

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 316

Approved July 18, 2005

WHEREAS, On July 23, 2004, Dr. Vito D. Buonomano and Louise J. Buonomano, petitioners, sought to purchase a portion of City property immediately adjacent to a residence and office located at 945 Smith Street in the City of Providence (AP 81, Lot 39), having been advised that their garage was encroaching on a playground at Fagnoli Park (AP 71, Lot 451); and

WHEREAS, the matter was presented to City Council on September 2, 2004, and thereafter was referred to the City Property Commission, where it was considered at meetings held on October 20, 2004 and March 29, 2005; and

WHEREAS, during the March meeting, information was provided showing that the City was likewise encroaching on certain property owned by the petitioners, and had in fact sited a monument and a portion of a playground on the petitioners' property; and

WHEREAS, the Law Department requested that the Tax Assessor arrange for an appraisal of both the petitioners' encroachment on City property and the City's encroachment on the petitioners' property; and

WHEREAS, on May 13, 2005, Andolfo Appraisal Associates, Inc. submitted its valuations of the two properties, finding that the petitioners' encroachment had a value of \$1,071 and that the City's encroachment had a value of \$1,080; and

WHEREAS, the City's Home Rule Charter, Section 416 (7), states:

No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the city assessor and the value of the property to be received by the city equals or exceeds the value of the property to be disposed of by the city. Exchange of property must be authorized by resolution passed by an affirmative vote of the majority of the entire city council unless otherwise specified by this Charter.

NOW, THEREFORE, BE IT RESOLVED, that Petitioners are granted permission to exchange the 60 square feet, more or less, which they own in AP 81, Lot 39, for the 59.5 square feet, more or less, which the City owns in AP 71, Lot 451. Said grant is specifically conditioned upon the following:

IN CITY COUNCIL

FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY

Michael R. Cleveland
CLERK
ams

THE COMMITTEE ON

City Property

Recommends

Clive S. Bestwick ams

CLERK

10-20-04 con 4
3-29-05 con 7 AMS
6-16-05 con 4 AMS

THE COMMITTEE ON

City Property

Approves Passage of
This Within Resolution

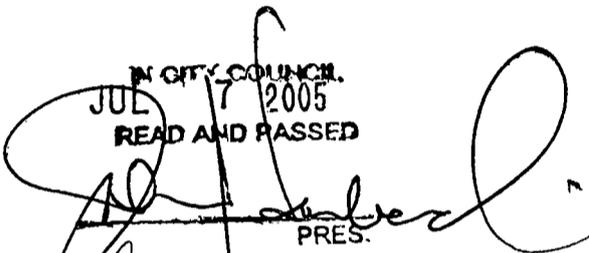
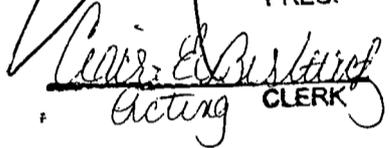
Ann M. Stetson

6-16-05 (ams)

1. For such grant and other good and valuable consideration, Petitioners shall indemnify and hold harmless the City of Providence its agents, officers, servants, and employees, from any and all claims, demands, suits and compromise, both for damage to property and damages to persons, of whatever kind which may result from the exchange of property.

2. Petitioners shall record this exchange in the Land Evidence Records of the City of Providence within sixty (60) days of an affirmative vote by the City Council.

3. Such other terms and conditions as may be imposed by His Honor, the Mayor, the City Solicitor, and the City Property Commission.

IN CITY COUNCIL.
JUL 7 2005
READ AND PASSED

PRES.

Acting CLERK

APPROVED


MAYOR 7/18/05



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

May 13, 2005

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

Re: 925 Smith Street, Providence
Value for Encroachments and Proposed Land Swap
Assessor's Plat 81, Lots 451 and 39

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located at 925 Smith Street and Fagnoli Park for the purpose of evaluating a potential land swap between the City of Providence and Dr. Vito Buonomano. Specifically, Assessor's Plat 81, Lot 39 belongs to Dr. Buonomano and Plat 71, Lot 451 belongs to the City of Providence.

