

RESOLUTION OF THE CITY COUNCIL

No. 237

Approved June 27, 2022

RESOLVED, DECREED AND ORDERED:

That the cross-hatched portion of CROUT STREET shown on the accompanying plan entitled "Providence, R.I., P.W. Dept & Engineering Office, Street Line Section Plan No. 064861, dated May 22, 2019," bounded by letters the A-B-C-D-A on said plan, having ceased to be useful to the public, is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned upon the following:

1. Petitioners shall tender the amount of Fifty-Eight Thousand One Hundred Dollars (\$58,100.00) to the City of Providence.
2. Petitioners shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.
3. Any and all facilities owned by the City, including sewer utilities, but excluding facilities owned and/or operated by Providence Water, shall transfer to the Petitioners based on the lot lines determined by the aforementioned Class I survey.
Responsibility for and liability from said facilities shall be that of the new property owners, including for maintenance and upkeep.
4. Petitioners shall grant any easement as may be required by Providence Water and Verizon as may be acceptable to both Petitioner and the respective utility.
5. Petitioners shall comply with all conditions contained herein within sixty (60) days from the date of passage.
6. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works, and/or as may be deemed appropriate by the Mayor or the Department of Law.

ORDERED, That the Traffic Engineer be and is hereby directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned who is known to reside within the State.

IN CITY COUNCIL
JUN 16 2022
READ AND PASSED


JOHN J. GLIOZZI, PRESIDENT

Tina L. Mastrosanni, CLERK
ACTING

I HEREBY APPROVE.



Mayor
Date:  6/27/22

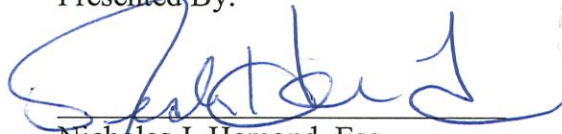
CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions this honorable body:

I, Nicholas Hemond, Esq., on behalf of Federal Asset, LLC, owner of real property located at 283 Atwells Avenue, Providence, Rhode Island, identified as Plat 28, Lot 553, and Richard Conti, owner of real property located at 289 Atwells Avenue, Providence, Rhode Island, identified as Plat 28, Lot 554, requests that the City Council abandon that portion of Crout Street, Providence, Rhode Island which lies between their respective lots. It is in the best interest of the petitioners and the City of Providence to grant this petition as it will improve the safety in the surrounding area and allow for the most efficient use of the land.

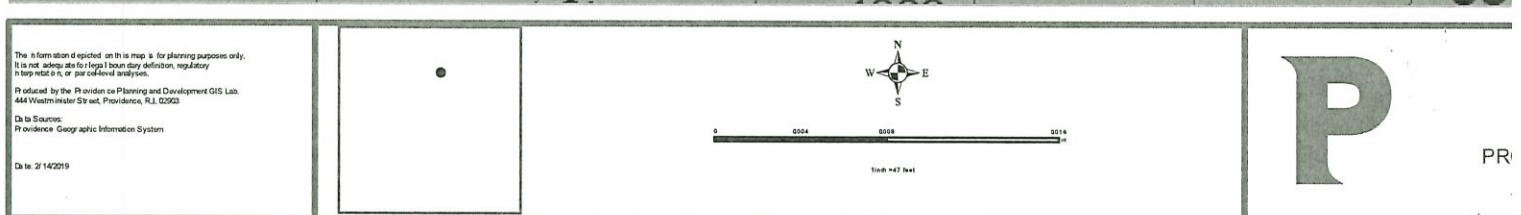
Presented By:

