

# RESOLUTION OF THE CITY COUNCIL

No. 494

Approved September 14, 2001

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. 064653 dated June 20, 2000.."

VIZ: Vesta 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 to the Petitioner. Said abandonment is specifically conditioned precedent upon the following:

1. The Petitioner, Times 2 Academy, shall tender the amount of One (\$1.00) Dollar in legal tender U.S. currency to the City of Providence.
2. The city shall retain for itself in the abandoned premises an easement sufficient to permit retention of Providence Energy'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 be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.
3. 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 become a nullity.
4. The Petitioner shall meet each of the conditions to which reference is made in that communication from the Providence Fire Prevention Bureau dated 16 June 2000 which states Petitioner and any successors in interest shall maintain said abandoned roadways so that emergency vehicles will have twenty-four (24) hour access to the front of the Times 2 Academy.

THE COMMITTEE ON  
~~Public Works~~  
Recommends *Set up Public Hearing*  
Clair D. Buttner  
June 12, 2001

THE COMMITTEE ON  
~~Public Works~~  
Recommends *Public Hearing held*  
Clair D. Buttner  
July 11, 2001

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution  
Clair D. Buttner  
July 26, 2001 Clerk

IN CITY COUNCIL  
JUN 1 2000  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS  
Michael L. Cernocky  
CB

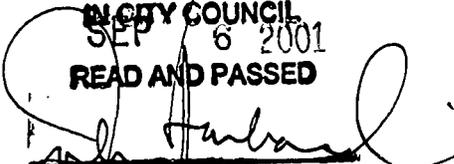
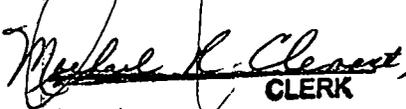
THE COMMITTEE ON  
~~Public Works~~  
Recommends *Set up Public Hearing*  
Clair D. Buttner  
Oct. 10, 2000

THE COMMITTEE ON  
~~Public Works~~  
Recommends *Public Hearing held*  
Clair D. Buttner  
Nov. 8, 2000

THE COMMITTEE ON  
~~Public Works~~  
Recommends *Continued set up Public Hearing*  
Clair D. Buttner  
Nov. 21, 2000

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**  
SEP 6 2001  
**READ AND PASSED**  
  
**PRES.**  
  
**CLERK**  


**APPROVED**  
SEP 14 2001  
  
**MAYOR**

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 VESTA STREET.**

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
68	122	Providence Redevelopment Agency City of Providence 400 Westminster Street Providence, RI 02903
68	124	Providence Redevelopment Agency City of Providence 400 Westminster Street Providence, RI 02903
68	125	Providence Redevelopment Agency City of Providence 400 Westminster Street Providence, RI 02903
68	128	Providence Redevelopment Agency City of Providence 400 Westminster Street Providence, RI 02903
68	129	Providence Redevelopment Agency City of Providence 400 Westminster Street Providence, RI 02903

**PETITIONER**

Providence Redevelopment Agency  
John F. Palmieri, Director  
400 Westminster Street  
Providence, RI 02903

  
\_\_\_\_\_  
Ralph Guglielmino  
City Sergeant

\_\_\_\_\_  
Councilman Terrence M. Hassett  
Ward 12

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

June 21, 2000

Hon Robert M. Clarkin  
Chairman of the Public Works Comm.  
Providence City Council/City Hall  
Providence, Rhode Island 02903

Re: Portion Abandonment  
Vesta St.

Dear Councilman Clarkin:

This department has no objection to the proposed portion abandonment of Vesta Street, in conjunction with the accompanying plan, entitled " Providence, RI, P.W. Dept. - Engineering Office, Street Line Section, Plan No. 0646537 Date: June 20, 2000".

The portion of Vesta St. to be abandoned is noted as cross-hatched area designated by the letters A-B-C-D-A on the accompanying plan. Total square footage for this proposed portion abandonment of Vesta St. is 3435.00+. Lot numbers were taken from the City of Providence A.P. 68.

A list of abutting property owners is attached herewith for your perusal. If we can be of further assistance, please advise.

