

# RESOLUTION OF THE CITY COUNCIL

No. 313

Approved July 25, 2008

Filed by \_\_\_\_\_  
in session \_\_\_\_\_ of \_\_\_\_\_

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064817, dated July 14, 2008.

VIZ:

A portion of HARRIS AVENUE, running from Dean Street to Providence Place (formerly Kinsley Avenue), as shown as the cross-hatched areas on accompanying 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) Petitioner shall pay the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) in legal U.S. tender to the City of Providence.

(2) The petitioner shall convey a full sewer easement acceptable to City of Providence, Department of Public Works which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(3) Petitioner shall grant an easement in favor of Narragansett Electric Company, permitting the retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(4) Petitioner shall grant an easement in favor of Verizon, permitting the retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(5) Petitioner shall grant an easement in favor of New England Gas Company, permitting the installation and maintenance of its facilities as may be needed to provide service to any and all properties abutting Cross Street, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(6) Petitioner shall grant an easement acceptable to the Providence Water Supply Board, permitting its facilities to remain in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(7) Petitioner shall grant an easement acceptable to the Narragansett Bay Commission, permitting its facilities to remain in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(8) Petitioner 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.

(9) Petitioner shall comply with all conditions contained herein (other than executing the various easements referenced in Paragraphs 2-7, which shall be completed as soon as reasonably possibly), including recording this Resolution, not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

(10) Such other conditions as the Mayor or the Law Department shall see fit to impose.

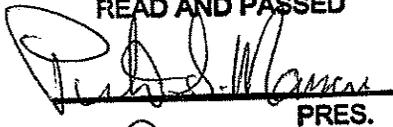
And it is further

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  
JUL 17 2008

READ AND PASSED

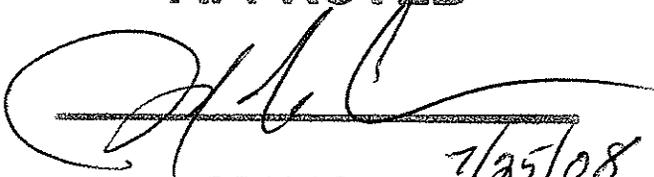


PRES.



