

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# 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

From the Clerk's Desk

THE COMMITTEE ON

Public Works

Recommendations

Ann M. Stets  
CLERK

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

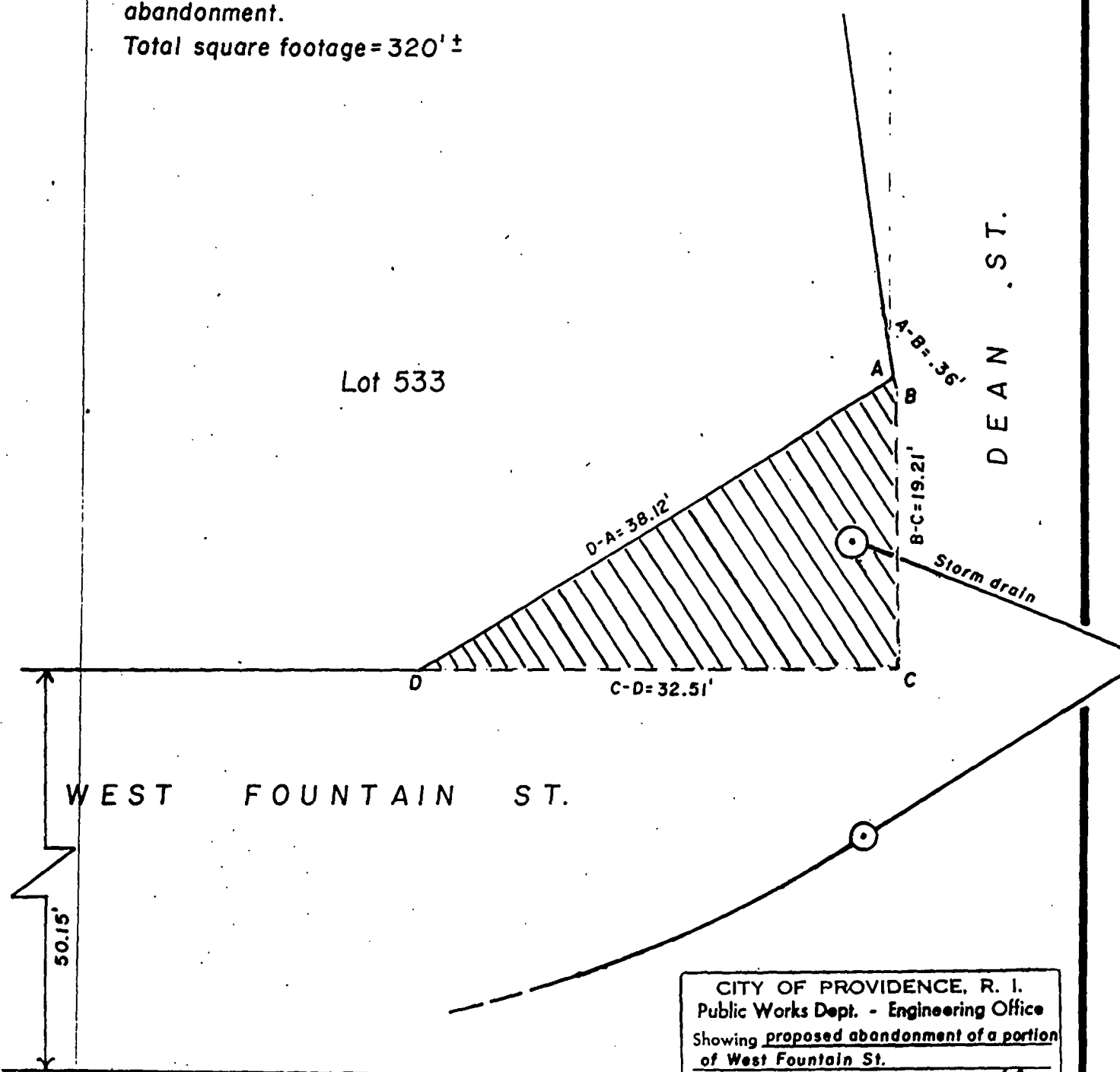
THE COMMITTEE ON  
PUBLIC WORKS  
APPROVED  
The Within Resolution

Ann M. Stets  
CLERK

3-12-03

PROVIDENCE, R. I.  
 E. E. 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 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. Zislades 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".

