

RESOLUTION OF THE CITY COUNCIL

No. 343

Approved August 6, 2004

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown as a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street Line Section Plan No. 064763, dated May 24, 2004,"

VIZ: MATTHEW STREET, running northwest from Fillmore Street as described in Attachment "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters I-J-K-L-I (the "abandoned parcel"), having ceased to be useful to the public is hereby abandoned as a public highway to the Petitioner. Said abandonment is specifically conditioned precedent upon the following:

1. The Petitioner, Times 2 Incorporated, shall either tender the amount of the value of the abandoned parcel in legal tender to the City of Providence, or shall provide a deed conveying fee simple ownership of property located at Douglas Avenue and Fillmore Street (AP 68, Lots 30 and 79), after appraisal establishes the value of the said property is equal to at least 90% of the assessed valuation of the parcels to be abandoned on Wiley Street and Matthew Street. Should the valuation be less than the requisite 90%, the Petitioner is willing to pay the balance of the fair market value of the abandoned parcels.

2. The City shall retain for itself in the abandoned premises easements sufficient to permit retention of (a) New England Gas Company's 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; (b) Narragansett Electric Company's 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; and (c) Verizon's 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.

3. The Petitioner, at Petitioner's sole cost and expense, shall physically sever the Matthew Street water main under the abandoned parcel from the Fillmore Street main and allow the abandoned water pipeline to remain in place.

4. Petitioner shall comply with all conditions contained in the City Planning Commission's letter dated June 21, 2004.

5. Petitioner shall comply with all conditions contained herein not later than ninety (90) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

6. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works, and/or as may be imposed by the Mayor or the Law Department.

And it is further

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be placed on the above-named street 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 street which has been abandoned, who is known to reside within the State.

IN CITY COUNCIL
AUG 5 2004
READ AND PASSED
Balbir Singh
PRES. PRO TEMPORE
Michael P. Clement
CLERK

APPROVED 8/6/04
[Signature]
MAYOR

PROVIDENCE CITY CLERK

04-29-2004

#0

ABANDON
TOTAL
CHECK
CHANGE

75.00
~~75.00~~
75.00
0.00

7377 10:44 AM

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 petition your honorable body

April 26, 2004

To the Honorable City Council:

The Times², Incorporated, nonprofit, 501(c)(3) Agency located on 50 Fillmore Street, Providence, RI. hereby petitions the Providence City Council to consider the **Abandonment of Matthews Street** in its entirety as shown on the accompanied plan.

The abandonment will allow the Times², Inc. Agency to consolidate the parcels into one parcel. (See attached map). Since this property has no value to any parties, or present abutters, this petition to abandon Matthews Street is a prudent and responsible action for the Council to take.

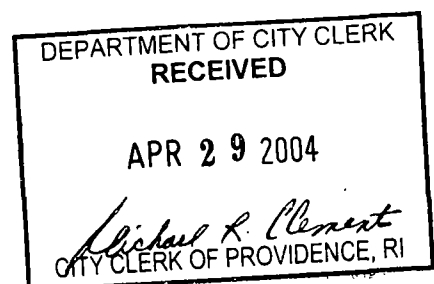
We respectfully, thank the City Council for consideration in this important matter.

Respectfully submitted,

Ralph N. Taylor / drscl

Times², Incorporated
Ralph N. Taylor
Executive Director

Petition to abandon Matthews Street in its entirety
The Times2
Bank One
Check #3031
\$75.00

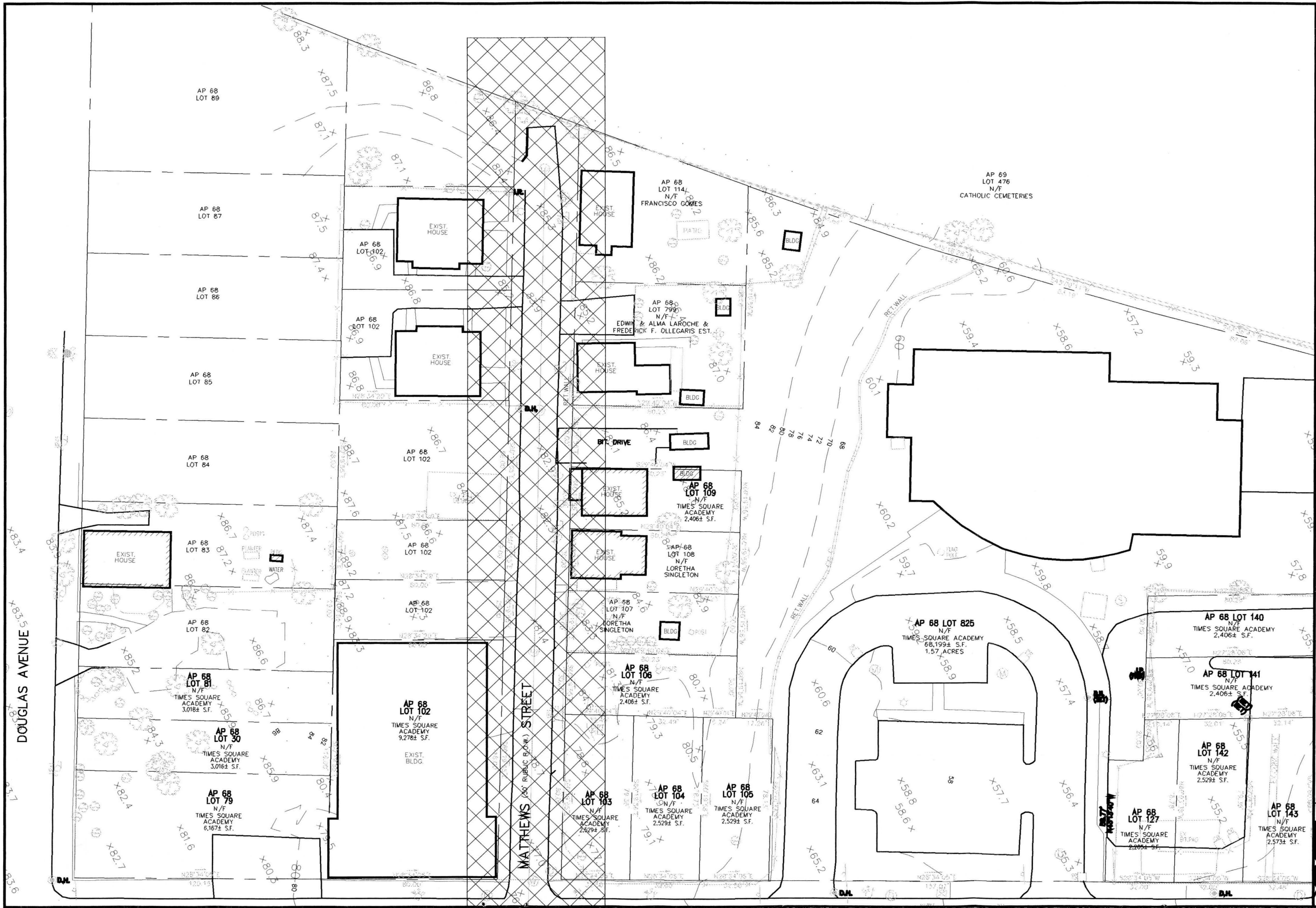


FILED
APR 29 11 10 AM '04
DEPT. OF
PROVIDENCE, R.I.