CLERK

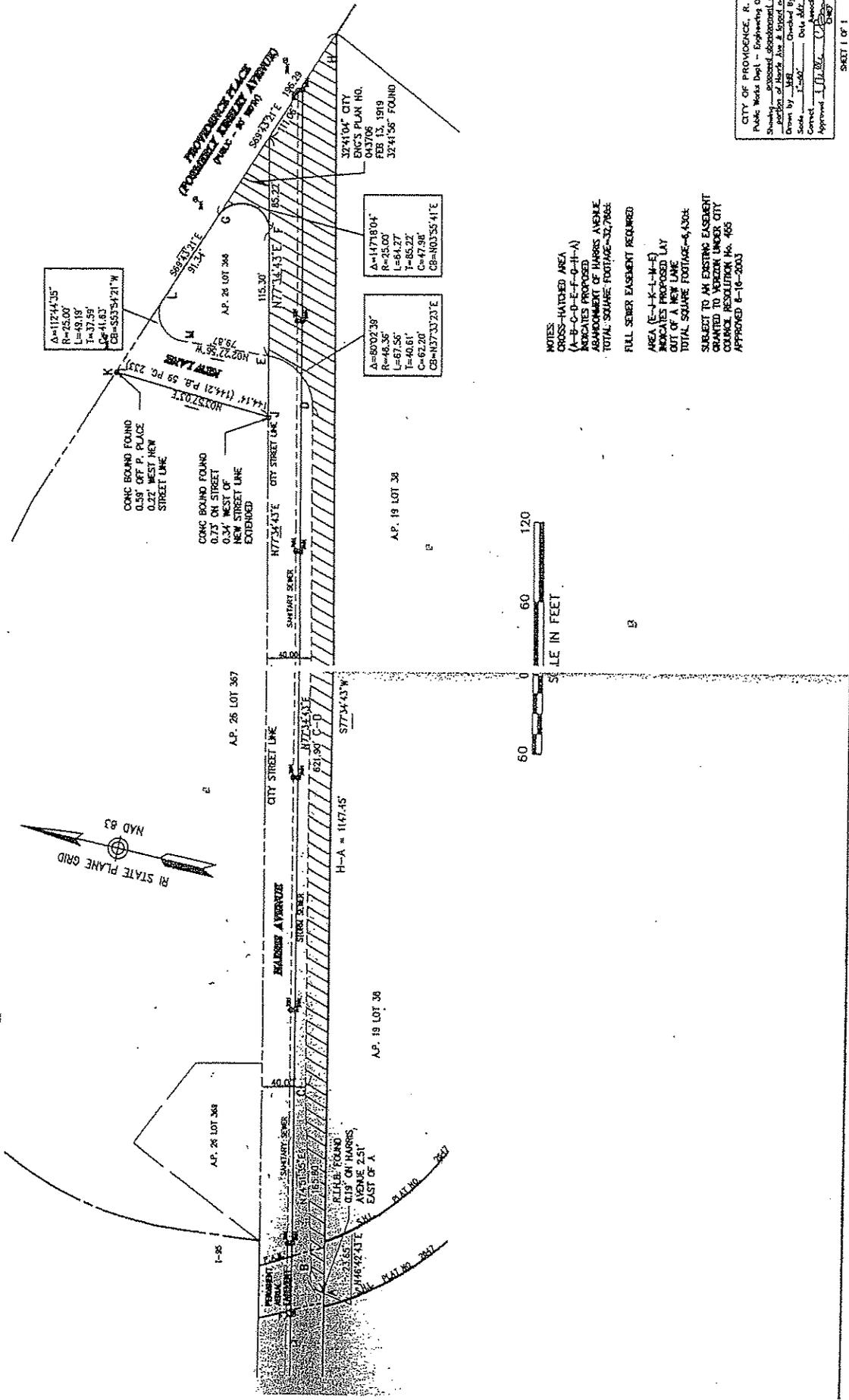
APPROVED



MAYOR

7/25/08

PROVIDENCE, R. I.  
 P. W. DOTY, - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064817  
 Date July 14, 2008



A=11244.35  
 R=25.00'  
 L=49.18'  
 I=37.59'  
 C=41.63'  
 CB=55374.21' W

A=8022.39'  
 R=46.56'  
 L=67.56'  
 I=40.61'  
 C=62.20'  
 CB=1573320'E

A=14718.04'  
 R=25.00'  
 L=94.27'  
 I=65.22'  
 C=47.36'  
 CB=1035541'E

A=14718.04'  
 R=25.00'  
 L=94.27'  
 I=65.22'  
 C=47.36'  
 CB=1035541'E

374104' CITY  
 ENG'S PLAN NO.  
 043706  
 FEB 13, 1919  
 374156' FOUND

NOTES  
 CROSS-HATCHED AREA  
 (A-B-C-D-E-F-G-H-A)  
 INDICATES PROPOSED  
 ABANDONMENT OF HARRIS AVENUE  
 TOTAL SQUARE FOOTAGE=32,786.6  
 FULL SEWER EASEMENT REQUIRED  
 AREA (E-H-K-L-M-E)  
 INDICATES PROPOSED LAY  
 OUT OF NEW LANE  
 TOTAL SQUARE FOOTAGE=6,436.4  
 SUBJECT TO AN EXISTING EASEMENT  
 GRANTED TO VERZEN UNDER CITY  
 COUNCIL RESOLUTION No. 465  
 APPROVED 6-16-2003

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Shubly, proposed abandonment of a  
 portion of Harris Ave. & layout new lay.  
 Drawn by: JMB Checked by: \_\_\_\_\_  
 Scale: 1"=50' Date: July 14, 2008  
 Correct: \_\_\_\_\_ Assembly Eng:  
 Approved: \_\_\_\_\_ Date: \_\_\_\_\_

AAA

ANDOLFO APPRAISAL ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS  
THE BUSH BUILDING  
216 WEYBOSSET STREET • PROVIDENCE • RHODE ISLAND 02903  
(401) 273-8989 • FAX (401) 273-2510

November 26, 2007

Mr. John Gelati  
Tax Assessor  
City of Providence  
25 Dorrance Street  
Providence, Rhode Island 02903

Re: Full and Partial Abandonments of Harris Avenue, Providence -  
Carpionato Properties, Inc.

