

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

Walter J. ... CLERK

THE COMMITTEE ON

Public Works

Recommends

- Set up P. Hwy

Claire E. Bestwick

12-11-01

1-10-02 . P. Hwy held

THE COMMITTEE ON

PUBLIC WORKS

Approves Passage of  
The Within Resolution

Ann M. Stetsin

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**

*[Handwritten Signature]*

**PRES.**

*Michael E. Clement*  
**CLERK** *CB*

**APPROVED.**

**AUG 09 2002**

*Vincent A. Curran Jr.*  
**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:

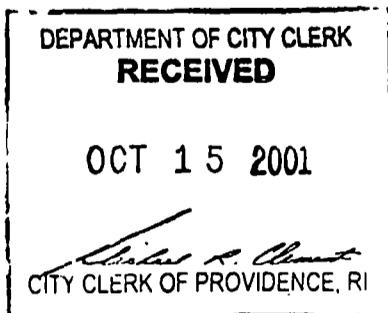
*\* State Service  
Road #1  
RJK*

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*  
R. Jeffrey Krisley

Roberts, Carroll, Feldstein & Peirce

10 Weybosset Street

Providence, RI 02903

(401) 521-7000

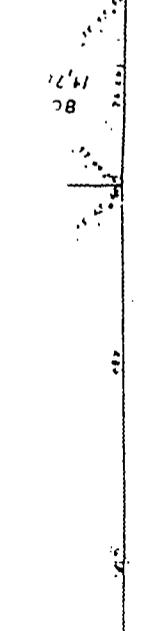
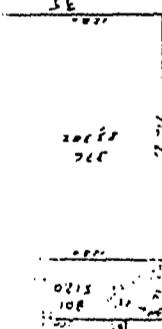
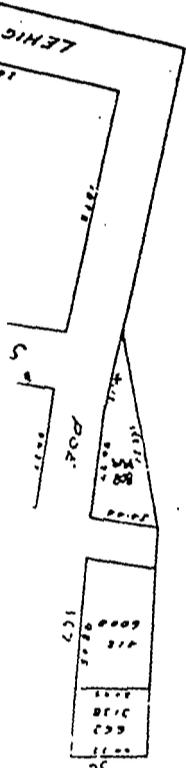
Petition to abandon a portion of  
Mutual Street

