

RESOLUTION OF THE CITY COUNCIL

No. 793

Approved December 18, 2000

Resolution No. 683 Approved October 13, 2000 is hereby rescinded.

WHEREAS, the City of Providence is the owner of the India Point Bridge; and

WHEREAS, said bridge was originally designed for railway travel; and

WHEREAS, said bridge is no longer utilized for such travel; and

WHEREAS, said bridge presents a hazard for navigation; and

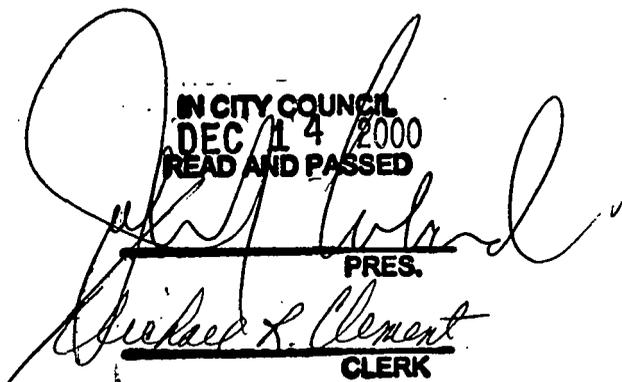
WHEREAS, the City in conjunction with the federal government is planning the dismantling and removal of said bridge; and

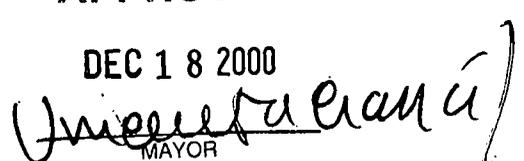
WHEREAS, as part of that Agreement between the City of Providence and the United States of America, title to said bridge shall be transferred to the Federal Government; and

WHEREAS, the federal government seeks the approval of the city to market the bridge for a period of thirty (30) days prior to its demolition,

NOW, THEREFORE, BE IT RESOLVED, that His Honor, the Mayor, is authorized to transfer ownership of the India Point Bridge to the United States of America for the sum of Zero Dollars (\$0.00) and further is authorized to negotiate conditions of the sale and to execute any and all documents to effect such transfer substantially in the form as exhibited in attachment "A."

BE IT FURTHER RESOLVED, that His Honor, the Mayor, is authorized to execute a memorandum of agreement permitting the United States of America to market the bridge for a period of thirty (30) days prior to its demolition. (A photocopy of that agreement is exhibited in attachment "B").


IN CITY COUNCIL
DEC 14 2000
READ AND PASSED
PRES.
Michael S. Clement
CLERK

APPROVED
DEC 18 2000

MAYOR

CLERK

BRF

READ AND PASSED
DEC 1
BY CLERK CONCISE

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Claire Bertrich
NOV. 21. 2000 Clerk

BILL OF SALE

WHEREAS, The City of Providence, Rhode Island, by and through its Mayor, has been authorized in a Resolution of the City Council passed on October 5, 2000 and approved by the Mayor on October 13, 2000 to execute a document to effect the transfer of the City of Providence owned India Point Railroad Bridge to the United States of America pursuant to the terms of a Project Cooperation Agreement (PCA) to be signed between the City of Providence and the United States of America, and

WHEREAS, the City of Providence, Rhode Island, by and through its Mayor, does hereby affirm that it does hold all right and title to ownership of the India Point Railroad Bridge and intends by this document to transfer all rights of ownership and possession of it to the United States of America, as is, where is and with no warranty of any nature,

NOW THEREFORE, I, Vincent A. Cianci, Jr., Mayor of the City of Providence, do hereby sell and transfer all right and title of the City of Providence to the India Point Railroad Bridge to The United States of America, AS IS, WHERE IS without warranty of any nature and without requirement of payment of cash but in light of other valuable consideration and hereby set my hand, and the seal of the City of Providence, Rhode Island this _____ day of _____, 2000.

BY: Vincent A. Cianci, Jr.
 Vincent A. Cianci, Jr.
 Mayor

CERTIFICATE OF AUTHORITY

I, Charles R. Mansolillo, certify that I am the City Solicitor of the City of Providence, Rhode Island, the entity which executed the foregoing instrument with the United States of America; and that Vincent A. Cianci, Jr. who signed the foregoing instrument on behalf of the City of Providence was then the Mayor of said City of Providence. I certify that the said officer was acting within the scope of powers delegated to him by the Providence City Council.

IN WITNESS WHEREOF, I have hereunto set my hand, and the seal of the City of Providence, Rhode Island this _____ day of _____, 2000.