Dear Mr. Gelati:

Pursuant to your request, I have reviewed supplemental documentation provided by Carpionato Properties, Inc., via its attorney, Thomas V. Moses. As you are aware, Andolfo Appraisal Associates, Inc., provided the City on March 6, 2007, two appraisals on the proposed full and partial abandonments of Harris Avenue relative to Carpionato's proposed rehabilitation/re-use of the Farmer's Market.

At that time, that portion of Harris Avenue as relating to the full abandonment was estimated by us as having a value of \$413,075 and the partial abandonment of an additional portion of Harris Avenue was estimated at \$406,500. Thus, a total fee simple market value estimate of \$819,575 was opined by us as being fair compensation due the City by Carpionato Properties, Inc., for this envisioned acquisition.

However, an amended value is now warranted. Notably, recent documentation/information provided to Andolfo Appraisal Associates, Inc., has now been made available for its review/consideration as of the March 6, 2007, valuation dates. As such, the total value estimate is significantly reduced and amended to \$350,000.

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The first reason for value reduction relates to the fact that Carpionato Properties, Inc., will convey in fee simple title to the City, a 6,295 square foot portion of site area now part and parcel of Plat 26, Lot 368. As you may be aware, Carpionato purchased this 16,382 square foot total parcel area on June 30, 2005, from the Providence Redevelopment Agency (the former Silver Top Diner site) for \$500,000, or \$30.53 per square foot. This 6,295 square foot area will be transformed into the proposed roadway extension of Holden Street and is further referred to on a site plan as drawn by VHB Associates as "Area 3/Relocated Harris Avenue." Given a fee simple market value estimate of \$50.00 per square foot as estimated by Andolfo on March 6, 2007, the 6,295 square foot area to be conveyed by Carpionato should represent an "off-set" value of \$314,750.

Secondly, the full and partial abandonments of portions of Harris Avenue will result in a needed re-alignment of Harris Avenue as it intersects with the former Kinsley Avenue, now known as Providence Place. This re-alignment is required by the City Planning Board in order to insure no decrease in the level of vehicular service, along with an adequate turning area for traffic. Based upon road reconstruction costs of \$155,100, including a 25% contingency as calculated by VHB Associates, this cost now represents a second value "off-set."

Please be advised that had Andolfo been aware of the required re-alignment of Harris Avenue and the associated site costs to be borne by Carpionato, our fee value of \$50.00 per square foot would have been reduced greater than the 50% fee deduction taken at that time.

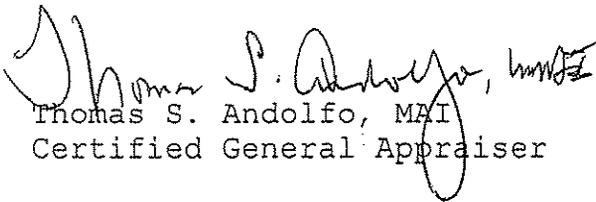
Therefore, the amended value of \$350,000 was derived as follows:

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\$819,575 (total full and partial abandonment values as estimated by Andolfo on March 6, 2007)  
-314,750 (6,295 square feet of site area to be conveyed by Carpionato Properties, Inc., in order to bring forth the roadway development of the Holden Street extension)  
-155,100 (cost to Carpionato Properties, Inc., to re-align Harris Avenue to comply with Providence Planning Board requirements)  
\$349,725 rounded to  
\$350,000 estimated fee simple market value of the proposed full and partial abandonments of a portion of Harris Avenue to be acquired by Carpionato Properties, Inc.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

  
Thomas S. Andolfo, MAI  
Certified General Appraiser

TSA/fad