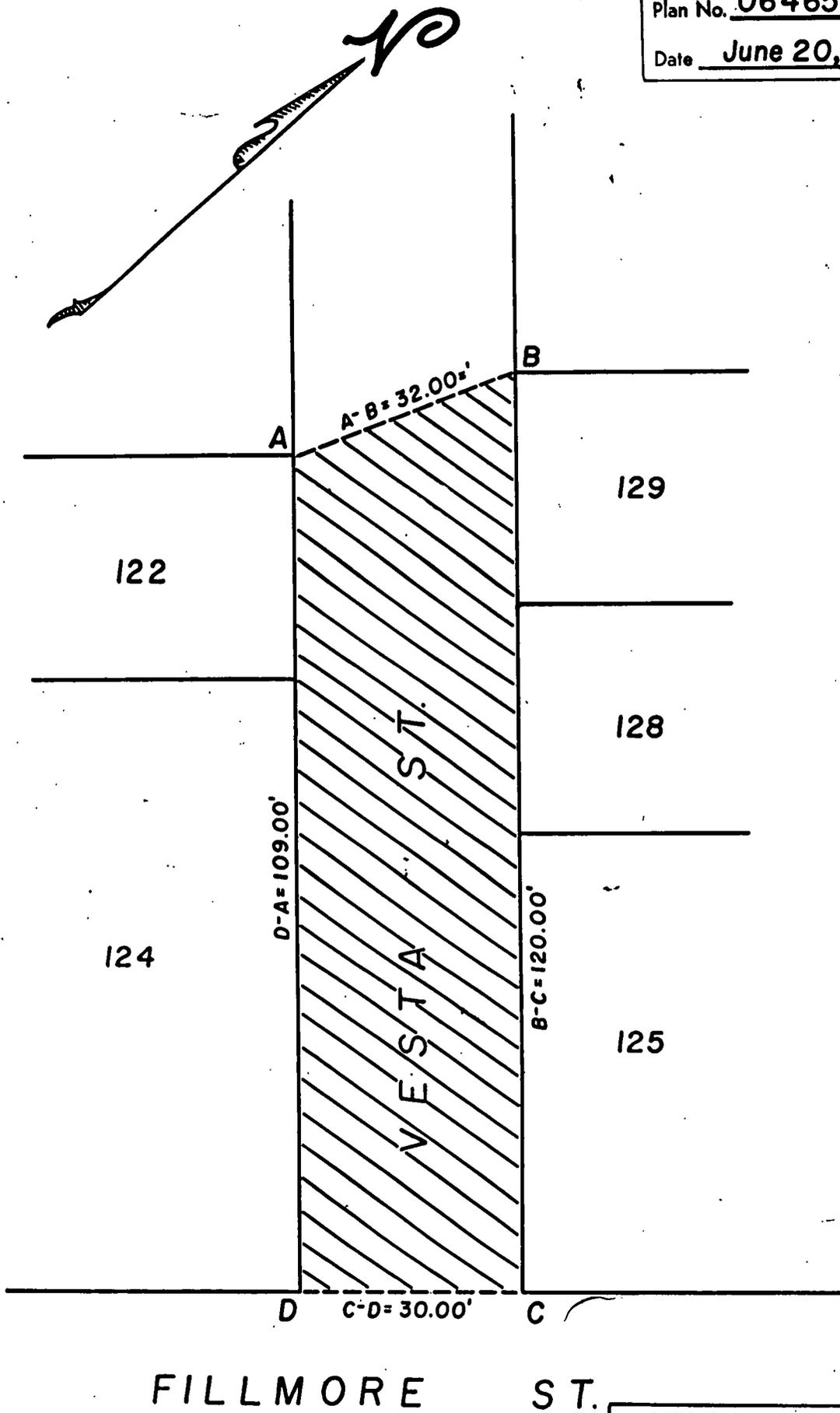
Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a horizontal line.

Ferdinand C. Ihenacho, P.E.  
Director of Public Works

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

PROVIDENCE, R. I.  
 P. W. DEPT. - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064653  
 Date June 20, 2000



**NOTES:** Cross-hatched area (A-B-C-D-A)  
 indicates proposed abandonment.  
 Total square footage = 3435.00'  
 Lot numbers taken from A.P. 68.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing proposed abandonment of a  
Vesta St. (portion of)  
 Drawn by A. Zisiades Checked by [Signature]  
 Scale 1" = 20' Date 6/20/2000  
 Correct [Signature] Associate Engr.  
 Approved [Signature] CHIEF ENGINEER

JOHN F. PALMIERI

Director



VINCENT A. CIANCI, JR.

