

RESOLUTION OF THE CITY COUNCIL

No. 190

Approved APRIL 25, 2008

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. 064796, dated June 27, 2006.

VIZ:

A portion of RUSSELL STREET, running from Elmwood Avenue to Providence the Penn Central Railroad Tracks, 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 One Hundred Nine Thousand, One Hundred Twenty-Six Dollars and Fifty Cents (\$109,126.50) in legal U.S. tender to the City of Providence. The appraised value of the abandoned property is \$114,870.00, but in consideration of RIPTA's status as a public entity, the City Council Committee on Public Works voted to reduce the charge to 95% of fair market value.

(2) Petitioner shall grant an easement in favor of New England Gas Company, d/b/a National Grid, permitting the installation and maintenance of its facilities as may be needed to provide service to any and all properties abutting Russell 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.

(3) 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.

IN CITY COUNCIL
JUN 15 2006
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

CLERK



3-27-07 - Public Hearing


(4) Petitioner shall comply with all conditions contained herein (other than executing the easement referenced in Paragraph 2, 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.

(5) 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
APR 17 2008
READ AND PASSED

PRES.

CLERK

APPROVED

MAYOR 4-25-08

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

Now comes the Petitioner, the Rhode Island Public Transit Authority, a body corporate and politic and having a principal address of 265 Melrose Street, Providence, Rhode Island 02907, and hereby moves to abandon a portion of Russell Street from the Official Map of the City of Providence.

The Petitioner states that the abandonment of a portion of Russell Street from the Official Map of the City of Providence would promote the public health, welfare and comfort in that it would improve the overall economic well being of the surrounding area. The Petitioner states that there are four lots with frontage on Russell Street, lots A.P. 60, Lots 37, 131, 136, and 121. Three of the lots, Lots 37, 131 and 136 are owned by the Petitioner; Lot 37 has frontage on Elmwood Avenue; Lot 136 as combined with Lot 131 has frontage on Longfellow Street. Lot 121 has frontage on both Elmwood Avenue and Russell Street, and its frontage on Russell Street will not be affected by the partial abandonment.

The Petitioner is seeking the abandonment of Russell Street from its terminus abutting the Penn Central rail tracks up to a line parallel to the westerly boundary of Lot 121. The Road Abandonment Plan attached hereto as Exhibit A more clearly defines the areas of Russell Street which the Petition seeks to have abandoned by the City Council.

The Petitioner is the owner of Lots on either side of the portion of Russell Street sought to be abandoned, which lots were formerly owned by Providence Lumber Company. The Petitioner plans to demolish the existing buildings on its lots on both sides of Russell Street, and to redevelop the lots, and the abandoned portion of Russell Street for use in the operations of the Rhode Island Public Transit Authority, in the service of the community and the public.

The Petitioner submits that the abandonment of Russell Street would not adversely affect the surrounding area. Further, by abandoning Russell Street, the City Council will promote the public health, welfare and comfort.

Petitioner
Rhode Island Public Transit Authority
By its attorneys,



Erica P. Bigelow, #6584
Tillinghast Licht LLP
Ten Weybosset Street
Providence, Rhode Island 02903

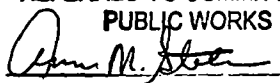
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

2006 JUN -2 A 11:30

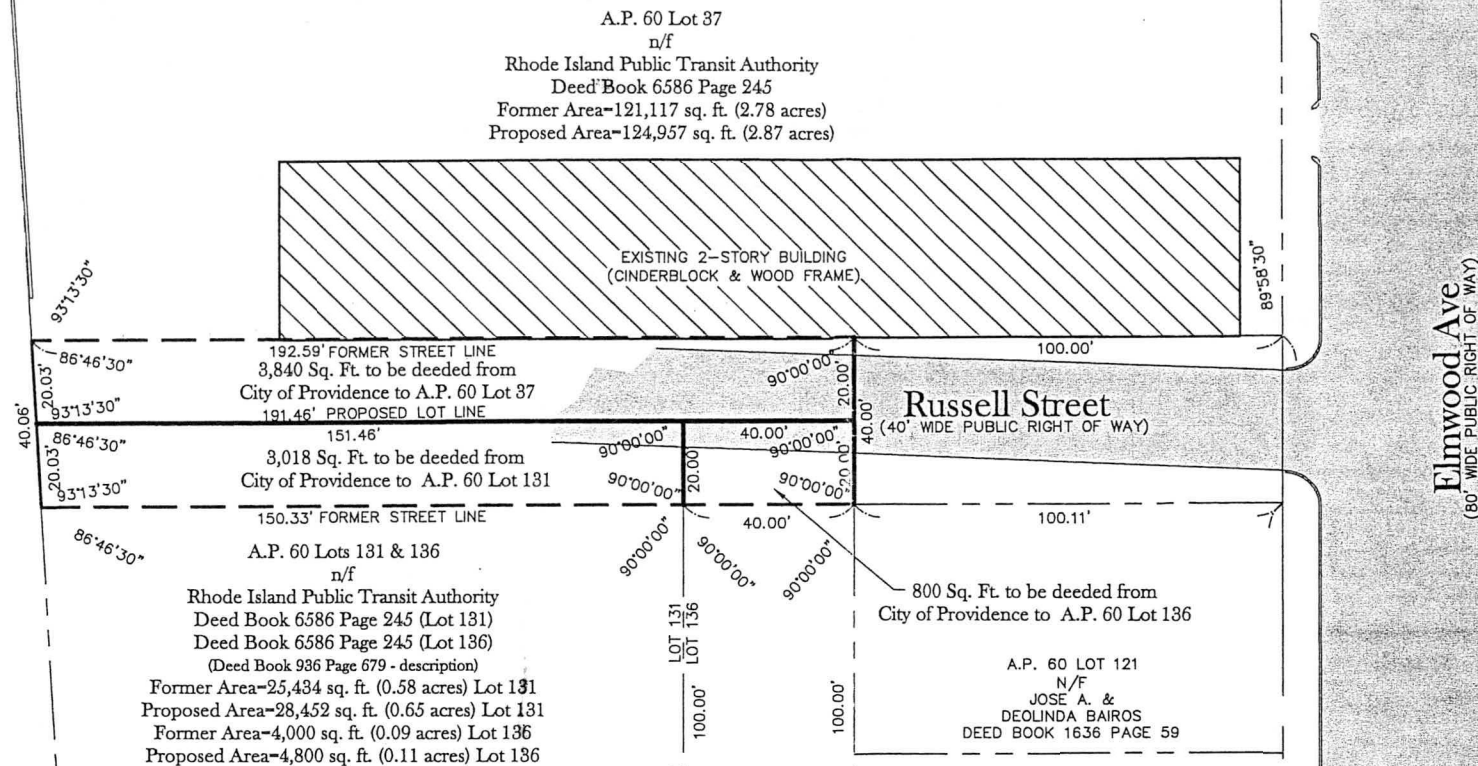
05000

Petition to abandon a portion of Russell Street
Tillinghast Licht LLP
Bank of America
Check # 3633
\$75.00

IN CITY COUNCIL
JUN 15 2006
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

 CLERK

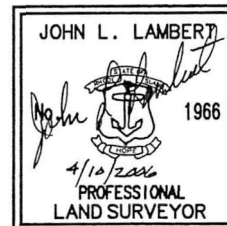
3-27-07 Public Hearing



Plan References:

1. "BOUNDARY SURVEY PLAN PROVIDENCE LUMBER COMPANY LAND ASSESSOR'S PLAT 60 LOTS 37, 123, 131 & 136 PROVIDENCE, RHODE ISLAND. PREPARED BY DIPRETE ENGINEERING ASSOCIATES, INC." 2 STAFFORD COURT, CRANSTON, R.I. 02920, PREPARED FOR TILLINGHAST LIGHT PERKINS SMITH & COHEN, LLP 10 WEYBOSSET STREET PROVIDENCE, R.I. 02903, SCALE: 1"=40' SHEET 1 OF 1. REVISION DATE: APRIL 4, 2004.

THIS PLAN IS SUBSTANTIALLY
CORRECT IN ACCORDANCE
WITH A CLASS III STANDARD
AS ADOPTED BY THE RHODE
ISLAND BOARD OF REGISTRATION
FOR PROFESSIONAL LAND
SURVEYORS.



SCALE: 1" = 30'

0 15' 30' 60'

COPYRIGHT 2006 BY DIPRETE ENGINEERING ASSOCIATES, INC.
JOB # 1052-001

Road Abandonment Plan

Russell Street
Providence, Rhode Island
A.P. 60, Lots 37, 131 & 136

PREPARED BY:

DiPrete Engineering Associates, Inc.