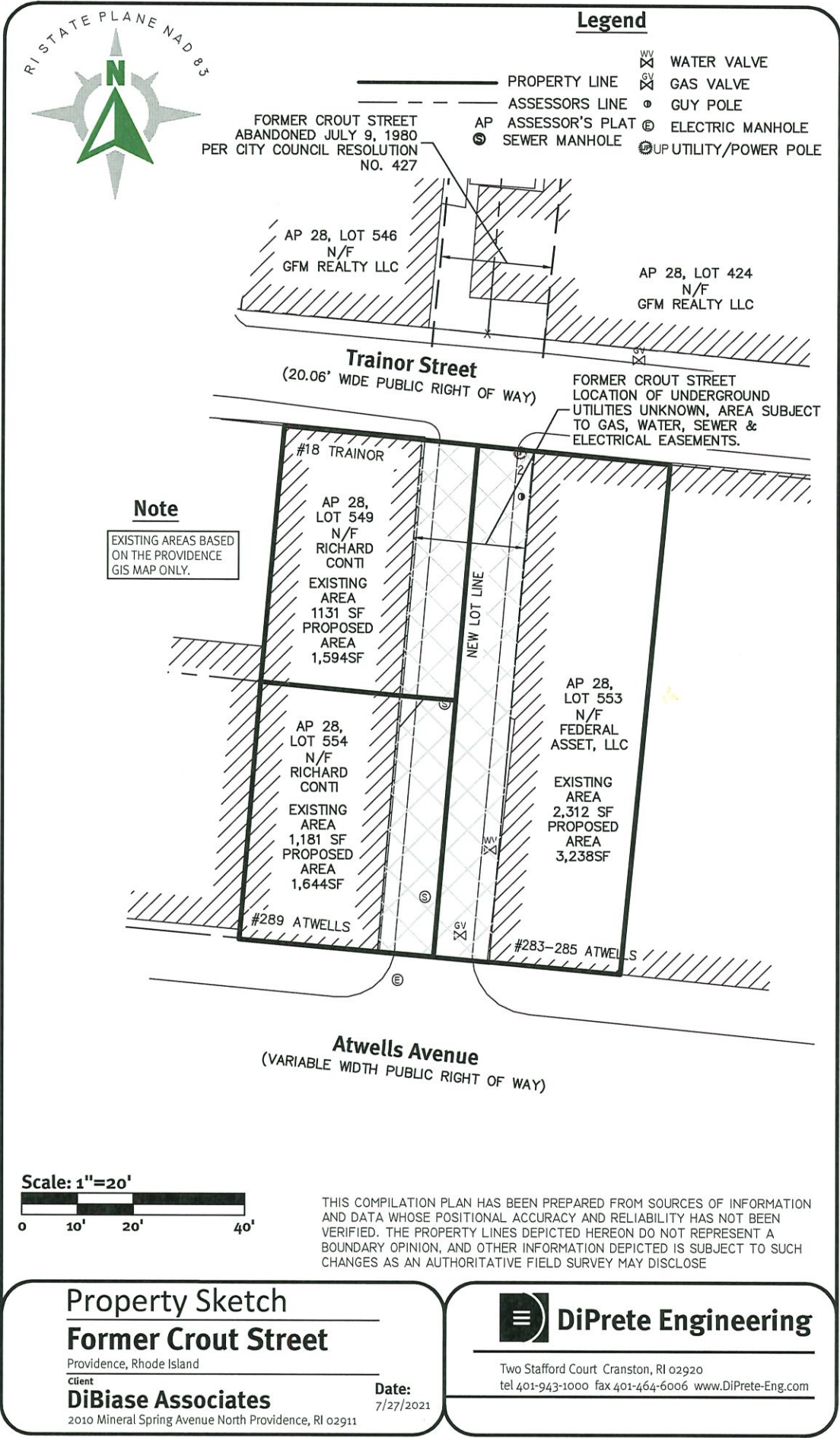


Nicholas J. Hemond, Esq.
Darrow Everett, LLP
One Turks Head Place, Suite 1200
Providence, RI 02903

Attorney of Record for:
Federal Asset, LLC and
Richard Conti
283 and 289 Atwells Avenue
Providence, RI 02903

Petition to abandon a portion of Crout Street
Citizen Bank
Check #16452







PROVIDENCE POLICE DEPARTMENT
Traffic Bureau
325 Washington St., Providence, RI 02903
243-6279

06/05/2019

To: Shawn Selleck, City Clerk
From: Lt. John K. Ryan
Subject: Abandonment of a portion of Crout Street

Sir,

After reviewing the request for the abandonment of a portion of Crout Streett, the Police Department has no objections to the proposed abandonment .

