

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 215

Approved May 13, 2013

RESOLVED, DECREED AND ORDERED:

That Resolution No. 493 (dated July 31, 2012), referencing "Providence, R.I., P.W. Dept & Engineering Office, Street Line Section Plan No. 064835, dated June 18, 2012," is hereby amended as follows:

VIZ:

BOND STREET, (portions of), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned upon the following:

- (1) Inspection and approval by all appropriate authorities of a satisfactory drainage system for the project when built, consistent with the June 22, 2012 conditions of the City Plan Commission's Master Plan approval.
- (2) Petitioner shall grant any easements required by the Department of Public Works and move any utilities if required;
- (3) Petitioner shall tender the amount of Seventy Thousand, Two Hundred Forty Dollars (\$70,240.00) in legal tender U.S. to the City of Providence.

ORDERED, That the Traffic Engineer be and is hereby directed to cause a sign to be placed 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.

I HEREBY APPROVE




Mayor

Date: 5/13/13

IN CITY COUNCIL

MAY 02 2013

READ AND PASSED


PRES.

CLERK

RESOLUTION OF THE CITY COUNCIL

No. 493

Approved July 31, 2012

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan Entitled: "Providence, R.I., P.W. Dept & Engineering Office, Street Line Section Plan No. 64835, dated July 26, 2012,"

VIZ: Bond Street, portions of, shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D) 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) Inspection and approval by all appropriate authorities of a satisfactory drainage system for the project, consistent with the June 22, 2012 conditions of the City Plan Commission's Master Plan approval.

(2) Petitioner shall grant any easements required by the Department of Public Works and move any utilities if required;

(3) Petitioner shall grant an easement in favor of National Grid, permitting the 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 to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(4) Petitioner shall grant an easement in favor of Verizon, permitting the 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 to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(5) Petitioner shall grant an easement in favor of Providence Water, permitting the retention of its facilities in their existing location, together with the right to inspect, maintain, construct, operate, repair and replace the same, including but not limited to any and all water mains, with twenty-four hour access to said facilities. Actual dimensions and wording of such easement shall be subject to review by Providence Water as to form and content. 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.

(6) Petitioner shall tender the amount of Seventy Thousand Two Hundred Forty Five Dollars (\$70,245.00) in legal tender U.S. to the City of Providence.

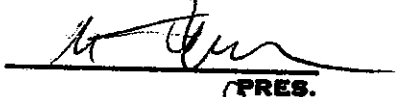
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IN CITY COUNCIL

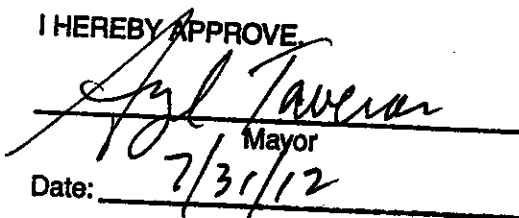
JUL 26 2012

READ AND PASSED


PRES.