Mayor

**Department of Planning and Development**

*"Building Pride in Providence"*

November 29, 2000

Councilman Robert M. Clarkin  
Providence City Hall  
City Council Office  
25 Dorrance Street  
Providence, RI 02903

**RE: Abandonment of Vesta Street**

Dear Councilman Clarkin:

It has come to my attention that the Public Works Committee had a public hearing on the abandonment of Vesta Street and that no one appeared either in support or opposition to the proposal.

It is unfortunate that this Department somehow missed the hearing. It was not intentional. Although the Clerk's Office sent us notification it was inadvertently overlooked. It is unfortunate that the petitioner, Times<sup>2</sup> was not notified of the hearing.

However, given that public notice was given and that no person appeared to object, it would seem to be ample justification that your Committee fulfilled its obligation to have the matter heard. To call for a second hearing, which at best will be perfunctory, will cause undue hardship and delay to Times<sup>2</sup>. We have been working with the charter school for some time now and feel that the Committee has the power to approve the abandonment without a second public hearing.

I was at another public hearing on November 21, when your Committee made the decision to hold a second hearing on the advice of Assistant City Solicitor John D'Amico. On this date, I received and reviewed the minutes of that meeting. I disagree with Mr. D'Amico's assertion that the Committee has no "credible kind of evidence." It seems to me that Mr. Ralph Taylor of Times<sup>2</sup> presented the purposes of the plan at your November 21 meeting.

Moreover, the street abandonment proposal was reviewed by Traffic Engineering and Public Works, both of whom registered no objection.

Therefore, I respectfully request that the Committee reconsider its position and approve the abandonment of Vesta Street without going through a second public hearing.

Sincerely,

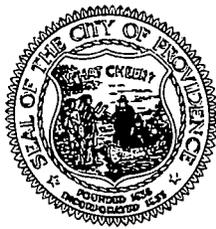
A handwritten signature in black ink, appearing to read "John F. Palmieri". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John F. Palmieri

SJS:pb

CC: Michael Clement, City Clerk ✓  
John D'Amico, Assistant City Solicitor  
Ralph Taylor, Times<sup>2</sup>

GEORGE CALCAGNI  
Chair



VINCENT A. CIANCI, JR.  
Mayor

## PROVIDENCE CITY PLAN COMMISSION

*"Planning The Future of Providence"*

June 27, 2000

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

Attn: Michael R. Clement, City Clerk

**Re: CPC Referral No. 3168, Petition for the Abandonment of Vesta Street.**

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, June 20, 2000 reviewed and evaluated the request of the Committee on Public Works dated May 1, 2000 for the Commission's recommendation on the proposed abandonment of Vesta Street.

The petitioner is the Providence Redevelopment Agency, on behalf of itself and the Times<sup>2</sup> Academy requesting the abandonment of the remaining portion of Vesta Street in front of lots 129, 128, 125, 124 and 122 on Assessor's Plat 68, commencing at Fillmore Street and terminating at the dead-end portion of Vesta Street. The first portion of Vesta Street was abandoned on July 10, 1998. The purpose of the abandonment is to assemble the adjacent parcels into one lot for the Times Academy.

The Commission found the proposed abandonment is consistent with the Comprehensive Plan and voted to recommend that the Committee on Public Works approve this proposed abandonment.

Sincerely,

Samuel J. Shamon, Associate Director of Planning

cc: Mr. Ralph Taylor, Times<sup>2</sup> Academy  
George Calcagni, Chair

James F. Rattigan  
Chief of Department

David D. Costa  
Fire Marshal



Vincent A. Cianci Jr.  
Mayor

John J. Partington  
Commissioner

**PROVIDENCE FIRE PREVENTION DIVISION**  
*"Smoke Detectors Save Lives"*

June 16, 2000

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

Re: Petition to Abandon a Portion of Vesta Street

Dear Chairman Clarkin,

After review of the proposal to abandon a portion of Vesta Street (see attached), the Fire Department has no objection provided that access for emergency vehicles is maintained to the front of the Times-2 Academy.

