

**THE CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# **RESOLUTION OF THE CITY COUNCIL**

*No.* 452

*Approved* August 9, 2002

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064686 dated November 15, 2001."

VIZ: Mutual Street (portion of) as described in Attachment "A" and shown as a cross-hatched area on the 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 Petitioner agrees to tender the amount of Twenty-Five Thousand Eight Hundred Forty-Five (\$25,845.00) Dollars in legal tender U.S. currency to the City of Providence.
2. The Petitioner shall not erect or permit the erection of any permanent construction or barrier across the abandoned area which would in any way impede access to public safety vehicles.
3. The Petitioner shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.
4. The Petitioner shall convey an easement acceptable to Verizon which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

IN CITY COUNCIL.

FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS

John E. Bestwick CLERK

THE COMMITTEE ON

Public Works

Recommends

- Set up P. Hwy

John E. Bestwick

12-11-01

1-10-02. P. Hwy held

THE COMMITTEE ON

PUBLIC WORKS

Approves Passage of  
The Within Resolution

John M. Stets

6-26-02

CLERK

5. The Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

6. The Petitioner shall convey an easement acceptable to Providence Gas Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

7. The City of Providence shall retain for itself, its heirs, successors and assigns full sewer easements on East George Street which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

8. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically and without further action of the City Council or the Mayor become a nullity.

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  
AUG 1 2002  
READ AND PASSED  
PRES.  
*Michael E. Clement*  
CLERK *CB*

APPROVED.  
AUG 09 2002  
*Vincent A. Crain*  
MAYOR

**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*

to abandon the section of the public highway known as Mutual Street from its intersection with Devine Street running northeast to its end at ~~Oxford Street~~. Said portion of public highway has ceased to be useful to the public for the following reasons:

\* State Service  
Road #1

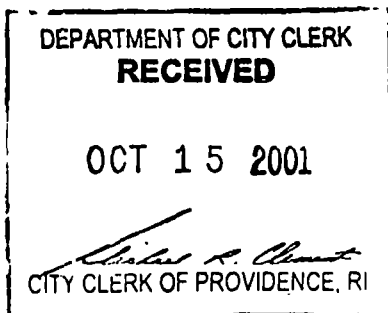
RJK

1. The Petitioner owns all property abutting said portion of Mutual Street (consisting of Plat 47, Lots 286-293, 298-302 and 383- refer to copy of assessor's map attached) and therefore it is generally the Petitioner and its employees, and those with whom the Petitioner is doing business, that beneficially use said portion of Mutual Street;
2. Using said portion of Mutual Street as a route of entry, members of the public, unrelated to the Petitioner and its business, engage in illegal dumping, and often gather in the parking lots on the Petitioner's property abutting Mutual Street to engage in such unsavory activities as public drinking of alcohol and illegal drug use; and
3. Said portion of Mutual Street has not been adequately maintained by the City of Providence, allowing said portion of Mutual Street to fall into a state of disrepair, which has contributed to an atmosphere which attracts perpetrators of the unsavory activities detailed in item 2 above.

Further, if the City Council does authorize the abandonment proposed by the instant Petition, the Petitioner intends to maintain said portion of Mutual Street. This will benefit not only the Petitioner and its business, but the overall character of the neighborhood. Authorization of the abandonment would not require the City to pay compensation to abutting owners, because the Petitioner is the only abutter and would not seek compensation.

Alternatively, if the City Council does not authorize the abandonment, Petitioner requests the City Council to offer to sell the proposed section of the roadway to the Petitioner at fair market value.

If the City Council does authorize the abandonment or sale of the roadway, the City and the Petitioner would need to enter into a mutually satisfactory agreement regarding the maintenance of any utilities located under the abandoned section of the roadway.



Roland Realty, Inc.