IN CITY COUNCIL
MAY 6 2004
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael R. Clement CLERK

THE COMMITTEE ON
Public Works
Recommends
Ann M. Steen
CLERK
6-23-04 P. Hingheld

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Ann M. Steen
CLERK
7-26-04



REFERENCE		TITLE	
DWG	A-1.2	MATTHEWS ST ABANDONMENT	
SCALE	1:500	DATE	04/27/04
DRAIN BY	DO		

TIMES² ACADEMY

50 FILLMORE STREET PROVIDENCE, RI

77

WOOD & TOWNS
Architects and Engineers

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:

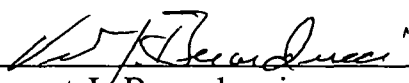
PETITION TO ABANDON MATTHEW STREET

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
68	114	Maria L. Gallego-Diaz 21 Matthew Street Providence, RI 02908
68	799	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	825	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	109	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	108	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	107	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	106	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	103	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	102	Raymond P. Woodcock 10 Filmore Street Providence, RI 02908
68	98	Raymond P. Woodcock 10 Filmore Street Providence, RI 02908
68	97	Raymond P. Woodcock 10 Filmore Street Providence, RI 02908

68	812	Times 2, Inc. 50 Filmore Street Providence, RI 02908
68	94	City of Providence Housing Authority 100 Broad Street Providence, RI 02903
68	92	City of Providence Housing Authority 100 Broad Street Providence, RI 02903
68	90	Times 2, Inc. 50 Filmore Street Providence, RI 02908
69	476	Catholic Cemeteries Cathedral Square Providence, RI 02903

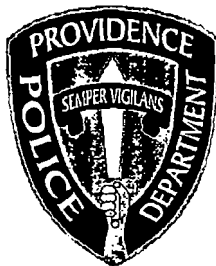
PETITIONER

Times 2, Inc.
C/O Ralph N. Taylor
Executive Director
50 Filmore Street
Providence, RI 02908




Vincent J. Berarducci
City Sergeant June 8, 07

Councilman Terrence M. Hassett
Ward 12



PROVIDENCE POLICE DEPARTMENT
Traffic Bureau
325 Washington St., Providence, RI 02903
243-6279

July 6, 2004

To: Anna M. Stetson, Second Deputy City Clerk
From: Sergeant Gary A. Venditto, Traffic Bureau, Director 
Subject: Abandonment of Ark Court, Wiley Street, Matthew Street

Per review, Lieutenant Timothy M. Lee, the Commanding Officer of the Traffic Bureau has reviewed the petition regarding Ark Court, Wiley Street and Matthew Street. At this time if the City has no future use of this property, the Providence Police Department would have no objection.

Respectfully Submitted,

Lieutenant Timothy M. Lee
Commanding Officer, Traffic Bureau

David D. Costa
Chief Of Department

George S. Farrell
Fire Marshal



David N. Cicilline
Mayor

George D. Calise
Deputy Fire Marshal

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

July 19, 2004

Anna M Stetson, Second Deputy City Clerk
Providence City Hall
25 Dorrance Street
Providence RI 02903

Regarding: The abandonment of Mathew Street:

Dear Ms:

The Providence Fire Prevention Department has reviewed the request by the Executive Director of the Times 2 property located on 50 Fillmore Street in Providence RI.

Please let the record show that The Providence Fire Department has not objections to the abandonment of Mathew Street in its entirety.

Sincerely,

Lieutenant Richard A. Silva
Assistant Deputy State Fire Marshal

MAKRAM H. MEGALLI, P. E.
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

May 28, 2004

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council – City Hall
Providence, RI 02903

RE: Proposed Abandonment of Ark Court, Wiley Street and Matthew Street

Dear Councilman Hassett:

This department has no objection to the proposed abandonment of Ark Court, Wiley Street and Matthew Street in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept. – Engineering Office, Street Line Section, Plan No. 064763-Date: May 24, 2004.

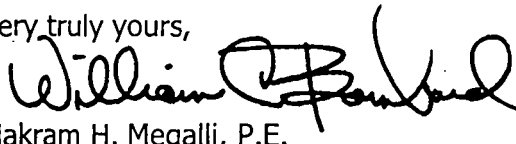
All the above noted streets are to be abandoned from Fillmore Street to end and are shown as cross-hatched area on the accompanying plan. Area of Ark Court is designated as A-B-C-D--A, area of Wiley Street is designated as E-F-G-H-E; and area of Matthew Street is designated as I-J-K-L-I on the accompanying plan.

Total square footage for these abandonment's is 18,696± square feet. Lot numbers for aforementioned plan were taken from City of Providence Assessor's Plats 68 & 69. A list of abutting property owners is attached herewith for your approval.

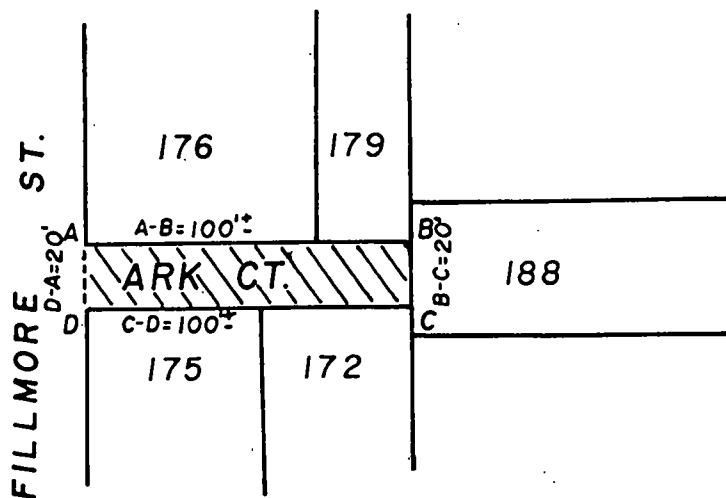
According to Informational Bulletin 2003.01 issued by Rhode Island State Board of Registration for Professional Land Surveyor, a road abandonment constitute a boundary change, and, as such, requires a Class 1 survey prepared by a Professional Land Surveyor, properly licensed by said board.

