

RESOLUTION OF THE CITY COUNCIL

No. 245

Approved April 14, 2003

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. 064705 dated January 29, 2002."

VIZ:

WEST FOUNTAIN STREET, (portions of), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following: (1) The City Plan Commission of the City of Providence shall indicate its approval of the within abandonment by letter to the Office of the City Clerk, City of Providence. (2) Petitioner shall tender the amount of One Dollar (\$1.00) in legal tender U.S. to the City of Providence. And it is further

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place 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
APR 31 2003
READ AND PASSED

PRES.

CLERK

APPROVED

MAYOR

4/14/03

IN CITY COUNCIL
JAN 1, 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. Clement
CLERK
any

THE COMMITTEE ON
Public Works
Recommendations

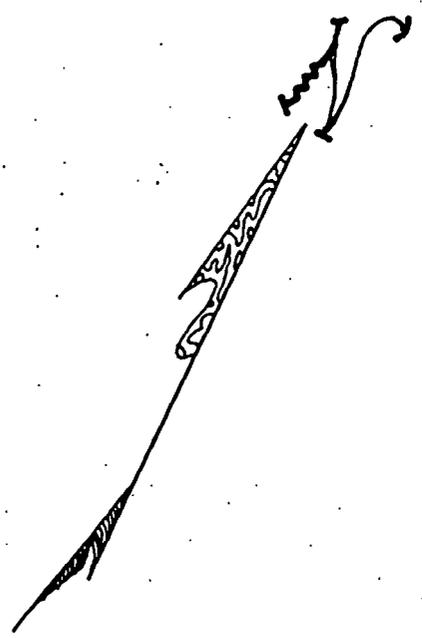
Ann M. Hebe
CLERK

CBS 2-6-02 - Schedule P. Hwy
BAP 3-7-02 P. Hwy held

THE COMMITTEE ON
PUBLIC WORKS
APPROVED
THE WILSON
Ann M. Hebe
3-12-03

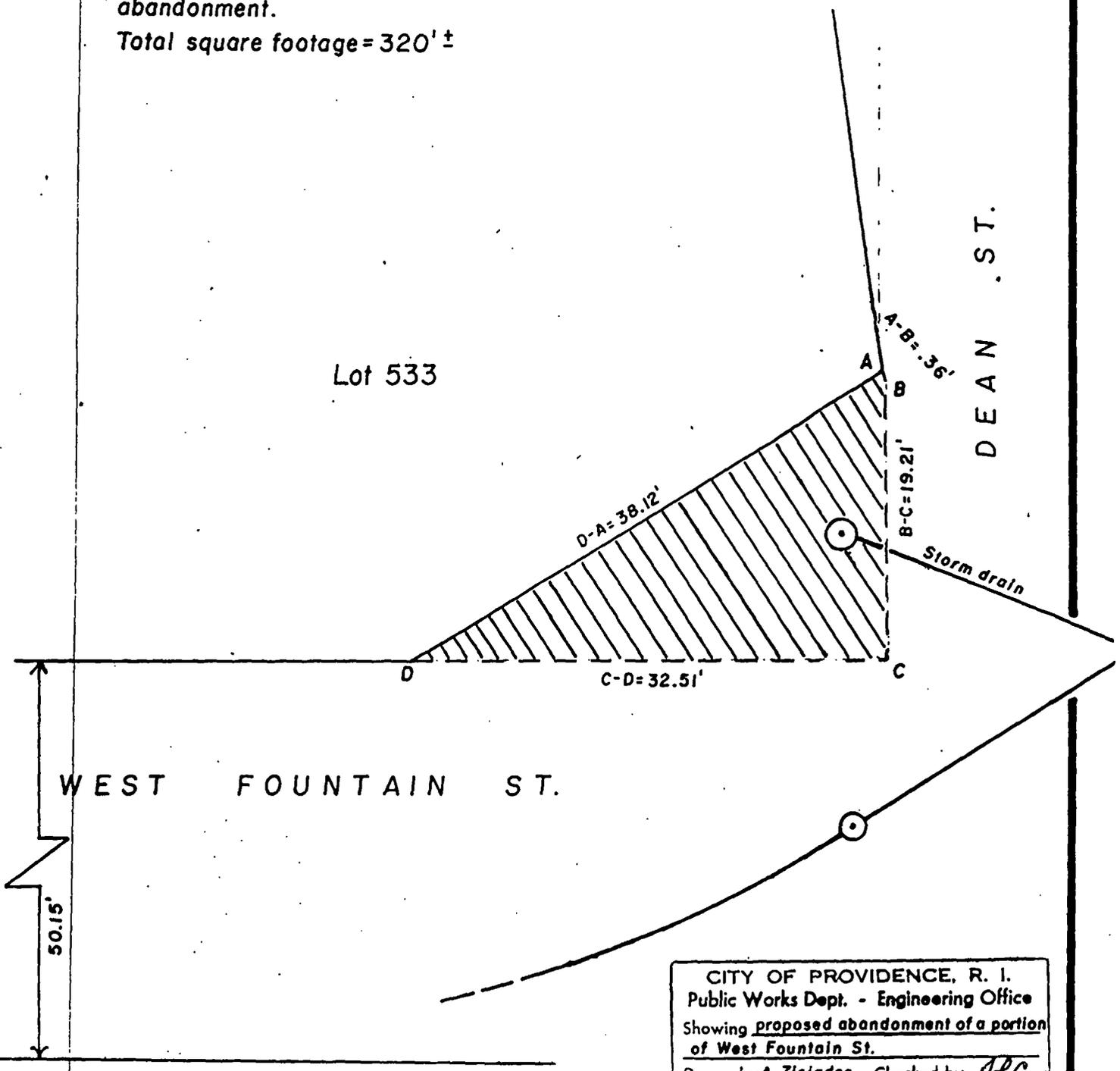
From the Clerk's Desk

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 File No 064705
 Date Jan. 29, 2002



NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.
 Total square footage = 320' ±

Lot 533



WEST FOUNTAIN ST.