Roberts, Carroll, Feldstein & Peirce

BankRI

Check #22006

\$75.00



649	667	668	669
648	666	665	664

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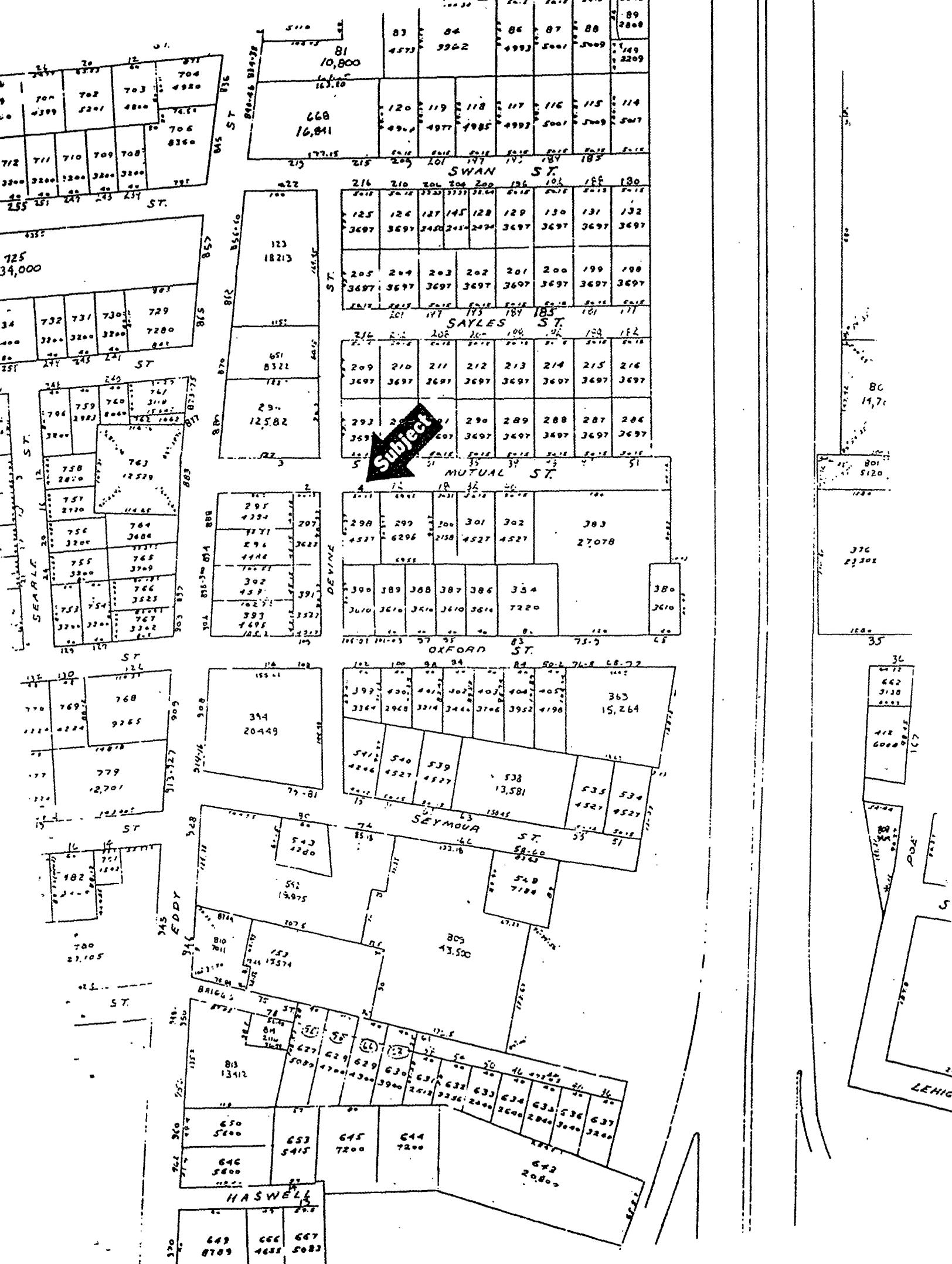
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10800	10801	10802	10803	10804	10805	10806	10807	10808	10809	10810	10811	10812	10813	10814	10815	10816	10817	10818	10819	10820	10821	10822	10823	10824	10825	10826	10827	10828	10829	10830	10831	10832	10833	10834	10835	10836	10837	10838	10839	10840	10841	10842	10843	10844	10845	10846	10847	10848	10849	10850	10851	10852	10853	10854	10855	10856	10857	10858	10859	10860	10861	10862	10863	10864	10865	10866	10867	10868	10869	10870	10871	10872	10873	10874	10875	10876	10877	10878	10879	10880	10881	10882	10883	10884	10885	10886	10887	10888	10889	10890	10891	10892	10893	10894	10895	10896	10897	10898	10899	10900
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16811	16812	16813	16814	16815	16816	16817	1
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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



83	84	86	87	88	89	
4573	3962	4993	5001	5009	149 2209	
10,800						
163.10						
120	119	118	117	116	115	114
4964	4977	4985	4993	5001	5009	5017

SWAN ST.

216	210	206	204	200	196	188	180	
3697	3697	3697	3697	3697	3697	3697	3697	
125	126	127	145	128	129	130	131	132
3697	3697	3697	3697	3697	3697	3697	3697	3697
205	204	203	202	201	200	199	198	
3697	3697	3697	3697	3697	3697	3697	3697	

SAYLES ST.