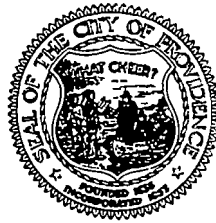
Said area of portion abandonment of West Fountain St. is shown as cross-hatched area on the accompanying plan. Area of abandonment is noted as A-B-C-D-A on the accompanying plan. Lot number noted on this plan was taken from City of Providence, Assessor's Plat 29. Total Square Footage is 320.00+'. Area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

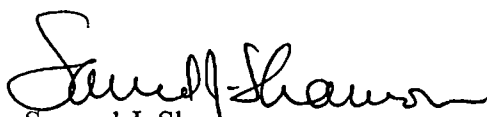
It is not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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.*

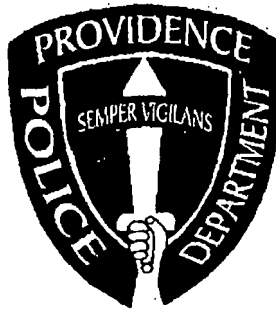
A petition and plan have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

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,

A handwritten signature in black ink, appearing to read "Samuel J. Shamoon". The signature is fluid and cursive, with the first name "Samuel" being more prominent than the last name "Shamoon".

Samuel J. Shamoon  
Associate Director of Planning



**PROVIDENCE POLICE DEPARTMENT  
TRAFFIC BUREAU**

*Lieutenant Timothy Lee, Commanding*