DEAN ST.

Storm drain

Lot number taken from A.P. 29.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a portion of West Fountain St.
 Drawn by A. Zisides Checked by JLC
 Scale 1" = 10' Date 1-29-2002
 Correct James A. Morris Associate Engr.
 Approved [Signature] CHIEF ENGINEER

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 1, 2002

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

RE: PETITION TO ABANDON A PORTION OF
WEST FOUNTAIN STREET

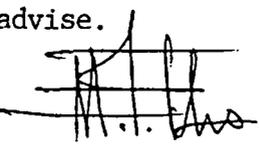
Dear Councilman Clarkin:

This Department has no objection to the portion abandonment of West Fountain St., as noted on the accompanying plan entitled, " Providence, RI, P.W. Dept., Engineering Office, Street Line Section, Plan No. 064705, Date: Jan. 29. 2002".

Said area of portion abandonment of West Fountain St. is shown as cross-hatched area on the accompanying plan. Area of abandonment is noted as A-B-C-D-A on the accompanying plan. Lot number noted on this plan was taken from City of Providence, Assessor's Plat 29. Total Square Footage is 320.00+'. Area of abandonment is adjacent to the new City Public Safety Complex.

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

Sincerely,


Ferdinand C. Ihenacho, P.E.
Director

CC: P. McLaughlin, Esq.
J. D'Amico, Esq.
M. Clement
G. Florio
JLC
SZ



PROVIDENCE CITY PLAN COMMISSION

"Planning The Future of Providence"

January 28, 2002

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

Attn: Claire E. Bestwick, Second Deputy City Clerk

Re: CPC REFERRAL NO. 3188: Proposed Abandonment of a Portion of West Fountain Street

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, January 15, 2002 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of a portion of West Fountain Street.

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 street abandonment is in the public interest as it will further the development of the new Public Safety Facility. As the portion of right-of-way in question is a small corner of West Fountain Street at its intersection with Dean Street, there will be no adverse impact on traffic patterns.

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

No negative impacts from this abandonment are anticipated.

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

The PRA is the only abutter to this portion of right-of-way.

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

No access will be denied to surrounding areas.

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 not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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.*

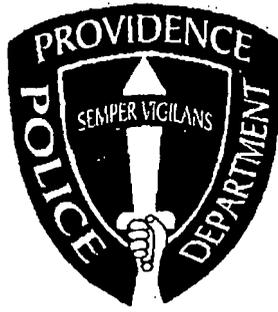
A petition and plan have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment at no cost to the petitioner with the condition that the abandoned portion be extensively landscaped.

Sincerely,



Samuel J. Shamoon
Associate Director of Planning



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Timothy Lee, Commanding

January 28, 2002

TO: Colonel Richard Sullivan, Chief of Police

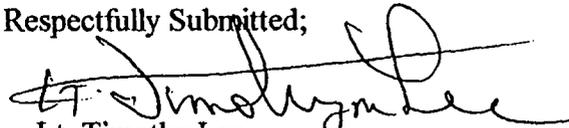
FROM: Lieutenant Timothy Lee, Commanding Traffic Bureau

SUBJECT: Street abandonment

Dear Sir,

The Police Department has no problems with the abandonment.

Respectfully Submitted;



Lt. Timothy Lee

JOHN J. PARTINGTON
COMMISSIONER

COLONEL RICHARD T. SULLIVAN
CHIEF OF POLICE



VINCENT A. CIANCI, JR.
MAYOR

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

January 29, 2002

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

Dear Ms. Bestwick:

I am in receipt of the Petition to "Abandon a Portion of West Fountain Street."

As per the attached memorandum (copy), Lieutenant Timothy Lee, Commanding Officer, Traffic Bureau, has no problem with this abandonment.

If you require further assistance, please do not hesitate to contact Lieutenant Lee at 272-3121, ext. 2133.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Sullivan", written over a large, stylized flourish.

RICHARD T. SULLIVAN
Colonel
Chief of Police

RTS:lmd

Attachment

James F. Rattigan
Chief of Department

William T. Giannini
Asst. Chief of Department

Gary E. Mulcahy
Asst. Chief of Department



Vincent A. Cianci, Jr.
Mayor

John J. Partington
Commissioner of Public Safety

DEPARTMENT OF PUBLIC SAFETY, FIRE DEPARTMENT
"Building Pride in Providence"

January 30, 2002

Department of City Clerk
City Hall
Providence, RI 02903

To Whom It May Concern:

The Providence Fire Department is in receipt of a petition requesting permission to abandon a portion of Fountain Street.

Please be advised that the Providence Fire Department has no objection to this request. If you have any further questions, please do not hesitate to contact us.

Yours truly,

Gary E. Mulcahy
Assistant Chief of Department

GEM:lrl

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: January 22, 2002

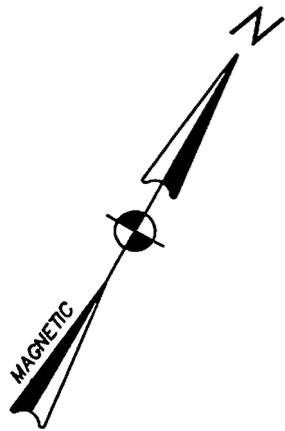
TO: Chief James Rattigan, Chief of Fire

SUBJECT: **PETITION TO ABANDON A PORTION OF
FOUNTAIN STREET**

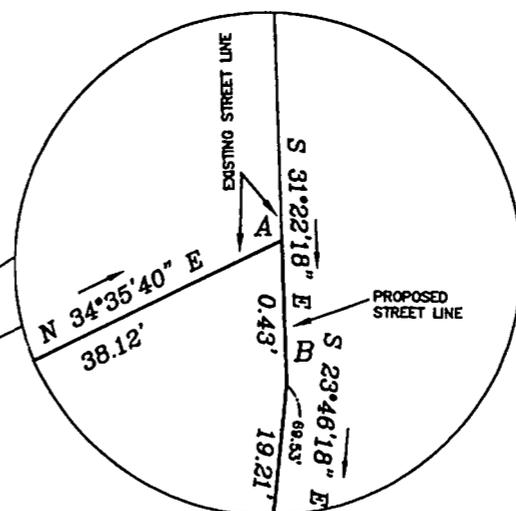
CONSIDERED BY: Councilman Robert M. Clarkin, Chairman,
Committee on Public Works

DISPOSITION: The accompanying petition is referred to you for study,
report and recommendation and report back in writing to
the above-named committee as soon as practical.