TWO STAFFORD COURT
CRANSTON, R.I. 02920
(401) 943-1000 FAX: (401) 464-6006

PREPARED FOR:

Tillinghast Licht Perkins Smith & Cohen, LLP

10 WEYBOSSET STREET
PROVIDENCE, RHODE ISLAND 02903-2818
TELEPHONE: (401)-456-1200

DWN BY: JRL

DATE: APRIL 6, 2006

SHEET 1 OF 1

PROVIDENCE CITY CLERK

06-02-2006 H0

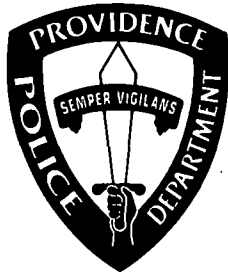
ABANDON	75.00
SUBTL	75.00
TOTAL	75.00
CHECK	75.00
CHANGE	0.00

0326 11:08PM

BY ENDORSEMENT THIS CHECK WHEN PAID IS ACCEPTED FOR PAYMENT ON THE FOLLOWING ACCOUNT		FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING	
DATE		TILLINGHAST LIGHT LLP FIRM ACCOUNT Ten Weybosset Street Providence, Rhode Island 02903	57-1/115 3633
<div style="font-size: 2em; font-family: cursive; position: absolute; top: 10px; left: 10px; transform: rotate(-15deg);"> filing fee </div>		<div style="text-align: right; margin-bottom: 10px;">DATE <u>6.01.06</u></div> <div style="display: flex; justify-content: space-between;"> <div> PAY TO THE ORDER OF <u>City of Providence</u> </div> <div> \$ 75.00 </div> </div> <div style="margin-top: 10px;"> <u>Seventy five dollars - 00/100</u> </div> <div style="display: flex; justify-content: space-between; align-items: center;"> <div> Bank of America </div> <div> TWO SIGNATURES REQUIRED IF AMOUNT EXCEEDS \$5000.00 </div> </div> <div style="text-align: right; margin-top: 20px;"> <u><i>Lauren M. Marion</i></u> <small>AUTHORIZED SIGNATURE</small> </div>	
TOTAL OF INVOICES LESS _____ % DISCOUNT LESS _____ TOTAL DEDUCTIONS AMOUNT OF CHECK		1100363311 10115000101 94292 7565711	

SI

THIS DOCUMENT INCLUDES A SECURITY SCREEN ON BACK OF THE CHECK



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

June 29, 2006

To: Anna M. Stetson, Second Deputy City Clerk


From: Capt. James T. Nolette

Subject: Petition from Erica Bigelow, Tillinghast Licht, LLP.

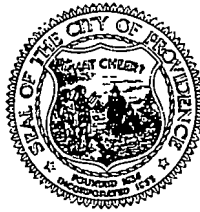
Dear Anna:

After looking at the plans and descriptions enclosed, the Police Department has no objections to proposed abandoned of a portion of Russell St. as requested by Erica Bigelow of Tillinghast Licht, LLP.

Sincerely,


Capt. James T. Nolette

JOHN D. NICKELSON, PE
Director



DAVID N. CICILLINE
Mayor

Department of Public Works
"Building Pride in Providence"

June 27, 2006

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Abandonment of a Portion of Russell Street

Dear Councilman Hassett:

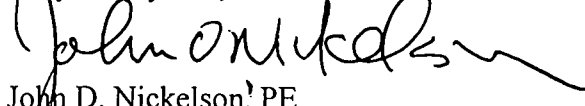
This department has no objection to the proposed abandonment of a portion of Russell St. in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept- Engineering Office, Street Line Section, Plan No. 064796. Area of abandonment is designated as (A-B-C-D-A) on the accompanying plan.

No sewer easement required.
Total square footage equals 11,660.60 square feet. (\pm)
See accompanying plan for plat and lot numbers.

According to Informational Bulletin 2003.01 issued by Rhode Island Board of Registration for Professional Land Surveyors, road abandonment constitutes a boundary change, and as such, requires a Class 1 survey prepared by a Professional Land Surveyor, properly licensed by said board.

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

Very truly yours,


John D. Nickelson, PE
Director

cc: Ann Stetson-City Clerk
BB, AZ-DPW
A. Southgate, Esq.- Law Dept.
T. Deller- Planning
J. Gelati- Tax Assessors

George D. Calise
Acting Fire Marshal

Anthony J. Di Giulio
Acting Deputy Fire Marshal



David N. Cicilline
Mayor

David D. Costa
Chief of Department

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

August 21, 2006

Ms. Anna Stetson, City Clerk
Providence City Hall, Department of City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition Erica P. Bigelow, Tillinghast Licht, LLP and the RI Public Transit Authority to abandon a portion of Russell Street.

Dear Ms. Stetson,

The Providence Fire Department offers no objection to the proposed petition from Erica P. Bigelow, Tillinghast Licht, LLP and the RI Public Transit Authority to abandon a portion of Russell Street for the redevelopment of these lots.

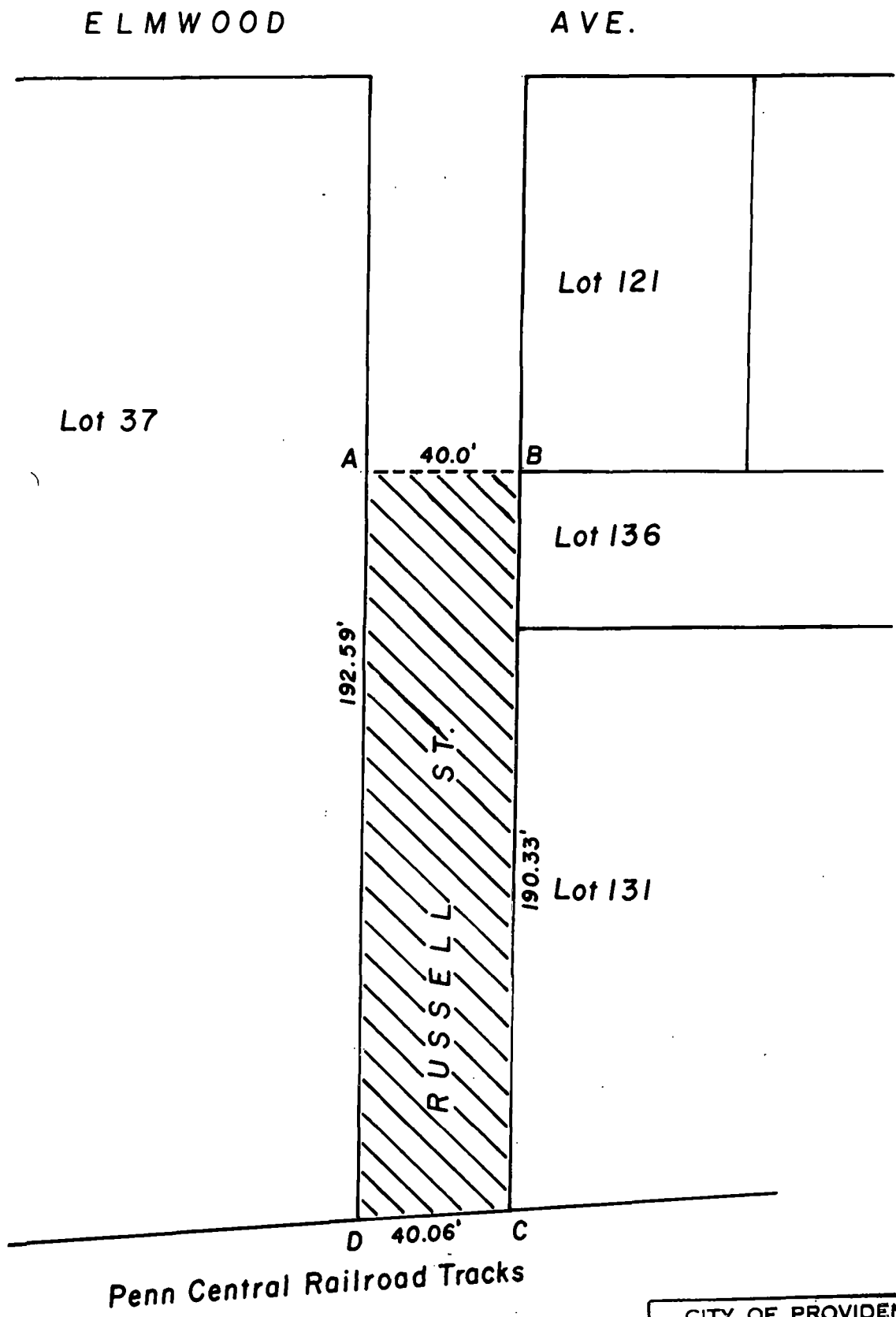
Sincerely,

A handwritten signature in black ink, appearing to read "Anthony J. Di Giulio".