By its attorneys,

  
R. Jeffrey Krisley

Roberts, Carroll, Feldstein & Peirce

10 Weybosset Street

Providence, RI 02903

(401) 521-7000

Petition to abandon a portion of  
Mutual Street

Roberts, Carroll, Feldstein & Peirce

BankRI

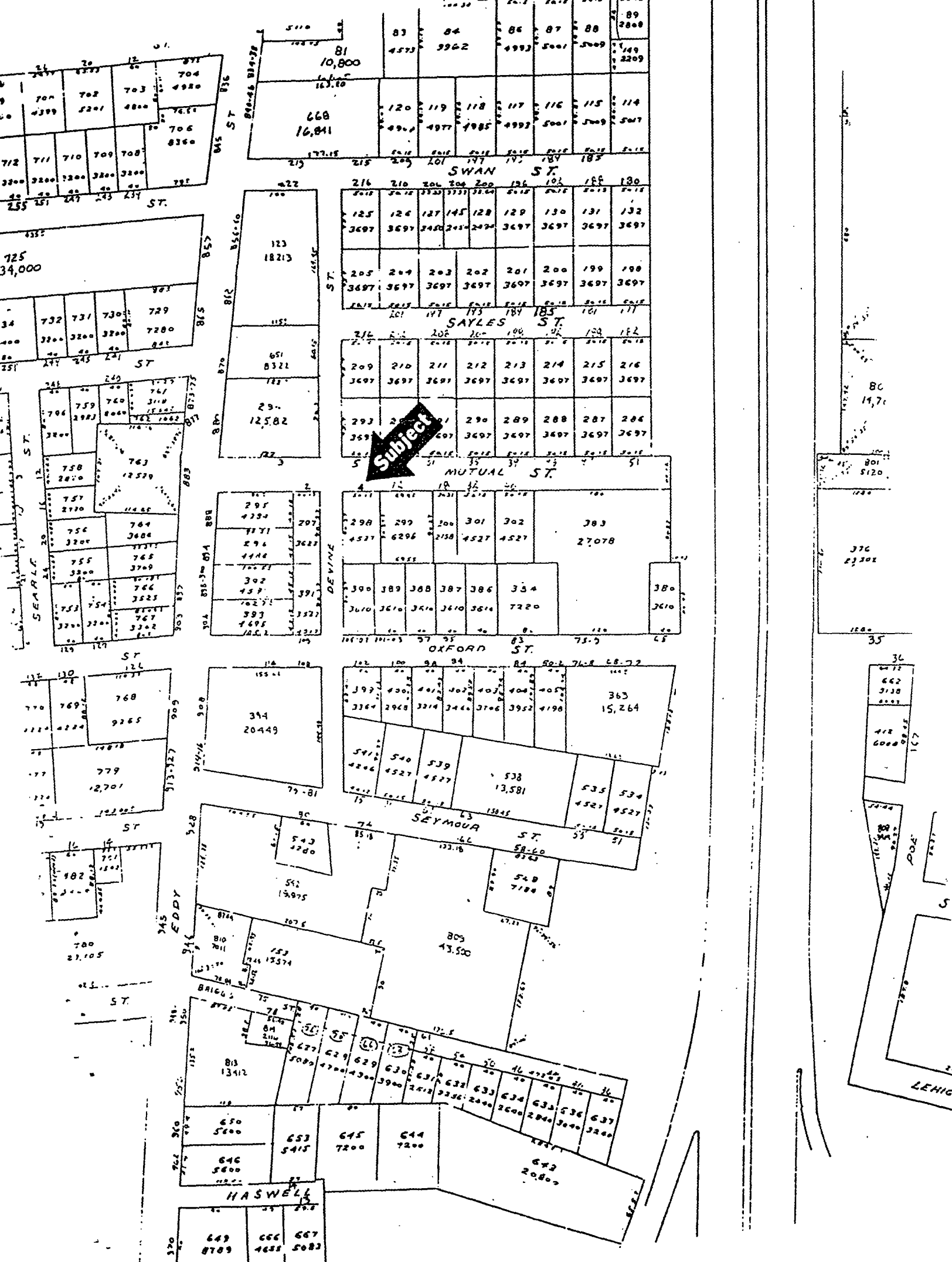
Check #22006

\$75.00



Proposed Abandonment of  
Mutual Street

A.P. 47	Lot 236	51 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 287	47 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 288	43 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 289	39 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 290	35 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 291	31 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 292	15 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 293	5 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 383	75 Oxford Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 302	40 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 301	32 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 300	18 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 299	12 Mutual Street	Roland Realty 75 Oxford Street 02905
A.P. 47	Lot 298	4 Mutual Street	Roland Realty 75 Oxford Street 02905





THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

**THIS IS TO CERTIFY**, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

**PETITION TO ABANDON A PORTION OF MUTUAL STREET**

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
47	236	Roland Realty 75 Oxford Street Providence, RI 02905
47	287	Roland Realty 75 Oxford Street Providence, RI 02905
47	288	Roland Realty 75 Oxford Street Providence, RI 02905
47	289	Roland Realty 75 Oxford Street Providence, RI 02905
47	290	Roland Realty 75 Oxford Street Providence, RI 02905
47	291	Roland Realty 75 Oxford Street Providence, RI 02905
47	292	Roland Realty 75 Oxford Street Providence, RI 02905
47	293	Roland Realty 75 Oxford Street Providence, RI 02905
47	383	Roland Realty 75 Oxford Street Providence, RI 02905
47	302	Roland Realty 75 Oxford Street Providence, RI 02905
47	301	Roland Realty 75 Oxford Street Providence, RI 02905

THE CITY OF PROVIDENCE


CITY SERGEANT'S OFFICE

THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
47	300	Roland Realty 75 Oxford Street Providence, RI 02905
47	299	Roland Realty 75 Oxford Street Providence, RI 02905
47	298	Roland Realty 75 Oxford Street Providence, RI 02905

PETITIONER

R. Jeffrey Knisley  
Roberts, Carroll, Feldstein & Peirce  
10 Weybosset Street  
Providence, RI 02903

  
Ralph Guglielmino  
City Sergeant  
12/21/01

\_\_\_\_\_  
Councilman Luis A. Aponte  
Ward 10

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

*"Building Pride In Providence"*

November 29, 2001

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

Dear Councilman Clarkin:

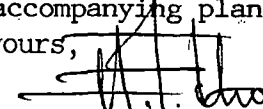
RE: Petition of Roland Realty, Inc., By It's Attorneys, R. Jeffrey Kinsley, Roberts, Carroll, Feldstein & Pierce, "Requesting Permission to Abandon the Section of the Public Highway Known As Mutual Street, From Its Intersection with Devine St. Running Northeast To Its End At State Service Road #1".

This Department has no objection to the above-referenced abandonment of Mutual Street and in conjunction with the accompanying plan entitled " Providence, R.I., P.W. Dept., Engineering Office, Street Line Section, Plan No. 064686 , Date: Nov. 15th, 2001.