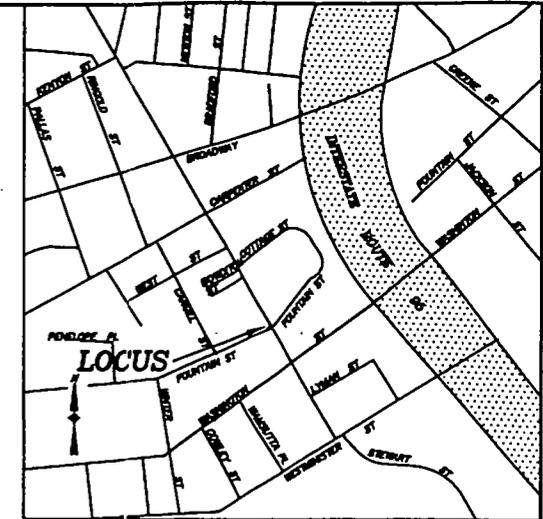
Claire E. Burtwell
Second Deputy City Clerk



PROPOSED ABANDONMENT (A-B-C-D)
 320 sq.ft.
 0.01 acres



NOT TO SCALE



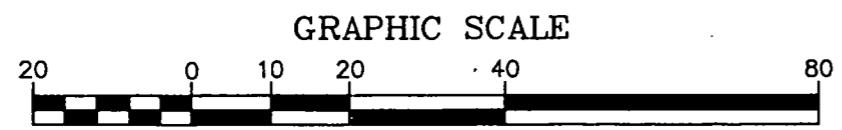
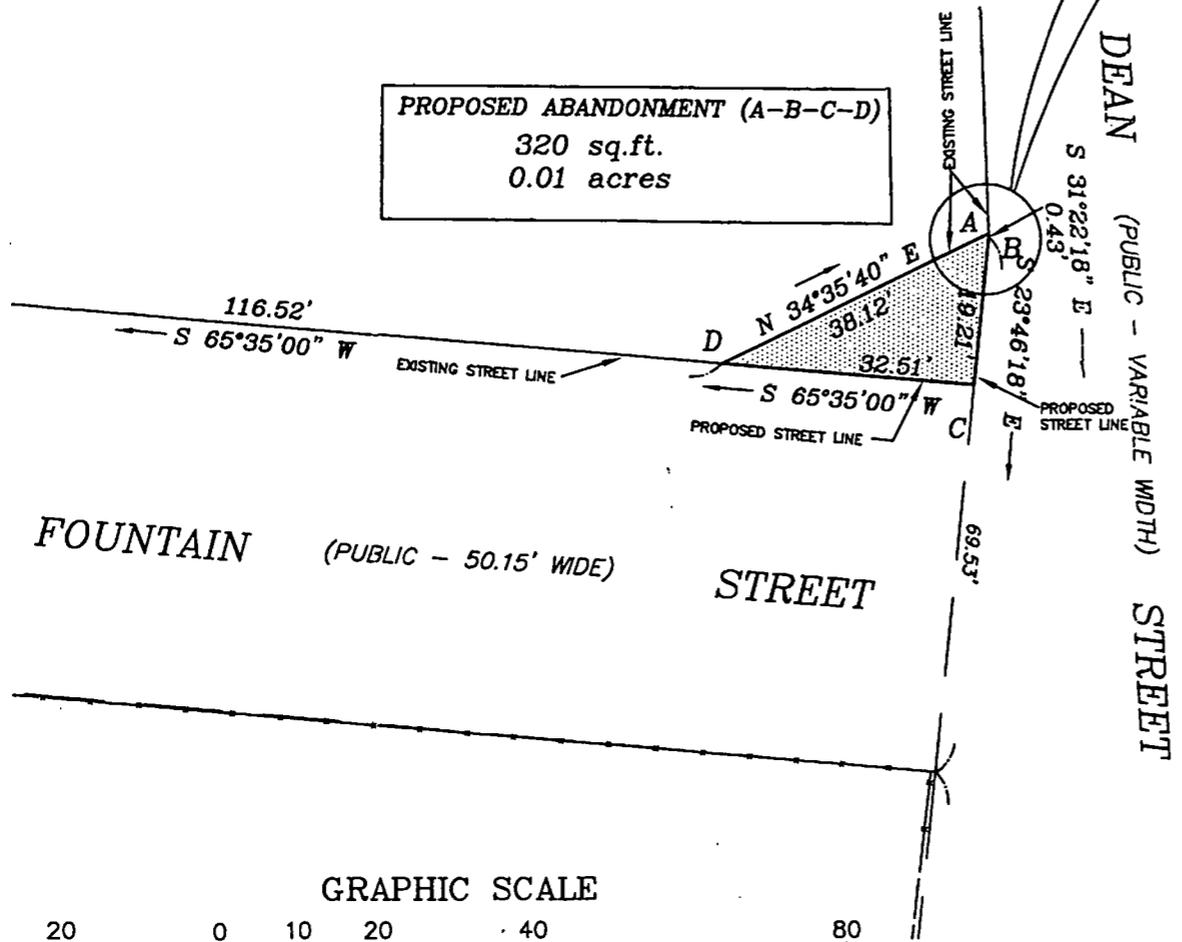
LOCATION MAP
 SCALE 1"=460'±

LEGEND

—x— CHAIN LINK FENCE

THIS SURVEY AND PLAN CONFORM TO A CLASS 1 STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

BY: DAVID D. GARDNER DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR



(IN FEET)
 1 inch = 20 ft.

