

RESOLUTION OF THE CITY COUNCIL

No. 384

Approved July 17, 2001

WHEREAS, Johnson & Wales University, a corporation established under the laws of the State of Rhode Island, for itself and for its successors and assigns (hereinafter collectively called "Johnson & Wales") has requested that the City of Providence, Rhode Island (hereinafter called the "City") abandon any interest it may have in and to the underground waste disposal system now maintained in, under, thorough, over and across that portion of the former Garnet Street, between Pine and Weybosset Streets (hereinafter called "Garnet Street") in the City and County of Providence, State of Rhode Island, which was abandoned by said City by virtue of Resolution No. 385 of the City Council of said City of Providence, approved August 10, 1990 (hereinafter called the "Abandonment Resolution"). For purposes of this Resolution, the underground sanitary/combination sewer waste disposal system now maintained in Garnet Street is hereinafter referred to as the "Facilities"; and

WHEREAS, the City has certain rights in and to the Facilities; and

WHEREAS, the Abandonment Resolution indicated, inter alia, that the abandonment of Garnet Street was subject to an easement being granted for such sanitary/combination sewer waste disposal; and

WHEREAS, the City, through the Providence Department of Public Works, maintains certain portions of the sanitary or combination sewer waste disposal system in the City of Providence; and

WHEREAS, the parties hereto have determined that the continued ownership and maintenance of the Facilities by the City is no longer dictated by the public health and safety; and

WHEREAS, previously existing rights to water service easements have been abandoned through Resolution No. 822 approved November 29, 1993 and a subsequent agreement; and

APR IN CITY COUNCIL
5 2001

..... FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael P. Clemens Clerk

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Claire Butturo
June 12, 2001 Clerk

WHEREAS, that based on the foregoing, the easement hereto referenced is no longer required to promote the health, safety, welfare or convenience of the public and the City wishes to discontinue and extinguish said easement,

NOW, THEREFORE, BE IT RESOLVED THAT:

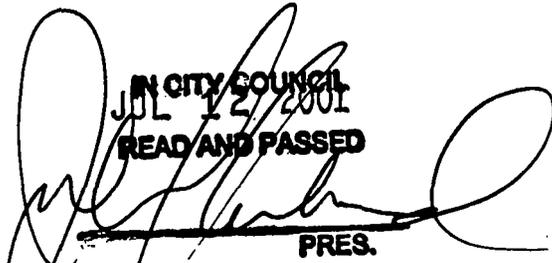
1. Any and all sanitary or combination sewer easements in Garnet Street are hereby discontinued and extinguished and the City hereby abandons any interest it may have in or to the Facilities.

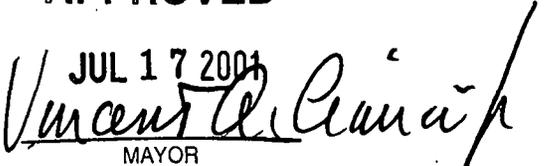
2. Johnson & Wales may, at any time and at its own expenses remove the Facilities provided that said removal is conducted with the foreknowledge and approval of the Providence Department of Public Works (hereinafter called "Public Works"). Prior to removing the Facilities, Johnson & Wales shall notify Public Works and shall comply with such reasonable requirements as may be prescribed by Public Works.

3. In the event Johnson & Wales does not remove the Facilities, then Johnson & Wales shall be responsible for the repair and maintenance of the Facilities at its own expense and shall keep the Facilities in proper operating condition until such time as the Facilities are removed pursuant to the provisions of this Resolution. Further, in the event of such removal, Johnson & Wales covenants for itself and its successors and assigns that it shall assume the whole of the costs of the installation of new or added service(s) to the properties it presently owns or it may acquire which might otherwise have been connected to the Facilities and that such service shall conform to the requirements of Public Works.

4. The obligations of Johnson & Wales set forth herein shall run with the land and shall be binding upon Johnson & Wales and its successors and assigns.

5. This Resolution or a memorandum of the same shall be effective when recorded in the Land Evidence Records of the City by Johnson & Wales and after such recordation the Facilities shall be the exclusive responsibility of Johnson & Wales and any liability of the City of Providence shall cease.


IN CITY COUNCIL
JUL 12 2001
READ AND PASSED
PRES.
Michael R. Cleary,
CLERK
BP

APPROVED
JUL 17 2001

MAYOR

FERDINAND C. IHENACHO, P.E., PTOE.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

May 9, 2001

Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council -- City Hall
Providence, R.I. 02903

Re: Garnet Street Abandonment
(Weybosset St. to Pine St.)