216	210	206	204	200	196	188	180
3697	3697	3697	3697	3697	3697	3697	3697
209	210	211	212	213	214	215	216
3697	3697	3697	3697	3697	3697	3697	3697
293	294	295	296	297	298	299	300
3697	3697	3697	3697	3697	3697	3697	3697

MUTUAL ST.

298	299	300	301	302	303	
4527	6296	2158	4527	4527	27,078	
390	389	388	387	386	385	380
3610	3610	3610	3610	3610	7220	3610

OXFORD ST.

399	400	401	402	403	404	405	363
3360	2968	3214	3466	3706	3952	4198	15,264
541	540	539	538	537	536	535	534
4206	4527	4527	13,581	4527	4527	4527	4527

SEYMOUR ST.

543	542	541	540	539	538	537	536	535	534
3700	15,975								
809	43,500								

HASWELL ST.

630	629	628	627	626	625	624	623	622	621	620	619	618	617	616	615	614	613	612	611	610	609	608	607	606	605	604	603	602	601	600	599	598	597	596	595	594	593	592	591	590	589	588	587	586	585	584	583	582	581	580	579	578	577	576	575	574	573	572	571	570	569	568	567	566	565	564	563	562	561	560	559	558	557	556	555	554	553	552	551	550	549	548	547	546	545	544	543	542	541	540	539	538	537	536	535	534	533	532	531	530	529	528	527	526	525	524	523	522	521	520	519	518	517	516	515	514	513	512	511	510	509	508	507	506	505	504	503	502	501	500	499	498	497	496	495	494	493	492	491	490	489	488	487	486	485	484	483	482	481	480	479	478	477	476	475	474	473	472	471	470	469	468	467	466	465	464	463	462	461	460	459	458	457	456	455	454	453	452	451	450	449	448	447	446	445	444	443	442	441	440	439	438	437	436	435	434	433	432	431	430	429	428	427	426	425	424	423	422	421	420	419	418	417	416	415	414	413	412	411	410	409	408	407	406	405	404	403	402	401	400	399	398	397	396	395	394	393	392	391	390	389	388	387	386	385	384	383	382	381	380	379	378	377	376	375	374	373	372	371	370	369	368	367	366	365	364	363	362	361	360	359	358	357	356	355	354	353	352	351	350	349	348	347	346	345	344	343	342	341	340	339	338	337	336	335	334	333	332	331	330	329	328	327	326	325	324	323	322	321	320	319	318	317	316	315	314	313	312	311	310	309	308	307	306	305	304	303	302	301	300	299	298	297	296	295	294	293	292	291	290	289	288	287	286	285	284	283	282	281	280	279	278	277	276	275	274	273	272	271	270	269	268	267	266	265	264	263	262	261	260	259	258	257	256	255	254	253	252	251	250	249	248	247	246	245	244	243	242	241	240	239	238	237	236	235	234	233	232	231	230	229	228	227	226	225	224	223	222	221	220	219	218	217	216	215	214	213	212	211	210	209	208	207	206	205	204	203	202	201	200	199	198	197	196	195	194	193	192	191	190	189	188	187	186	185	184	183	182	181	180	179	178	177	176	175	174	173	172	171	170	169	168	167	166	165	164	163	162	161	160	159	158	157	156	155	154	153	152	151	150	149	148	147	146	145	144	143	142	141	140	139	138	137	136	135	134	133	132	131	130	129	128	127	126	125	124	123	122	121	120	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	102	101	100	99	98	97	96	95	94	93	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	76	75	74	73	72	71	70	69	68	67	66	65	64	63	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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Subject

80  
19,70

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LEHIGH

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



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:

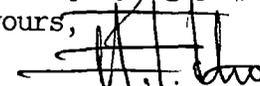
RE: Petition of Roland Realty, Inc., By It's Attorneys, R. Jeffrey Kinsley, Roberts, Carroll, Feldstein & Pierce, "Requesting Permission to Abandon the Section of the Public Highway Known As Mutual Street, From Its Intersection with Devine St. Running Northeast To Its End At State Service Road #1 " .