Respectfully Submitted

Lt. J. Ryan 6/5/19

STEVEN M. PARÉ
Commissioner of Public Safety
Acting Chief of Department



JORGE O. ELORZA
Mayor

Department of Public Safety, Fire Department
"Building Pride in Providence"

April 22, 2019

The Honorable Michael J. Correia
Councilman
Chairman, Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

RE: Petition for Road Abandonment-Portion of Crout Street

Dear Councilman Correia:

I am in receipt of your memorandum regarding the petition that was filed by Attorney Nicholas Hemond on behalf of his client, Federal Asset, LLC, who is requesting that a portion of Crout Street be abandoned. More specifically, the portion that lies between Plat 28, Lot 553 and Plat 28, Lot 554.

After review and consideration, the Providence Fire Department does not have any objection to this request as they still have access to the properties affected by this petition via Atwells Avenue, Trainor Street, Acorn Street and Depasquale Square. Crout Street is not a thru street.

This request would not have any impact on the Providence Fire Department, therefore, I do not have any public safety concerns at this time.

If you have any questions, please feel free to contact my office.

Respectfully,

Steven M. Paré
Commissioner of Public Safety
Acting Chief of Department

cc: Shawn Selleck, City Clerk

Public Safety Complex | 325 Washington Street | Providence, RI 02903
401-243-6060 phone | 401-243-6487 fax

Antonio J. Morabito III
Director



Jorge O. Elorza
Mayor

DEPARTMENT OF PUBLIC WORKS

"Building Pride in Providence"

May 28, 2019

Honorable Michael J. Correia
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Abandonment of a Portion of Crout Street

Dear Councilman Correia:

This department has no objection to the proposed abandonment of a portion of Crout Street in conjunction with the attached plan, entitled "Prov., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064861. Area of abandonment is designated as cross-hatched area (A-B-C-D-A) on the accompanying plan.

Total square footage equals 1,805 +/-
See accompanying plan for plat and lot numbers.
Full sewer easement required.

According to Informational Bulletin 2003.1 issued by Rhode Island Board of Registration for Professional Land Surveyors, road abandonments constitutes a boundary change, and as such, requires a Class 1 survey prepared by a professional Land Surveyor, property licensed by said board.

If we can further assist you in this regard, please advise.

Very truly yours,



Antonio J. Morabito III

Director-D.P.W.

cc: Shawn Selleck-City Clerk
AJM, AZ-DPW
A. Southgate, Esq.-Law Dept.
L. Garzone-Tax Assessors
B. Nickerson-Planning & Development

700 Allens Avenue Providence, Rhode Island 02905
Phone 401-467-7950/Fax 401-941-2567
www.providenceri.com/dpw

PROVIDENCE, R.I.
P.W.DEPT. - ENGINEERING OFFICE
STREET LINE SECTION

PLAN NO. 064861

DATE: MAY 22, 2019

FORMER CROUT STREET
ABANDONED JULY 9, 1980
PER CITY COUNCIL RESOLUTION
NO. 427

AP 28, LOT 546
N/F
GFM REALTY LLC

AP 28, LOT 424
N/F
GFM REALTY LLC

Trainor Street
(20' WIDE PUBLIC RIGHT OF WAY)