Anthony J. Di Giulio
Acting Deputy Fire Marshal



PROVIDENCE, R. I.
P. W. DEPT. • ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064796
Date June 27, 2006



NOTE: Dimensions shown were taken from a plan titled "Road Abandonment Plan - Russell Street" dated April 6, 2006, by DiPrete Engr. Association, sealed by John L. Lambert, PLS.

NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.
No sewer easement required.
Total square footage = 7658.40

Lot numbers taken from A.P. 60.

CITY OF PROVIDENCE, R. I.
Public Works Dept. • Engineering Office
Showing proposed abandonment of a portion of Russell St.
Drawn by A. Zislades Checked by GA
Scale 1" = 40' Date _____
Correct _____ Associate Engr.
Approved William C. Lambert
CHIEF ENGINEER

ANDREW K. MOFFIT
Chairman

JOSEPH D. CATALDI
Vice Chairman

ALEXANDER D. PRIGNANO
Ex-Officio

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor



DAVID N. CICILLINE
Mayor

BOYCE SPINELLI
Acting General Manager

JOSEPH DE LUCA
City Councilman

PATRICK K. BUTLER
City Councilman

ANNE T. QUINTERNO
Member

EVERETT BIANCO
Member

July 14, 2006

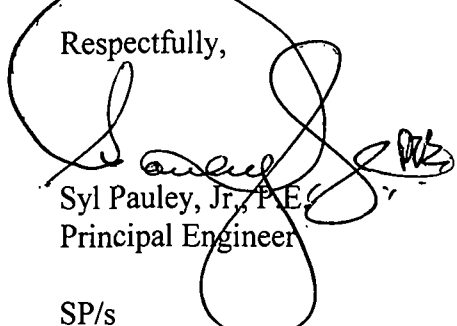
Councilman Terrence M. Hassett, Chairman
Committee on Public Works
City Hall
25 Dorrance Street
Providence, RI 02903

SUBJECT: Petition for Street Abandonment
Russell Street (Portion of)
Providence, RI

Dear Councilman Hassett:

The referenced Petition to the City Council has been reviewed for any impact this action might have on the Providence Water (PW) water distribution system. Our records do not indicate any water main or appurtenances thereto on this street. Therefore, PW has no objection to the proposed street abandonment.

Respectfully,



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

SP/s

cc: P. Gadoury, P.E.

A. Stetson, City Clerk

File

ABNLTR157.WPD

ALIX R. OGDEN
Superintendent of Parks



DAVID N. CICILLINE
Mayor

Department of Public Parks

"Building Pride In Providence"

June 26, 2006

Anna M. Stetson, City Clerk
Department of City Clerk
City of Providence
City Hall
Providence, RI

RE: Abandonment of Russell Street.

The Department of Public Parks has no objection to the abandonment of the above mentioned street.

Sincerely Yours

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

John A. Izzo

Supervisor of Engineering & Planning

JOHN D. NICKELSON, P. E.
Director




DAVID N. CICILLINE
Mayor

Department of Public Works

Traffic Engineering Division
"Building Pride in Providence"

MEMORANDUM

TO: Anna Stetson, Office of the City Clerk

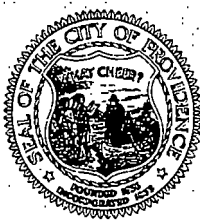
FROM: E. Bernard Lebby, Traffic Engineer 

CC: John D. Nickelson, PE, Director of DPW
Councilman Terrance M. Hassett, Chairman, Committee on Public Work

DATE: June 22, 2006

SUBJECT: Petition from Erica P. Biglow, Tillinghast Licht, LLP, Ten Weybosset Street, Providence, RI 02903, requesting to abandon a portion of Russell Street.

The office of Traffic Engineering has reviewed this request and approve of the decision to abandon a portion of Russell Street.



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

August 9, 2006

Honorable Terrence M. Hassett, Chair
Committee on Public Works
City Hall
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: CPC Referral No. 3271: Proposed Abandonment of a portion of Russell Street

Dear Councilman Hassett:

The City Plan Commission at its regular meeting on Monday, July 24, 2006 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 Russell Street, as petitioned by the Rhode Island Public Transit Authority. The petitioner owns all property abutting this portion of right of way.

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.*

Since this portion of the street services only the lots owned by the petitioner and is a dead-end, it is not necessary for public use.

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 impact is evident.

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

The petitioner is the only abutter.

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

No access would be denied.

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.*

An easement retention would be necessary to provide access to, maintain, or provide existing or future service or utility needs.

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 plan has been provided. This abandonment would be consistent with the Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that the petition be approved, subject to the granting of necessary utility easements.

Sincerely,



Christopher J. Ise
Administrative Officer

cc: Erica P. Bigelow, Tillinghast Licht LLP, for the Petitioner



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**

August 15, 2006

Mr. John Gelati
Tax Assessor
City of Providence
City Hall
Providence, Rhode Island 02903

Re: Proposed Abandonment of Russell Street

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Russell Street, otherwise designated as Assessor's Plat 60. The partial abandonment is located one block in on Russell Street from Elmwood Avenue in the Elmwood neighborhood of Providence.

The proposed abandonment contains 7,658 square feet and measures 40.06 feet by 190.33 feet in length along the center line of the street. The parcel is zoned C-4. The City's Department of Public Works has no objection to this request; however, they are requiring a Class 1 Survey for recording purposes.

We have taken into account a number of factors in arriving at the fair market value of the site. The petitioner will gain full use of the site for commercial use, as there will be no easements required by the City of Providence Department of Public Works.

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. John Gelati
Page 2
August 15, 2006

Based upon an analysis of comparable land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a fee simple market value of \$15.00 per square foot is hereby estimated for this site.

Therefore, 7,658 square feet x \$15.00 per square foot = \$114,870.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

William G. Floriani (Jad)

William G. Floriani
Certified Residential Appraiser

Thomas S. Andolfo, MAI
Thomas S. Andolfo, MAI
Certified General Appraiser

WGF:TSA/fad



July 14, 2006

Ms. Anna M. Stetson
City Clerk's Office
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Re: Petition to Abandon a Portion of Russell Street

Dear Ms. Stetson:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has no equipment in the area proposed for abandonment.

Therefore, NECO has no objection to the abandonment.

Please call me if you have any questions.

Very truly yours,

Mindy C. Montecalvo
Property Rights Specialist
(401) 784-7512
(401) 784-7316 (fax)

Right of Way



85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 725-7680

June 22, 2006

Anna Stetson
2nd Deputy/City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF RUSSELL STREET

Dear Ms. Stetson:

Upon investigation by our in house Engineer, Abe Pinales, it has been determined that Verizon has no facilities on the portion of the street to be abandoned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary C. Hanley".

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

June 20, 2006

Anna M. Stetson, Second Deputy City Clerk
Department of City Clerk, City of Providence, Rhode Island
City Hall
Providence, RI 02903

**RE: PETITION FROM ERICA P. BIGELOW, TILLINGHAST LICHT, LLP,
TEN WEYBOSSET STREET, PROVIDENCE, RI 02903, REQUESTING TO
ABANDON A PORTION OF RUSSELL STREET.**

New England Gas Company has existing gas facilities within the portion of Russell Street that is to be abandoned. As such, an easement must be granted permitting the retention of our 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.

Enclosed is our typical easement agreement. Please redline any proposed changes to the agreement and provide an Exhibit A – metes and bounds description or surveyor's drawing indicating the location of the easements. Return the documents to Tom Gavula and I will have our Legal Department review any proposed changes and create a final document(s) for signatures and recording.

If you have any questions please do not hesitate to contact Tom Gavula at 401-525-5521.

Sincerely,



Tom Gavula
Manager – Gis/Records/Drafting & Cathodic Protection

cc: Albert Marsocci

EASEMENT AGREEMENT

This Agreement (the "Agreement") is made on _____, 20____, between _____ ("Grantor"), and New England Gas Company, a division of Southern Union Company, a Delaware corporation ("Grantee"), whose mailing address is 100 Weybosset Street, Providence, Rhode Island 02903.

1. **Grant of Easement.** For the consideration described in paragraph 2, Grantor grants to Grantee, with Quitclaim Covenants, a perpetual easement and right-of-way (the "Easement") in, under, through, over, upon and across the real property located in _____, Rhode Island and more particularly described on Exhibit A, which is attached to this Agreement and hereby incorporated by reference (the "Easement Area").

2. **Consideration.** The Easement is granted in consideration of the Grantee's payment to Grantor of \$ _____, the sufficiency and receipt of which is acknowledged.

3. **Character of Easement.** This Agreement grants an easement in gross.