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,

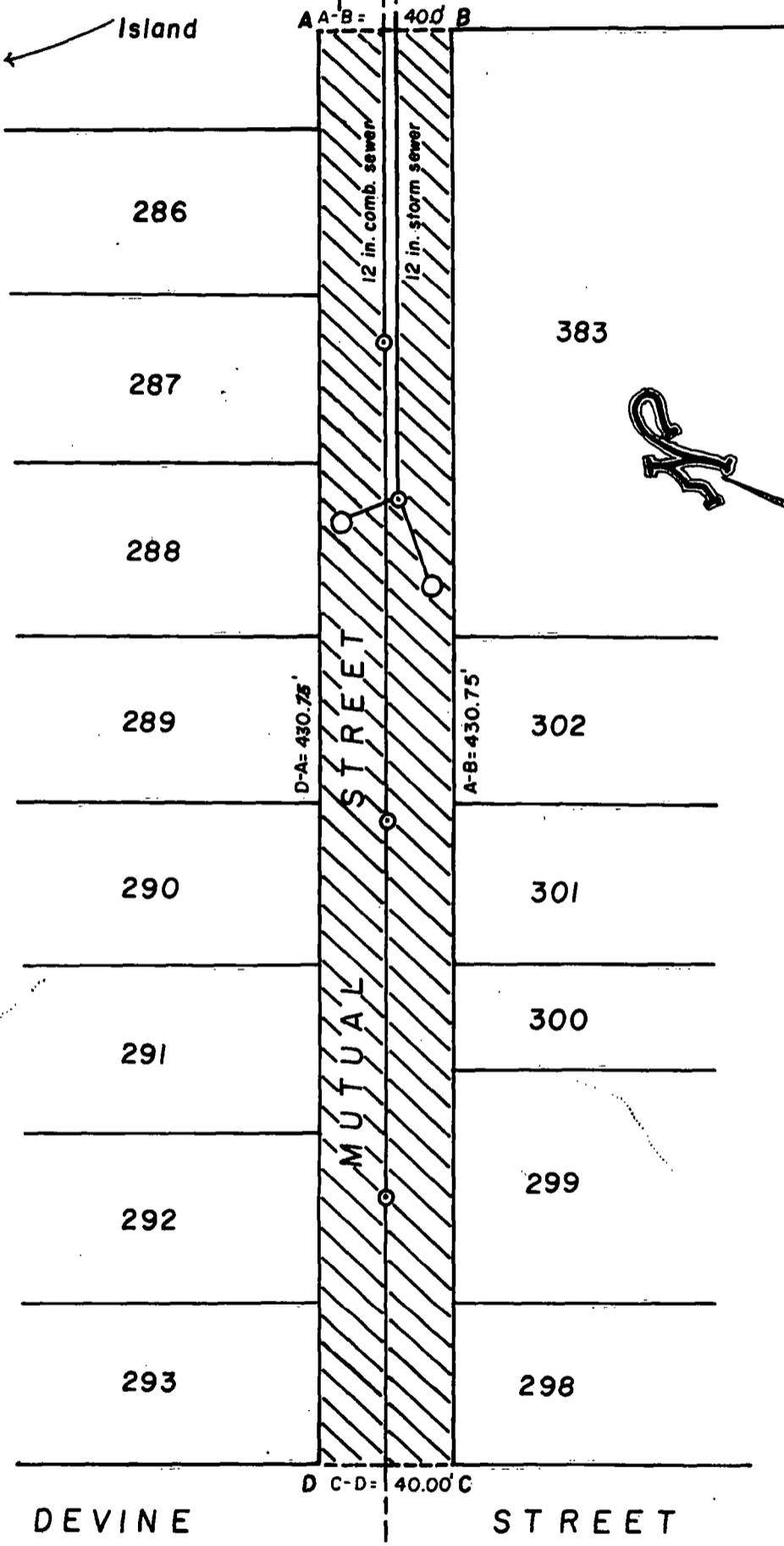
  
Ferdinand C. Ihenacho, P.E.  
Director

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

State of Rhode Island

SERVICE ROAD I  
State of R.I.

