERTAIN TRACT OR PARCEL OF LAND located in the southwesterly part of said City of Providence, shaded red on that certain plat marked, "Providence R. I., City Engineer's Office, City Property Dep't, June 10, 1914, 040142" which plat was duly filed in the office of the Recorder of Deeds in said City of Providence on the fifteenth day of June A. D. 1914, said tract being bounded and described as follows:- Beginning for the northeasterly corner thereof at the southwesterly corner of Whitmarsh Street and Bucklin Street; thence southerly, bounding easterly on said Bucklin Street 622.05 feet to a corner; thence deflecting to the right 90° 10' 22" and running westerly bounding southerly on Daboll Street 609.12 feet to a corner; thence deflecting to the right 109° 46' 40" and running northeasterly bounding northwesterly on Dexter Street 661.02 feet to a corner; thence deflecting to the right 70° 13' 10" and running easterly bounding northerly on said Whitmarsh Street as shown on said plat 383.57 feet to the point of beginning; said tract contains 308744 square feet of land.

Said tract of land is hereby conveyed upon the express condition that it shall be used as and for a Public Park, Playground Or For Some Similar Purpose, and if at any time said land shall cease to be used as such, these Grantors, their heirs and assigns shall have the right to reenter upon and repossess themselves of said granted premises as of their former estate, provided that they shall before exercising such right of reentry repay to this Grantee its successors or assigns, said sum of thirty thousand dollars, and further provided that they shall exercise such right of reentry within one year after said land shall cease to be used as aforesaid and shall be openly used for any other purpose than as aforesaid.

TO HAVE AND TO HOLD the same, with all the rights, privileges and appurtenances thereof or thereunto appertaining, unto and to the use of the said City of Providence, its successors and assigns forever, subject to the aforesaid conditions.

AND we, the aforementioned Grantors, for ourselves and for our heirs, executors and administrators, hereby covenant with the said City of Providence, its successors and assigns, that we will warrant and defend the aforescribed premises to the said City of Providence, its successors and assigns forever against the lawful claims and demands of all persons claiming by, through or under us or either of us.

AND we, SARAH W. KNIGHT, wife of said Webster Knight and JESSIE C. KNIGHT, wife of said C. Prescott Knight, in consideration of the sum paid as aforesaid, hereby remise, release and forever quitclaim unto the said City of Providence, its successors and assigns, all our right of Dower in and to the within described premises.

AND I, EDMUND S. ROUSMANIERE, husband of said Sophie Knight Rousmaniere, in consideration of the sum paid as aforesaid, hereby remise, release and forever quitclaim unto the said City of Providence, its successors and assigns, all my right of Curtesy in and to the within described premises.

AND I, the aforementioned Edith Knight, hereby covenant that I am unmarried.

IN TESTIMONY WHEREOF we have hereunto set our hands and seals this 1st day of July A. D. 1914.

Signed and sealed in presence of
Edwin C. Potter as to W.K., S.W.K.,
C.P.K., J.C.K., & E.K.

W. H. O'Neil
W. H. O'Neil

Webster Knight	(L.S.)
Sarah W. Knight	(L.S.)
C. Prescott Knight	(L.S.)
Jessie Cone Knight	(L.S.)
Sophie K. Rousmaniere	(L.S.)
Edmund S. Rousmaniere	(L.S.)
Edith Knight.	(L.S.)

STATE OF RHODE ISLAND &c.

COUNTY OF PROVIDENCE SC.

In Providence, in said County and State, on this 15th day of July A. D. 1914, personally appeared before me the within named Webster Knight and Sarah W. Knight his wife, both to me known and known by me to be the parties executing the within instrument, and severally acknowledged the same by them executed to be their free act and deed.

Edwin C. Potter (L.S.)

Notary Public

STATE OF RHODE ISLAND &c.

COUNTY OF PROVIDENCE SC.

In Providence, in said County and State, on this 8th day of July A. D. 1914, personally appeared before me the within named C. Prescott Knight and Jessie C. Knight his wife, both to me known and known by me to be the parties executing the within instrument, and severally acknowledged the same by them executed to be their free act and deed.

Edwin C. Potter (L.S.)

Notary Public

COMMONWEALTH OF MASSACHUSETTS,

COUNTY OF SUFFOLK SS.

In Boston, in said County and Commonwealth, on this first day of July A. D. 1914, personally appeared before me the within named Edmund S. Rousmaniere and Sophie Knight Rousmaniere his wife, both to me known and known by me to be the parties executing the within instrument, and severally acknowledged the same by them executed to be their free act and deed.

John L. Newell (L.S.)

Notary Public

STATE OF RHODE ISLAND &c.

COUNTY OF PROVIDENCE SC.

In Providence, in said County and State, on this 9th day of July A. D. 1914, personally appeared before me the within named Edith Knight, to me known and known by me to be the party executing the within instrument, and acknowledged the same by her signed to be her free act and deed.

