

RESOLUTION OF THE CITY COUNCIL

No. 125

February 21, 2007

WHEREAS, On October 16, 2002, ^{Approved} Petitioner, 935-945 Smith St. Realty, LLC, 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 its garage was encroaching on a playground at Fagnoli Park (AP 81, Lot 451); and

WHEREAS, On July 23, 2004, Dr. Vito D. Buonomano and Louise J. Buonomano, who are associated with the petitioning company, sought to purchase a portion of City property immediately adjacent to a residence and office located at 945 Smith Street, having been advised that their garage encroached on the Fagnoli Park playground; and

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

WHEREAS, On March 29, 2005, the City Property Commission received information showing that the City was likewise encroaching on certain property owned by the petitioners and that the City had sited both a monument and a portion of the playground on the petitioners' property; and

WHEREAS, On July 18, 2005, the City Council approved a Resolution granting Petitioners permission to swap the parcels to resolve the mutual encroachment issues;

WHEREAS, Petitioners then notified the City Council that the Resolution of July 18, 2005 relied upon a flawed survey of the properties, and requested a new Resolution authorizing the purchase of the City land on which Petitioners were encroaching; and

WHEREAS, On June 12, 2006, the City Council approved a Resolution granting Petitioners permission to purchase a small portion of the City's Fagnoli Park lot to resolve the issue of the Petitioner's garage encroaching on the Park land;

IN CITY COUNCIL
DEC 7 2006
FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY
Cephus M. Stete CLERK

THE COMMITTEE ON
CITY PROPERTY
Approves Passage of
The Within Resolution
Cephus M. Stete
1-31-07 Clerk

WHEREAS, Subsequently, the City Planning Commission advised that, in order to meet zoning requirements, 945 Smith Street required an additional 102± square feet of set back; and

WHEREAS, Petitioners then requested authorization to purchase the additional square footage; and

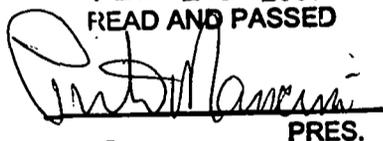
WHEREAS, The matter was presented to City Council on December 7, 2006, and thereafter was referred to the City Property Committee, which considered it at a meeting held on January 31, 2007.

NOW, THEREFORE, BE IT RESOLVED, That 935-945 Smith St. Realty, LLC, is granted permission to acquire 102± square feet, more or less, which the City owns in AP 81, Lot 451.

BE IT FURTHER RESOLVED, that given the travel of this matter, the City Council waives consideration for this small additional section of AP 81, Lot 451. Said grant is specifically conditioned upon the following:

1. For such grant, 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 purchase.
2. Petitioners shall record this Resolution 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 Committee.

IN CITY COUNCIL
FEB 15 2007
READ AND PASSED


PRES.


CLERK

APPROVED



MAYOR 2/21/07

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 316

Approved July 18, 2005

FORWARDED TO THE CITY COUNCIL
JUL 20 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 Fargnoli 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:

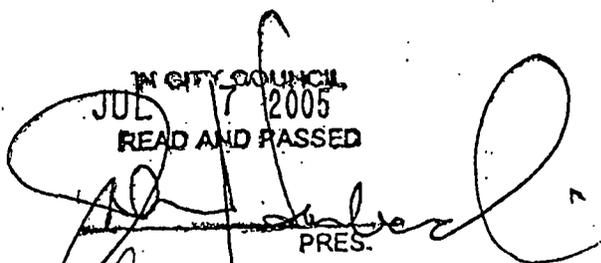
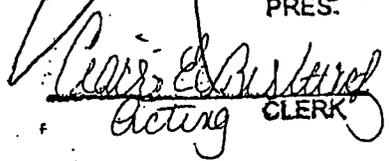
No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the city assessor and the value of the property to be received by the city equals or exceeds the value of the property to be disposed of by the city. Exchange of property 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:

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

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 256

Approved June 12, 2006

RECORDED
CITY OF PROVIDENCE
COMMERCIAL

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, On May 13, 2005, Andolfo Appraisal Associates, Inc. submitted its valuation of the property, finding that the petitioners' encroachment had a value of \$1,071;

RECORDED
CITY OF PROVIDENCE
COMMERCIAL

NOW, THEREFORE, BE IT RESOLVED, That Petitioners are granted permission to purchase 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:

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 purchase.
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 Committee.