Dear Councilman Clarkin:

Thank you for forwarding the above-referenced Petition to this Department for study, report and recommendation.

As you may be aware, Resolution No. 385, 8/10/90, approved this abandonment; however, on 1/15/91, Resolution No. 597 rescinded said abandonment.

The Senior City Solicitor has rendered an opinion (attached) that this abandonment of Garnet St. should be reinstated by Court Order. The Public Works Department has no objection to said abandonment, and is requesting abandonment of the street and sewer lines. Attached is this Department's Record Plan No.064657, titled "Proposed Abandonment of Garnet Street," showing that portion abandonment.

Thank you for your assistance, and please do not hesitate to call me if you have any questions.

Sincerely,

Ferdinand C. Ihenacho, P.E.
Director

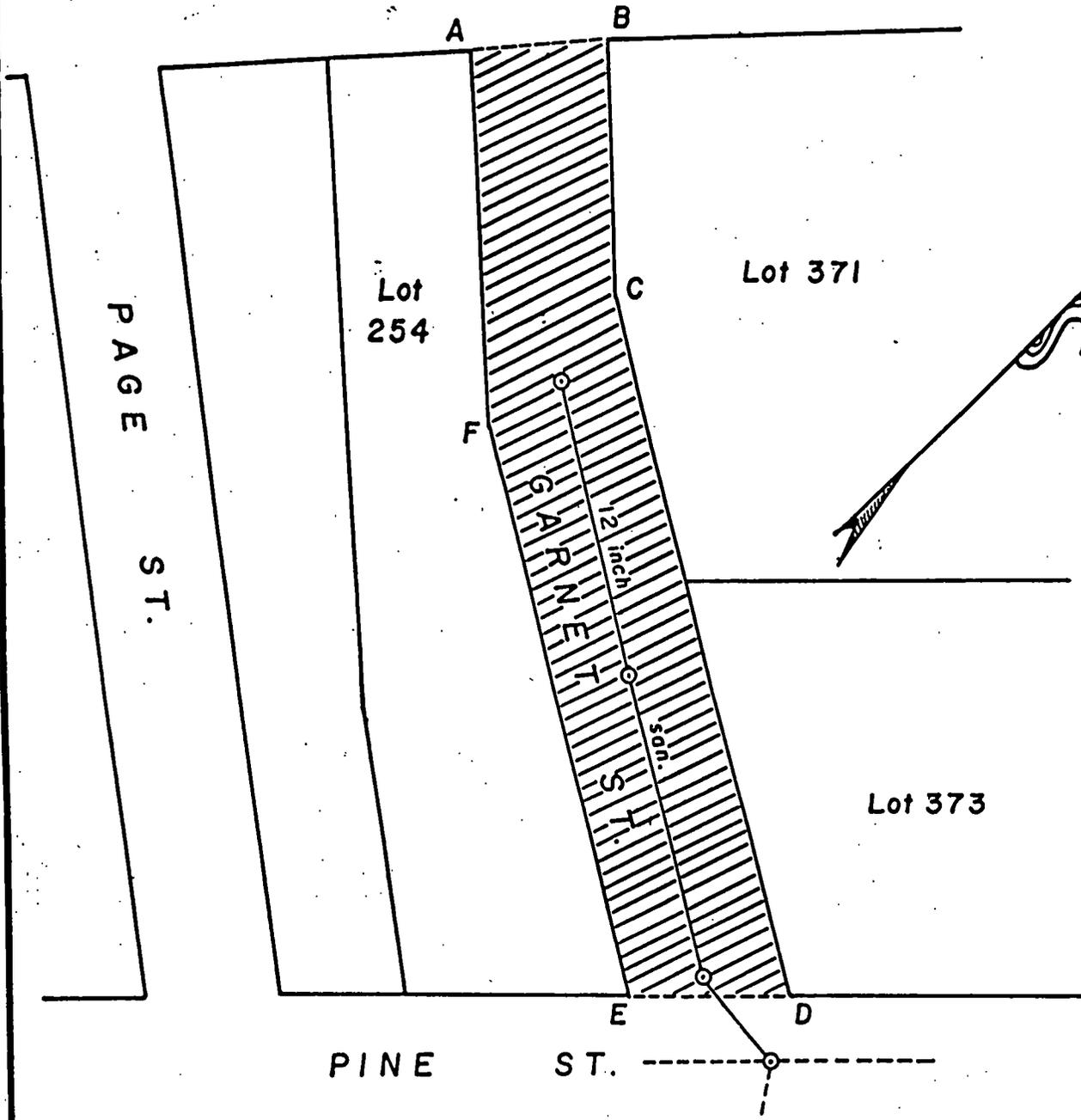
C. Mansolillo
CC: M. Clement
J. D'Amico
G. Florio
JLC
SZ