Edwin C. Potter (L.S.)

Notary Public

The description in the within deed is correct and satisfactory to this department.

Otis F Clapp,

City Engineer.

The within deed is correct in form and the title to the premises thereby conveyed is satisfactory to me.

Elisha C. Mowry -

Third Assistant City Solicitor.

The within estate is purchased in accordance with the terms of a resolution of the City Council of the City of Providence numbered 53 approved February 6, 1914.

Recorded July 24, 1914

at 3 P. M.

Witness:


Recorder of Deeds.

KNOW ALL MEN BY THESE PRESENTS,

THAT I, JANE GOODWIN, of the City of Providence, in the State of Rhode Island, (single) in consideration of the sum of TEN (10) DOLLARS to me paid by DANIEL F. HENNESSEY and ELLEN I. HENNESSEY, his wife, both of said City in said State, (hereinafter called the Grantees) the receipt whereof is hereby acknowledged, do hereby remise, release and forever QUITCLAIM unto them the said Grantees, their heirs and Assigns forever, all the right, title, interest, property, claim and demand which I now have, or of right ought to have, or claim, in and to

THAT LOT OF LAND with buildings and improvements thereon, situated in the City of Providence, in the State of Rhode Island, and laid out and delineated as Lot No. 60 (sixty) on that plat entitled, "Junction Plat, belonging to E. N. Steere, situated at the junction of Atwells avenue and High street or Triptown Road so-called, platted by S. C. Cushing & Co. Sept. 1872", of which plat copy is on record in the office of the Recorder of Deeds in said City on Card No. 350. Also, Lot No. 5 (five) on that plat entitled, "Plot of House-lots belonging to the heirs of John Williams by P. Phalen March 30, 1880". on record in said office in Plat Book 15, at page 15, and (copy) on Plat Card No. 546.

TO HAVE AND TO HOLD the same, with all the rights, privileges and appurtenances thereunto appertaining, unto and to the use of them the said Grantees, their heirs and assigns forever, and assigns forever.

Vincent A. Cianci, Jr.
Mayor of Providence
44 Washington Street
Providence, R. I. 02903
Phone: (401) 351-4300

MAYOR'S
OFFICE OF
COMMUNITY
DEVELOPMENT

August 16, 1976

Mr. Gerald Norigian
Assistant City Solicitor
City Hall
Providence, RI 02903

Dear Mr. Norigian:

As per your request of August 13, 1976 with regard to what federal authorities contemplate by a multi purpose neighborhood facility the Federal Register, Monday, June 9, 1975, Part V Community Development Block Grants under Section 570.200 (a) 2 defines a multi purpose facility as follows:

" . . . a neighborhood facility is one which (i) is designed to serve a particular neighborhood and provides services for that area, except that such a facility may serve an entire community of under 10,000 population; (ii) provides health, recreational, social, or similar community services; and (iii) may be either single purpose or multi purpose in nature."

Enclosed you will find a proposed breakdown of possible service that can be taken advantage of.

Sincerely,



Ronald J. Perillo
Legal Counsel

RJP:amf

Enclosure

OVERVIEW OF SOCIAL PROGRAM SERVICES AND ACTIVITIES

THAT COULD BE HOUSED IN A NEIGHBORHOOD FACILITY

- I. Social Services
 - a. Individual and Family Counseling
 - b. Homemaker Education
 - c. Legal Advice and Services
 - d. Consumer Education
 - e. Day Care
- II. Employment and Training
 - a. Job Training and vocational counseling (Manpower Development and Training programs of the Department of Labor)
 - b. Youth Opportunity Center (State Employment Service)
 - c. Vocational Rehabilitation (Department of Health, Education and Welfare--concerning Counseling Services)
- III. Education
 - a. Basic Adult Literacy
 - b. Citizenship classes
 - c. Head Start
 - d. Parent workshops
- IV. Housing
 - a. Relocation information
 - b. Rehabilitation assistance (advice on loans, grants, required improvements)
 - c. Code Enforcement (advice on rights and duties of owners and tenants assistance in landlord tenants relations).
- V. Assistance to the Aged
 - a. Information on Social Security, Medicare, and other benefits
 - b. Special Health Services
 - c. Social Activities
 - d. Handicraft shops
- VI. Civic Participation
 - a. Planning for Renewal
 - b. Organization for Citizens Action
 - c. Participation in the Community Action Program
 - d. Municipal Services Information Center
- VII. Health
 - a. Health Stations
 - b. Referral Services to Community Health Centers
 - c. Medical and Dental screening clinics
 - d. Environmental Health Information Services
 - e. Mental Health Referral Service

VIII.

Cultural Enrichment

- a. Library Services
- b. Museum Tours
- c. Film programs
- d. Musical instruction and appreciation
- e. Dramatic productions

IX.