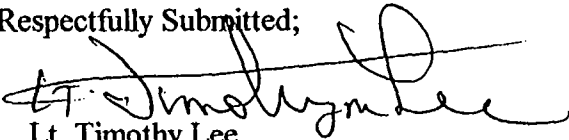
*January 28, 2002*

**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".

RICHARD T. SULLIVAN  
Colonel  
Chief of Police

RTS:imd

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**

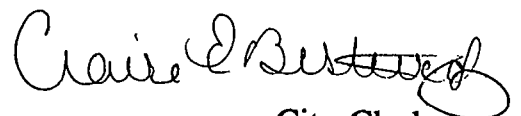
DATE: January 22, 2002

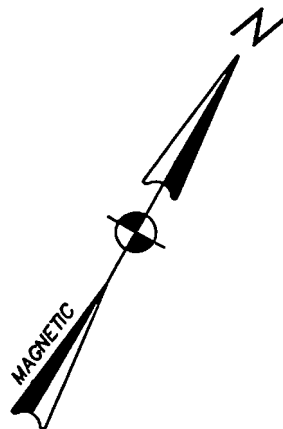
TO: Chief James Rattigan, Chief of Fire

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

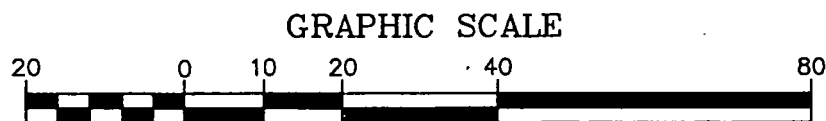
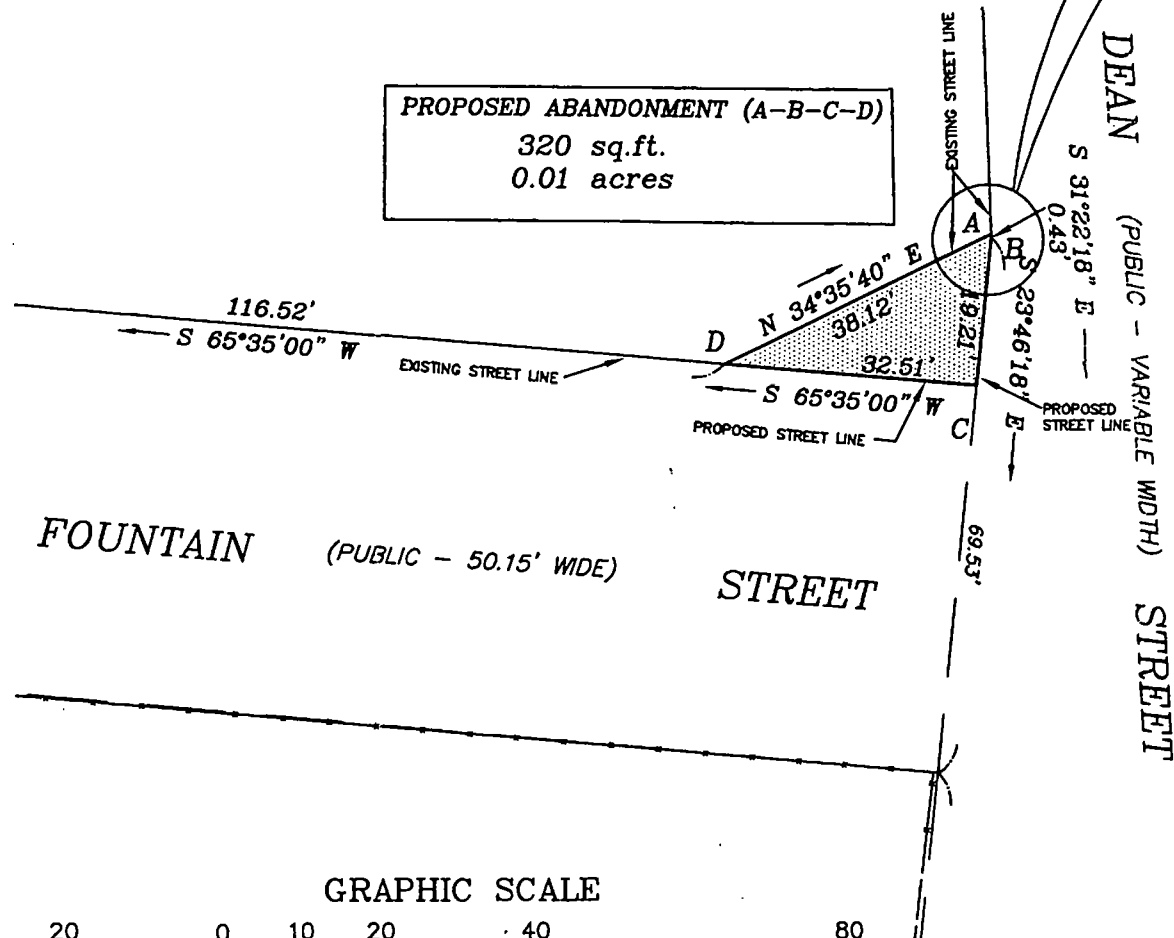
CONSIDERED BY: Councilman Robert M. Clarkin, Chairman,  
Committee on Public Works

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.

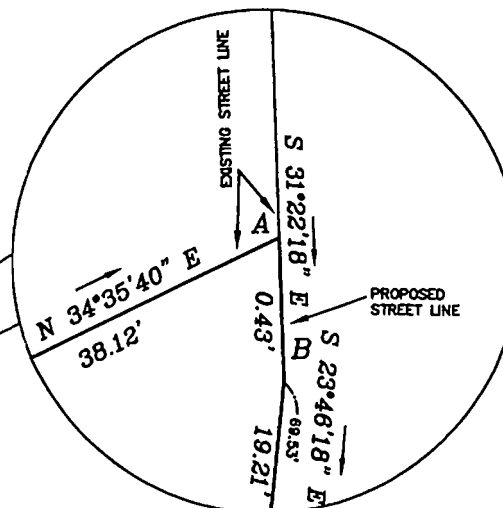
  
Second Deputy City Clerk



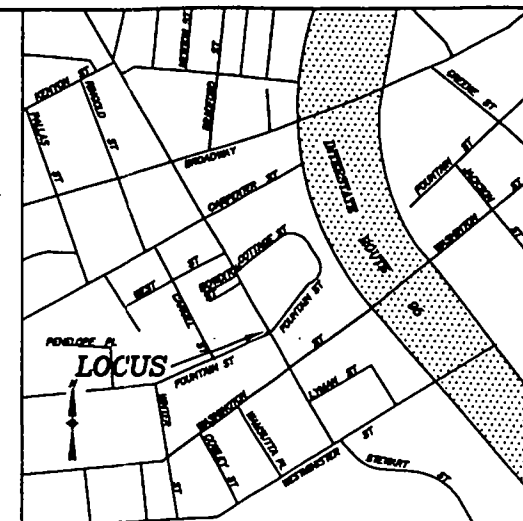
PROPOSED ABANDONMENT (A-B-C-D)  
320 sq.ft.  
0.01 acres



( IN FEET )  
1 inch = 20 ft.



NOT TO SCALE



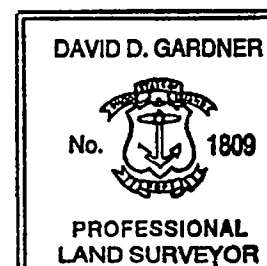
LOCATION MAP  
SCALE 1"=450'±

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



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.