AP 28, LOT 549
N/F
RICHARD CONTI

AP 28, LOT 553
N/F
FEDERAL ASSET, LLC

AP 28, LOT 554
N/F
RICHARD CONTI

Crout Street
(20.06' WIDE PUBLIC RIGHT OF WAY)
(AREA=1,805 SQAURE FEET ±)

#289 ATWELLS

#283-285 ATWELLS

Atwells Avenue
(VARIABLE WIDTH PUBLIC RIGHT OF WAY)

Legend

- ① DRAINAGE MANHOLE
② SEWER/SEPTIC MANHOLE
— S — SEWER LINE

NOTES:

CROSS-HATCHED AREA (A-B-C-D-A)
INDICATES PROPOSED
ABANDONMENT OF A
PORTION OF CROUT STREET
TOTAL SQUARE FOOTAGE=1,805±

SEWER EASEMENT REQUIRED

Scale: 1"=20'



CITY OF PROVIDENCE, R.I.
Public Works Dept - Engineering Office

Showing proposed abandonment of a portion
of Crout Street

Drawn by DiPrete Engineering Checked by _____
Scale 1"=20' Date 5/22/19

Correct _____ Associate Engr.
Approved William C. Bonland
CHIEF ENGINEER



April 23, 2019

The Hon. Jorge O. Elorza
Mayor
Ricky Caruolo
General Manager

Mr. Shawn Selleck
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Subject: Petition to Abandon Portion of Crout St., Providence

Dear Mr. Selleck:

The referenced Petition to the City Council to abandon a portion Crout Street has been reviewed for any impact this action might have on the Providence Water (PW) water distribution system. Our records indicate that we have an active 6-inch water main located near the referenced subject site. In order to make a final decision regarding this request, Providence Water needs more information regarding the plans for this portion of Crout St.

I have called Mr. Nick Hemond and left a message requesting this information but have not heard back from him.

If you have any further questions, please feel free to contact me at (401) 521-6300, extension 7282.

Respectfully,
PROVIDENCE WATER

Kathleen Topp
Water Quality Supervisor

cc: P. LePage
A. Pion
File

BOARD OF DIRECTORS

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William E. O'Gara, Esq.
Legal Advisor

MEMBER

Rhode Island Water Works Assn.
New England Water Works Assn.
American Water Works Assn.
Water Research Foundation

An EPA WaterSense Partner

(401) 521-6300

125 Dupont Drive
Providence, RI 02907

www.provwater.com

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Like us at:
facebook.com/Providencewater

WENDY NILSSON
Superintendent of Public Parks



JORGE O. ELORZA
Mayor

CITY OF PROVIDENCE

MEMORANDUM

TO: SHAWN SELLECK
CITY CLERK

FROM: BRIAN BYRNES
PARKS DEPUTY SUPERINTENDENT

DATE: MARCH 21, 2019

RE: Resolution to the City Council
Request to abandon a portion of Crout Street

Dear City Clerk,

The Providence Parks Department is in receipt of the Resolution to the City Clerk dated March 13, 2019, with regards to the request of Councilman Michael J. Correia, Chairman of the Committee on Public Works to abandon a portion of Crout Street.

Please be advised that this department has no objections to this proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Byrnes".

Brian Byrnes
Deputy Superintendent of Parks
City of Providence

Elyse Paré
Tax Assessor

Janesse Muscatelli
Deputy City Assessor



PROVIDENCE A CITY THAT WORKS

Jorge O. Elorza
Mayor

**Finance Department
Office of Tax Assessment**

August 4, 2021

Department of the City Clerk
Sheri A. Petronio, First Deputy City Clerk
25 Dorrance St.
Providence, RI 02903