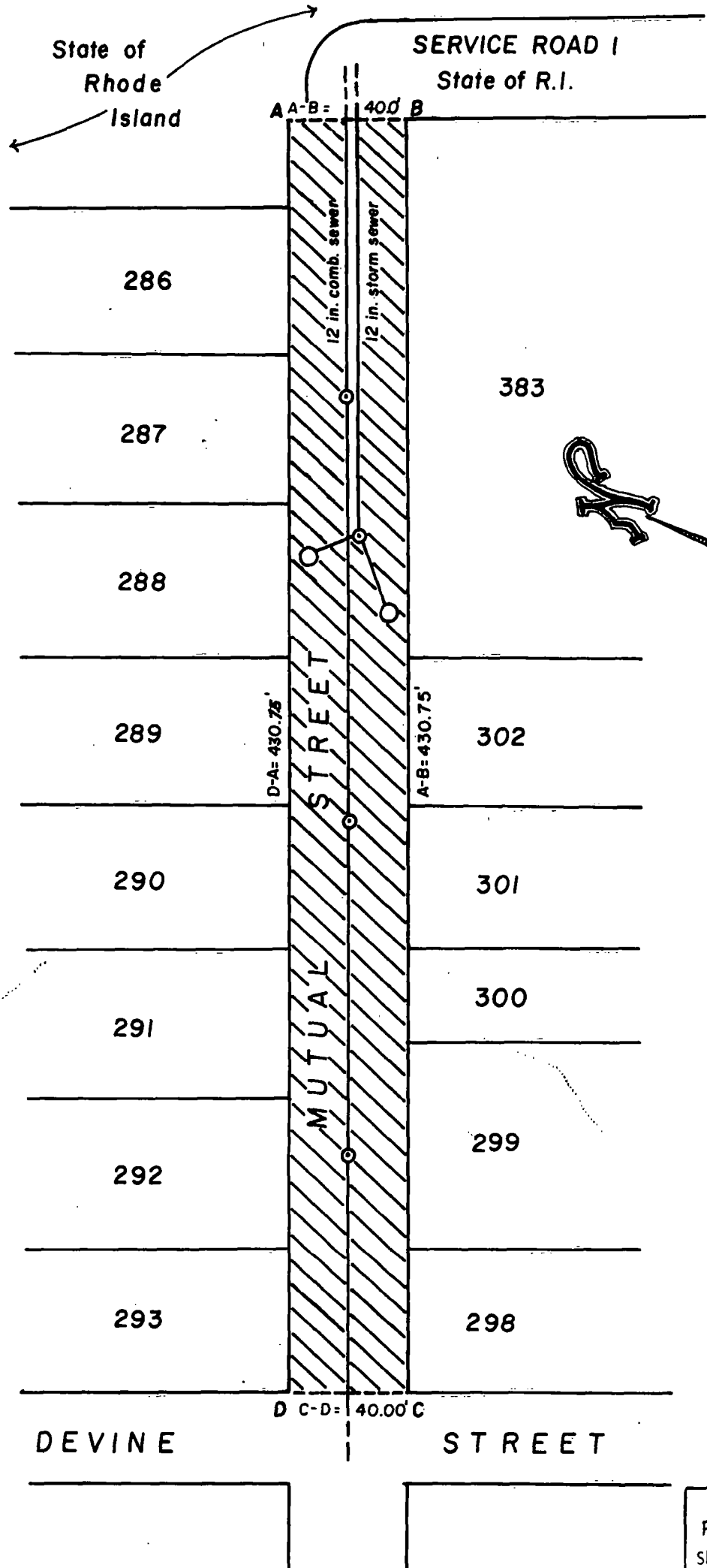
Area of Mutual Street to be abandoned is noted as A - B - C - D - A on the accompanying plan, as cross-hatched area. There is a FULL SEWER EASEMENT required in conjunction with this proposed abandonment. Total Square Footage is 17,230.00' Sq.Ft. Note that Lot Numbers for this plan were taken from City of Providence Assessor's Plat: 47.

If you have any questions, or if we can further assist in this regard, please advise. Note, also that the Full Sewer Easement is required regarding both the 12" Sanitary and 12" Storm sewers located in Mutual Street, as noted on the accompanying plans.

Very truly yours,

  
Ferdinand C. Ihenacho, P.E.  
Director

CC: M. Clement - City Clerk  
J.D'Amico, Esq. - City Atty.  
G. Florio  
JLC  
SZ



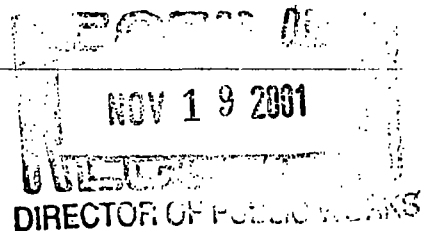
PROVIDENCE, R. I.  
 DEPT. OF ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No 064686  
 Date Nov. 15, 2001

NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.  
 Full sewer easement required.  
 Total square footage = 17,230.00'  
 Lot numbers taken from A.P. 47.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing proposed abandonment of a portion of Mutual Street.  
 Drawn by A. Zisiades Checked by gjc  
 Scale 1" = 50' Date 11-15-2001  
 Correct James A. Morris Associate Engr.  
 Approved [Signature] CHIEF ENGINEER



Rhode Island



## Department of City Clerk

### MEMORANDUM

### AMENDED PETITION

DATE: November 16, 2001

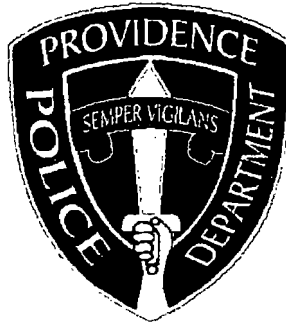
TO: Ferdinand Ihenacho, Director of Public Works