Wayne M. Kezirian
Gaebe & Kezirian
128 Dorrance St.
Prov., RI 02903

President
Johnson & Wales Univ.
8 Abbott Park Pl.
Prov., RI 02903

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064657
 Date Aug. 30, 2000

WEYBOSSET ST.



PAGE ST.

Lot 254

Lot 371

Lot 373

PINE ST.

GARNET ST.

12 inch
 500'

NOTES: Cross-hatched area (A-B-C-D-E-F-A) indicates proposed abandonment.
 Full sewer easement will be required.
 Total square footage = 13,500±

Lot numbers taken from A. P. 20.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing Proposed abandonment of a portion of Garnet St.
 Drawn by A. Zisiades Checked by ALC
 Scale 1" = 50' Date 8-30-2000
 Correct James J. ... Associate Engr.
 Approved [Signature] CHIEF ENGINEER

PROPOSED ABANDONMENT OF A PORTION
OF GARNET ST.

A.P. 20 LOT 254 - JOHNSON & WALES 8 ABBOTT PARK PLACE
PROV. 02903

LOT 371 - JOHNSON & WALES

LOT 373 - JOHNSON & WALES



Department of Law
"Building Pride In Providence"

MEMORANDUM

To: Ferdinand C. Ihenacho, P.E.
Director, Department of Public Works

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

Date: August 21, 2000

RE: Garnet Street

A handwritten signature in black ink, appearing to read "John T. D'Amico, Jr.", with a large flourish at the end.

Thank you for your communication of August 17, 2000 referencing Garnet Street. As you know - in that you have received a copy of the court order and have spoken with me in that regard - litigation followed the enactment of Resolution No. 597 approved November 15, 1991. The result of that litigation was that the afore-referenced resolution was a nullity and the portion of Garnet Street running from Weybossett to Pine Street was deemed abandoned subject to existing easements.

JTD:cmr

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

PATRICIA F. MC VICKER, ESQ.
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

ALEXANDER D. PRIGNANO
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

ROBERT J. KILDUFF, ESQ., P.E.
Chief Engineer and General Manager

JOSEPH DE LUCA
City Councilman

RITA M. WILLIAMS
City Councilwoman

MARY A. NOCERA
Member

JOSEPH D. CATALDI
Member

May 17, 2001

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Petition for Sewer Line Abandonment
Portion of Garnet Street Between
Weybosset Street to Pine Street
Providence, Rhode Island

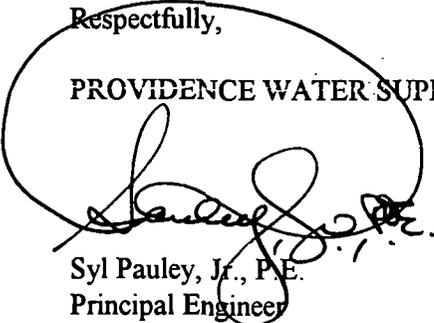
Dear Councilman Clarkin:

We have reviewed the referenced Petition for impact on the Providence Water (PW) system. Our records indicate that this portion of Garnet Street does not have any PW owned water services, mains or appurtenances installed therein. Accordingly, PW has no objection to the proposed abandonment.

Should this Petition be approved, please furnish PW with a certified copy of the City Council Resolution. If you have any questions, please feel free to contact me at (401) 521-6300 EXT 7241.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD



Syl Pauley, Jr., P.E.
Principal Engineer

SP/s

cc: P. Gadoury, P.E.
P. McLaughlin
J. Brosco
File

ABNLTR34.SAM

NANCY L. DERRIG
SUPERINTENDENT OF PARKS



VINCENT A. CIANCI, JR.
MAYOR

Department of Public Parks
"Building Pride In Providence"

April 12, 2001

Mr. Michael Clement
City Clerk
City Hall
Providence, RI 02903

RE: Proposed Abandonment of a sewer line located in the abandoned portion of Garnet St. between Weybosset St. and Pine St.