IN CITY COUNCIL
JUN 11 2006
FINAL READING
READ AND PASSED
PRESIDENT
CLERK

APPROVED
A true copy.
Attest:
MAYOR
Anna M. Stetson
City Clerk
6/12/06

AAA
ccc

ANDOLFO APPRAISAL ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS
THE BUSH BUILDING
816 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).

PROVIDENCE, R.I.
JUL 29 3 40 PM '05

11

Mr. John Gelati

Page 2

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

RECEIVED
MAY 13 2005

JUL 29 3 46 PM '05

00112

HOOPIS & HOOPIS

ATTORNEYS AT LAW

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

A.S.
MAY 23 2006

HARRY J. HOOPIS
JENNIFER HOOPIS D'AMBRA

(401) 823-6266
FAX (401) 823-6265
E-MAIL: HOOPIS@AOL.COM

May 22, 2006

Adrienne Southgate, Esq.
Deputy City Solicitor
City of Providence
25 Dorrance Street
Providence, RI 02903

Re: Louise J. Buonomano and Vito D. Buonomano
945 Smith Street, Providence, RI 02908
Assessor's Plat 81, Lot 39
Request to purchase a portion of city own property on the corner of Sharon Street
Smith Street, Providence, RI

Dear Andrienne:

Enclosed please find our clients' check in the amount of \$1,071.00 payable to the City of Providence for the purchase of the property regarding the above-entitled matter.

Please contact this office in order that we may discuss this matter further.

Very truly yours,

HOOPIS & HOOPIS



HARRY J. HOOPIS

H&H/HJH/rp

Enclosure

cc: Dr. & Mrs. Vito Buonomano

HOOPIS & HOOPIS

ATTORNEYS AT LAW

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

HARRY J. HOOPIS
NIFER HOOPIS D'AMBRA

(401) 823-8268
FAX (401) 823-8265
E-MAIL: HOOPIS@AOL.COM

July 23, 2004

RECEIVED TO COMMITTEE ON
FIRST READING
IN CITY COUNCIL
CLERK

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

RECOMMENDED
THE COMMITTEE ON
CLERK

PROVIDENCE, R.I.
JUL 29 3 46 PM '04
FBI

HOOPIS & HOOPIS

ATTORNEYS AT LAW

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

HARRY J. HOOPIS
JENNIFER HOOPIS D'AMBRA

(401) 823-6266
FAX (401) 823-6265
E-MAIL: HOOPIS@AOL.COM

October 16, 2006

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

Re: Petitioner: 935-945 Smith Street St. Realty, LLC (members-Louise J.
Buonomano and Vito D. Buonomano)
945 Smith Street, Providence, RI Assessor's Plat No.81, Lot 39

Dear Councilwoman Joseph DiRuzzo:

Please be advised that this office represents the above-named LLC regarding property owned by them at 945 Smith Street, Providence, Rhode Island. Our client has been advised that their property is presently encroaching on property owned by the City of Providence. Please be advised that a similar Petition was previously approved by the City Council, copy of which is enclosed.

However, due to an error by the surveyor, it is not correct. Accordingly, our client is filing a new Petition.

Our client is desirous of purchasing a portion of said property.

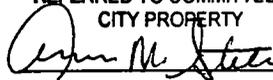
Enclosed, please find a copy of a proposed Resolution, proposed Bargain and Sale Deed, and Application Form for Submission of Administrative Subdivision Plan with attachments.

Please present this Petition to your committee.

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

2006 NOV 17 9:18 AM
CITY OF PROVIDENCE
CLERK

IN CITY COUNCIL
DEC 7 2006
FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY

 CLERK

Communications & Reports

Councilwoman Josephine DiRuzzo
October 16, 2006
Page Two

Thank you for your consideration in advance.

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

Very truly yours,

HOOPIS & HOOPIS



HARRY J. HOOPIS

H&H/HJH/rp

Enclosures

cc: Dr. & Mrs. Vito D. Buonomano
934-945 Smith St. Realty, LLC

RESOLUTION OF THE CITY COUNCIL

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

No. _____

Approved _____

WHEREAS, On _____, Petitioner, 935-945 Smith St. Realty, LLC, 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 its garage was encroaching on a playground at Fagnoli Park (AP 81, Lot 451); and

WHEREAS, The matter was presented to City Council on _____, and thereafter was referred to the City Property Commission, where, it was considered at meeting held on _____.