DAVID D. GARDNER
 No. 1809
 PROFESSIONAL LAND SURVEYOR

DATE	PROJECT NO.
12/19/01	01-131
SCALE	DRAWING NO.
1"=20'	01-131
REVISIONS	DESIGNED BY
	DRAWN BY
	C.E.B.
	CHECKED BY
	D.D.G.

PROPOSED ABANDONMENT
 OF
 PORTION OF
 FOUNTAIN STREET
 CITY OF PROVIDENCE, RI

DAVID D. GARDNER & ASSOCIATES, INC.
 800 METRO CENTER BOULEVARD
 WARWICK, RHODE ISLAND 02886
 (401) 736-3800
 ENGINEERS • SURVEYORS • PLANNERS

SHEET NO. 1
 SHEET 1 OF 1

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 your honorable body

January 2, 2002

To the Honorable City Council:

The Providence Redevelopment Agency hereby petitions the Providence City Council to consider the abandonment of a portion of Fountain Street

As shown on the attached plan, the subject portion of Fountain Street is adjacent to the site of the Providence Public Safety Complex, currently under construction. The abandonment of this portion of public right-of-way is necessary for security and circulation around the complex.

The Agency requests that the abandonment be at no cost to the petitioner.

Respectfully submitted,



Providence Redevelopment Agency
John F. Palmieri
Executive Director

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 1, 2002

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

RE: PETITION TO ABANDON A PORTION OF
WEST FOUNTAIN STREET

Dear Councilman Clarkin:

This Department has no objection to the portion abandonment of West Fountain St., as noted on the accompanying plan entitled, " Providence, RI, P.W. Dept., Engineering Office, Street Line Section, Plan No. 064705, Date: Jan. 29. 2002".

Said area of portion abandonment of West Fountain St. is shown as cross-hatched area on the accompanying plan. Area of abandonment is noted as A-B-C-D-A on the accompanying plan. Lot number noted on this plan was taken from City of Providence, Assessor's Plat 29. Total Square Footage is 320.00+'. Area of abandonment is adjacent to the new City Public Safety Complex.

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

Sincerely,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a set of horizontal lines.

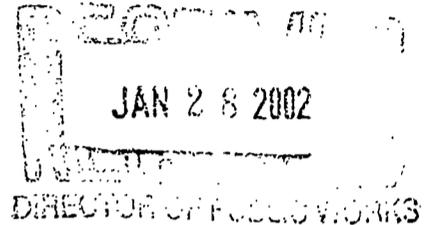
Ferdinand C. Ihenacho, P.E.
Director

CC: P. McLaughlin, Esq.
J. D'Amico, Esq.
M. Clement
G. Florio
JLC
SZ

City of Providence



Rhode Island



Department of City Clerk

MEMORANDUM

DATE: January 24, 2002

TO: Ferdinand Ihenacho, Director of Public Works

Handwritten signature of Ferdinand Ihenacho.

SUBJECT: **PETITION TO ABANDON A PORTION OF
WEST FOUNTAIN STREET**

CONSIDERED BY: Claire E. Bestwick, Second Deputy City Clerk

DISPOSITION: I have been directed by Councilman Robert M. Clarkin, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

Please report back in writing to the above-named committee as soon as practical.

AMENDED PETITION

Handwritten signature of Claire E. Bestwick.
Second Deputy City Clerk

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 your honorable body

Amended Petition

January 23, 2002

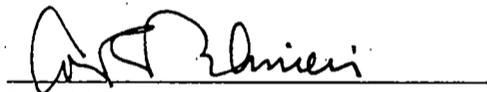
To the Honorable City Council:

The Providence Redevelopment Agency hereby petitions the Providence City Council to consider the abandonment of a portion of West Fountain Street

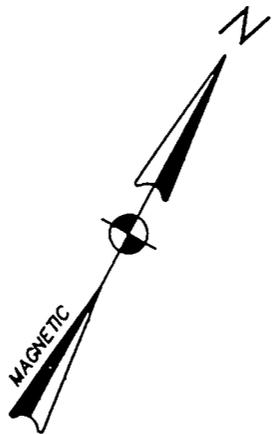
As shown on the attached plan, the subject portion of West Fountain Street is adjacent to the site of the Providence Public Safety Complex, currently under construction. The abandonment of this portion of public right-of-way is necessary for security and circulation around the complex.

The Agency requests that the abandonment be at no cost to the petitioner.