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

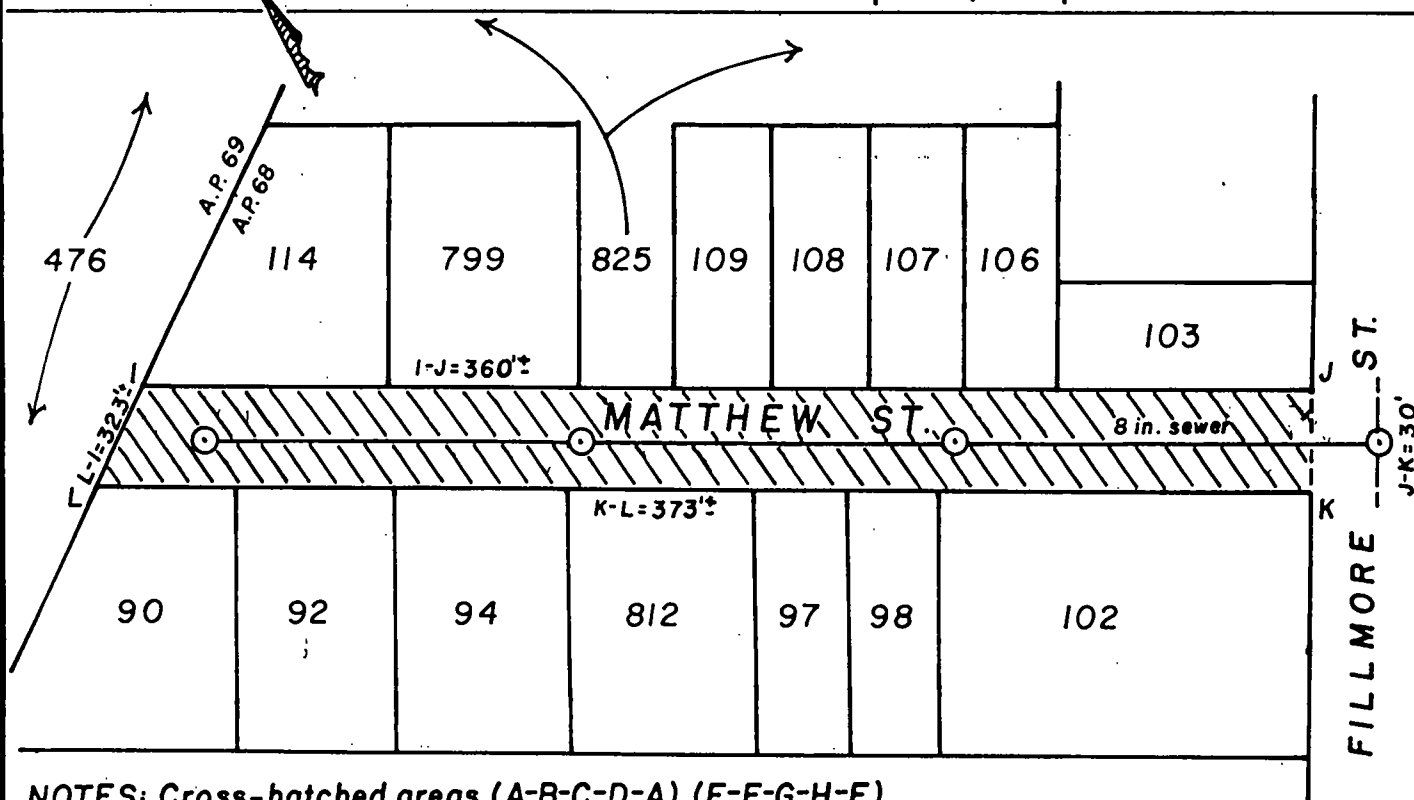
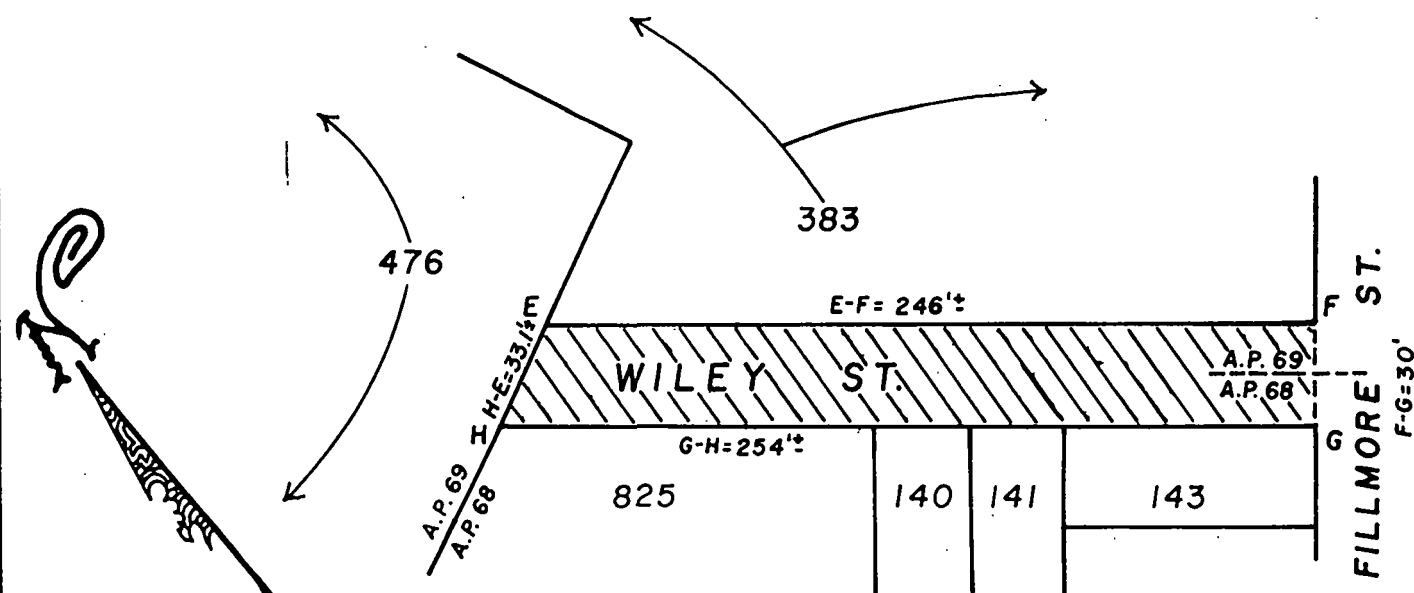
Very truly yours,

for 
Makram H. Megalli, P.E.
Director

Cc: M. Clemet – City Clerk
BB, GF, JLC, SZ-DPW
A. Southgate, Esq. – Law Dept.
T. Deller; W. Floriani - Planning



PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. **064763**
 Date **May 24, 2004**



NOTES: Cross-hatched areas (A-B-C-D-A), (E-F-G-H-E)

& (I-J-K-L-I) indicate proposed abandonments for

Times² Inc. Total square footage= 18,696'±

ARK CT. square footage= 200'±

WILEY ST. square footage= 7,500'±

MATTHEW ST. square footage= 10,996'±

Sewer to be abandoned for private use.

Lot numbers taken from A.P. 68 & 69

CITY OF PROVIDENCE, R. I.
 Public Works Dept. • Engineering Office
 Showing proposed abandonments on Ark Ct.,
Wiley St. & Matthew St.
 Drawn by A. Zislades Checked by alc
 Scale 1"=60' Date 5-24-2004
 Correct James A. Morris Associate Engr.
 Approved William C. Bland CHIEF ENGINEER



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 11, 2004

TO: Makram H. Megalli, Director of Public Works

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

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


Please report back to this office as soon as practical.

PETITION FROM TIMES², INCORPORATED,
RALPH N. TAYLOR, EXECUTIVE DIRECTOR,
REQUESTING THE ABANDONMENT OF ARK
COURT IN ITS ENTIRETY.

PETITION FROM TIMES², INCORPORATED,
RALPH N. TAYLOR, EXECUTIVE DIRECTOR,
REQUESTING THE ABANDONMENT OF WILEY
STREET IN ITS ENTIRETY.

PETITION FROM TIMES², INCORPORATED,
RALPH N. TAYLOR, EXECUTIVE DIRECTOR,
REQUESTING THE ABANDONMENT OF
MATTHEW STREET IN ITS ENTIRETY.

Bill Bombardieri
5/19/04


SECOND DEPUTY City Clerk

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF
PROVIDENCE

The undersigned respectfully petition your honorable body

April 26, 2004

To the Honorable City Council:

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The abandonment will allow the Times², Inc. Agency to consolidate the parcels into one parcel. (See attached map). Since this property has no value to any parties, or present abutters, this petition to abandon Matthews Street is a prudent and responsible action for the Council to take.

We respectfully, thank the City Council for consideration in this important matter.

Respectfully submitted,

Ralph N. Taylor / drsc1

Times², Incorporated
Ralph N. Taylor
Executive Director

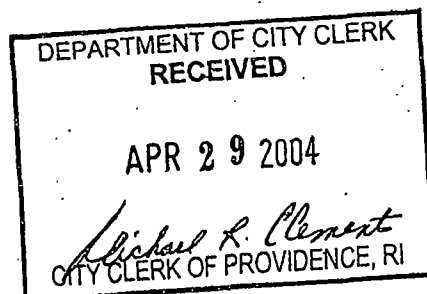
Petition to abandon Matthews Street in its entirety

The Times2

Bank One

Check #3031

\$75.00



PROPOSED ABANDONMENTS OF ARK CT., MATTHEW ST. & WILEY ST.

ARK CT.

- A.P. 68 LOT 176-69 FILLMORE (PETER S. ROMANO • 1 QUARRY ST. PROV. 02904)
LOT 179-8 ARK CT. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 172-7 ARK CT. (MARIA GOZALEZ • 54 WHIPPLE ST. PROV. 02908)
LOT 175-59 FILLMORE ST. (CIVIL PROCESS SERV. • P.O. BOX 10026 CRANSTON,
R.I. 02910.)
LOT 188-54 WHIPPLE ST. (MARIA GONZALEZ • 54 WHIPPLE ST. PROV. 02908)

WILEY ST.

- A.P. 68 LOT 825-15 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 140-14 WILEY ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 141-12 WILEY ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 143-70 FILLMORE ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
A.P. 69 LOT 476-263 CHAD BROWN ST. (CATHOLIC CEMETERIES • CATHEDRAL SQ.
PROV. 02903)
LOT 383-273 CHAD BROWN ST. (ADMIRAL TERRACE, CITY OF PROV.,
HOUSING AUTH., PROJECTS • 100 BROAD ST. PROV. 02903)

MATTHEW ST.