Respectfully,

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

David D. Costa  
Fire Marshal

PROPOSED ABANDONMENT OF A PORTION  
OF VESTA STREET

A.P. 68	LOT 122	CITY OF PROVIDENCE		
	LOT 124	" "	"	
	LOT 125	" "	"	
	LOT 128	" "	"	
	LOT 129	" "	"	

ARMANDO PARILLO  
*Chairman*

JOEL D. LANDRY, II, ESQ.  
*Vice Chairman*

ROBERT J. KILDUFF, ESQ., P.E.  
*Secretary*

FERNANDO S. CUNHA, ESQ.  
*Legal Advisor*

ALEXANDER D. PRIGNANO  
*Ex-Officio*



VINCENT A. CIANCI, JR.  
*Mayor*

RICHARD O. RAFANOVIC, P.E., M.B.A.  
*General Manager & Chief Engineer*

JOSEPH DE LUCA  
*City Councilman*

RITA M. WILLIAMS  
*City Councilwoman*

MARY A. NOCERA  
*Member*

JOSEPH D. CATALDI  
*Member*

June 14, 2000

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

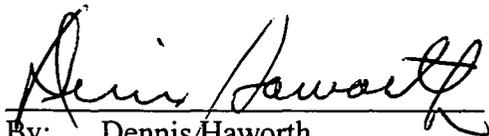
**SUBJECT: Petition to Abandon a Portion of Vesta Street**

Dear Councilman Clarkin:

The referenced Petition received from the Department of City Clerk proposes to abandon a portion of Vesta Street. The proposed abandonment fronts on Lots 122, 124, 125, 128 and 129, on Assessor's Plat 68 and terminates at the roadway's existing dead end.

Accordingly, we have reviewed this Petition with respect to the impact it may have on the Providence Water Supply Board (PWSB) Distribution System. Our present records indicate that the portion of Vesta Street, as proposed herein for abandonment, contains no facilities belonging to PWSB. Therefore, PWSB has no objection to the proposed abandonment and should you have any questions, please contact the undersigned at (401) 521-6300, Ext. 7228.

Respectfully,  
PROVIDENCE WATER SUPPLY BOARD  
Richard O. Rafanovic, P.E., M.B.A.  
General Manager and Chief Engineer

  
By: Dennis Haworth  
Engineering Records Manager

cc: P. Gadoury, P.E.  
S. Pauley, P.E.  
M. Clement, City Clerk  
File

NANCY L. DERRIG  
Superintendent of Parks



VINCENT A. CIANCI, JR.  
Mayor

## Department of Public Parks

*"Building Pride In Providence"*

June 12, 2000

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

RE: Proposed Abandonment of portion of Vesta Street

Dear Mr. Clement:

The Department of Public Parks has reviewed the proposed abandonment of a portion of Vesta Street and has no objection to the 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:** 11/14/00

**RE:** PENDING MATTERS

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**Request:** To abandon a portion of Vesta Street.

**Disposition:** No objection.

HENRY B. KATZ  
*Chairman*

LESLIE A. GARDNER  
*Vice Chairman*

ROBERT H. MONTECALVO  
JOSE V. MONTIARO  
MICHAEL A. SOLOMON  
*Members*

RONALD W. ALLEN  
LUIS A. APONTE  
*Councilmen*

JOHN F. PALMIERI  
*Executive Director*

SAMUEL J. SHAMON  
*Secretary*



VINCENT A. CIANCI, JR.  
*Mayor*

## PROVIDENCE REDEVELOPMENT AGENCY

*"Building Pride in Providence"*

### MEMORANDUM

**DATE:** July 18, 2001

**TO :** Michael Clement, City Clerk

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

**RE :** Vesta St. Abandonment

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The Providence Redevelopment Agency and Times<sup>2</sup> are requesting this abandonment. This property will be used as part of their complex. The Fair Market Value for this site, because Times<sup>2</sup> is a non-profit, would be \$1.00.