4. **Purpose of Easement.** The Easement consists of the perpetual right and easement:

(a) to place, install, construct, operate, repair, maintain, rebuild, replace, relocate, and remove a pipeline for the transportation and distribution of natural gas (the "Distribution System") on the Easement Area, which Distribution System includes the necessary piping, conduits, valves, fixtures, appurtenances and other relevant equipment installed therein and attached thereto, in, under, through over across and upon the Easement Area as from time to time may be required;

(b) to make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System; and

(c) to pass over and across the Easement Area as reasonably necessary for all purposes described in this Agreement.

5. **Covenants Running with the Land.** The provisions, terms and obligations contained herein shall constitute covenants running with the land, and each such provision, term or obligation shall run in perpetuity in favor of the Grantor.

6. **Warranty of Title.** Grantor and Grantor's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the Easement and rights conveyed in this Agreement to Grantee and Grantee's successors and assigns, against every person lawfully claiming or to claim all or any part of the interest in the Easement Area.

7. **Exclusiveness of Easement.** The Easement, rights, and privileges granted by this conveyance are exclusive, and Grantor covenants not to convey any other easement or conflicting rights in the Easement Area covered by this grant. In addition, Grantor covenants not to construct any permanent structure within the boundaries of the Easement Area.

8. **Temporary Easement.** In addition to the rights contained herein, Grantee shall have the right to use as much of the surface of the Grantor's property adjacent to the Easement Area as may be reasonably necessary for Grantee to construct and install the contemplated facilities in the Easement Area. On completion of construction and installation, Grantee shall replace and restore all fences, walls, or other structures that may have been relocated or removed during the construction period. In addition,

Grantee shall pay Grantor reasonable compensation both for fences, walls, or structures that may not be replaceable and for all vegetation and crops that are damaged or destroyed during construction.

9. **Encroachments.** Grantee shall have the right to cut and trim trees or shrubbery that may encroach upon the Easement Area, Grantee shall dispose of all cuttings and trimmings either by piling and burning in the Easement Area (subject to fire or air pollution laws and regulations) or by loading and hauling away from the Easement Area.

10. **Grantor's Representations and Warranties Respecting Existing Environmental Conditions.** Grantor represents and warrants that as of the date on which this Agreement is executed by Grantor, the Easement Area complies in all material respects with any applicable federal or state environmental laws and regulations, and that Grantor has not (and has no knowledge of any other person or entity which has) caused any production, use, release, threatened release, or disposal of any hazardous materials at the Easement Area in any material quantity, and that the Grantor has no notice or knowledge of any actual, pending, or threatened environmental claims against the Easement Area.

11. **Termination.** The Easement, along with its rights and privileges shall terminate when the purpose of the Easement, as described in Paragraph 4 of this Agreement, ceases to exist or is abandoned by Grantee.

12. **Failure to Perform.** Should Grantee fail to perform any covenant, undertaking, or obligations under this Agreement, all rights and privileges granted to Grantee by this Agreement, the Grantor shall have the right to terminate this Agreement. Grantee's right to terminate this Agreement herein, shall be Grantee's sole remedy at law and in equity.

13. **Entire Agreement.** This Agreement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by both parties.

14. **Dispute Expenses and Attorneys' Fees.** If any controversy, claim, or dispute arises relating to this Agreement or its breach, the prevailing party shall be entitled to recover from the other party reasonable expenses, attorneys' fees, and costs.

15. **Assignability and Binding Effect.** The Grantee may assign this Agreement without the prior consent of Grantor. This Agreement shall bind and inure to the benefit of the Grantee and its successors and assigns and to the benefit of Grantor and Grantor's heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed for that purpose on the date first written above.

GRANTOR:

Name of Corporation: _____

By: _____

Its: _____

GRANTOR'S ADDRESS:

STATE OF RHODE ISLAND
COUNTY OF _____

This instrument was acknowledged before me on _____, 20____ by _____
_____ [name and corporate title] of _____
_____ [name of corporation], a _____ [state of incorporation]
corporation, on behalf of the corporation.

Signature _____

Typed Name: _____
Notary Public in and for the State of Rhode Island
My commission expires: _____

GRANTEE:

**New England Gas Company, a division of
Southern Union Company**

By: _____

Name: _____

Its: _____

GRANTEE'S ADDRESS:

New England Gas Company, a division of Southern Union Company
Attn: David L. Black
Vice President - Legal
100 Weybosset Street
Providence, RI 02903

Exhibit A


[Easement Area Plan]

<http://www.narrabay.com>



Paul Pinault, P.E.
Executive Director

Sincerely,



John Zuba
Permits and Planning Manager

[illegible]



Anna M. Stetson
City Clerk

Clerk of Council

DEPARTMENT OF CITY CLERK
CITY HALL

Deborah L. Santos- Hudson
First Deputy

Lori L. Hagen
Second Deputy

DATE: April 14, 2008

TO: Mr. Joseph Chiodo, City Controller

SUBJECT: CHECK TO BE DEPOSITED FOR ABANDONMENT OF
A PORTION OF RUSSELL STREET

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: Accompanying is check number 164627 from RIPTA in the
amount of \$109,126.50 for payment for the abandonment of
a portion of Russell Street. Please deposit into the Sale of
Real Estate Account (856-4-00000-2500).