Dear Ms. Petronio

Pursuant to your request our office has inspected real estate identified as a portion of Crout Street running between Atwells Avenue and Trainor Street. The abutting property owners have requested that the street be abandoned. Based on the engineering plan provided it would appear that the portion of the street to be abandoned contains approximately 1852 ft.². There are three lots that abut this portion of the abandonment. The lots located on assessor's Plat 28 lot 553 which would acquire 926 ft.² Lot 554 acquiring 463 ft.² and Lot 549 acquiring 463 ft.². We have identified the existing lot square footage and added the additional land would increase the current lot and have recalculated post value. Lot 553 would have a total of 3,238 Square feet with an increase in value of \$35,400, Lot 554 would have a total of 1,644 square feet and an increase in value of \$18,400, lot 549 would have total of 1,594 square feet for an increase in value of \$4,300. Based on these calculations the grand total for the abandonment would be Fifty Eight Thousand One Hundred Dollars (\$58,100)

I hope this information is helpful to your process, if you require any additional data please do not hesitate to contact me.

Respectfully submitted

A handwritten signature in black ink that reads "Elyse M. Paré".

Elyse Paré
Tax Assessor



City Plan Commission
Jorge O. Elorza, Mayor

April 5, 2019

Councilman Michael Correia
Chair, Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3448 – Abandonment of Crout Street

Petitioners: Federal Asset LLC and Richard Conti

Dear Councilman Correia:

At a meeting of the City Plan Commission (CPC) held on April 3, 2019, the CPC considered the request of the petitioners, Federal Asset LLC and Richard Conti, to abandon Crout Street. It runs north to south from its intersection with Atwells Ave between property located on AP 28 lots 549 and 554 (289 Atwells Ave) owned by Richard Conti, and AP 28 lot 553 (283-285 Atwells Ave) owned by Federal Asset LLC. All lots abutting the area proposed for abandonment are owned by the petitioners.

FINDINGS OF FACT

The Commission made the following findings of fact as required by the City Plan Commission Handbook Policy No. 1: "Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment":

1. *A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

This portion of Crout Street is a dead end alley that runs between properties owned by the petitioners. It can be accessed by vehicles, but the CPC found it is not essential to providing access to different parts of the City as adjacent streets like Acorn Street which runs north to south, provide the same access. The portion of Crout Street north of the abandonment area, between Trainor and Spruce Street, has already been abandoned. As the abandonment area abuts land owned by the petitioners and is not necessary to access other parts of the City, the CPC found that it does not serve the public interest but that of the land abutting it. Therefore, the CPC found that the abandonment would not have an adverse effect on the public interest.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

The CPC found that no negative impacts are anticipated as the abandonment is not expected to affect future plans or existing land use. The CPC found that no negative impact to the health and welfare of the surrounding community is expected as the street is not essential to provide access to other parts of the City.

3. *All abutting landowners agree to the proposed abandonment.*

All lots abutting the abandonment area are owned by the petitioners.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

The CPC found that no access will be denied to properties in the surrounding area as a result of the abandonment, as the land abutting the abandonment area is owned by the petitioners.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is unknown if any utilities need to be provided or maintained within the public right of way. The CPC required that the applicant grant any easements required by the Department of Public Works.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan were provided. The CPC found the proposal to be consistent with the Comprehensive Plan and purposes of Zoning.

RECOMMENDATION

Upon a motion by Commissioner Verdi, seconded by Commissioner Bilodeau, the CPC unanimously voted to advise the Committee on Public Works that the petition for abandonment be approved as follows:

N. Verdi AYE; H. Bilodeau AYE; C. West AYE; M. Gazdacko AYE; J. Elliott AYE; J. Opton-Himmel AYE

In accordance with the CPCs action, the CPC recommends that this portion of Fones Alley be abandoned subject to the following conditions:

- i. The petitioner shall grant any necessary easements for utility access and maintenance.
- ii. The petitioners and any other owners shall apply for an administrative subdivision to merge the street with their property.

