

# RESOLUTION OF THE CITY COUNCIL

No. 563

Approved November 25, 1992

WHEREAS, the Providence City Council reaffirms Resolution No. 145, approved March 27, 1992, which Resolution reads as follows:

WHEREAS, it is hereby found and declared that the best interest and general welfare of the people of the City of Providence can be served and provided by the creation and erection of areas within the city for public parks and recreational purposes; and

WHEREAS, it is hereby further found and declared that an area for a public park and recreational purposes is needed and necessary for and within the section of the city known as "Mashapaug Pond" to so serve the best interest and general welfare, not only of the residents in and about the "Mashapaug Pond" section, but for all of the people of the city; and

WHEREAS, it is hereby further found and declared that it is essential for the city, in order to create and erect facilities for such a public park and recreational purposes, to acquire title in fee simple in and to the following described land (the land):

Those 4 lots of land, with any buildings and improvements thereon, laid out and designated as lots 41 and A on plat entitled, "Lakeview Park Providence, R.I. belonging to The Providence Real Estate Improvement Co., By Edward E. Goff, September, 1919.", which plat is recorded in the Land Records of the City of Providence in Plat Book 36 at page 9, and (copy) on Plat Card 1050, and lots 41-B and C laid out and delineated on that plat entitled "Lakeview Park Annex Belonging To The Providence Real Estate Improvement Co. Providence, R.I. By Frank E. Waterman Company June-1921.", which plat is recorded in said Land Records in Plat Book 36 at page 14, and (copy) on Plat Card 1059.

Said 4 lots together form 1 tract, bounding westerly on Lakeview Drive a distance of forty-six and 7/10 (46.7) feet, northerly on lots 40 and 40-B on said plats, easterly on Mashapaug Pond, and southerly in part on land now or lately of Congregation of the Sons of Israel and David, and in part on land now or lately of the City of Providence, a distance of two hundred fifty-seven and 9/10 (257.9) feet, and

WHEREAS, it is hereby further found and declared that the owners of the land are not in mutual agreement to sell the land, and convey the title in fee simple, to the City of Providence for just compensation and

Councilman Nelson

fair and reasonable market value, and that without the acquisition of the land, the creation and erection of facilities for such a park and recreational purposes cannot be attained and accomplished; and

WHEREAS, it is hereby further found and declared that the land may be taken by eminent domain pursuant to the provisions and powers granted to the City of Providence under Chapter 104, Rhode Island Public Laws 1963, and all applicable laws, and powers of the Home Rule Charter of the City of Providence, thereunto appertaining;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council hereby declares that the acquisition of the land, hereinabove described, for the creation and erection of facilities for a public park and recreational purposes within and about the section of the city known as "Mashapaug Pond," is in the best interest and general welfare of the people of the City of Providence.

2. That the city cause to be made two independent appraisals of the fair and equitable market value of the land, in order to attain just compensation for the taking of the land.

3. That, upon the receipt of such independent appraisals, the City of Providence take the land by eminent domain, pursuant to the provisions and powers so granted to the City of Providence under Chapter 104, Rhode Island Public Laws 1963, and all applicable laws, and provisions of the Home Rule Charter of the City of Providence, thereunto appertaining.

4. That the City Council recommends that the Mayor of the City of Providence pursue and complete the taking of the land by eminent domain in the manner as provided in Chapter 104, Rhode Island Public Laws 1963, and all applicable laws and provisions of the Home Rule Charter of the City of Providence, thereunto appertaining.

This Resolution shall take effect upon passage.

NOW, THEREFORE, BE IT RESOLVED:

This Resolution hereby rescinds Resolution No. 145, approved March 27, 1992.

IN CITY COUNCIL  
 NOV 19 1992  
 READ AND PASSED  
*[Signature]*  
 PRES.  
*[Signature]*  
 CLERK

**APPROVED**  
 NOV 25 1992  
*[Signature]*  
 MAYOR