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



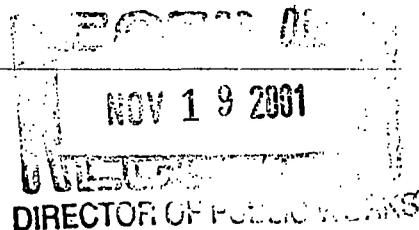
DEVINE STREET

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. Zisades Checked by gfc  
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

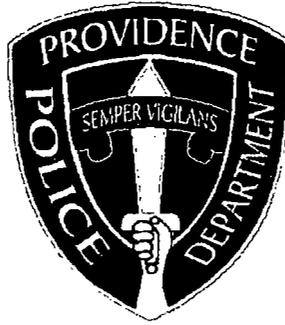
TO: Ferdinand Ihenacho, Director of Public Works

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 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 cursive script, 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

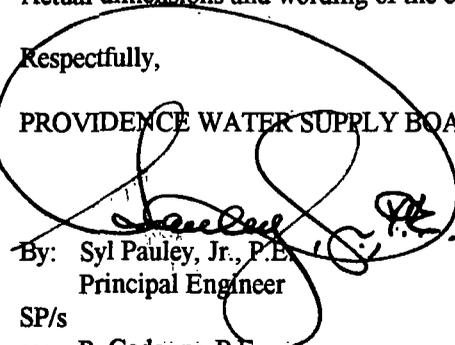
Dear Councilman Clarkin:

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 black ink that reads "John A. Izzo".

John A. Izzo  
Supervisor of Engineering & Planning

NANCY L. DERRIG  
Superintendent of Parks



VINCENT A. CIANCI, JR.  
Mayor

## Department of Public Parks

*"Building Pride In Providence"*

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 cursive script that reads "John A. Izzo".

John A. Izzo  
Supervisor of Engineering & Planning

NANCY L. DERRIG  
Superintendent of Parks



VINCENT A. CIANCI, JR.  
Mayor

## Department of Public Parks

*"Building Pride In Providence"*

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 black ink 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

280 Melrose Street  
PO Box 1438  
Providence, RI 02901-1438  
401.784.7000

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,

A handwritten signature in cursive script that reads "Pam Jarvela".

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,

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,

A handwritten signature in black ink, appearing to read 'Michael McGuire', with a stylized, flowing script.

Michael McGuire  
Manager of Engineering Design & Facility Locating



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.

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 2007  
 READ AND PASSED

*[Signature]*

PRES.

*Michael R. Clement*  
 CLERK *CB*

APPROVED

AUG 09 2007

*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:

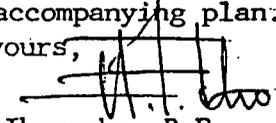
RE: Petition of Roland Realty, Inc., By Its Attorneys, R. Jeffrey Kinsley, Roberts, Carroll, Feldstein & Pierce, "Requesting Permission to Abandon the Section of the Public Highway Known As Mutual Street, From Its Intersection with Devine St. Running Northeast To Its End At State Service Road #1".

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.