Sincerely,


Choyon Manjrekar
Administrative Officer

cc: William Bombard, Department of Public Works

June 19, 2019

City of Providence
Office of the City Clerk
Shawn Selleck, City Clerk
25 Dorrance St
Providence, RI 02903

VIA email c/o S. Petronio (spetronio@providenceri.gov)

Re: Request by Nathaniel Chace, Lapham 290 LLC to the City of Providence for Permanent Easement on Clemence Street in Providence, Rhode Island

Dear Mr. Selleck:

Please be advised that after review it has been determined that The Narragansett Electric Company, d/b/a National Grid (the "Company"), has underground electrical and gas equipment within the portions of Clemence Street where the Permanent Easement area is proposed.

The Company has no objection to the Permanent Easement, provided that the following conditions be met, all of which have been communicated to the Petitioner via email, along with a copy of this letter on this date. The conditions are as follows:

1. The Petitioner/owner of the privately-owned ducts should participate in DigSafe; National Grid will not mark the location of our ducts/mains. All electric and gas Facilities must be located and marked by the Petitioner before the start of construction, and markings must be maintained throughout the construction project.
2.
 - a) A one (1) foot separation between conduit and any gas facility is required.
 - b) The use of grinding wheel type trenchers over any gas facility is prohibited. Only hand digging is permitted.
 - c) If it is necessary to go under National Grid's gas facility and the facility is 4", 6" or 8" cast iron, the Petitioner must avoid encroachment and must properly backfill to the Company's specifications (provided to the Petitioner) otherwise the facility must be replaced, at the sole cost and expense of the Petitioner.

Please feel free to contact me with any questions or concerns.

Very truly yours,


Joyce-Ann Xifaras

Real Estate Representative, Capital RI
Right of Way and Survey Engineering

nationalgrid | Business Services

1-401-784-7513

Joyce-Ann.Xifaras@nationalgrid.com

280 Melrose Street, Providence, RI 02907

Enclosures: none

Cc (via email): T. Bellrose, National Grid; R. Bauman-Echlin, Peregrine Group; N. Chace, 290 Lapham LLC



385 Myles Standish Blvd
Taunton, MA 02780

June 11, 2019

City of Providence
Office of the City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

ATTN: Shawn Selleck, City Clerk

RE: PETITION TO ABANDON A PORTION OF CROUT STREET

Dear Mr. Selleck,

Upon investigation by our in house Engineer-Brian Doyle it has been determined that Verizon presently has aerial facilities at the intersection of Trainor Street and Crout Street, at the section identified to be abandoned.

These facilities include a pole with cables and wires that provides service to the surrounding area.

Verizon will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement to Verizon, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Sincerely,

A handwritten signature in black ink that reads "Daryl Crossman". The signature is fluid and cursive, with the first name "Daryl" being more prominent than the last name "Crossman".

Verizon New England Inc.
Attn: Daryl Crossman - ROW
385 Myles Standish Blvd
Taunton, MA 02780

(774) 409-3191 - Office
(774) 409-3930 - Fax
daryl.crossman@verizon.com - Email

The Narragansett Bay Commission
One Service Road
Providence, RI 02905
401 • 461•8848
401 • 461•6540 Fax
TTY (RI RELAY OPERATOR711)

<http://www.narrabay.com>



Rep. Vincent J. Mesolella
Chairman

Laurie A. Horridge
Executive Director

March 18, 2019

Shawn Selleck, City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

**Re: Street Abandonment:
Crout Street (portion between 283 and 289 Atwells), Providence
Utility Notification/Verification**

Dear Mr. Selleck:

We have reviewed the above-referenced location described in your letter dated 13 March 2019. As indicated in the attached GIS map, we do not have any facilities in this area. If you have any questions regarding this matter, please feel free to contact me anytime at (401) 461-8848 extension 362.

Sincerely,

A handwritten signature in black ink, appearing to read "D.C.B.", with a long horizontal line extending to the right.

David C. Bowen, P.E.
Engineering Manager
Narragansett Bay Commission

Cc: Nicholas J. Hemond, Esq., Darrow Everett LLP