- A.P. 68 LOT 114-21 MATTHEW ST. (MARIA L. GALLEG0-DIAZ • 21 MATTHEW ST. PROV. 02908)
LOT 799-17 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 825-15 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 109-13 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 108-11 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 107-9 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 106-7 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 103-30 FILLMORE ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)
LOT 102-8 MATTHEW ST. (RAYMOND P. WOODCOCK • 10 FILLMORE ST. PROV. 02908)
LOT 98-10 MATTHEW ST. (RAYMOND P. WOODCOCK • 10 FILLMORE ST. PROV. 02908)

4.P. 68

LOT 97-12 MATTHEW ST. (RAYMOND P. WOODCOCK • 10 FILLMORE ST. PROV. 02908)

LOT 812-14 MATTHEW ST. (TIMES² INC. • 50 FILLMORE ST. PROV. 02908)

LOT 94-16 MATTHEW ST. (CITY OF PROV., HOUSING AUTH. • 100 BROAD ST.

PROV. 02903)

LOT 92-32 MATTHEW ST. (CITY OF PROV., HOUSING AUTH. • 100 BROAD ST.

PROV. 02903)

LOT 90-36 MATTHEW ST. (50 FILLMORE ST. PROV. 02908)

1.P. 69

LOT 476-263 CHAD BROWN ST. (CATHOLIC CEMETERIES • CATHEDRAL SQ?

PROV. 02903)

ROBERT A. WALSH, JR.
Chairman

JOEL D. LANDRY, II
Vice Chairman

ALEXANDER D. PRIGNANO
Ex-Officio

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor



DAVID N. CICILLINE
Mayor

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

JOSEPH DE LUCA
City Councilman

PETER S. MANCINI
City Councilman

JOSEPH D. CATALDI
Member

ANNE T. QUINTERNO
Member

June 23, 2004

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

SUBJECT: Petition for Street Abandonment
Matthew Street
Providence, Rhode Island

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 indicate that a 6-inch water main is located in Matthew Street—a dead-end street—with water services leading to three inhabited houses that are located at the westerly terminus of said street.

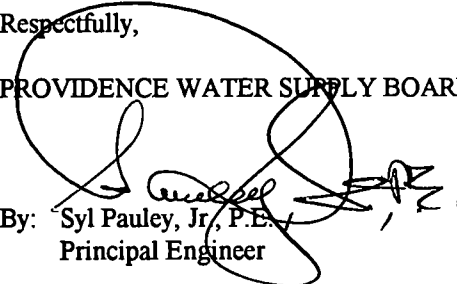
It is our understanding that the existing water main and services will not be required much longer since the Petitioner owns the land along both sides of Matthew Street and plans to relocate the existing houses to other building lots in the neighborhood, which will allow for expansion of the Times², Inc. school facility.

PW has no objection to the street abandonment provided that the Petitioner agrees to pay for all costs associated with physically severing the Matthew Street water main from the Fillmore Street main and allows the abandoned pipeline to remain in place.

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

Respectfully,

PROVIDENCE WATER SUPPLY BOARD

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

SP/s

cc: P. Gadoury, P.E.

M. Clement, City Clerk

File

ABNLTR87.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"

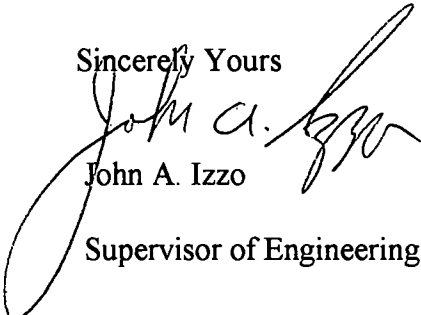
May 14, 2004

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

RE: Abandonment of Matthews & Wiley Sts., & Ark Court.

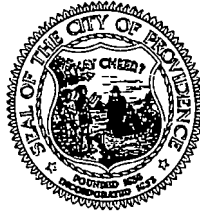
The Department of Public Parks has no objection to the proposed abandonment of
The above mentioned streets.

Sincerely Yours


John A. Izzo

Supervisor of Engineering & Planning

JOHN D. NICKELSON, P. E.
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

July 20, 2004

Honorable Terrance M. Hassett
Chairman of the Public Works Committee
Providence City Council
City Hall
Providence, RI 02903

RE: Abandonment of a Mathew Street

Dear Councilman Hassett:

Please be advised that this office has no objections to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "William C. Bombard", with a long horizontal flourish extending to the right.

William C. Bombard, P.E.
Acting Traffic Engineer

WCB:om



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**

July 23, 2004

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

Re: Proposed Abandonment of Matthews Street

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Matthews Street (Assessor's Plat 68) for the purpose of estimating the market value of a full abandonment of said property as it intersects with Fillmore Street in the Smith Hill Neighborhood of Providence.

Specifically, the proposed abandonment contains 10,996 square feet. The area in general measures 30 feet by 373 feet in length along the center line of the street. The City's Department of Public works has no objection to this request. They are requiring a Class 1 Survey for recording.

We have taken into account a number of factors in arriving at a fair market value for the site. The petitioner will gain full use of the site for either commercial or institutional use, as there will be no easements required by the City of Providence Department of Public works. The parcel contains 10,996 square feet of land as depicted on the map provided by the City's Engineering Department and is zoned R-3 Residential.

ANDOLFO APPRAISAL ASSOCIATES, INC.

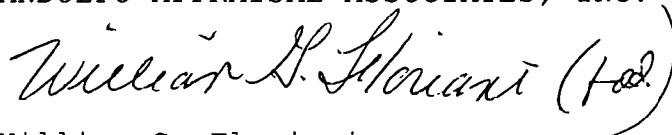
Mr. John Gelati
Page 2
July 23, 2004

Based upon an analysis of comparable land sales as contained within the offices of Andolfo Appraisal Associates, Inc., as well as reviewing the most recent tax assessment revaluations, a value of \$5.00 per square foot is hereby estimated for this site.

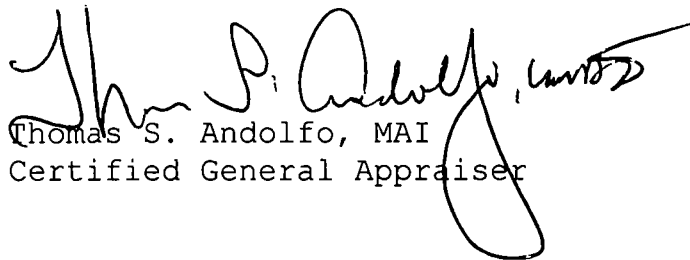
Therefore, 10,996 square feet x \$5.00 per square foot = \$54,980.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

Handwritten signature of William G. Floriani in cursive, with the initials "WGF" at the end.

William G. Floriani
Certified Residential Appraiser

Handwritten signature of Thomas S. Andolfo in cursive, with the initials "TSA" at the end.

Thomas S. Andolfo, MAI
Certified General Appraiser

WGF:TSA/fad



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

June 21, 2004

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

Attn: Anna Stetson, Second Deputy City Clerk

Re: CPC REFERRAL NOS. 3228 and 3229: Proposed Abandonment of a Wiley Street
and Matthew Street

Dear Councilman Hassett:

The City Plan Commission at its meeting on Wednesday, June 16, 2004 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonments of Wiley Street and Matthew, as petitioned by Times² Academy.

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.*

Matthew Street: If the petitioner owns all of the lots on both sides of Matthew Street, abandonment of this right-of-way is not contrary to the public interest. It will not be necessary to have a public right-of-way to access properties and the street will not be necessary for circulation.

Wiley Street: If the petitioner has an agreement with the PHA, abandonment of this right-of-way is not contrary to the public interest. It will not be necessary to have a public right-of-way to access properties and the street will not be necessary for circulation.