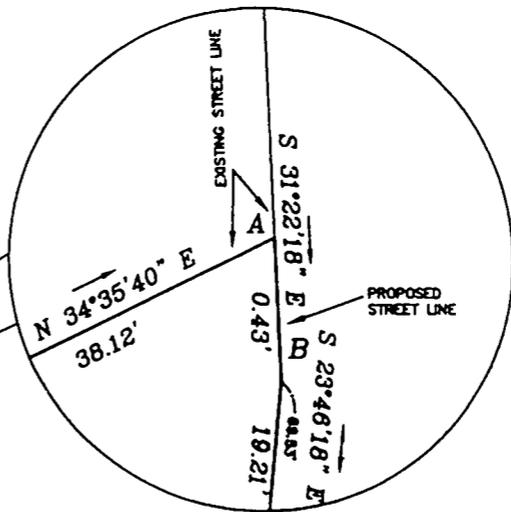
Respectfully submitted,



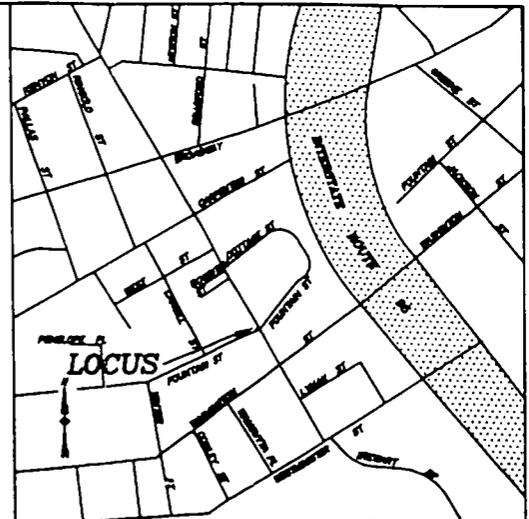
Providence Redevelopment Agency
John F. Palmieri
Executive Director



PROPOSED ABANDONMENT (A-B-C-D)
 320 sq.ft.
 0.01 acres



NOT TO SCALE



LOCATION MAP
 SCALE 1"=450'±

LEGEND

—x— CHAIN LINK FENCE

THIS SURVEY AND PLAN CONFORM TO A CLASS I STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

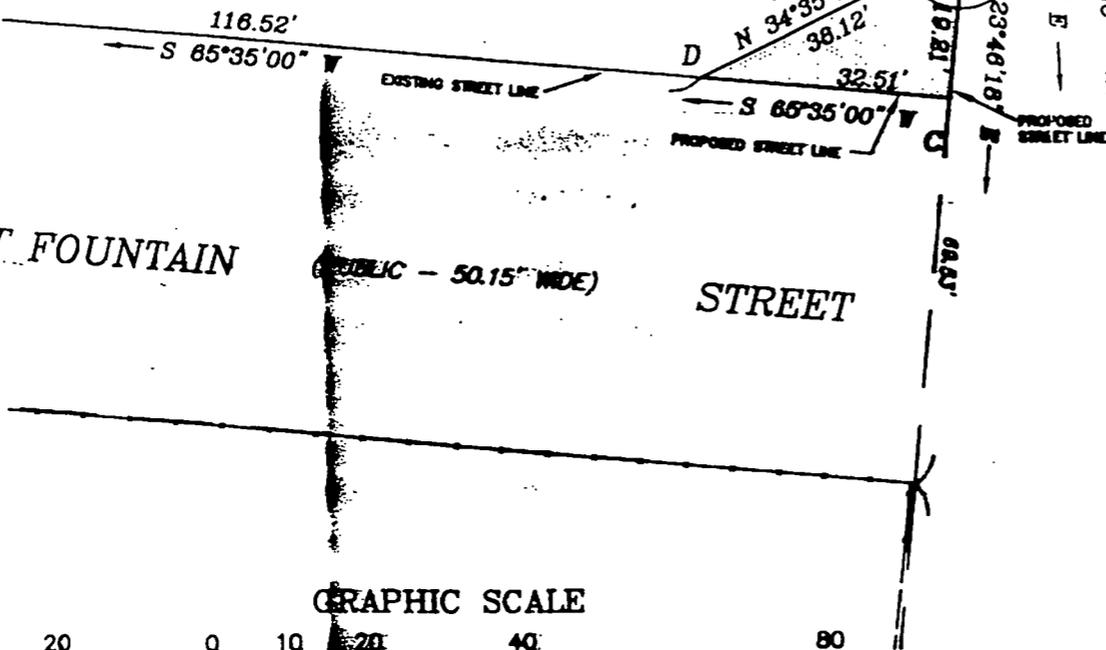
BY: *David D. Gardner* DATE 12/18/01
 DAVID D. GARDNER REGISTERED PROFESSIONAL LAND SURVEYOR

WEST FOUNTAIN

(PUBLIC - 50.15' WIDE)

STREET

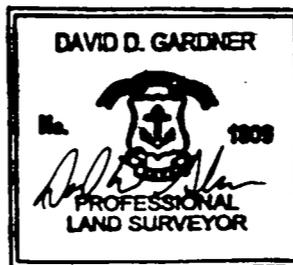
DEAN (PUBLIC - VARIABLE WIDTH) STREET



GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

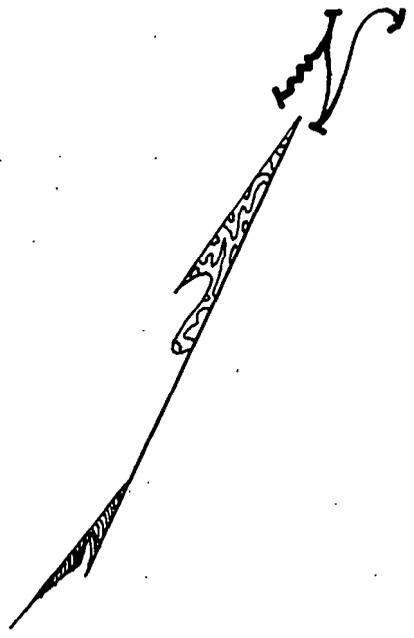


DATE	PROJECT NO.
12/18/01	01-131
SCALE	DRAWING NO.
1"=20'	01-131
REVISIONS	DESIGNED BY
	DRAWN BY
	C.E.B.
	CHECKED BY
	D.D.G.
SHEET NO.	
1	
SHEET 1 OF 1	