BY: _____
 City Solicitor
 Providence, Rhode Island

**MEMORANDUM OF AGREEMENT
PURSUANT TO 36 CFR 800.6 (c)
REGARDING PROPOSED DEMOLITION OF THE
INDIA POINT RAILROAD BRIDGE
PROVIDENCE, RI**

WHEREAS, the U.S. Army Corps of Engineers, New England District (Corps), has determined that the demolition of the India Point Railroad Bridge (the undertaking) will have an effect upon this property that is eligible for the National Register of Historic Places; and,

WHEREAS, the Corps has consulted with the Rhode Island State Historic Preservation Officer (RI SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National historic Preservation Act of 1966 (16 U.S.C., Part 470f); and

WHEREAS, the City of Providence, the project proponent, has participated in the consultation and has been invited to concur in the Memorandum of Agreement; and,

WHEREAS, the Corps has completed an Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation of the India Point Railroad Bridge which has been accepted by the HABS/HAER division of the National Park Service and the RI SHPO;

NOW THEREFORE, the Corps and the RI SHPO agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The Corps will insure that the following measures are carried out:

1. **MARKETING OF THE INDIA POINT RAILROAD BRIDGE**

A. The Corps will market the bridge for reuse. An advertisement will be placed in the local newspaper (Providence Journal) for thirty (30) days. Advertisements will also be placed in at least two engineering periodicals such as Railway Age and the Engineering News Record for the same period of time. The content of the advertisement and the periodicals selected will be submitted to the RI SHPO for review and approval.

B. The Corps will provide a copy of the advertisement to the RI SHPO at the time of publication. The RI SHPO will distribute this advertisement to local and/or national historical groups at their discretion. These groups will be given thirty (30) days to respond to the advertisement.

2. UNIDENTIFIED HISTORIC PROPERTIES

A. The Corps will ensure that if additional previously unidentified historic properties are discovered which may be affected by the undertaking, the Corps and the RI SHPO will apply the National Register criteria of eligibility and consult pursuant to 36 CFR 800.4.

3. DISPUTE RESOLUTION

A. Should any party to this agreement object to any action carried out or proposed by the Corps with respect to the undertaking or implementation of this agreement, the Corps shall consult with the objecting party to resolve the objection. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 30 days after receipt of all pertinent documentation, the Council will either: 1) provide the Corps with recommendations, which the Corps will take into account in reaching a final decision regarding the dispute; or, 2) notify the Corps that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; the Corps responsibility to carry out all actions under this Memorandum of Agreement that are not subjects of the dispute will remain unchanged.

B. At any time during implementation of the measures stipulated in this agreement should any objection to any such measure or its manner of implementation be raised by a member of the public, the Corps shall take the objection into account and consult as needed with the objecting party, the RI SHPO, the City of Providence, or the Council to resolve the objection.

4. DELAYS IN EXECUTION OF THE UNDERTAKING

A. If stipulations have not been implemented by September 30, 2005, this agreement shall be considered null and void, and the Corps, if it chooses to continue with the undertaking, shall re-initiate its review in accordance with 36 CFR 800.

Execution of this Memorandum of Agreement by the Corps and the RI SHPO, its subsequent filing with the Council, and the implementation of its terms, shall establish that the Corps has afforded the Council an opportunity to comment on the proposed demolition of the India Point Railroad Bridge and its effects on historic properties, and that the Corps has taken into account the effects of the undertaking on historic properties.

UNITED STATES ARMY CORPS OF ENGINEERS

By: Brian E. Osterndorf Date: Sep 26, 00
Brian E. Osterndorf
Colonel, Corps of Engineers
District Engineer

RHODE ISLAND STATE HISTORIC PRESERVATION OFFICER

By: Frederick C. Williamson Date: 11 Oct 2000
Frederick C. Williamson
Executive Director

CONCUR:

CITY OF PROVIDENCE

By: _____ Date: _____

Charles R. Mansolillo
City Solicitor



Vincent A. Cianci, Jr.
Mayor

Department of Law
"Building Pride In Providence"

November 21, 2000

The Honorable Robert Clarkin
Chairman, Committee on Public Works
City Council Office
City Hall
Providence, RI 02903

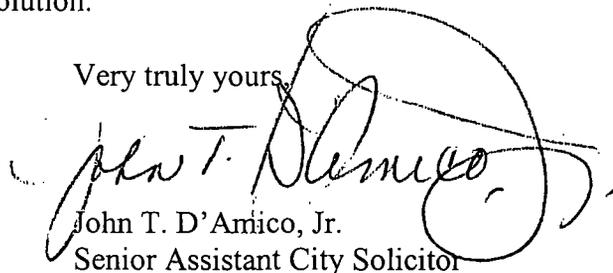
Dear Councilman Clarkin:

As you may recall, a few weeks ago your committee, together with the Committee on Public Property, considered two documents relating to the sale and demolition of the bridge at India Point. As a result of that meeting, I drafted a resolution authorizing the mayor to execute those documents on behalf of the city. In reviewing that resolution, I noticed that I omitted the sale price for the transfer of the bridge itself. While I may have informed the Committees at that time that the amount was \$1.00, I unfortunately did not include that in the resolution. Subsequently, the Army Corps has indicated that the \$1.00 sale price was erroneous and that it should, in fact, be for free. Therefore, I have redrafted the document to include that sum and have attached a photocopy of the Bill of Sale (which was not available at the time of your earlier deliberations).

Additionally, the federal government has forwarded to me a photocopy of a memorandum of agreement authorizing the Corps of Engineers to market the bridge for one month prior to demolition. While I mentioned this document to the Committees, the document itself was unavailable for the Committees' review. I am enclosing a photocopy of the same for deliberation.

I am respectfully requesting that the Committee allow me to address it on this issue and then reconsider the initial resolution.

Very truly yours,



John T. D'Amico, Jr.
Senior Assistant City Solicitor

JTD:cmr
Enclosure