Received



FLEET BANK
PROVIDENCE, RHODE ISLAND

57-1
115

No. 164627

VENDOR NUMBER	DATE	CHECK NUMBER	NET AMOUNT
	04/09/2008	164627	\$**109,126.50

PAY THE SUM ONE HUNDRED NINE THOUSAND ONE HUNDRED TWENTY SIX AND 50/100 DOLLA
OF

PAY TO THE ORDER OF
CITY OF PROVIDENCE
25 DORRANCE STREET
PROVIDENCE RI 02903

RHODE ISLAND PUBLIC TRANSIT AUTHORITY
OPERATING FUND

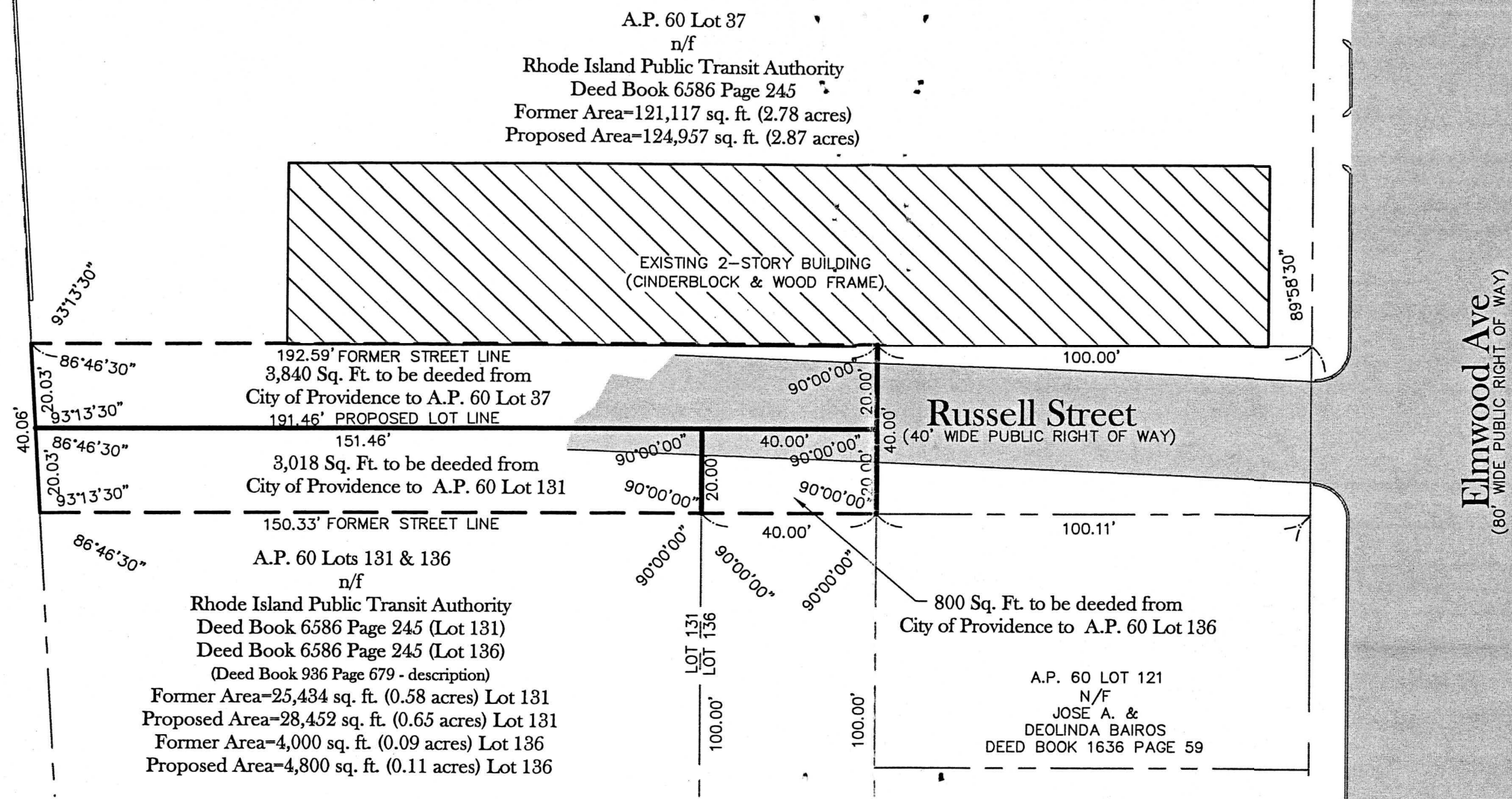
Alfred J. Moscola

AUTHORIZED SIGNATURE

Mauran Sheena

AUTHORIZED SIGNATURE

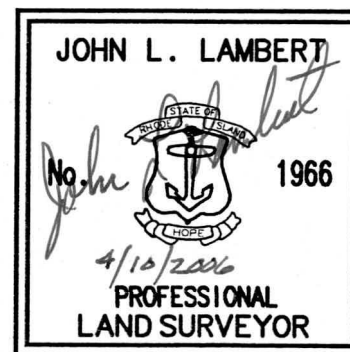
⑈0164627⑈ ⑆011500010⑆ 15 8000358⑈



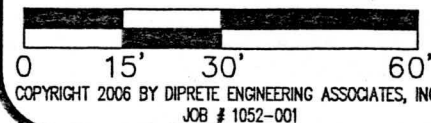
Plan References:

1. "BOUNDARY SURVEY PLAN PROVIDENCE LUMBER COMPANY LAND ASSESSOR'S PLAT 60 LOTS 37, 123, 131 & 136 PROVIDENCE, RHODE ISLAND. PREPARED BY DIPRETE ENGINEERING ASSOCIATES, INC" 2 STAFFORD COURT, CRANSTON, R.I. 02920, PREPARED FOR TILLINGHAST LICHT PERKINS SMITH & COHEN, LLP 10 WEYBOSSET STREET PROVIDENCE, R.I. 02903, SCALE: 1"=40' SHEET 1 OF 1. REVISION DATE: APRIL 4, 2004.

THIS PLAN IS SUBSTANTIALLY
CORRECT IN ACCORDANCE
WITH A CLASS III STANDARD
AS ADOPTED BY THE RHODE
ISLAND BOARD OF REGISTRATION
FOR PROFESSIONAL LAND
SURVEYORS.



SCALE: 1" = 30'



Road Abandonment Plan

Russell Street
Providence, Rhode Island
A.P. 60, Lots 37, 131 & 136

PREPARED BY:
DiPrete Engineering Associates, Inc.

TWO STAFFORD COURT
CRANSTON, R.I. 02920
(401) 943-1000 FAX: (401) 464-6006

PREPARED FOR:
Tillinghast Licht Perkins Smith & Cohen, LLP

10 WEYBOSSET STREET
PROVIDENCE, RHODE ISLAND 02903-2818
TELEPHONE: (401)-456-1200

DWN BY: JRL

DATE: APRIL 6, 2006

SHEET 1 OF 1

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 190

Approved APRIL 25, 2008

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. 064796, dated June 27, 2006.

VIZ:

A portion of RUSSELL STREET, running from Elmwood Avenue to Providence the Penn Central Railroad Tracks, 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 One Hundred Nine Thousand, One Hundred Twenty-Six Dollars and Fifty Cents (\$109,126.50) in legal U.S. tender to the City of Providence. The appraised value of the abandoned property is \$114,870.00, but in consideration of RIPTA's status as a public entity, the City Council Committee on Public Works voted to reduce the charge to 95% of fair market value.

(2) Petitioner shall grant an easement in favor of New England Gas Company, d/b/a National Grid, permitting the installation and maintenance of its facilities as may be needed to provide service to any and all properties abutting Russell 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.

(3) 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.

(4) Petitioner shall comply with all conditions contained herein (other than executing the easement referenced in Paragraph 2, 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.

(5) 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.

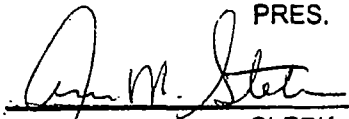
IN CITY COUNCIL

APR 17 2008

READ AND PASSED

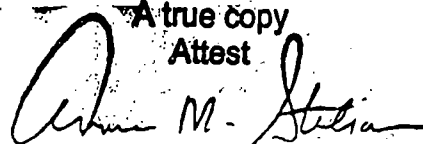


PRES.



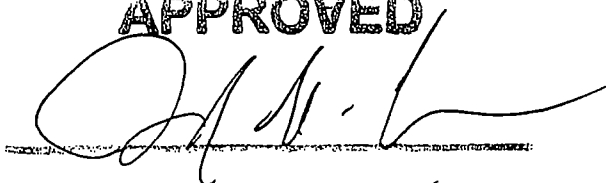
CLERK

A true copy
Attest



Anna M. Stetson
City Clerk

APPROVED



MAYOR

4-25-08

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

Now comes the Petitioner, the Rhode Island Public Transit Authority, a body corporate and politic and having a principal address of 265 Melrose Street, Providence, Rhode Island 02907, and hereby moves to abandon a portion of Russell Street from the Official Map of the City of Providence.

The Petitioner states that the abandonment of a portion of Russell Street from the Official Map of the City of Providence would promote the public health, welfare and comfort in that it would improve the overall economic well being of the surrounding area. The Petitioner states that there are four lots with frontage on Russell Street, lots A.P. 60, Lots 37, 131, 136, and 121. Three of the lots, Lots 37, 131 and 136 are owned by the Petitioner; Lot 37 has frontage on Elmwood Avenue; Lot 136 as combined with Lot 131 has frontage on Longfellow Street. Lot 121 has frontage on both Elmwood Avenue and Russell Street, and its frontage on Russell Street will not be affected by the partial abandonment.

The Petitioner is seeking the abandonment of Russell Street from its terminus abutting the Penn Central rail tracks up to a line parallel to the westerly boundary of Lot 121. The Road Abandonment Plan attached hereto as Exhibit A more clearly defines the areas of Russell Street which the Petition seeks to have abandoned by the City Council.

The Petitioner is the owner of Lots on either side of the portion of Russell Street sought to be abandoned, which lots were formerly owned by Providence Lumber Company. The Petitioner plans to demolish the existing buildings on its lots on both sides of Russell Street, and to redevelop the lots, and the abandoned portion of Russell Street for use in the operations of the Rhode Island Public Transit Authority, in the service of the community and the public.

The Petitioner submits that the abandonment of Russell Street would not adversely affect the surrounding area. Further, by abandoning Russell Street, the City Council will promote the public health, welfare and comfort.