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 are evident on existing land uses or zoning.

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

As stated above, all abutters would have to agree to the abandonments.

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

No access will be denied to surrounding areas.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

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

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan have been provided. The Comprehensive Plan, in the Transportation, Parking and Circulation Plan, has a policy of discouraging street and alley abandonments citywide. Under the circumstances, however, these abandonments would not be contrary to the spirit of the Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that it approve the subject abandonment subject to the following conditions:

1. The petitioner must demonstrate that it owns all properties that front on Matthew Street.
2. The petitioner must demonstrate that the PHA does not object to the abandonment of Wiley Street.
3. The petitioner must perform subdivisions of land as appropriate to consolidate parcels and abandoned rights of way.

Sincerely,



Christopher J. Ise
Administrative Officer

cc: Ralph N. Taylor, for Times² Academy

Narragansett Electric

A National Grid Company



June 8, 2004

Anna M. Stetson
City Clerk's Office
Providence City Hall
Providence, RI

Re: Petition to Abandon Matthew Street

Dear Ms. Stetson:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has overhead equipment in the area of Matthew Street proposed for abandonment which can not be removed.

Therefore, NECO has no objection to the abandonment provided we are granted an easement for said equipment.

Please call me if you have any questions.

Very truly yours,

Mindy C. Montecalvo
Real Estate Consultant
(401) 784-7512
(401) 784-7316 (fax)

Right Of Way



May 26, 2004

85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 727-7680

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

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF MATTHEW STREET

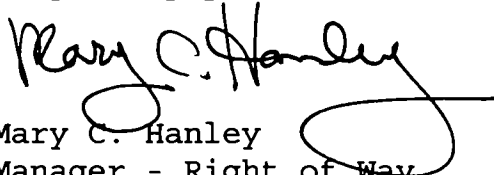
Upon investigation by our in house Engineer-Craig Richards it has been determined that Verizon has aerial facilities in the portion of Matthew Street to be abandoned.

These facilities include poles, wires, cables and anchors that provide service to the surrounding 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,


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

May 24, 2004



Councilman Terrence M. Hassett
Chairman - Committee on Public Works
City of Providence
Providence, RI 02903

Re: Resolution Requesting the Abandonment of the section of Matthews Street, Providence, RI.

Dear Councilman Hassett:

Upon review of the above referenced request, New England Gas Company has the following comments:

- New England Gas Company presently has a natural gas main within this section of Matthews Street. (see attached)
- If this is within the area to be abandoned, we respectfully request that a 20-foot wide easement be provided to us for our continued operation and maintenance of these facilities.
- Attached to this correspondence is our approved blank easement document that should be filled out and returned to us for approval by our Legal Department.
- In addition to the attached document, a detailed plot plan showing the meets and bounds of our proposed easement will be required for filing the final copy for approval.
- Once approved, the package will be returned to you for recording.
- Upon completion, please forward us a final recorded copy for our permanent records.

Once this easement is in place, we will not have any objections to this proposal.

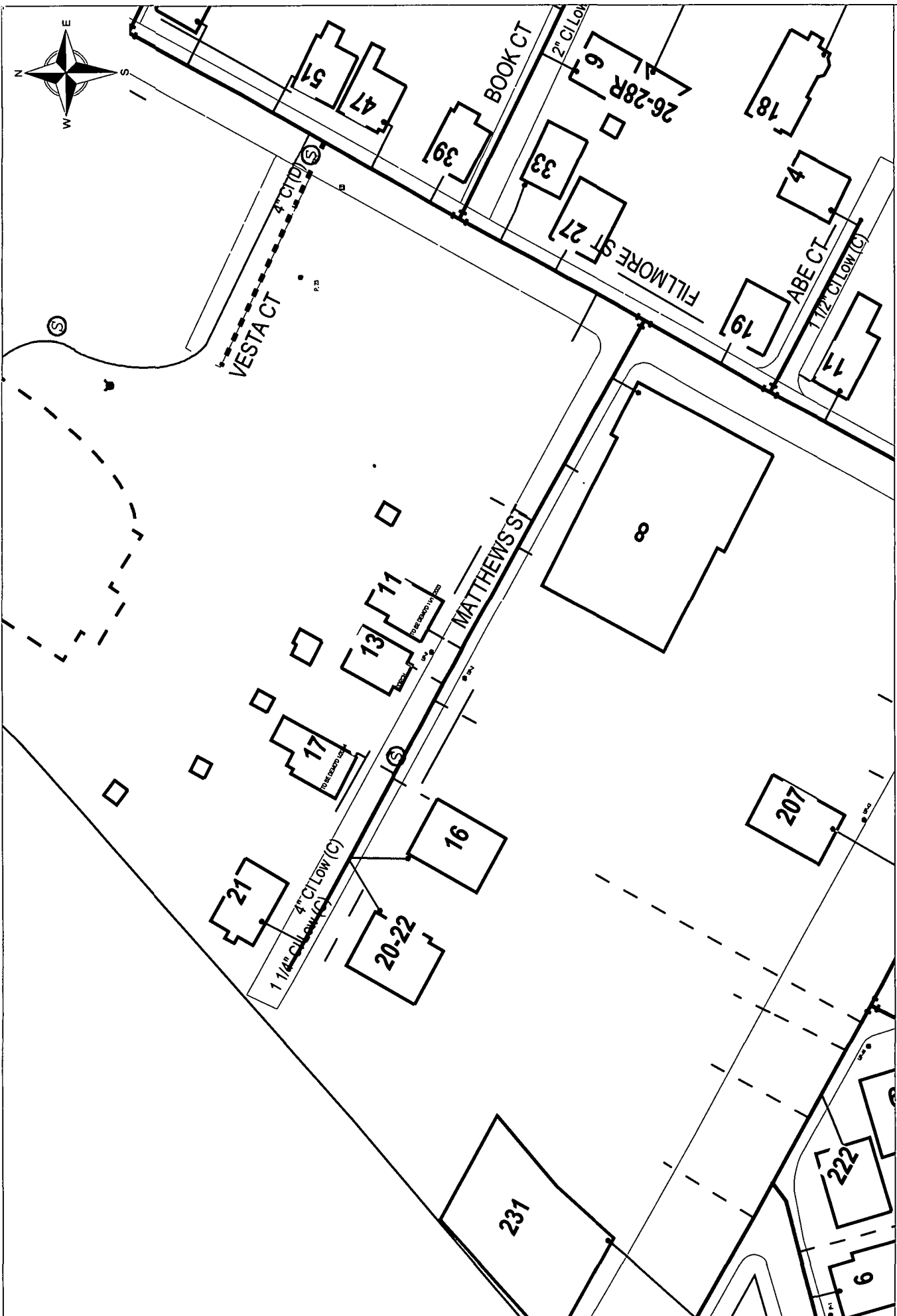
If you have any further questions please feel free to call me at (401) 525-5521.

Sincerely,

Tom Gavula
Manager GIS/Records & Drafting

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

Attachments



05/17/2004

PROVIDENCE

Anthony Romano

MATTHEWS STREET

EASEMENT AGREEMENT

Preamble. This Agreement is made on _____, 20____, at _____, Rhode Island, 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 an easement and right-of-way upon and across the real property described on Exhibit A, which is attached to this Agreement and hereby incorporated by reference (the "Property").

2. **Consideration.** This easement is granted in consideration of the Grantee's payment to Grantor of \$_____, receipt of which is acknowledged.

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

4. **Location of Easement.** The location of the easement on the property is described on Exhibit A, which is attached to this Agreement and hereby incorporated by reference.

5. **Purpose of Easement.** This right-of-way easement, with its rights and privileges, shall be used on the Property for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating, and removing a pipeline for the transportation and distribution of natural gas.

6. **Duration of Easement.** This easement shall be perpetual.

7. **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 instruments 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 Property.

8. **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 area covered by this grant. In addition, Grantor covenants not to construct any permanent structure within the boundaries of the easement.