Recreation

- a. Active sports programs for youth and young adults
- b. Active and passive programs for older groups

Having been chaired by Ed Kavari in our Committee meeting about "changing my position," I will answer him by writing the following letter:

June 2, 1977

Dear Mr. McCrea,

I have received your letter of May 26 requesting my support for the West End Multi-Purpose Center to be built at Bucklin Park.

I owe it to you to give the reasons why I will vote against it.

I was surprised when this matter reappeared on the docket a month or so ago. I thought it had been disposed of. I believe Councilman Flynn was concerned that the property did not have a clear title. I thought construction had already started. To review briefly:

In 1914 the Council, with General Assembly approval, acquired the property "for public park and playground purposes." To me this language is very clear, and specific, and ^{by any stretch of the imagination,} does not allow ^{with its downy fingertips,} for the construction of a multi-purpose center, as described in the federal guide lines. Obviously, the swimming pool and adjacent buildings presently located there, do conform.

Let me hasten to add, at this point, I am not against multi-purpose centers. We must explore every possible idea and suggestion in order to upgrade, rehabilitate, and service the neighborhoods. This may be the latest of Washington's innovative approaches to the

problem, practically all of which have been a disgrace. All waste of the taxpayers money in the past, yes, money down the drain. We must continue to try. This facility looks good on paper, I am all for it. At great expense, we are bringing the vital services to the neighborhoods. We must make it work - and make sure it does not become another Willard Center - Prairie Avenue.

This is a most unusual situation to me - in politics. Where was PACE? I would have expected to see them come forward, in their positive way, and say:

"No sir, not one inch of our playground will be built on. That is reserved for our children."

We demand that the City purchase a piece of land in the area and build our multi-purpose center on it. Yes sir, we want both. The Mayor talks about building up the neighborhoods. This is the way you tear them down."

Incidentally, what happened to the empty A + P store on Cranston Street which could have been made over into a multi-purpose center?

Let me discuss, and remind you what happened in some other City parks:

Heintz-Kanast Park

About seven years ago, the so-called Lawn Bowling

Green in the north east corner was sold to an abutting property owner for house lots, contrary to the deed.

and, in the middle of the Park, a piece was almost sold for a high rise apartment.

Mansion Park

was very nearly taken over for a new school, (to be sited diagonally so it would fit) before it was decided to renovate Osa Messer School nearby.

Sessions Street Playground

In my own Second Ward, an addition to the Jewish Community Center, to house the elderly, so located that, for all intents and purposes, it would have rendered inoperable the rest of the playground.

In each of these three cases, the community came forward and voiced objections.

In the case of Bucklin Park, those whom I expected to object, are strangely silent. Here they are:

1. Board of Park Commissioners.

Bucklin Park was placed in their care by the Council. They are charged ^{with the management and regulation of} ~~to manage and regulate~~ the cities' parks. Here, a third of a park is taken from them, and no compensation.

2. The Director of the Department of Recreation.

In a letter dated April 20, reporting on the assignment of Permits, he says: "In many instances we simply do not have enough fields," And I recall, he is on record as saying, ^{in effect,} in regard to Sessions Street Playground, we could forego this ball-field, as well. He stands to lose two baseball diamonds here.

3. School Committee

Bucklin Park is the playground for Gilbert Stuart middle school. Just a year ago, I observed the area which will be taken over, in use by as many as 200 school children, playing soft ball, in their blue and white uniforms.

A member of your committee is on the School Committee.

4. City Planners and Architects.

Why is it they feel compelled to fill in any open space with a building or a facility? Have they seen the magnificent cathedral squares of Europe?

I find ^{our} Cathedral Plaza to be dingy, unimaginative, confined, uninspired. I dread what will happen to Kennedy Play.

I am getting far afield.

The Mayor's office The Mayor is neutral in this situation. He is standing by, and when a consensus is reached in a given neighborhood as to their particular needs and desires, he will do his best to implement

them. He is responsible, in this case, & we are certain that the land on which the facility is to be built has a clear title, since federal funds are to be expended. The City cannot chance a "class action" suit.

The West End community, understandably, want their multi-purpose facility, now. And they are quite right. They are entitled to it. They should get their piece of the pie. It disturbs me, however, that no parent from the West End community has come forward to complain of the loss of playground space set aside for their youngsters.

Conclusion

Mr. McCrea, I think you and the members of your committee are doing the children of your neighborhood a great disservice. You are giving away their birthright. The Council, some years ago, very wisely set aside for all posterity play areas and open fields for the children, and adults, of the city, ^{to enjoy} and once a playground is built on, it is gone forever. I think it is short-sighted of you and your committee to give up, "for a mess of pottage" the heritage of your children. Your neighborhood has many suitable locations, there are many open spaces. Why don't you opt for both?

As a councilman, I will continue to take my responsibility seriously: To attempt to preserve for future generations any and all park and playgrounds anywhere in the city - space which may have been acquired by far-sighted City Councils in the past.