Petitioner
Rhode Island Public Transit Authority
By its attorneys,

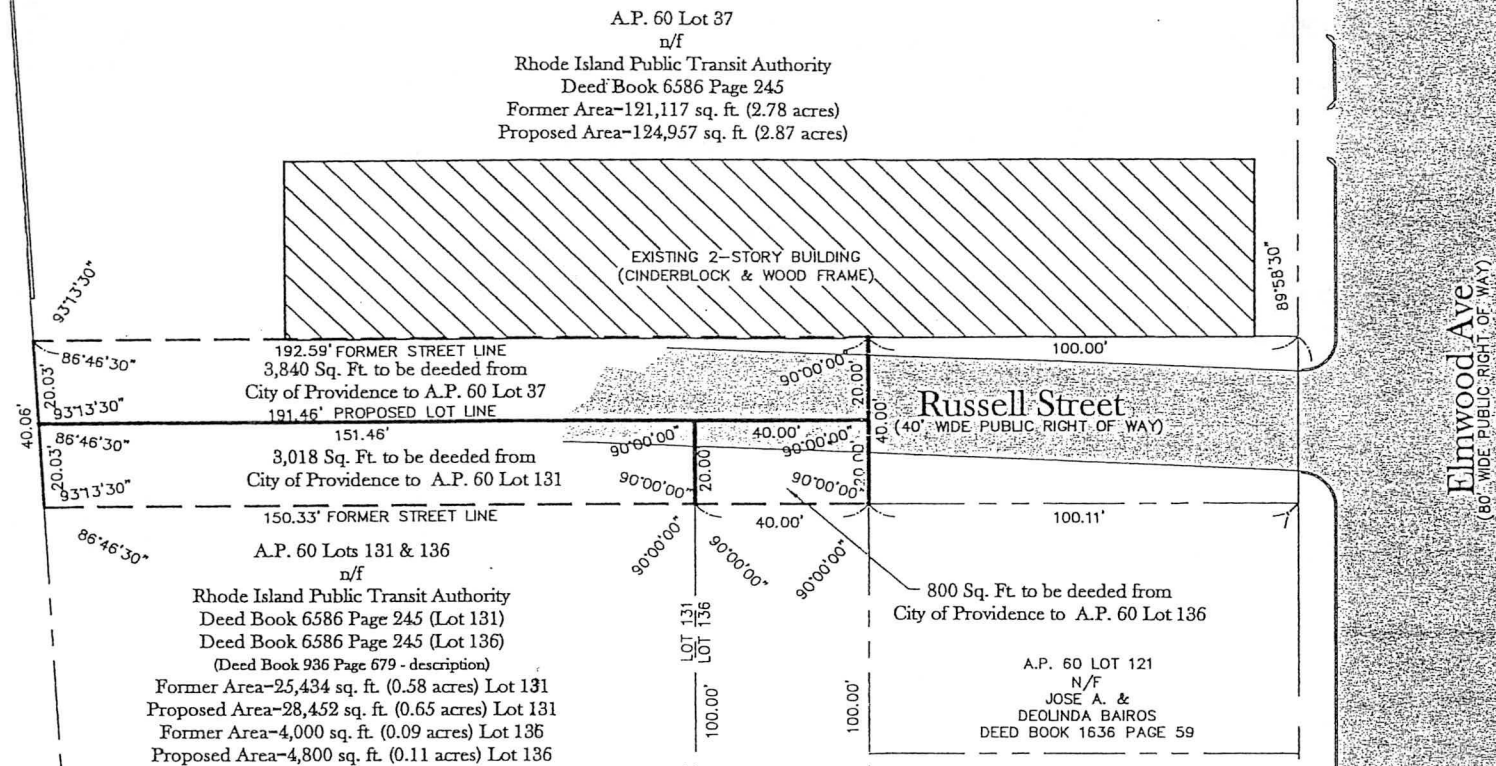


Erica P. Bigelow, #6584
Tillinghast Licht LLP
Ten Weybosset Street
Providence, Rhode Island 02903

RECEIVED
CITY CLERK
PROVIDENCE, RI
JAN 10 2008

2008 JAN 10 2-11 PM

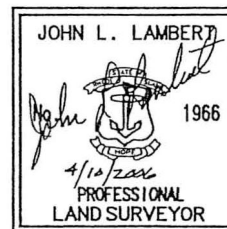
Petition to abandon a portion of Russell Street
Tillinghast Licht LLP
Bank of America
Check # 3633
\$75.00



Plan References:

1. "BOUNDARY SURVEY PLAN PROVIDENCE LUMBER COMPANY LAND ASSESSOR'S PLAT 60 LOTS 37, 123, 131 & 136 PROVIDENCE, RHODE ISLAND. PREPARED BY DIPRETE ENGINEERING ASSOCIATES, INC. 2 STAFFORD COURT, CRANSTON, R.I. 02920, PREPARED FOR TILLINGHAST LIGHT PERKINS SMITH & COHEN, LLP 10 WEYBOSSET STREET PROVIDENCE, R.I. 02903, SCALE: 1"=40' SHEET 1 OF 1. REVISION DATE: APRIL 4, 2004.

THIS PLAN IS SUBSTANTIALLY CORRECT IN ACCORDANCE WITH A CLASS III STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.



SCALE: 1" = 30'

0 15' 30' 60'

COPYRIGHT 2006 BY DIPRETE ENGINEERING ASSOCIATES, INC.
JOB # 1052-001

Road Abandonment Plan

Russell Street
Providence, Rhode Island
A.P. 60, Lots 37, 131 & 136

PREPARED BY:
DiPrete Engineering Associates, Inc.

TWO STAFFORD COURT
CRANSTON, R.I. 02920
(401) 943-1000 FAX: (401) 464-6006

PREPARED FOR:
Tillinghast Licht Perkins Smith & Cohen, LLP

10 WEYBOSSET STREET
PROVIDENCE, RHODE ISLAND 02903-2818
TELEPHONE: (401)-456-1200

DWN BY: JRL

DATE: APRIL 6, 2006

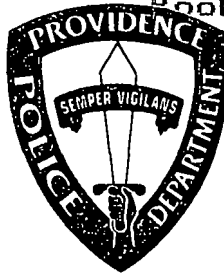
SHEET 1 OF 1

PROVIDENCE CITY CLERK

06-02-2006 H0

ABANDON	75.00
SUBTL	75.00
TOTAL	75.00
CHECK	75.00
CHANGE	0.00

0326 11:08PM



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

June 29, 2006

To: Anna M. Stetson, Second Deputy City Clerk

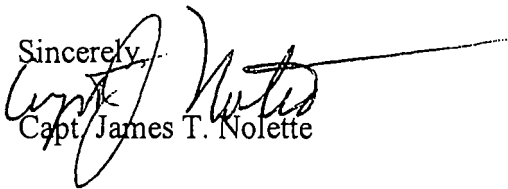
From: Capt. James T. Nolette

Subject: Petition from Erica Bigelow, Tillinghast Licht, LLP.

Dear Anna:

After looking at the plans and descriptions enclosed, the Police Department has no objections to proposed abandoned of a portion of Russell St. as requested by Erica Bigelow of Tillinghast Licht, LLP.

Sincerely,


Capt. James T. Nolette

George D. Calise
Acting Fire Marshal



David N. Cicilline
Mayor

Anthony J. Di Giulio
Acting Deputy Fire Marshal

David D. Costa
Chief of Department

Providence Fire Prevention Division

"Smoke Detectors Save Lives"

Doc No: 00010975
Book: 9092 Page: 204

August 21, 2006

Ms. Anna Stetson, City Clerk
Providence City Hall, Department of City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition Erica P. Bigelow, Tillinghast Licht, LLP and the RI Public Transit Authority to abandon a portion of Russell Street.

Dear Ms. Stetson,

The Providence Fire Department offers no objection to the proposed petition from Erica P. Bigelow, Tillinghast Licht, LLP and the RI Public Transit Authority to abandon a portion of Russell Street for the redevelopment of these lots.

Sincerely,

Anthony J. Di Giulio
Acting Deputy Fire Marshal



Department of Public Works
"Building Pride in Providence"

Doc No: 00010975
Book: 9092 Page: 205

June 27, 2006

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Abandonment of a Portion of Russell Street

Dear Councilman Hassett:


This department has no objection to the proposed abandonment of a portion of Russell St. in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept- Engineering Office, Street Line Section, Plan No. 064796. Area of abandonment is designated as (A-B-C-D-A) on the accompanying plan.

No sewer easement required.
Total square footage equals 11,660.60 square feet. (±)
See accompanying plan for plat and lot numbers.

According to Informational Bulletin 2003.01 issued by Rhode Island Board of Registration for Professional Land Surveyors, road abandonment constitutes a boundary change, and as such, requires a Class 1 survey prepared by a Professional Land Surveyor, properly licensed by said board.