SHEET NO.  
1  
1 OF 1

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

**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<sup>±</sup>'. 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 series of horizontal lines.

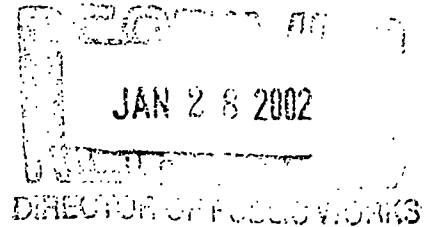
Ferdinand C. Ihenacho, P.E.  
Director

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

A handwritten signature in black ink, appearing to read "F. 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**

A handwritten signature in black ink, appearing to read "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

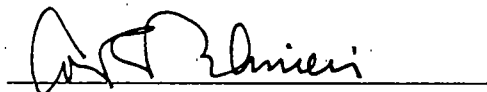
To the Honorable City Council:

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

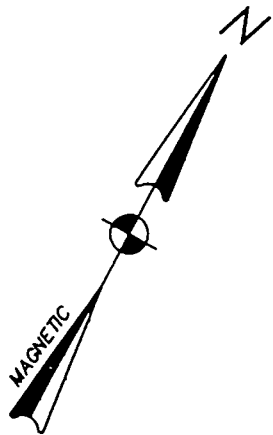
As shown on the attached plan, the subject portion of West Fountain Street is adjacent to the site of the Providence Public Safety Complex, currently under construction. The abandonment of this portion of public right-of-way is necessary for security and circulation around the complex.

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

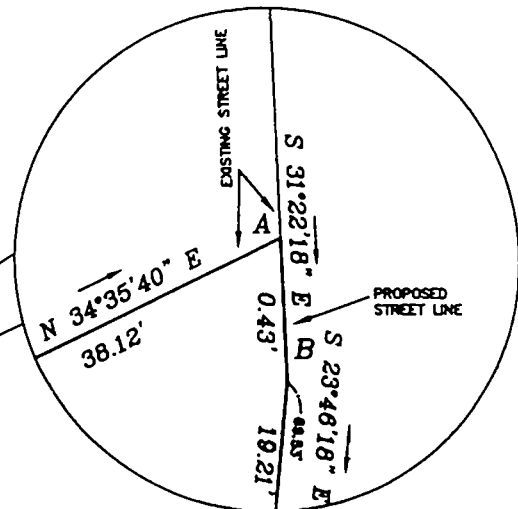
Respectfully submitted,



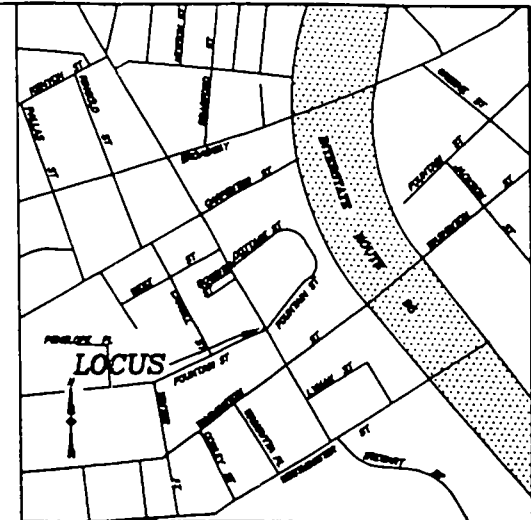
Providence Redevelopment Agency  
John F. Palmieri  
Executive Director



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.

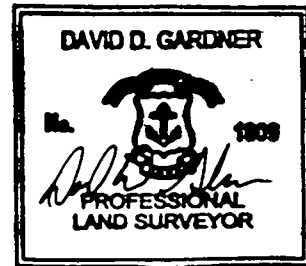
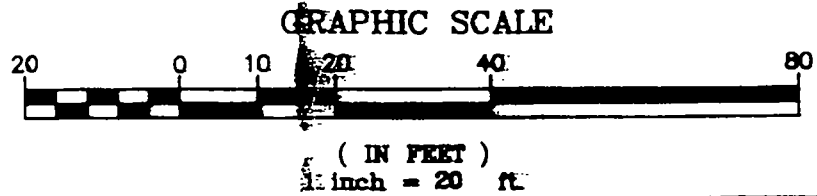
BY: David D. Gardner DATE 12/20/01  
REGISTERED PROFESSIONAL LAND SURVEYOR