9. **Indemnity.** Grantee shall hold harmless, defend, and indemnify Grantor against any suits, liabilities, claims, demands, or damages, including but not limited to personal injuries and attorneys' fees, arising from Grantee's exercise of easement rights granted by this instrument.

10. Temporary Easement. In addition to the right-of-way easements located as specified in Paragraph 4, Grantee shall have the right to use as much of the surface of the Property adjacent to the easement as may be reasonably necessary for Grantee to construct and install the contemplated facilities in the easement. 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.

11. Encroachments. Grantee shall have the right to cut and trim trees or shrubbery that may encroach upon the easement area described in Paragraph 4 of this Agreement, 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 Property.

12. 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 Property 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 Property in any material quantity, and that the Grantor has no notice or knowledge of any actual, pending, or threatened environmental claims against the Property.

12. Termination. The easement, along with its rights and privileges shall terminate when the purpose of the easement, as described in Paragraph 5 of this Agreement, ceases to exist, is abandoned by Grantee, or becomes impossible of performance.

13. 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 shall terminate, and this Agreement shall be of no further force or effect.

14. 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.

15. 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.

16. Assignability and Binding Effect. This easement shall be assignable. 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.

Executed this _____ day of _____, 20____, at _____, Rhode Island.

GRANTOR

Typed name of Grantor: _____

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF RHODE ISLAND §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20____ by _____ [include 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: _____

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

401 • 461 • 8848
401 • 461 • 6540 FAX



Vincent J. Mesolella
Chairman

Paul Pinault, P.E.
Executive Director

<http://www.narrabay.com>

May 26, 2004

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

Subject: Abandonment of City-Owned Property


Dear Ms. Stetson:

I am responding to your memorandum concerning the abandonment of Matthew Street located in the City of Providence, RI.

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

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

Sincerely,


John Zuba
Project Coordinator

Cc: Steve Martinelli, NBC

RESOLUTION OF THE CITY COUNCIL

No. 343

Approved August 6, 2004

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown as a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street Line Section Plan No. 064763, dated May 24, 2004,"

VIZ: MATTHEW STREET, running northwest from Fillmore Street as described in Attachment "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters I-J-K-L-I (the "abandoned parcel"), having ceased to be useful to the public is hereby abandoned as a public highway to the Petitioner. Said abandonment is specifically conditioned precedent upon the following:

1. The Petitioner, Times 2 Incorporated, shall either tender the amount of the value of the abandoned parcel in legal tender to the City of Providence, or shall provide a deed conveying fee simple ownership of property located at Douglas Avenue and Fillmore Street (AP 68, Lots 30 and 79), after appraisal establishes the value of the said property is equal to at least 90% of the assessed valuation of the parcels to be abandoned on Wiley Street and Matthew Street. Should the valuation be less than the requisite 90%, the Petitioner is willing to pay the balance of the fair market value of the abandoned parcels.

2. The City shall retain for itself in the abandoned premises easements sufficient to permit retention of (a) New England Gas Company's 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; (b) Narragansett Electric Company's 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; and (c) Verizon's 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.

3. The Petitioner, at Petitioner's sole cost and expense, shall physically sever the Matthew Street water main under the abandoned parcel from the Fillmore Street main and allow the abandoned water pipeline to remain in place.

4. Petitioner shall comply with all conditions contained in the City Planning Commission's letter dated June 21, 2004.

5. Petitioner shall comply with all conditions contained herein not later than ninety (90) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

6. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works, and/or as may be imposed by the Mayor or the Law Department.

And it is further

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be placed on the above-named street 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 street which has been abandoned, who is known to reside within the State.

IN CITY COUNCIL
AUG 5 2004
READ AND PASSED

Balbir Singh
PRES. PRO TEMPORE

Michael R. Clement
Clerk

Michael R. Clement
Michael R. Clement
City Clerk

APPROVED

[Signature]

MAYOR

8/6/04

MAKRAM H. MEGALLI, P. E.
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

May 28, 2004

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council – City Hall
Providence, RI 02903

RE: Proposed Abandonment of Ark Court, Wiley Street and Matthew Street

Dear Councilman Hassett:

This department has no objection to the proposed abandonment of Ark Court, Wiley Street and Matthew Street in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept. – Engineering Office, Street Line Section, Plan No. 064763-Date: May 24, 2004.

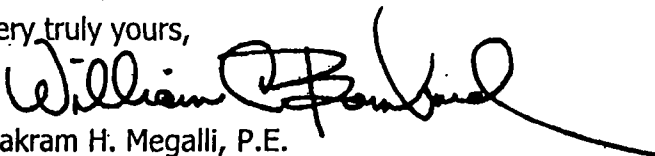
All the above noted streets are to be abandoned from Fillmore Street to end and are shown as cross-hatched area on the accompanying plan. Area of Ark Court is designated as A-B-C-D--A, area of Wiley Street is designated as E-F-G-H-E; and area of Matthew Street is designated as I-J-K-L-I on the accompanying plan.

Total square footage for these abandonment's is 18,696± square feet. Lot numbers for aforementioned plan were taken from City of Providence Assessor's Plats 68 & 69. A list of abutting property owners is attached herewith for your approval.

According to Informational Bulletin 2003.01 issued by Rhode Island State Board of Registration for Professional Land Surveyor, a road abandonment constitute 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 in this regard, please advise.