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

Very truly yours,

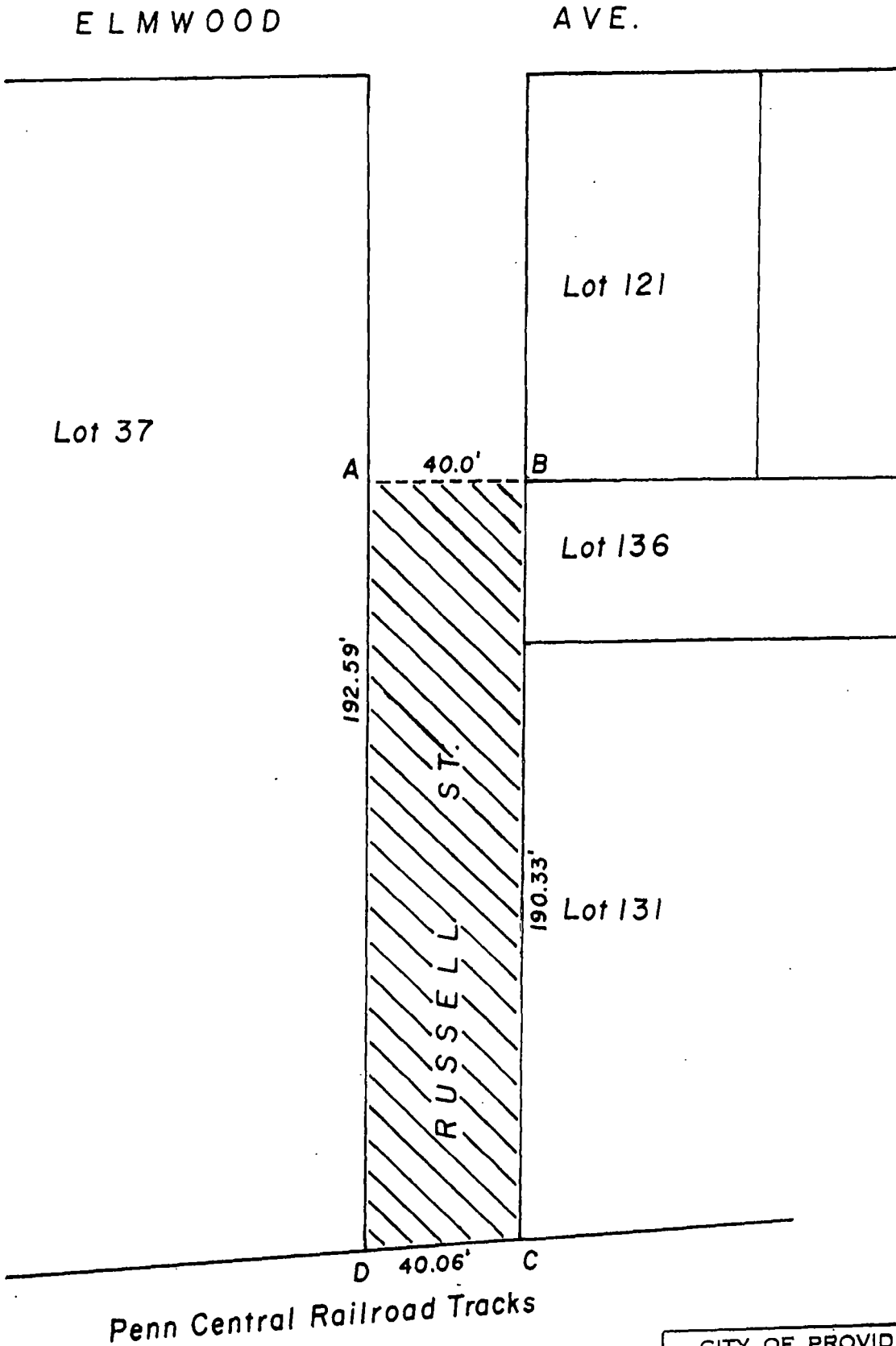

John D. Nickelson, PE
Director

cc: Ann Stetson-City Clerk
BB, AZ-DPW
A. Southgate, Esq.- Law Dept.
T. Deller- Planning
J. Gelati- Tax Assessors

Doc No: 00010975
Book: 9092 Page: 206



PROVIDENCE, R. I.
P. E. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064796
Date June 27, 2006



NOTE: Dimensions shown were taken from a plan titled "Road Abandonment Plan - Russell Street" dated April 6, 2006, by DiPrete Engr. Association, sealed by John L. Lambert, PLS.

NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.

No sewer easement required.

Total square footage = 7658.40

Lot numbers taken from A.P. 60.

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing proposed abandonment of a
portion of Russell St.
Drawn by A. Zislaides Checked by GA
Scale 1" = 40' Date _____
Correct _____ Associate Engr.
Approved William C. Lambert
CHIEF ENGINEER

ANDREW K. MOFFIT
Chairman

JOSEPH D. CATALDI
Vice Chairman

ALEXANDER D. PRIGNANO
Ex-Officio

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor



DAVID N. CICILLINE
Mayor

BOYCE SPINELLI
Acting General Manager

JOSEPH DE LUCA
City Councilman

PATRICK K. BUTLER
City Councilman

ANNE T. QUINTERNO
Member

EVERETT BIANCO
Member

Doc No: 00010975
Book: 9092 Page: 207

July 14, 2006

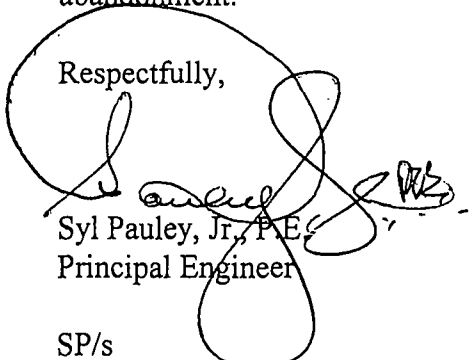
Councilman Terrence M. Hassett, Chairman
Committee on Public Works
City Hall
25 Dorrance Street
Providence, RI 02903

SUBJECT: Petition for Street Abandonment
Russell Street (Portion of)
Providence, RI

Dear Councilman Hassett:

The referenced Petition to the City Council has been reviewed for any impact this action might have on the Providence Water (PW) water distribution system. Our records do not indicate any water main or appurtenances thereto on this street. Therefore, PW has no objection to the proposed street abandonment.

Respectfully,



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

SP/s

cc: P. Gadoury, P.E.
A. Stetson, City Clerk
File

ABNLTR157.WPD

WWW.PROVWATER.COM

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



Department of Public Parks

"Building Pride In Providence"

Doc No: 00010975
Book: 9092 Page: 208

June 26, 2006

Anna M. Stetson, City Clerk
Department of City Clerk
City of Providence
City Hall
Providence, RI

RE: Abandonment of Russell Street.

The Department of Public Parks has no objection to the abandonment of the above mentioned street.

Sincerely Yours

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

John A. Izzo

Supervisor of Engineering & Planning

- Dalrymple Boathouse, Roger Williams Park - Providence, RI 02905 - (401) 785-9450 - Fax (401) 941-5920



Department of Public Works
Traffic Engineering Division
"Building Pride in Providence"

MEMORANDUM

TO: Anna Stetson, Office of the City Clerk

FROM: E. Bernard Lebby, Traffic Engineer *EL*

CC: John D. Nickelson, PE, Director of DPW
Councilman Terrance M. Hassett, Chairman, Committee on Public Work

DATE: June 22, 2006

SUBJECT: Petition from Erica P. Biglow, Tillinghast Licht, LLP, Ten Weybosset Street, Providence, RI 02903, requesting to abandon a portion of Russell Street.

The office of Traffic Engineering has reviewed this request and approve of the decision to abandon a portion of Russell Street.

Doc No: 00010975
Book: 9092 Page: 209



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

August 9, 2006

Doc No: 00010975
Book: 9092 Page: 210

Honorable Terrence M. Hassett, Chair
Committee on Public Works
City Hall
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: CPC Referral No. 3271: Proposed Abandonment of a portion of Russell Street

Dear Councilman Hassett:

The City Plan Commission at its regular meeting on Monday, July 24, 2006 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 Russell Street, as petitioned by the Rhode Island Public Transit Authority. The petitioner owns all property abutting this portion of right of way.

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.*

Since this portion of the street services only the lots owned by the petitioner and is a dead-end, it is not necessary for public use.

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 impact is evident.

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

The petitioner is the only abutter.

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

No access would be denied.

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.*

An easement retention would be necessary to provide access to, maintain, or provide existing or future service or utility needs.

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 plan has been provided. This abandonment would be consistent with the Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that the petition be approved, subject to the granting of necessary utility easements.

Sincerely,



Christopher J. Ise
Administrative Officer

cc: Erica P. Bigelow, Tillinghast Licht LLP, for the Petitioner

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

August 15, 2006

Mr. John Gelati
Tax Assessor
City of Providence
City Hall
Providence, Rhode Island 02903

Re: Proposed Abandonment of Russell Street

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Russell Street, otherwise designated as Assessor's Plat 60. The partial abandonment is located one block in on Russell Street from Elmwood Avenue in the Elmwood neighborhood of Providence.

The proposed abandonment contains 7,658 square feet and measures 40.06 feet by 190.33 feet in length along the center line of the street. The parcel is zoned C-4. The City's Department of Public Works has no objection to this request; however, they are requiring a Class 1 Survey for recording purposes.

We have taken into account a number of factors in arriving at the fair market value of the site. The petitioner will gain full use of the site for commercial use, as there will be no easements required by the City of Providence Department of Public Works.

Mr. John Gelati
Page 2
August 15, 2006

Doc No: 00010975
Book: 9092 Page: 213

Based upon an analysis of comparable land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a fee simple market value of \$15.00 per square foot is hereby estimated for this site.

Therefore, 7,658 square feet x \$15.00 per square foot = \$114,870.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

William G. Floriani (fad)

William G. Floriani
Certified Residential Appraiser

Thomas S. Andolfo, MAI
Thomas S. Andolfo, MAI
Certified General Appraiser

WGF:TSA/fad

July 14, 2006

Ms. Anna M. Stetson
City Clerk's Office
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Re: Petition to Abandon a Portion of Russell Street

Dear Ms. Stetson:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has no equipment in the area proposed for abandonment.

Therefore, NECO has no objection to the abandonment.

Please call me if you have any questions.

Very truly yours,

Mindy C. Montecalvo
Property Rights Specialist
(401) 784-7512
(401) 784-7316 (fax)

Right of Way



85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 725-7680

June 22, 2006

Doc No: 00010975
Book: 9092 Page: 215

Anna Stetson
2nd Deputy/City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF RUSSELL STREET

Dear Ms. Stetson:

Upon investigation by our in house Engineer, Abe Pinales, it has been determined that Verizon has no facilities on the portion of the street to be abandoned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary C. Hanley".