SUBJECT: **PETITION OF ROLAND REALTY, INC., BY ITS ATTORNEYS, R. JEFFREY KNISLEY, ROBERTS, CARROLL, FELDSTEIN & PEIRCE, REQUESTING PERMISSION TO ABANDON THE SECTION OF THE PUBLIC HIGHWAY KNOWN AS MUTUAL STREET FROM ITS INTERSECTION WITH DEVINE STREET RUNNING NORTHEAST TO ITS END AT STATE SERVICE ROAD #1.**

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

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

*Claire E. Bellamy*  
Second Deputy City Clerk



**PROVIDENCE POLICE DEPARTMENT  
TRAFFIC BUREAU**

*Lieutenant Timothy Lee, Commanding*

*December 20, 2001*

**TO:** Colonel Richard Sullivan, Chief of Police

**FROM:** Lieutenant Timothy Lee, Commanding Traffic Bureau

**SUBJECT:** Street Abandonment

Dear Sir,

The area that is to be considered is an improved area, however it is not maintained. The portion to be considered is a nuisance area as is depicted in the request. If the City sees no future improvement or use of the area the Police Department has no objection to its abandonment. The Fire Department may have an objection based upon access issues.

Respectfully Submitted;

*Timothy Lee*  
Lt. Timothy Lee

James F. Rattigan  
Chief of Department

David D. Costa  
Fire Marshal



Vincent A. Cianci Jr.  
Mayor

John J. Partington  
Commissioner

## PROVIDENCE FIRE PREVENTION BUREAU

*"Smoke Detectors Save Lives"*

December 20, 2001

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

Re: Abandon a Portion of Mutual Street

Dear Chairman Clarkin,

After review of the proposal to abandon a portion of Mutual Street (see attached), the Fire Department has no objection provided no permanent barriers are built that would prevent access to any current or future buildings constructed on the properties that border Mutual Street.

A handwritten signature in black ink, appearing to read "David D. Costa".

David D. Costa  
Fire Marshal

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*

December 21, 2001

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

SUBJECT: Petition for Street Abandonment  
Portion of Mutual Street  
Providence, Rhode Island

Dear Councilman Clarkin:

We have reviewed the referenced Petition for impact on the Providence Water (PW) distribution system. Our records indicate that there is an existing public water main in Mutual Street along with three (3) water services and a fire hydrant. It is our understanding that the Petitioner owns all of the property on both sides of Mutual Street within the limits of the proposed abandonment. A site visit shows that there are two (2) - a small house and a large multi-story commercial building - on some of the parcels. For this reason, the public water main must remain in its present location.

PW has no objection to the street abandonment, provided that the Petitioner grants a full utility easement to PW to maintain, construct, repair, etc. the existing water main and its appurtenances and that no permanent construction, whatsoever, be allowed within the easement. The easement shall be at least 20-feet wide and centered on the main. It shall also cover the fire hydrant and any remaining water services to at least 5-feet behind the curbstop and hydrant. Actual dimensions and wording of the easement shall be subject to review by PW as to form and content.

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

ABNLTR52.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"*

November 6, 2001

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

RE: Abandonment of section of public highway known as Mutual Street

The Department of Public Parks has reviewed the proposed abandonment of Mutual Street, and has no objection to the proposed abandonment.

Sincerely yours,

A handwritten signature in cursive script, reading "John A. Izzo".

John A. Izzo  
Supervisor of Engineering & Planning

NANCY L. DERRIG  
Superintendent of Parks



VINCENT A. CIANCI, JR.  
Mayor

## Department of Public Parks

*"Building Pride In Providence"*

November 20, 2001

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

RE: Abandonment of section of public highway known as Mutual Street from its intersection with Devine St.

The Department of Public Parks has reviewed the proposed abandonment of Mutual Street from its intersection with Devine St., and has no objection to the proposed abandonment.