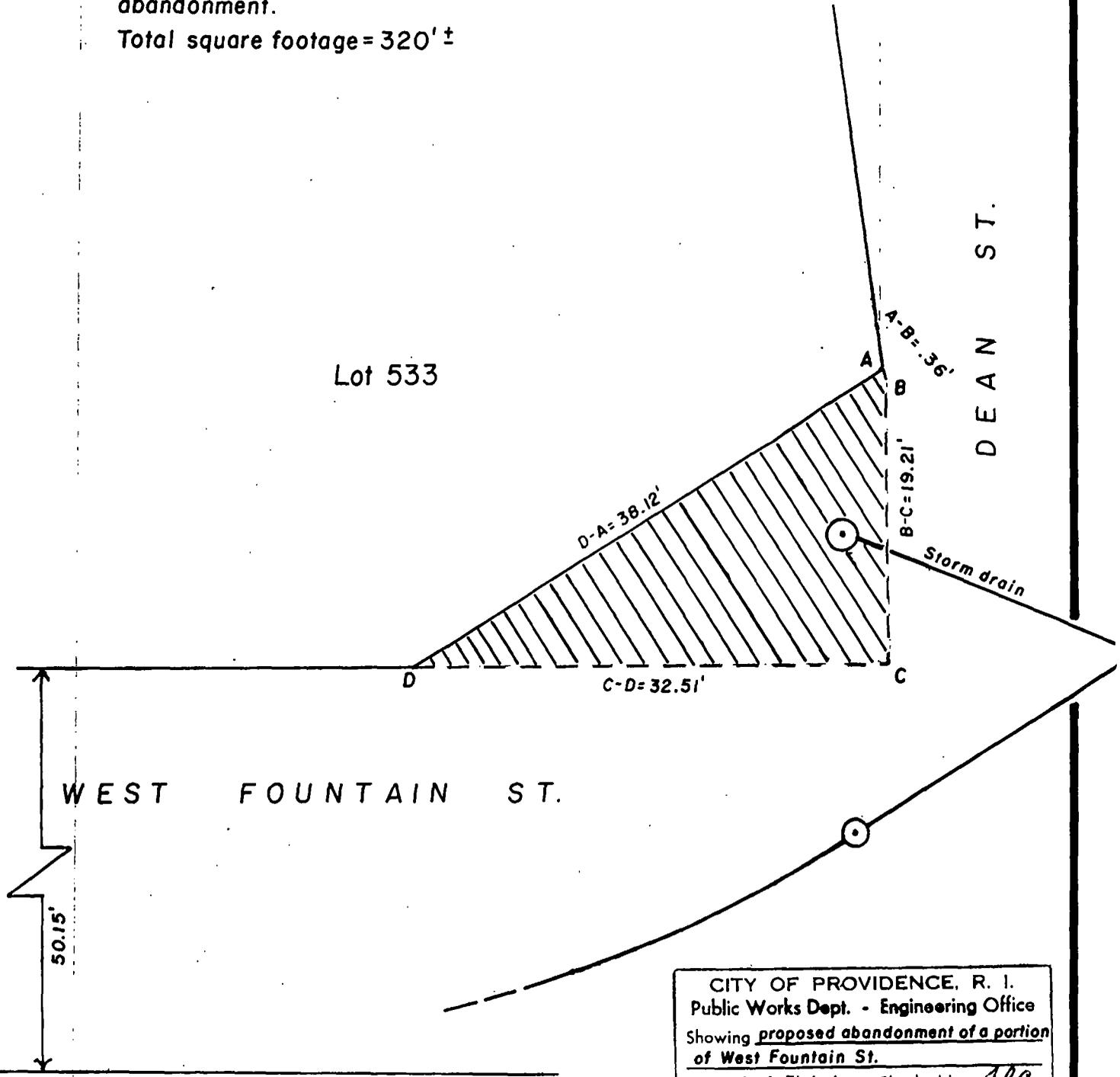
PROPOSED ABANDONMENT
 OF
 PORTION OF
 WEST FOUNTAIN STREET
 CITY OF PROVIDENCE, RI

DAVID D. GARDNER & ASSOCIATES, INC.
 300 WESTINGHOUSE BOULEVARD
 WARRICK, RHODE ISLAND 02890
 (401) 740-0100
 ENGINEERING • SURVEYING • PLANNING

PROVIDENCE, R. I.
 DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064705
 Date Jan. 29, 2002.



NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.
 Total square footage = 320' ±



Lot number taken from A.P. 29.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a portion of West Fountain St.
 Drawn by A. Zisiades Checked by JLC
 Scale 1" = 10' Date 1-29-2002
 Correct James A. Morris Associate Engr.
 Approved [Signature] CHIEF ENGINEER

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

ALEXANDER D. PRIGNANO
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

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

JOSEPH DE LUCA
City Councilman

RITA M. WILLIAMS
City Councilwoman

MARY A. NOCERA
Member

JOSEPH D. CATALDI
Member

January 30, 2002

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

SUBJECT: Petition for Street Abandonment (Amended 01/24/02)
West Fountain Street (Portion of)
Providence, Rhode Island

Dear Councilman Clarkin:

The referenced Petition to the City Council, which relates to the abandonment of a portion of the West Fountain Street right-of-way at the northwest corner of its intersection with Dean Street, has been reviewed for any impact on the Providence Water (PW) water distribution system. In this particular area a distribution system map indicates that a 6-inch water main is located parallel to and approximately 16 feet south of the existing north line of West Fountain Street. Taking into account the dimensions indicated on the land surveyor's drawing that was submitted along with the Petition, it seems possible that the main could wind up within the proposed abandonment.

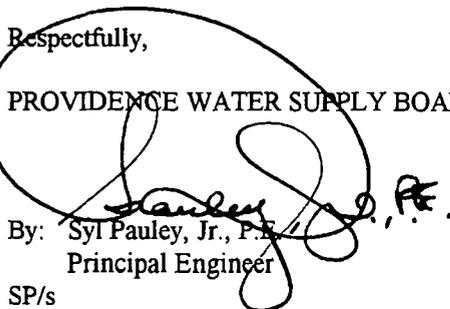
Providence Water does not oppose the proposed street abandonment provided the following conditions are met:

The Petitioner shall be required to have a registered land surveyor locate the proposed street lines with respect to the aforementioned water main to determine if any portion of the pipeline runs under the footprint of the proposed abandonment. If it does, the Petitioner shall prepare a utility easement acceptable to PW (and record the same, thereafter, in City of Providence Land Evidence Records) for the operation and maintenance of its infrastructure within the building lot—including unrestricted 24-hour access to the same. In the event that this is not possible, the Petitioner shall agree to pay for all costs associated with moving the affected portion of main to a more suitable location within the West Fountain Street right-of-way.