WEST FOUNTAIN

(PUBLIC - 50.15' WIDE)

STREET

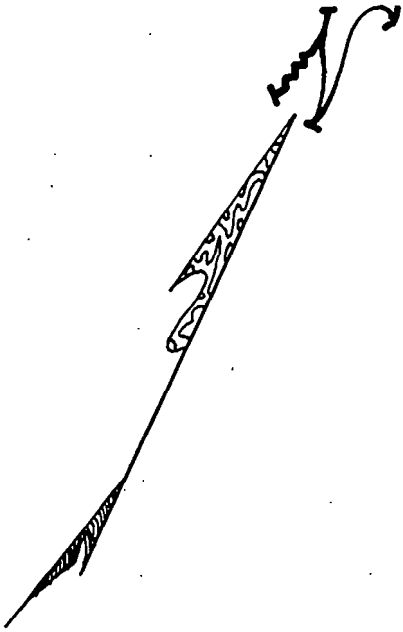
DEAN (PUBLIC - VARIABLE WIDTH) STREET



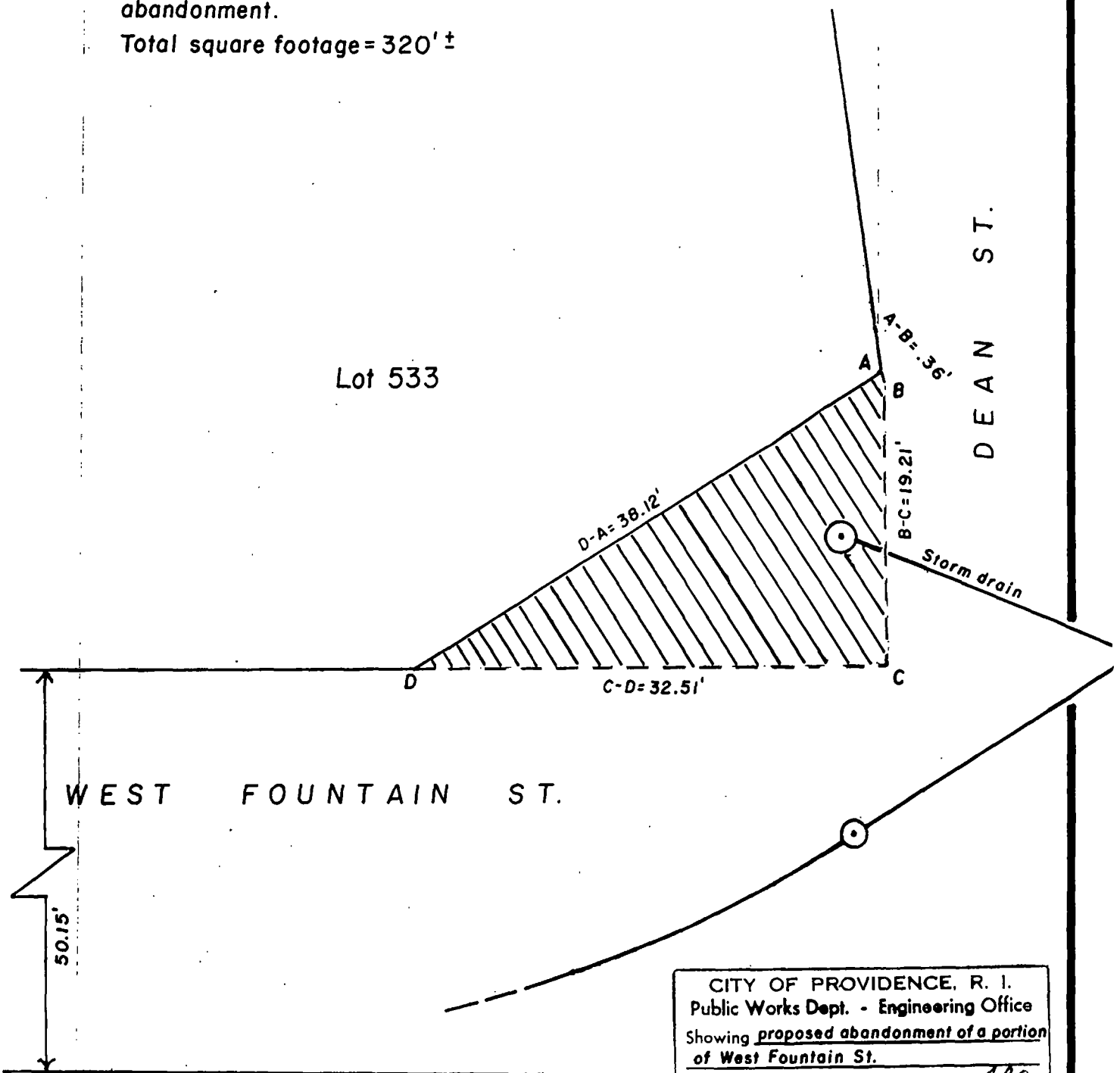
DATE 12/18/01	PROJECT NO. 01-131	PROPOSED ABANDONMENT OF PORTION OF W. FOUNTAIN STREET CITY OF PROVIDENCE, RI	
SCALE 1"=20'	DRAWING NO. 01-131		
REVISIONS	DESIGNED BY		
	DRAWN BY C.E.B.	DAVID D. GARDNER & ASSOCIATES, INC. 200 WESTINGHOUSE BOULEVARD PACIFIC, RHODE ISLAND 02882 (401) 780-0500	
	CHECKED BY D.D.G.		
SHEET NO. 1		SHEET 1 OF 1	