PROVIDENCE POLICE DEPARTMENT  
Traffic Services  
209 Fountain St, Providence, RI 02903  
272-3121 X2352

6/12/00

To: Councilman Robert M. Clarkin, Chairman, Committee on Public Works  
From: Major Richard T. Sullivan  
Subject: Vesta Street Abandonment

Sir:

Attached is a Memorandum dated June 8, 2000, reference the abandonment of Vesta Street to make way for the Times 2 Academy. The area was checked by the Traffic Bureau and at this time there does not appear to be problem with the abandonment. With these comments, the Providence Police Department does not have any concerns with the abandonment.

# Narragansett Electric

A National Grid Company



July 25, 2000

Ms. Claire E. Bestwick  
Department of City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Re: Petition to Abandon a portion of Vesta Street

Dear Ms. Bestwick:

The Narragansett Electric Company has no facilities within the above listed areas proposed for abandonment.

Sincerely,

Sheree Storey  
Paralegal/Property Assets

Bell Atlantic - Rhode Island  
85 High Street  
Pawtucket, RI 02860  
401 727-9555

Right of Way Department



July 7, 2000

Providence City Council  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

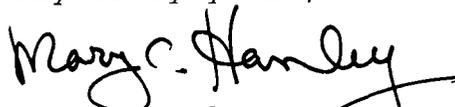
Attn: Mr. Robert Clarkin

RE: PETITION TO ABANDON A PORTION OF VESTA STREET

Dear Sir:

Upon investigation by our in house engineer Lou Goodrich, it has been determined that Bell Atlantic currently has no facilities on the proposed site to be abandoned.

Very truly yours,

  
Mary C. Hanley  
Manager - Right of Way





06/14/00

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

Re: Petition to Abandon a Portion of Vesta St., Providence

Dear Ms. Bestwick:

Providence Gas does own and maintain a 4" gas service within the roadway. This service feeds the school. As long as we may obtain an easement to own and operate said pipe, we have no objections to the above-mentioned petition.

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

Sincerely,

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

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. 494

Approved September 14, 2001

RESOLVED, DECREED, AND ORDERED:

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VIZ: Vesta 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 to the Petitioner. Said abandonment is specifically conditioned precedent upon the following:

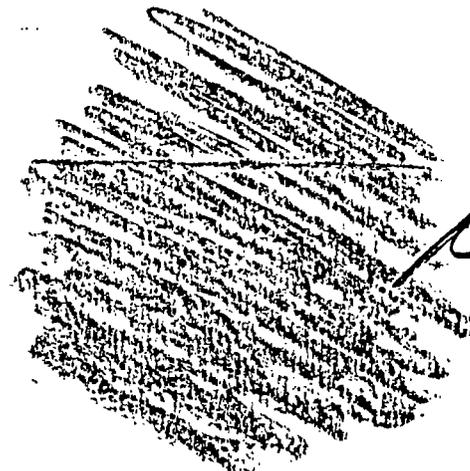
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3. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.
4. The Petitioner shall meet each of the conditions to which reference is made in that communication from the Providence Fire Prevention Bureau dated 16 June 2000 which states Petitioner and any successors in interest shall maintain said abandoned roadways so that emergency vehicles will have twenty-four (24) hour access to the front of the Times 2 Academy.

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  
SEP 14 2001  
READ AND PASSED  
*[Signature]*  
PRES.  
*[Signature]*  
CLERK