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



June 20, 2006

Anna M. Stetson, Second Deputy City Clerk
Department of City Clerk, City of Providence, Rhode Island
City Hall
Providence, RI 02903

**RE: PETITION FROM ERICA P. BIGELOW, TILLINGHAST LICHT, LLP,
TEN WEYBOSSET STREET, PROVIDENCE, RI 02903, REQUESTING TO
ABANDON A PORTION OF RUSSELL STREET.**

New England Gas Company has existing gas facilities within the portion of Russell Street that is to be abandoned. As such, an easement must be granted permitting the retention of our 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.

Enclosed is our typical easement agreement. Please redline any proposed changes to the agreement and provide an Exhibit A – metes and bounds description or surveyor's drawing indicating the location of the easements. Return the documents to Tom Gavula and I will have our Legal Department review any proposed changes and create a final document(s) for signatures and recording.

If you have any questions please do not hesitate to contact Tom Gavula at 401-525-5521.

Sincerely,

A handwritten signature in cursive script that reads "Tom Gavula".

Tom Gavula
Manager – Gis/Records/Drafting & Cathodic Protection

cc: Albert Marsocci

100 Weybosset Street
Providence, RI 02903

www.negasco.com

EASEMENT AGREEMENT

This Agreement (the "Agreement") is made on _____, 20____, between _____ ("Grantor"), and New England Gas Company, a division of Southern Union Company, a Delaware corporation ("Grantee"), whose mailing address is 100 Weybosset Street, Providence, Rhode Island 02903.

1. **Grant of Easement.** For the consideration described in paragraph 2, Grantor grants to Grantee, with Quitclaim Covenants, a perpetual easement and right-of-way (the "Easement") in, under, through, over, upon and across the real property located in _____, Rhode Island and more particularly described on Exhibit A, which is attached to this Agreement and hereby incorporated by reference (the "Easement Area").

2. **Consideration.** The Easement is granted in consideration of the Grantee's payment to Grantor of \$ _____, the sufficiency and receipt of which is acknowledged.

3. **Character of Easement.** This Agreement grants an easement in gross.

4. **Purpose of Easement.** The Easement consists of the perpetual right and easement:

(a) to place, install, construct, operate, repair, maintain, rebuild, replace, relocate, and remove a pipeline for the transportation and distribution of natural gas (the "Distribution System") on the Easement Area, which Distribution System includes the necessary piping, conduits, valves, fixtures, appurtenances and other relevant equipment installed therein and attached thereto, in, under, through over across and upon the Easement Area as from time to time may be required;

(b) to make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System; and

(c) to pass over and across the Easement Area as reasonably necessary for all purposes described in this Agreement.

5. **Covenants Running with the Land.** The provisions, terms and obligations contained herein shall constitute covenants running with the land, and each such provision, term or obligation shall run in perpetuity in favor of the Grantor.

6. **Warranty of Title.** Grantor and Grantor's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the Easement and rights conveyed in this Agreement to Grantee and Grantee's successors and assigns, against every person lawfully claiming or to claim all or any part of the interest in the Easement Area.

7. **Exclusiveness of Easement.** The Easement, rights, and privileges granted by this conveyance are exclusive, and Grantor covenants not to convey any other easement or conflicting rights in the Easement Area covered by this grant. In addition, Grantor covenants not to construct any permanent structure within the boundaries of the Easement Area.

8. **Temporary Easement.** In addition to the rights contained herein, Grantee shall have the right to use as much of the surface of the Grantor's property adjacent to the Easement Area as may be reasonably necessary for Grantee to construct and install the contemplated facilities in the Easement Area. On completion of construction and installation, Grantee shall replace and restore all fences, walls, or other structures that may have been relocated or removed during the construction period. In addition,

Grantee shall pay Grantor reasonable compensation both for fences, walls, or structures that may not be replaceable and for all vegetation and crops that are damaged or destroyed during construction.

9. **Encroachments.** Grantee shall have the right to cut and trim trees or shrubbery that may encroach upon the Easement Area, Grantee shall dispose of all cuttings and trimmings either by piling and burning in the Easement Area (subject to fire or air pollution laws and regulations) or by loading and hauling away from the Easement Area.

10. **Grantor's Representations and Warranties Respecting Existing Environmental Conditions.** Grantor represents and warrants that as of the date on which this Agreement is executed by Grantor, the Easement Area complies in all material respects with any applicable federal or state environmental laws and regulations, and that Grantor has not (and has no knowledge of any other person or entity which has) caused any production, use, release, threatened release, or disposal of any hazardous materials at the Easement Area in any material quantity, and that the Grantor has no notice or knowledge of any actual, pending, or threatened environmental claims against the Easement Area.

11. **Termination.** The Easement, along with its rights and privileges shall terminate when the purpose of the Easement, as described in Paragraph 4 of this Agreement, ceases to exist or is abandoned by Grantee.

12. **Failure to Perform.** Should Grantee fail to perform any covenant, undertaking, or obligations under this Agreement, all rights and privileges granted to Grantee by this Agreement, the Grantor shall have the right to terminate this Agreement. Grantee's right to terminate this Agreement herein, shall be Grantee's sole remedy at law and in equity.

13. **Entire Agreement.** This Agreement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by both parties.

14. **Dispute Expenses and Attorneys' Fees.** If any controversy, claim, or dispute arises relating to this Agreement or its breach, the prevailing party shall be entitled to recover from the other party reasonable expenses, attorneys' fees, and costs.

15. **Assignability and Binding Effect.** The Grantee may assign this Agreement without the prior consent of Grantor. This Agreement shall bind and inure to the benefit of the Grantee and its successors and assigns and to the benefit of Grantor and Grantor's heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed for that purpose on the date first written above.

GRANTOR:

Name of Corporation: _____

By: _____

Its: _____

GRANTOR'S ADDRESS:

STATE OF RHODE ISLAND
COUNTY OF _____

This instrument was acknowledged before me on _____, 20____ by _____
_____ [name and corporate title] of _____
_____ [name of corporation], a _____ [state of incorporation]
corporation, on behalf of the corporation.

Signature _____

Typed Name: _____

Notary Public in and for the State of Rhode Island

My commission expires: _____

GRANTEE:

**New England Gas Company; a division of
Southern Union Company**

By: _____

Name: _____

Its: _____

GRANTEE'S ADDRESS:

New England Gas Company, a division of Southern Union Company
Attn: David L. Black
Vice President - Legal
100 Weybosset Street
Providence, RI 02903

Exhibit A

[Easement Area Plan]



Doc No: 00010975
Book: 9092 Page: 221

Ms. Anna Stetson
City Clerk
Department of City Clerk
City Hall
25 Dorrance Street
Providence, RI 02903

Dear Ms. Stetson:

The NBC does not have any facility on this street. Therefore, we do not have any objection to the abandonment of this property.

We appreciate your notification of this abandonment and the opportunity to comment.

Sincerely,

John Zuba
Permits and Planning Manager

cc Steve Martinelli, NBC



Anna M. Stetson
City Clerk

Clerk of Council

DEPARTMENT OF CITY CLERK
CITY HALL

Deborah L. Santos- Hudson
First Deputy

Lori L. Hagen
Second Deputy

Doc No: 00010975
Book: 9092 Page: 222

DATE: April 14, 2008

TO: Mr. Joseph Chiodo, City Controller

SUBJECT: CHECK TO BE DEPOSITED FOR ABANDONMENT OF
A PORTION OF RUSSELL STREET

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: Accompanying is check number 164627 from RIPTA in the amount of \$109,126.50 for payment for the abandonment of a portion of Russell Street. Please deposit into the Sale of Real Estate Account (856-4-00000-2500).

Received



FLEET BANK
PROVIDENCE, RHODE ISLAND
57-1
115

No. 164627

VENDOR NUMBER	DATE	CHECK NUMBER	NET AMOUNT
	04/09/2008	164627	\$\$\$109,126.50

PAY THE SUM ONE HUNDRED NINE THOUSAND ONE HUNDRED TWENTY SIX AND 50/100 DOLLA
OF

PAY TO THE ORDER OF
CITY OF PROVIDENCE
25 DORRANCE STREET
PROVIDENCE RI 02903

RHODE ISLAND PUBLIC TRANSIT AUTHORITY
OPERATING FUND

Alfred J. Moscola

AUTHORIZED SIGNATURE

Maurice Sheira

AUTHORIZED SIGNATURE

⑈0164627⑈ ⑆011500010⑆ 15 8000358⑈

Doc No: 00010975
Book: 9092 Page: 223

RECEIVED:

Providence
Received for Record
May 07, 2008 at 09:55:14A
Document Num: 00010975
John A Murphy
Recorder of Deeds