WHEREAS, On _____, Andlofo Appraisal Associates, Inc. submitted its valuation of the property, finding that the petitioners encroachment has a value of \$ _____.

NOW, THEREFORE, BE IT RESOLVED, That 935-945 Smith St. Realty, LLC is granted permission to purchase the 102 ± square feet, more or less, which the City owns in AP 81, Lot 451. Said grant is specifically conditioned upon the following:

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 purchase.
2. Petitioners shall record this Resolution 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 Committee.

BARGAIN AND SALE DEED

The **City of Providence**, a municipal corporation created by the General Assembly of the State of Rhode Island, for consideration conveys to **935-945 Smith St. Realty, LLC**, a Rhode Island Limited Liability Company:

That certain parcel of land, situated in the City and County of Providence and State of Rhode Island, bounded and described as follows:

Beginning at the southwesterly corner of the herein described parcel, said point being easterly 41.79' from the easterly line of Sharon Street.

Thence easterly along the southerly line of the grantor and the northerly line of land now or formerly of Louise J. A. and Vito D. Buonomano a distance of 26.10' for a corner.

Thence northerly turning an interior angle of $90^{\circ}00'00''$ a distance of 3.85' to land of the grantor for a corner.

Thence westerly turning an interior angle of $90^{\circ}16'54''$ a distance of 26.10' to land of the grantor for a corner.

Thence southerly turning an interior angle of $89^{\circ}43'06''$ a distance of 3.98' to the point and place of beginning. The last course forming an interior angle of $90^{\circ}00'00''$ with the first mentioned course.

The herein described parcel contains 102 square feet more or less.

For a more further description see that plan entitled "ADMINISTRATIVE SUBDIVISION OF LAND IN PROVIDENCE, RI FOR 935-945 SMITH ST. REALTY, LLC AND THE CITY OF PROVIDENCE DESIGNATED AS ASSESSOR'S PLAT 81, LOTS 39 AND 451" Drawing No. 20030408-03, Plan Date: 8/22/05, Prepared, Plotted and Surveyed by Louis Federici and Associates, Land Surveyors, 365 Smith Street, Suite #2, Providence, Rhode Island.

Witness my hand this _____ day of _____, 2006.

City of Providence

David N. Cicilline, Mayor

STATE OF RHODE ISLAND
PROVIDENCE, SC

In Providence, in said County and State, on the _____ day of _____, 2006, before me personally appeared David N. Cicilline, the Mayor of the CITY OF PROVIDENCE, RHODE ISLAND, to me known and known by me to be the party executing the foregoing instrument for and on behalf of the CITY OF PROVIDENCE, RHODE ISLAND and he acknowledged said instrument by him executed to be his free act and deed, his free act and deed in his capacity as aforesaid, and the free act and deed of the CITY OF PROVIDENCE, RHODE ISLAND.

Notary Public
My Commission Expires:

Name and Address of Grantee:
935-945 Smith St. Realty, LLC
21 Mathewson St.
Narragansett, RI 02882



Staff Assigned: _____
Approved on: _____
Referred to CPC: _____

City of Providence - City Plan Commission

Application Form for Submission of Administrative Subdivision Plan

Attach Additional Sheets as Needed

Date: 2006

1. General Information:

A. Assessor plat: 81 Lot(s) 451 and 39

B. Street Address If applicable: 945 Smith St. (Plat 81 Lot 39)

C. Applicant's Name: Address and telephone (Include all owners of property):
935-945 Smith St. Realty, LLC by Vito D. Buonomano, Trustee,
Member (Plat 81 Lot 39)

D. Owner's Name: Address and telephone (Include all owners of property):
(Plat 81 Lot 39) 935-945 Smith St. Realty, LLC

(Plat 81 Lot 451) The City of Providence

2. Description of Change:

Parcel to be conveyed from the City of Providence and merged
into lot 39 - area 102 S.F. +

3. Tax Collector's Office

Current Tax obligation for: Lot(s) _____ Plat _____

_____ Has been meet by the owner for tax period ending: _____

_____ Has not been meet by the owner. Submission is not acceptable until taxes are paid.

4. Owner Applicant Signature(s) and date: Vito D. Buonomano (Date) 9/11/06
935-945 Smith St. Realty, LLC, by Vito D. Buonomano, Trustee, Member

Application Received On: _____ (Date): 1/1

Administrative Officer: _____
Signature