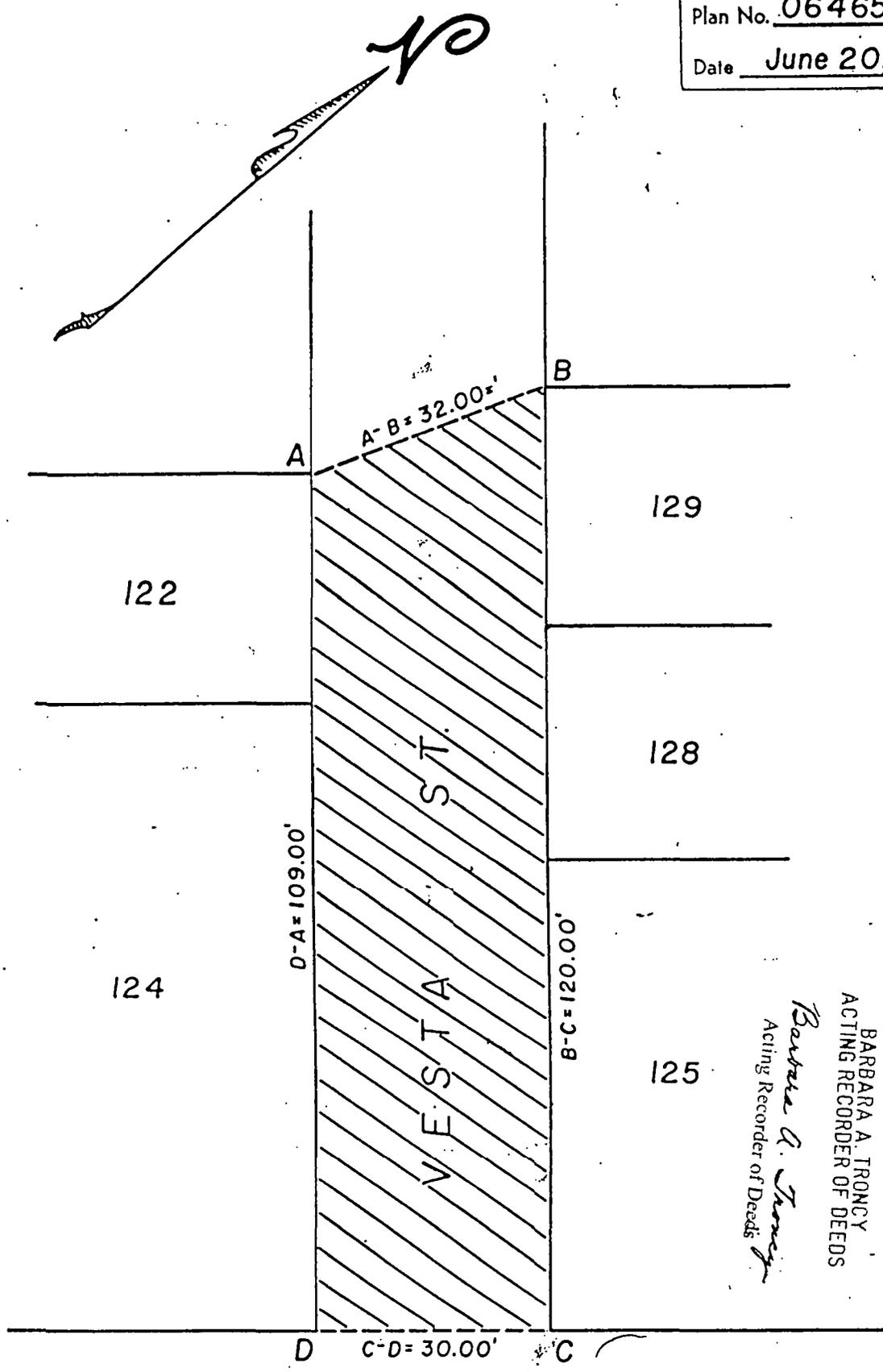
APPROVED  
SEP 14 2001  
*[Signature]*  
MAYOR



A true copy  
Attest:  
*[Signature]*  
Michael R. Clement  
City Clerk

BK 4842PG0050

PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064653  
Date June 20, 2000



PROVIDENCE, RI  
RECEIVED FOR RECORD  
2001 SEP 21 P 2:07  
BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS  
*Barbara A. Troncy*  
Acting Recorder of Deeds

FILLMORE ST.

NOTES: Cross-hatched area (A-B-C-D-A)  
Indicates proposed abandonment.  
Total square footage = 3435.00'

Lot numbers taken from A.P. 68.

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Showing proposed abandonment of a  
Vesta St. (portion of)  
Drawn by A. Zisiades Checked by JEC  
Scale 1" = 20' Date 6/20/2000  
Correct JEC Associate Engr.  
Approved [Signature] CHIEF ENGINEER

4842/48-50

PROVIDENCE, RI  
RECEIVED FOR RECORD

2001 SEP 21 P 2:07

BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS

Q

43906