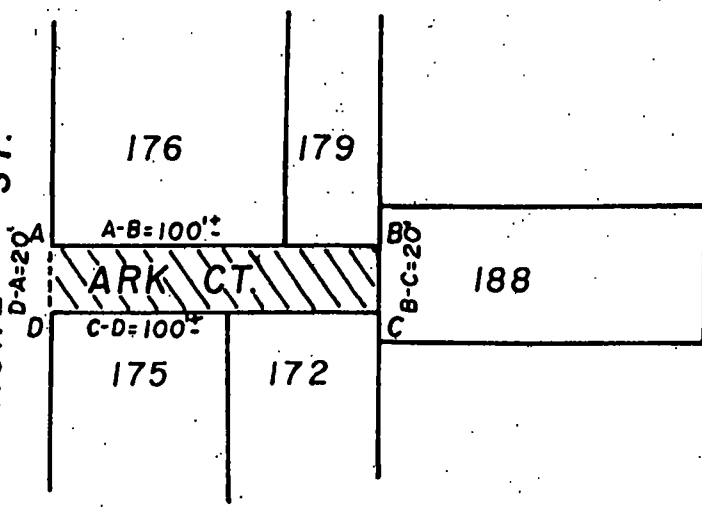
Very truly yours,

for 
Makram H. Megalli, P.E.
Director

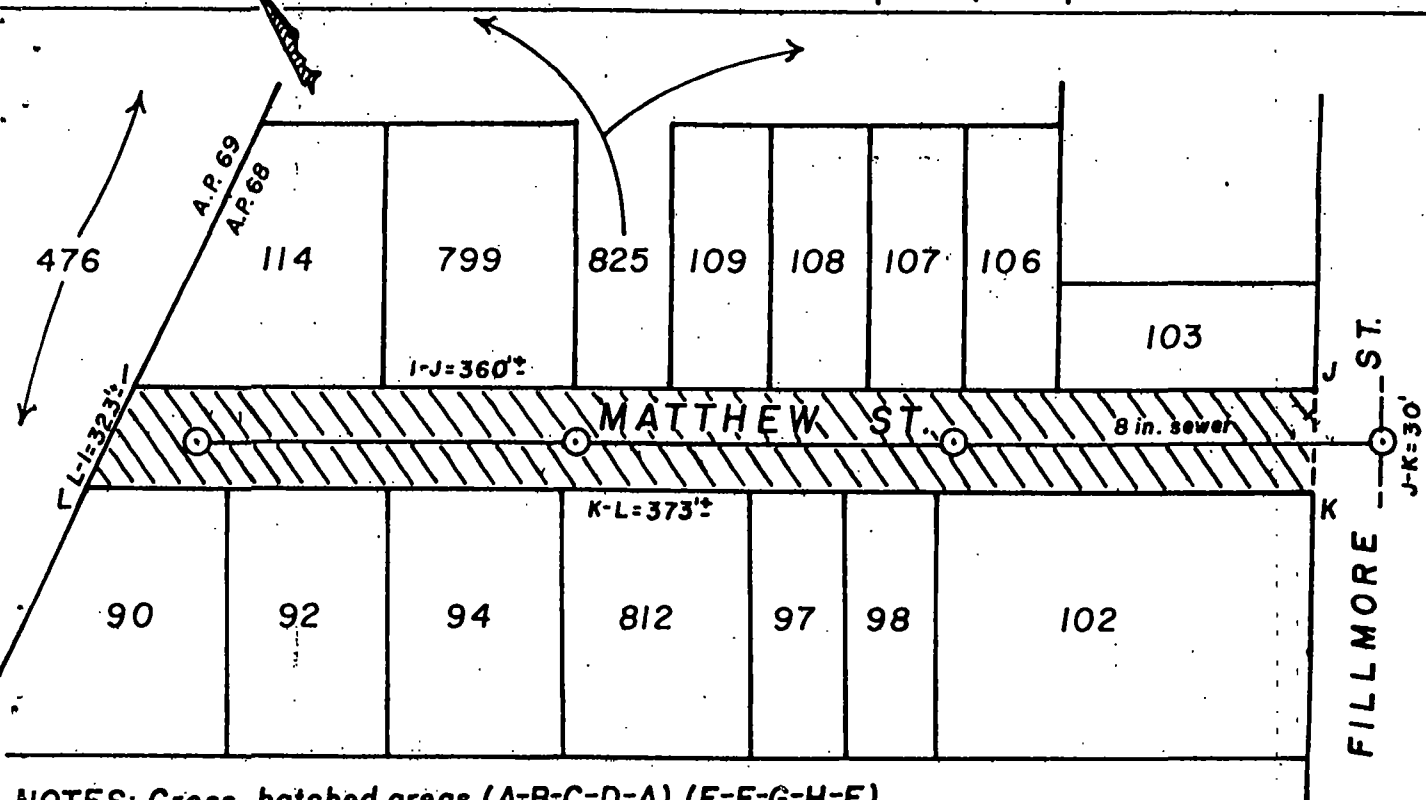
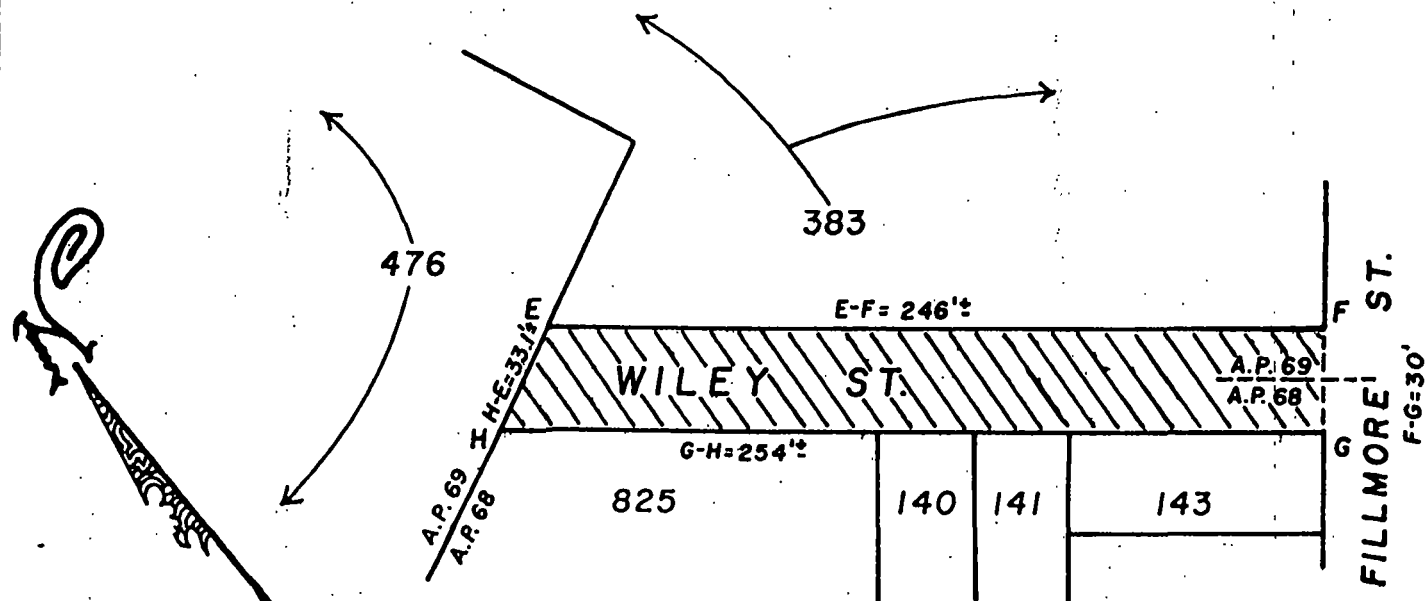
Cc: M. Clemet – City Clerk
BB, GF, JLC, SZ-DPW
A. Southgate, Esq. – Law Dept.
T. Deller; W. Floriani - Planning

700 Allens Avenue-Providence, Rhode Island 02905 – (401) 467-7950 – FAX 941-2567 – TDD 751-0203

FILLMORE ST.



PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. **064763**
 Date **May 24, 2004**



NOTES: Cross-hatched areas (A-B-C-D-A), (E-F-G-H-E)

& (I-J-K-L-I) indicate proposed abandonments for

Times² Inc. Total square footage= 18,696'±

ARK CT. square footage= 200'±

WILEY ST. square footage= 7,500'±

MATTHEW ST. square footage= 10,996'±

Sewer to be abandoned for private use.

Lot numbers taken from A.P. 68 & 69

CITY OF PROVIDENCE, R. I.
 Public Works Dept. • Engineering Office
 Showing proposed abandonments on Ark Ct.,
Wiley St. & Matthew St.
 Drawn by A. Zisiades Checked by gla
 Scale 1"=60' Date 5-24-2004
 Correct James A. Morris Associate Engr.
 Approved William C. Bamber CHIEF ENGINEER



DEPARTMENT OF CITY CLERK

CITY HALL, PROVIDENCE, R.I. 02903

MICHAEL R. CLEMENT, CITY CLERK



68

Raymond P. Woodcock
10 Filmore Street
Providence, RI 02908

MLNFA
08003

WOODCOCK 029085569 1904 11 09/04/04
RETURN TO SENDER
WOODCOCK
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

02908+3103 03

RESOLUTION OF THE CITY COUNCIL

No. 343

Approved August 6, 2004

RESOLVED, DECREED, AND ORDERED:

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IN CITY COUNCIL
AUG 5 2004
READ AND PASSED

Balkin & Young
PRES. PRO TEMPORE

Michael R. Clement
Clerk

Michael R. Clement
Michael R. Clement
City Clerk

APPROVED

[Signature]
MAYOR

8/6/04

MAKRAM H. MEGALLI, P. E.
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

May 28, 2004

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council – City Hall
Providence, RI 02903