Sincerely yours,

A handwritten signature in black ink that reads "John A. Izzo". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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"*

December 3, 2001

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

RE: Abandonment of a section of Mutual Street from its intersection with Devine Street running  
Northeast to its end at State Service Road #1

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

Sincerely yours,

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

John A. Izzo  
Supervisor of Engineering & Planning

IRENE J. TESTA  
Traffic Engineer

JOSEPH W. CAPRIO  
Deputy Director



VINCENT A. CIANCI, JR.  
Mayor

Department of Traffic Engineering  
"Building Pride In Providence"

## **MEMORANDUM**

**TO:** Councilman Robert Clarkin  
Chairman – Committee on Public Works

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

**DATE:** 11/19/01

**RE:** PENDING MATTER

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**REQUEST:** To abandon a portion of Mutual Street.

**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 11, 2002

**TO :** Michael Clement, City Clerk

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

**RE :** MUTUAL STREET ABANDONMENTS

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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 17,230 sq. ft. and will require a full sewer easement. This reduces the overall use of the property and would reduce the value by 50%. The value is as follows:

17,230 sq. ft. @ \$1.50 per ft = \$25,845.00



## PROVIDENCE CITY PLAN COMMISSION

*"Planning The Future of Providence"*

December 19, 2001

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

Attn: Michael R. Clement, City Clerk

**Re: CPC REFERRAL NO. 3187: Proposed Abandonment of a Portion of Mutual Street**

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, December 18, 2001 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of that portion of Mutual Street from its intersection with Devine Street to its end at State Service Road #1.

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.*

Mutual Street once connected Eddy Street to Allens Avenue. Since it was bisected by the construction of Interstate 95 Mutual Street has only served for local access. An occasional vehicle might use it to bypass Oxford Street, but there is no compelling reason to keep it open for circulation purposes. This street abandonment is not contrary to the public interest. It will not prevent access to private property or impede circulation. It might alleviate a nuisance by discouraging illegal activities.

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 is anticipated.

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

As stated previously, Roland Realty is the only abutter to the subject portion of Mutual Street.

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 land or property in surrounding areas. However, this abandonment would make the State Service Road #1 a dead-end.

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.*

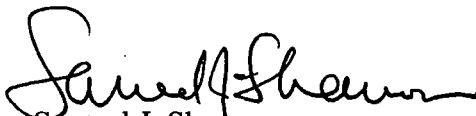
There are overhead utilities and fire hydrants located in this section of the public right-of-way. An easement retention would be necessary to provide access to, maintain, or provide existing or future service or utility needs.

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 petition and plan have been provided. This proposal is not inconsistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment with the condition that any necessary easements be granted.

Sincerely,



Samuel J. Shamoon  
Associate Director of Planning

cc: R. Jeffrey Knisley, Esq. for Roland Realty, Inc

# Narragansett Electric

A National Grid Company



January 9, 2002

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

Re: Abandonment = Mutual Street Street

Dear Ms. Bestwick:

Please be advised that Narragansett Electric has overhead facilities located at the proposed abandonment site.

Therefore, we do not object to the abandonment of that portion of Mutual Street provided Narragansett Electric is granted an easement for said facilities.

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

November 9, 2001

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

Attn: Mr. Claire Bestwick

RE: PETITION TO ABANDON A PORTION OF MUTUAL STREET.

Upon investigation it has been determined that Verizon has facilities in the portion of Mutual Street to be abandoned.

These facilities include poles and wires that provide service to residents and businesses in the area.

Verizon will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement to Verizon, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Very truly yours,



Pam Jarvela  
Right of Way



11/08/01

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

Re: Easement Required for the Abandonment of Mutual Street, Providence

Ms. Bestwick:

We own and maintain gas facilities on Mutual Street in the area that it proposed to be abandoned. We will require an easement to allow us to own, operate, maintain and replace our facilities.

If you have any further questions, please feel free to call me at 401- 272-5040 extension 573.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael McGuire', with a stylized flourish at the end.

Michael McGuire  
Manager of Engineering Design & Facility Locating



11/21/01

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

Re: Easement Required for the Abandonment of Mutual Street, Providence

Ms. Bestwick:

We own and maintain gas facilities on Mutual Street in the area that it proposed to be abandoned. We will require an easement to allow us to own, operate, maintain and replace our facilities.

If you have any further questions, please feel free to call me at 401- 272-5040 extension 573.

Sincerely,

Michael McGuire  
Manager of Engineering Design & Facility Locating



11/30/01

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

Re: Easement Required for the Abandonment of Mutual Street, Providence

Ms. Bestwick:

We own and maintain gas facilities on Mutual Street in the area that it proposed to be abandoned. We will require an easement to allow us to own, operate, maintain and replace our facilities.