The existing encroachment on City property by Dr. Buonomano contains 59.5 square feet, and measures, in general, 2.37 feet by 22 feet in length along the property line of the Fagnoli Park. The City's encroachment contains 60 square feet and measures 8 feet by 15 feet in length.

The above measurements were verified by Mr. Louis Federici, a registered land surveyor for Dr. Buonomano. The City's Department of Public Works has no objection to this request. However, they do require a Class 1 survey for recording purposes prior to any conveyances. The City's parcel is zoned OP (Open Space), and the parcel owned by Dr. Buonomano is zoned RP (Residential Professional).

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. John Gelati
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May 13, 2005

We have taken into account a number of factors in arriving at the fair market value of the sites. Dr. Buonomano will gain the use of the site for either commercial or residential use to support his garage encroachment, and the Parks Department will not have to remove a monument from that portion of the site as currently owned by Dr. Buonomano.

The highest and best use of both parcels would be for residential professional as is predominately zoned given their location on the Smith Street commercial corridor. The petitioner would have full use of the site given the fact that he has constructed a portion of his garage on the City's site. The City would gain full use of their portion of Dr. Buonomano's land to maintain the park monument.

Based upon an analysis of comparable sales as contained within the offices of Andolfo Appraisal Associates, Inc., a fee value of \$18.00 per square foot is hereby estimated.

Therefore, the City value for 60 square feet at \$18.00 per square foot is \$1,080, and Dr. Buonomano's value for 59.5 square feet at \$18.00 per square foot is \$1,071.

In conclusion, given the negligible difference in the calculated values, the City would effectuate an even swap with Dr. Buonomano if so inclined.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

William G. Floriani (had)

William G. Floriani

Certified Residential Appraiser

Thomas S. Andolfo, MAI

Thomas S. Andolfo, MAI

Certified General Appraiser

WGF:TSA/fad

HOOPIS & HOOPIS

ATTORNEYS AT LAW

33 COLLEGE HILL ROAD . 5B . WARWICK, RHODE ISLAND 02886

HARRY J. HOOPIS
JENNIFER HOOPIS D'AMBRA

(401) 823-6268
FAX (401) 823-6265
E-MAIL: HOOPIS@AQL.COM

July 23, 2004

Councilwoman Josephine DiRuzzo
Ward 15
c/o Providence City Hall
25 Dorrance Street
City Council Dept., Room 310
Providence, RI 02903

Re: Louise J. Buonomano and Vito D. Buonomano
945 Smith Street, Providence, RI
Assessor's Plat 81, Lot 39

Dear Councilwoman DiRuzzo:

Please be advised that this office represents the above-named individuals regarding property owned by them at 945 Smith Street, Providence, RI. Our clients have been advised that their property is presently encroaching on property owned by the City of Providence. The city's property is the playground on the corner of Sharon Street and Smith Street.

Our clients are desirous of purchasing a portion of said property. Please present this request to your committee.

Please keep this office advised of the developments as they arise including the date of any hearing.

If you have any questions, please do not hesitate to contact this office.

Thank you for your consideration in this matter.

Very truly yours,

HOOPIS & HOOPIS


HARRY J. HOOPIS

H&H/HJH/tp
cc: Vito D. Buonomano

RECEIVED
CITY OF PROVIDENCE
OFFICE OF THE CITY CLERK
JUL 29 2004
CITY CLERK'S OFFICE

JUL 29 2004
CITY CLERK'S OFFICE

IN CITY COUNCIL
SEP 2 2004
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

City Property

[Signature]
CLERK

THE COMMITTEE ON

City Property
Recommends *Be Continued*
Claire E. Butler
CLERK

Oct. 20, 2004
March 29, 2005 - Con 4

FROM THE CLERK'S DESK