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 JEC  
 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.

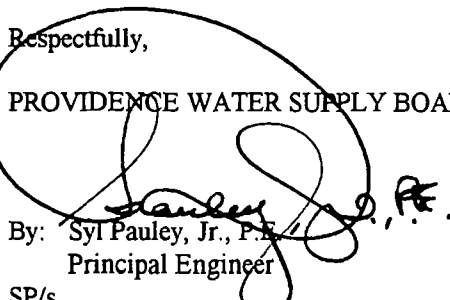
Providence Water does not oppose the proposed street abandonment provided the following conditions are met:

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

ABNLTR55 WPD

[www.provwater.com](http://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"*

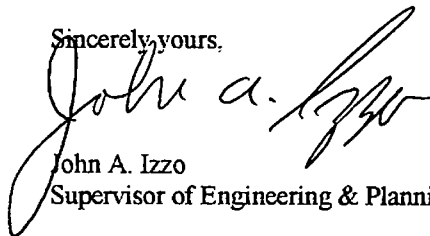
January 23, 2002

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,

  
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 black ink, appearing to read "John A. Izzo". The signature is fluid and cursive, with the first name "John" being the most prominent part.

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

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**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

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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



## 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.*

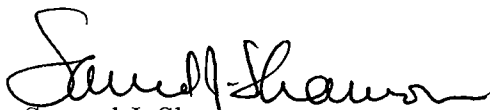
It is not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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.

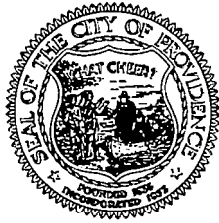
The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment at no cost to the petitioner with the condition that the abandoned portion be extensively landscaped.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Shamoon".

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.*

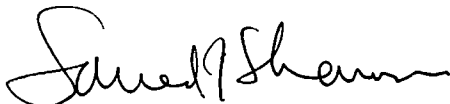
It is not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The PRA would need to grant easements if necessary.

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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  
2<sup>nd</sup> 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, sweeping underline that extends 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/

<http://www.narrabay.com>



Paul Pinault, P.E.  
Executive Director

Sincerely,




John Zuba  
Project Coordinator

[illegible]

<http://www.narrabay.com>



Paul Pinault, P.E.  
Executive Director

  
John Zuba  
Project Coordinator



**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

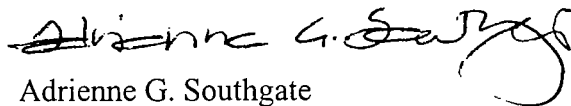


Thomas E. Deller, AICP  
Providence Redevelopment Agency  
May 13, 2003

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,

A handwritten signature in black ink, appearing to read "Adrienne G. Southgate", with a large, stylized flourish at the end.

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

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*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.

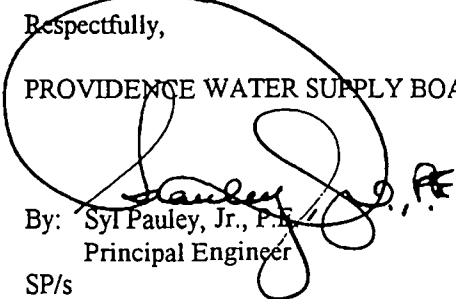
Providence Water does not oppose the proposed street abandonment provided the following conditions are met:

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](http://www.provwater.com)

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