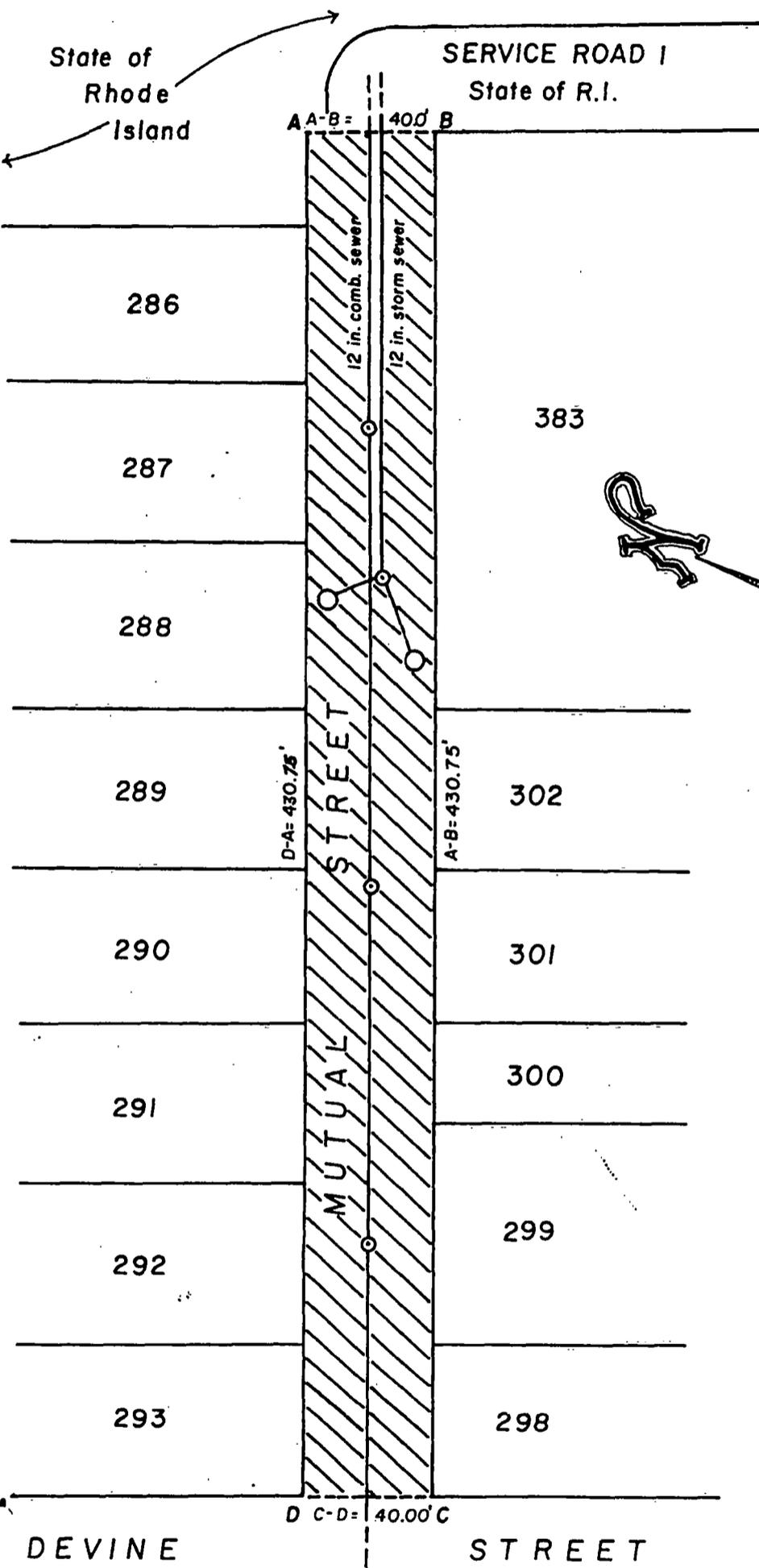
If you have any questions, or if we can further assist in this regard, please advise. Note, also that the Full Sewer Easement is required regarding both the 12" Sanitary and 12" Storm sewers located in Mutual Street, as noted on the accompanying plan:

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  
Ⓞ

PROVIDENCE, RI  
RECEIVED FOR RECORD

2002 AUG 26 A 8:43

BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS

47006

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