RE: Proposed Abandonment of Ark Court, Wiley Street and Matthew Street

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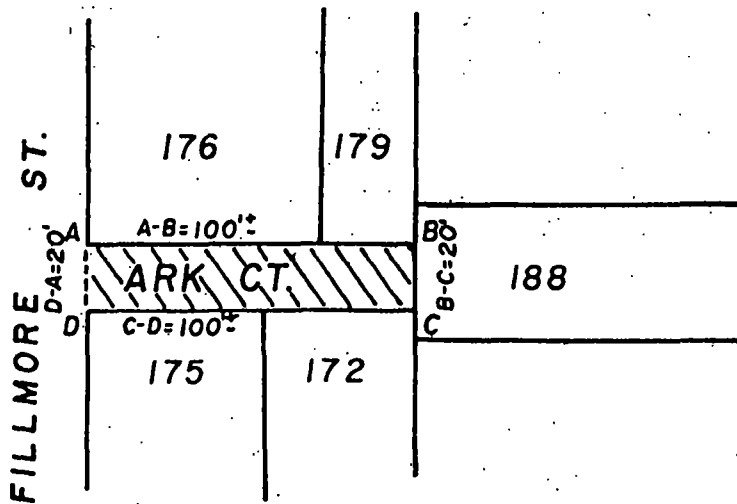
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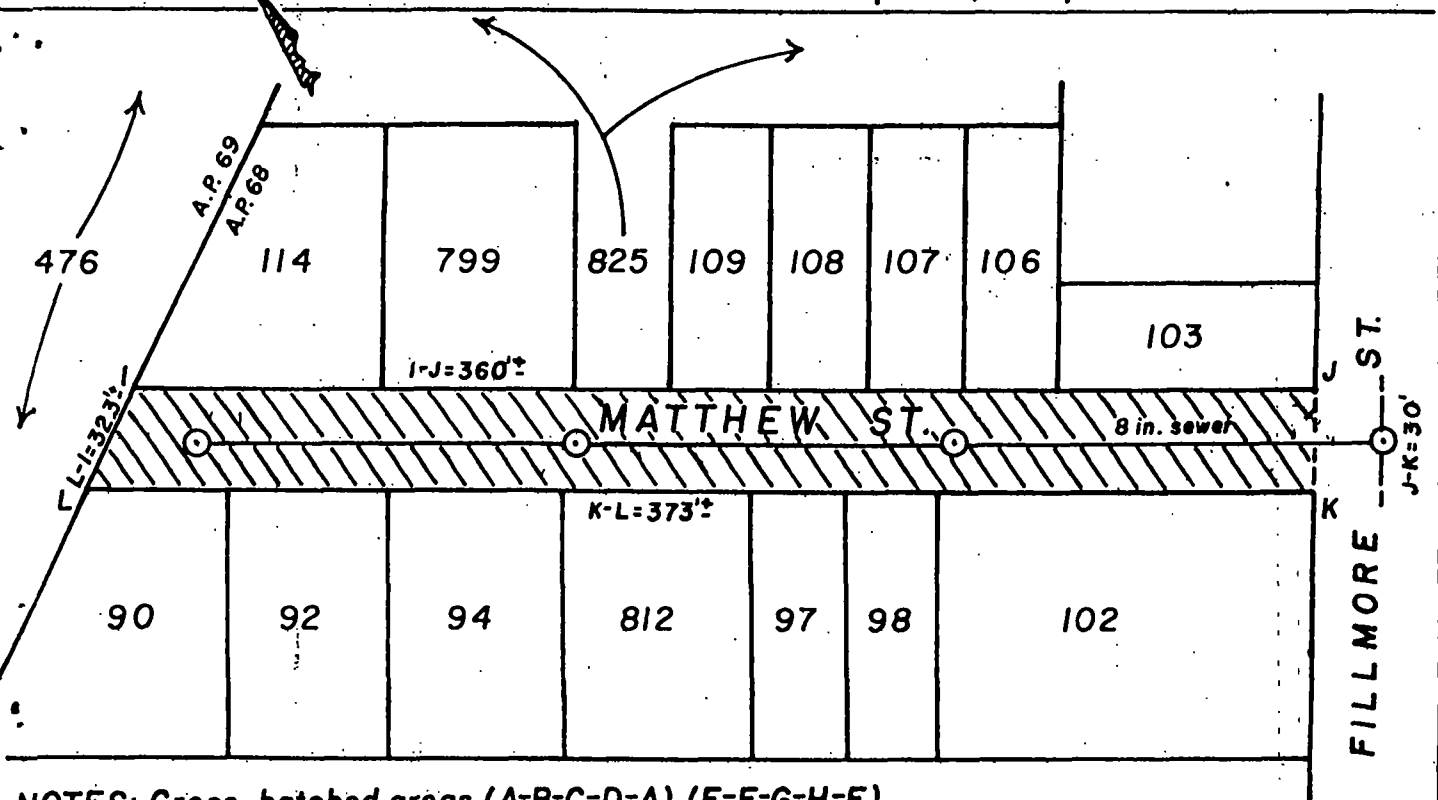
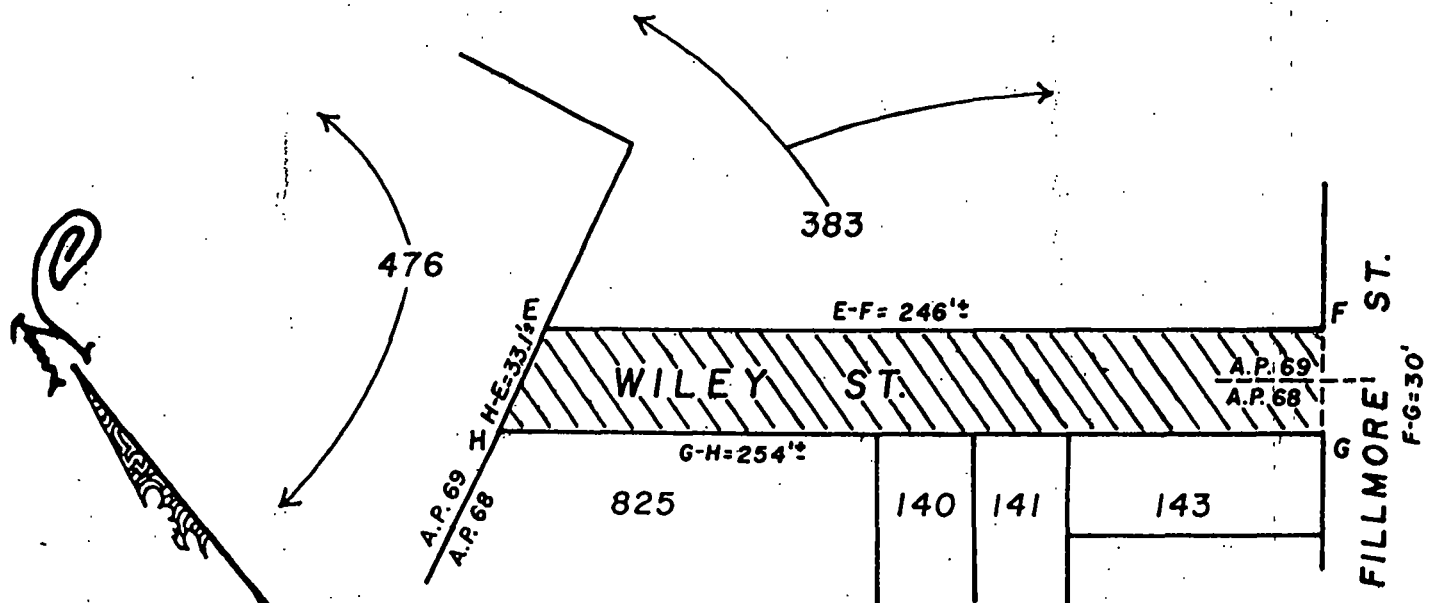
for William H. Megalli
Makram H. Megalli, P.E.
Director

Cc: M. Clemet – City Clerk
BB, GF, JLC, SZ-DPW
A. Southgate, Esq. – Law Dept.
T. Deller; W. Floriani - Planning

700 Allens Avenue-Providence, Rhode Island 02905 – (401) 467-7950 – FAX 941-2567 – TDD 751-0203



PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. **064763**
 Date **May 24, 2004**



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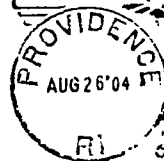
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 Approved William C. Bamber CHIEF ENGINEER



DEPARTMENT OF CITY CLERK

CITY HALL, PROVIDENCE, R.I. 02903

MICHAEL R. CLEMENT, CITY CLERK



U.S. POSTAGE

0.60



**MOVED, LEFT
NO ADDRESS**

Maria L. Gallego-Diaz
21 Matthew Street
Providence, RI 02908

MLNFA
08003

02903 1727