If you have any further questions, please feel free to call me at 401- 272-5040 extension 573.


Sincerely,

Michael McGuire  
Manager of Engineering Design & Facility Locating

<http://www.narrabay.com>



Paul Pinault, P.E.  
Executive Director

  
John Zuba  
Project Coordinator

[illegible]

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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# RESOLUTION OF THE CITY COUNCIL

No. 452

*Approved* August 9, 2002

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064686 dated November 15, 2001."

VIZ: Mutual Street (portion of) as described in Attachment "A" and shown as a cross-hatched area on the 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 Petitioner agrees to tender the amount of Twenty-Five Thousand Eight Hundred Forty-Five (\$25,845.00) Dollars in legal tender U.S. currency to the City of Providence.
2. The Petitioner shall not erect or permit the erection of any permanent construction or barrier across the abandoned area which would in any way impede access to public safety vehicles.
3. The Petitioner shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.
4. The Petitioner shall convey an easement acceptable to Verizon which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

5. The Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

6. The Petitioner shall convey an easement acceptable to Providence Gas Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

7. The City of Providence shall retain for itself, its heirs, successors and assigns full sewer easements on East George Street which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation;

8. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically and without further action of the City Council or the Mayor become a nullity.

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  
AUG 1 2002  
READ AND PASSED  
PRES.  
*Michael R. Clement*  
CLERK *CB*

APPROVED  
AUG 09 2002  
*Vincent A. Curran*  
MAYOR

A true copy.  
Attest  
*Michael R. Clement*  
Michael R. Clement  
City Clerk



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

Director



VINCENT A. CIANCI, JR.

Mayor

## Department of Public Works

*"Building Pride In Providence"*

November 29, 2001

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

Dear Councilman Clarkin:

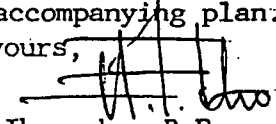
RE: Petition of Roland Realty, Inc., By Its Attorneys, R. Jeffrey Kinsley, Roberts, Carroll, Feldstein & Pierce, "Requesting Permission to Abandon the Section of the Public Highway Known As Mutual Street, From Its Intersection with Devine St. Running Northeast To Its End At State Service Road #1".

This Department has no objection to the above-referenced abandonment of Mutual Street and in conjunction with the accompanying plan entitled " Providence, R.I., P.W. Dépt., Engineering Office, Street Line Section, Plan No. 064686 , Date: Nov. 15th, 2001.