Dear Mr. Clement:

The Department of Public Parks has reviewed the proposed abandonment of a sewer line located in the abandoned portion of Garnet St. between Weybosset St. and Pine St., and has no objection to the proposed abandonment's.

Sincerely yours,

John A. Izzo
Supervisor of Engineering & Planning

GEORGE CALCAGNI
Chair



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning The Future of Providence"

May 17, 2001

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
City Hall
Providence, RI 02903

Attn: Michael R. Clement, City Clerk

**Re: CPC Referral NO. 3179, Proposed Abandonment of the City's Interest in any
Sewer Line Located in the Previously Abandoned Portion of Garnet Street**

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, May 15, 2001 reviewed and evaluated the communication of the Committee on Public Works dated April 10, 2001 requesting the Commission's recommendation on the proposed abandonment of the City's interest in any sewer line located in the previously abandoned portion of Garnet St.

The Commission found the proposed abandonment consistent with the Comprehensive Plan and voted to advise the Committee on Public Works to approve the petition provided that Johnson & Wales University agree to rebuild and maintain the sewer line.

Sincerely,

Samuel J. Shamoon
Associate Director of Planning

cc: Wayne Kezirian

Narragansett Electric

A National Grid Company



May 2, 2001

Ms. Claire E. Bestwick
Department of City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Re: Petition to Abandon a Portion of Garnet Street

Dear Ms. Bestwick:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has underground facilities situated in the area of Garnet Street proposed for abandonment.

NECO has no objection to the abandonment provided that, in the event, the street is abandoned, an easement, approved by NECO, for our facilities is granted to NECO.

Please call me if you have any questions.

Very truly yours,

Mindy C. Montecalvo
Real Estate Consultant
(401) 784-7512
(401) 784-7316 (fax)

ProvGas

A ProvEnergy Company



04/16/01

Ms. Claire E. Bestwick
Second Deputy City Clerk
Department of City Clerk
City of Providence
Providence, RI 02903

Re: Petition to Abandon in its Interest any Sewer Line in the Abandoned Portion of
Garnet St., Providence

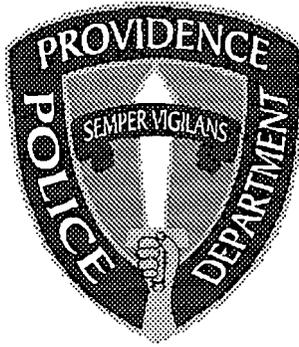
Dear Ms. Bestwick:

Providence Gas does own and maintain a gas service within the proposed abandonment on Garnet St. This gas service serves a Johnson & Wales building and is fed from Pine Street within the abandonment. We also have a fully abandoned gas main within the abandonment. We have no objections to this petition. Please be sure to contact DIGSAFE® prior to any excavation activities at 1-888-DIGSAFE.

If you have any further questions please feel free to call me at 401 272-5040 ext. 573.

Sincerely,

Michael McGuire
Manager of Engineering Design & Facility Locating



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Timothy Lee, Commanding

TO: Colonel Richard Sullivan, Chief of Police
FROM: Lieutenant Timothy Lee, Commanding Traffic Bureau
SUBJECT: Sewer Line abandonment

Dear Sir,

In regards to the attached request for an opinion relative to the abandonment of an underground sewer line, I find no reason that the Police Department should object to this proposal.

A large, stylized handwritten signature in black ink, likely belonging to Colonel Richard Sullivan, the Chief of Police mentioned in the header.

Respectfully Submitted;

Lt. Timothy M. Lee

Lt. Timothy M. Lee

James F. Rattigan
Chief of Department



Vincent A. Cianci Jr.
Mayor

David D. Costa
Fire Marshal

John J. Partington
Commissioner

PROVIDENCE FIRE PREVENTION BUREAU
"Smoke Detectors Save Lives"

May 1, 2001

Chairman Robert M. Clarkin
Committee on Public Works
City Hall
Providence, RI 02903

Re: Abandon Sewer Line on Garnet Street

Dear Chairman Clarkin,

After review of the proposal to abandon a sewer line on Garnet Street (see attached), the Fire Department has no objection.

David D. Costa
Fire Marshal