If you have any questions, please feel free to contact me at (401) 521-6300 EXT 7241.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD

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

SP/s

cc: P. Gadoury, P.E.
M. Clement, City Clerk
File

ABNLTR35.WPD

www.provwater.com

552 ACADEMY AVENUE • PROVIDENCE, RHODE ISLAND • 02908 • (401) 521-6300 • FAX (401) 331-5081 • TDD (401) 751-0203

NANCY L. DERRIG
Superintendent of Parks



VINCENT A. CIANCI, JR.
Mayor

Department of Public Parks

"Building Pride In Providence"

January 23, 2002

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

RE: Abandonment of a Portion of Fountain Street:

The Department of Public Parks has reviewed the proposed abandonment of the above mentioned street, and has no objection to the proposed abandonment.

Sincerely yours,

A handwritten signature in cursive script that reads "John A. Izzo".

John A. Izzo
Supervisor of Engineering & Planning

NANCY L. DERRIG
Superintendent of Parks



VINCENT A. CIANCI, JR.
Mayor

Department of Public Parks

"Building Pride In Providence"

January 28, 2002

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

RE: Abandonment of a Portion of West Fountain Street, Amended Petition

The Department of Public Parks has reviewed the proposed abandonment of the above mentioned street, and has no objection to the proposed abandonment.

Sincerely yours,

A handwritten signature in cursive script that reads "John A. Izzo".

John A. Izzo
Supervisor of Engineering & Planning

IRENE J. TESTA
Traffic Engineer

JOSEPH W. CAPRIO
Deputy Director



VINCENT A. CIANCI, JR.
Mayor

Department of Traffic Engineering
"Building Pride In Providence"

MEMORANDUM

TO: Councilman Robert Clarkin
Chairman – Committee on Public Works

FROM: Irene J. Testa *Irene J. Testa*

DATE: 1/24/02

RE: PENDING MATTER

REQUEST: **AMENDED PETITION – To abandon a portion of West Fountain Street that is adjacent to the site of the Providence Police Safety Complex, currently under construction. The abandonment of this portion of public right-of-way is necessary for security and circulation around the complex.**

DISPOSITION: No objection.

HENRY E. KATES
Chairman

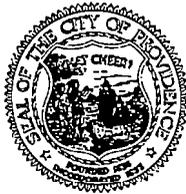
LESLIE A. GARDNER
Vice Chairwoman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMOON
Secretary



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

DATE: February 27, 2002

TO : Michael Clement, City Clerk

FROM: William G. Floriani, Assistant Director
Project Management and Construction

RE : ABANDONMENT
West Fountain Street

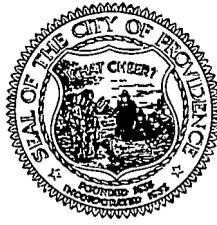
Pursuant to your request I have visited the site referenced above. The purpose was to determine Fair Market Value. The parcel contains 320 sq. ft. and is zoned C-4. The value is as follows

320 sq. ft. @ \$15.00 per. ft. = \$4,800.00

This abandonment is at the new Public Safety site and it will benefit another City Agency the Providence Redevelopment Agency. The transfer as in the past should be for \$1.00.

Cc: Joseph A. Abbate

GEORGE CALCAGNI
Chair



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning The Future of Providence"

January 28, 2002

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

Attn: Claire E. Bestwick, Second Deputy City Clerk

Re: CPC REFERRAL NO. 3188: Proposed Abandonment of a Portion of West Fountain Street

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, January 15, 2002 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of a portion of West Fountain Street.

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 street abandonment is in the public interest as it will further the development of the new Public Safety Facility. As the portion of right-of-way in question is a small corner of West Fountain Street at its intersection with Dean Street, there will be no adverse impact on traffic patterns.

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

No negative impacts from this abandonment are anticipated.

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

The PRA is the only abutter to this portion of right-of-way.

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

No access will be denied to surrounding areas.

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 not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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.*

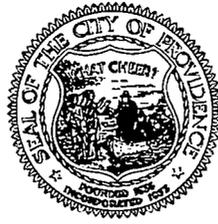
A petition and plan have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment at no cost to the petitioner with the condition that the abandoned portion be extensively landscaped.

Sincerely,



Samuel J. Shamoon
Associate Director of Planning



PROVIDENCE CITY PLAN COMMISSION

"Planning The Future of Providence"

January 16, 2002

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

Attn: Claire E. Bestwick, Second Deputy City Clerk

Re: CPC REFERRAL NO. 3188: Proposed Abandonment of a Portion of Fountain Street

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, January 15, 2002 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of a portion of Fountain Street.

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 street abandonment is in the public interest as it will further the development of the new Public Safety Facility. As the portion of right-of-way in question is a small corner of Fountain Street at its intersection with Dean Street, there will be no adverse impact on traffic patterns.

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

No negative impacts from this abandonment are anticipated.

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

The PRA is the only abutter to this portion of right-of-way.

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

No access will be denied to surrounding areas.

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 not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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 have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment at no cost to the petitioner with the condition that the abandoned portion be extensively landscaped.

Sincerely,



Samuel J. Shamoon
Associate Director of Planning

Narragansett Electric

A National Grid Company



September 9, 2002

Claire E. Bestwick
City Clerk's Office
Providence City Hall
Providence, RI 02903

Re: Abandonment — West Fountain Street

Dear Ms. Stetson:

Please be advised that Narragansett Electric has no overhead and underground facilities located at the proposed abandonment site.