CLERK

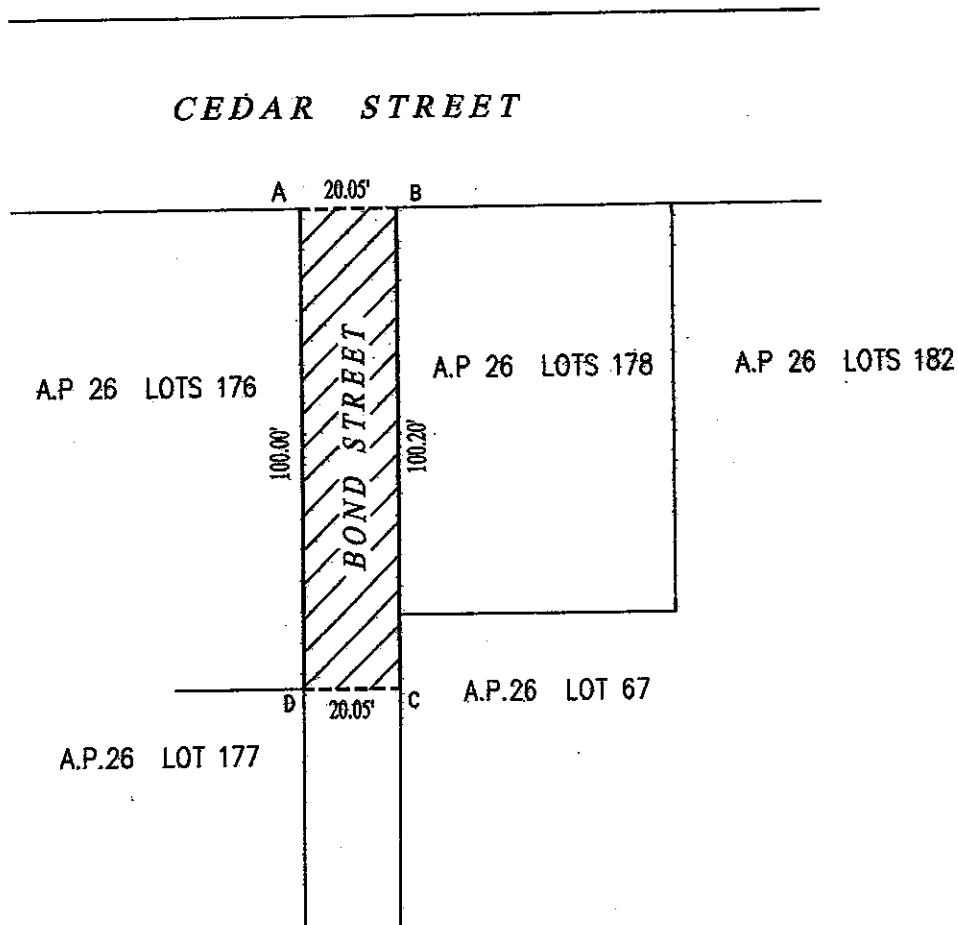
I HEREBY APPROVE


Mayor

Date: 7/31/12



PROVIDENCE, R.I.	
P.W.DEPT. • ENGINEERING OFFICE	
STREET LINE SECTION	
Plan No.	064835
Date	June 18, 2012



NOTES: Cross-Hatched area (A-B-C-D-A) indicates proposed abandonment.

No sewer easement required.

Existing city sewer on Bond St. must be connected to Jones St. and remaining portion to be abandoned.

Total square footage = 2007 +/-

See plan entitled ' Plan Prepared for the Abandonment of a portion of Cedar Street and Bond Street, Providence, Rhode Island, Date: May 2, 2012, revised June 18, 2012, Scale: 1"= 40', Plan prepared by Douglas Design Group, 101 Plain Street, Providence, Rhode Island

Lot numbers taken from A.P.26

CITY OF PROVIDENCE, R.I.	
Public Works Dept. • Engineering Office	
Showing <u>Proposed abandonment of a</u>	
<u>portion of Bond Street.</u>	
Drawn by _____	Checked by _____
Scale <u>1"= 40'</u>	Date <u>06-18-2012</u>
Correct _____	Associate Engg _____
Approved <u>William C. Bonham</u>	CHIEF ENGINEER

MEMORANDUM

To: Anna Stetson, City Clerk
Members of City Council Committee on Public Works

By: Adrienne G. Southgate, Deputy City Solicitor

On: March 28, 2013

Re: Cedar and Bond Street abandonment resolutions

On July 31, 2012, Council passed and the Mayor signed abandonment resolutions for portions of property located on Cedar and Bond Streets. Although I was not directly involved in these resolutions, I believe I can provide an explanation of what occurred and what needs to be done to correct the problem.

Once a petition for abandonment appears on the Public Works Committee's docket (or even earlier, if the Department of Public Works prepares a Street Line Section map in conjunction with an abandonment petition), the Law Department generates a basic resolution. This includes several parts: (a) a reference to the Street Line Section map, so that everyone knows which piece of property is being abandoned; (b) a section in which pertinent recommendations from the City Plan Commission, Fire Department, or other agency are listed; (c) a section listing all the potential easements (sewer, gas, electric, telephone, water) which must be granted; (d) the value of the abandoned parcel; and (e) standard language about signage and publication/notice to abutters.

The petition for Cedar and Bond Streets generated just such a template resolution for each site. Subsequent to the preparation of those templates, the petitioner amended each petition, in one case drastically limiting the amount of property to be abandoned. Unfortunately, many of the utility companies had responded to the initial petitions and did not file updates once the petitions were amended. Moreover, those initial resolutions included for Cedar Street a limitation which should have been uniquely for Bond Street. The result of all this was that the version of the abandonment resolution adopted by the City Council included obligations to grant unnecessary easements to utility companies which had no facilities within the parameters of the abandoned properties.

Since there is no easy process for reversing an abandonment (it would require the City to engage in eminent domain proceedings), and since in any case the petitioner actually wanted a substantial part of the property over which Council has exercised its authority, my suggestion is that the Council simply amend the original resolutions to reflect the changes petitioner had intended. For Cedar Street, this involves excising the unnecessary easement to the PWSB, and eliminating the language about City Plan Commission Master Plan approval. Also, since Cedar Street is not actually closed, both the signage and publication requirements are unnecessary (though as a practical matter, the publication has already taken place). For Bond Street, this involves eliminating easements for PWSB, National Grid and Verizon.

I will be available to respond to any questions when these matters appear on the Public Works Committee agenda.