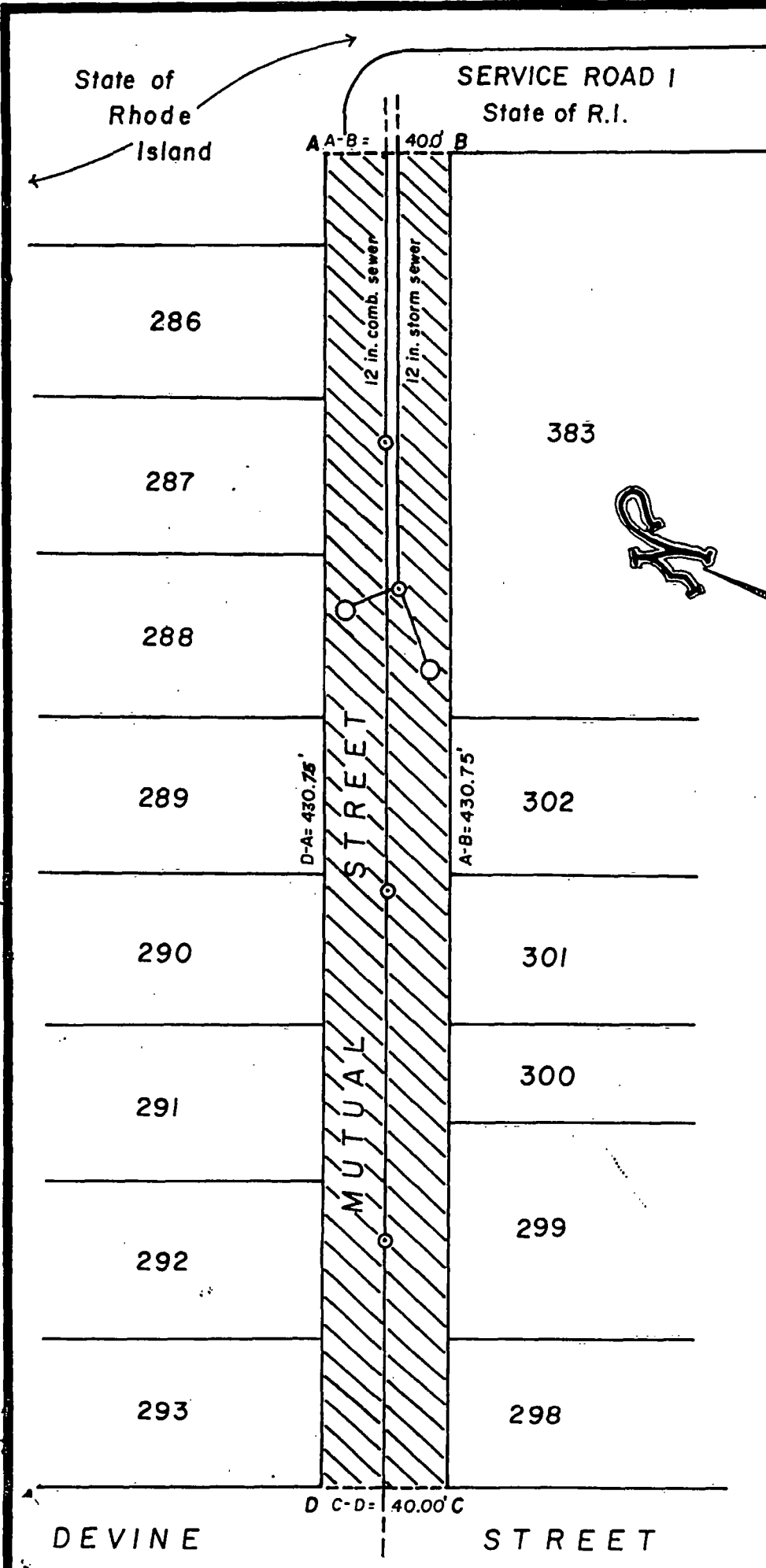
Area of Mutual Street to be abandoned is noted as A - B - C - D - A on the accompanying plan, as cross-hatched area. There is a FULL SEWER EASEMENT required in conjunction with this proposed abandonment. Total Square Footage is 17,230.00' Sq.Ft. Note that Lot Numbers for this plan were taken from City of Providence Assessor's Plat: 47.

If you have any questions, or if we can further assist in this regard, please advise. Note, also that the Full Sewer Easement is required regarding both the 12" Sanitary and 12" Storm sewers located in Mutual Street, as noted on the accompanying plan.

Very truly yours,

  
 Ferdinand C. Ihenacho, P.E.  
 Director

CC: M. Clement - City Clerk  
 J.D'Amico, Esq. - City Atty.  
 G. Florio  
 JLC  
 SZ



PROVIDENCE, R. I.  
DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No 064686  
Date Nov. 15, 2001

PROVIDENCE, RI  
RECEIVED FOR RECORD  
2002 AUG 26 A 8:43  
BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS  
*Barbara A. Troncy*

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Showing proposed abandonment of a portion  
of Mutual Street.  
Drawn by A. Zisiades Checked by ALC  
Scale 1" = 50' Date 11-15-2001  
Correct James A. Morris Associate Engr.  
Approved [Signature] CHIEF ENGINEER

NOTES: Cross-hatched area (A-B-C-D-A) indicates  
proposed abandonment.  
Full sewer easement required.  
Total square footage = 17,230.00'  
Lot numbers taken from A.P. 47.

5289/029-033  
C

PROVIDENCE, RI  
RECEIVED FOR RECORD

2002 AUG 26 A 8:43

BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS

47006

RECEIVED  
OFFICE OF THE  
CLERK OF THE  
SUPERIOR COURT  
PROVIDENCE, RI