Therefore, we do not object to the abandonment of that portion of West Fountain Street.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mindy C. Montecalvo
Real Estate Consultant
Property Assets
(401) 784-7512

Right Of Way



85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 725-7680

March 4, 2003

Claire Bestwick
2nd Deputy/City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Attn: Ms. Claire Bestwick

RE: PETITION TO ABANDON A PORTION OF WEST FOUNTAIN
STREET

Dear Ms. Bestwick:

Upon investigation by our in house Engineer, Craig Richards, it has been determined that Verizon currently has no facilities on the proposed site to be abandoned.

Very truly yours,

A handwritten signature in black ink that reads "Mary C. Hanley". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mary C. Hanley
Manager - Right of Way
401-727-9555

New England Gas Company

9/13/02

Councilwoman Rita M. Williams
Chairwoman
Committee on Public Works
City of Providence
Providence, RI 02903

Re: Petition to Abandon a Portion of West Fountain Street, Providence

Dear Councilwoman Williams:

New England Gas Company does not own nor maintain gas facilities within above-mentioned area therefore, we have no objections to this petition.

In the future, would you please address any further correspondents to me instead of Michael McGuire. Michael has taken on new responsibilities and I have taken on this area. If you have any further questions please feel free to call me at (401) 272-5040 ext. 5669.

Sincerely,



Barry J. Foster
Engineering Design Supervisor

PC Ms. Anna M. Stetson
Second Deputy City Clerk
Department of City Clerk

BJF/



Department of Law

May 13, 2003

Thomas E. Deller, AICP
Executive Director
Providence Redevelopment Agency
400 Westminster Street
Providence, RI 02903

Re: Petition for Street Abandonment
West Fountain Street (Resolution No. 245)

Dear Mr. Deller:

On April 14, 2003, the City Council approved Resolution No. 245, granting the Providence Redevelopment Agency's petition to abandon as a Public Highway a certain portion of West Fountain Street immediately adjacent to the new Public Safety Complex.

Yesterday, Anna Stetson provided me with a package of supporting materials, which included a letter from Providence Water dated January 30, 2002, a copy of which I attach. Providence Water interposed no objection to the proposed abandonment, but set forth a series of conditions which would establish conclusively whether its six-inch water main lay within the area scheduled to be abandoned. Because that letter was not part of the Law Department file, at the time the implementing Resolution was prepared, no conditions were imposed.

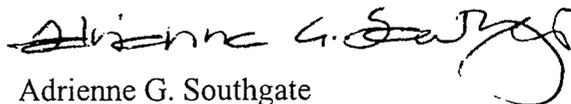
I have reviewed these materials and concluded that it would be inappropriate to amend the Resolution to incorporate Providence Water's conditions. However, I think it should be clear to both the petitioning party (the PRA) and the occupants of the new Public Safety Complex that

Thomas E. Deller, AICP
Providence Redevelopment Agency
May 13, 2003

Page Two

there *may* be a utility line on this property, and if there is, Providence Water will need access to it for the usual maintenance and repair obligations. I am writing to memorialize the situation for future directors and chiefs.

Very truly yours,



Adrienne G. Southgate
Senior Assistant City Solicitor

cc: City Clerk's Office
Councilwoman Josephine DiRuzzo, Public Works Committee
Chief Dean Esserman, Providence Police Department
Chief James Rattigan, Providence Fire Department
Syl Pauley, Jr., Providence Water

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

ALEXANDER D. PRIGNANO
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

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

JOSEPH DE LUCA
City Councilman

RITA M. WILLIAMS
City Councilwoman

MARY A. NOCERA
Member

JOSEPH D. CATALDI
Member

January 30, 2002

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

SUBJECT: Petition for Street Abandonment (Amended 01/24/02)
West Fountain Street (Portion of)
Providence, Rhode Island

Dear Councilman Clarkin:

The referenced Petition to the City Council, which relates to the abandonment of a portion of the West Fountain Street right-of-way at the northwest corner of its intersection with Dean Street, has been reviewed for any impact on the Providence Water (PW) water distribution system. In this particular area a distribution system map indicates that a 6-inch water main is located parallel to and approximately 16 feet south of the existing north line of West Fountain Street. Taking into account the dimensions indicated on the land surveyor's drawing that was submitted along with the Petition, it seems possible that the main could wind up within the proposed abandonment.

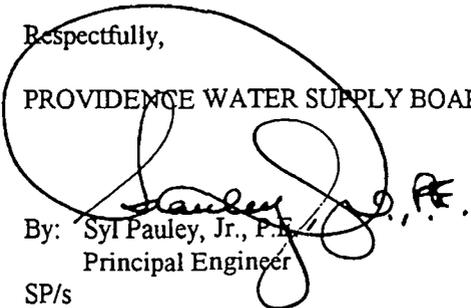
Providence Water does not oppose the proposed street abandonment provided the following conditions are met:

The Petitioner shall be required to have a registered land surveyor locate the proposed street lines with respect to the aforementioned water main to determine if any portion of the pipeline runs under the footprint of the proposed abandonment. If it does, the Petitioner shall prepare a utility easement acceptable to PW (and record the same, thereafter, in City of Providence Land Evidence Records) for the operation and maintenance of its infrastructure within the building lot—including unrestricted 24-hour access to the same. In the event that this is not possible, the Petitioner shall agree to pay for all costs associated with moving the affected portion of main to a more suitable location within the West Fountain Street right-of-way.

If you have any questions, please feel free to contact me at (401) 521-6300 EXT 7241.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD

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

SP/s

cc: P. Gadoury, P.E.
M. Clement, City Clerk
File

ABNLTR55.WPD

www.provwater.com