

# RESOLUTION OF THE CITY COUNCIL

No. 367

Approved May 23, 1955

Resolved,

That the City Treasurer may give notification

in writing addressed to the owner of Lot No. 239 on Plat No. 68 located at 19 Derry Street) made for the use of the Board of Assessors as said plat appeared in the office of the said Board on June 15th, 1946, said lot having been sold to the City of Providence at tax sale held March 25th, 1948, said notice in writing addressed to the owner of record at the time of the sale, his heirs, assigns or devisees at their last usual place of abode, and notifying them that said real estate will be offered for sale unless redeemed within thirty days of said notification.

The City Treasurer has received an offer made by Sarah D. Woods of \$99.54 for Lot No. 239 on Plat No. 68 and as the period for the redemption of this property has expired, this offer is hereby approved in accordance to the law thereto appertaining.

If said real estate shall not be redeemed within said thirty days, the City Treasurer is hereby authorized to sell and convey to the said Sarah D. Woods for the price herein approved.

IN CITY COUNCIL

MAY 19 1955

READ and PASSED

*Angelo G. Rich*  
President  
*Wm. H. Lynde*  
ACTING Clerk

APPROVED

MAY 23 1955

*Walter H. Lynde*  
MAYOR

RESOLUTION

OF THE

CITY COUNCIL

Authorizing the City Treasurer to arrange for the redemption or sale of Lot No. 239 on Plat No. 68 in accordance to the law thereto appertaining.

PLAT NO. 68 IN ACCORDANCE

TO THE CITY OF CHICAGO

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# City Plan Commission

EDWARD WINSOR, *Chairman*  
JERRY LORENZO      RALPH MATERA

WALTER H. REYNOLDS, *Mayor*  
LUCIO E. CARLONE, *Secretary*

PAUL A. SAN SOUCI, *Vice Chairman*  
RAYMOND J. NOTTAGE      HARRY PINKERSON

FRANK H. MALLEY, *Director*  
MILLARD HUMSTONE, *Senior Planner*

*Suite 103, City Hall,  
Providence 3, Rhode Island*

May 12, 1955

Mr. Michael N. Cardarelli  
City Treasurer  
City Hall  
Providence, Rhode Island


SUBJECT: REFERRAL NO. 709 - REDEMPTION OF LOT 239 ON ASSESSOR'S PLAT  
68 LOCATED ON DERRY STREET

Dear Mr. Cardarelli:

In reference to your letter of May 11, 1955 relative to the redemption of Lot 239 on Assessor's Plat 68 located on Derry Street, this lot does not lie in any present or proposed studies by the City Plan Commission or the Redevelopment Agency.

Therefore, the staff feels that there is no objection in selling the above-mentioned lot.

Very truly yours,

  
FRANK H. MALLEY  
DIRECTOR  
CITY PLAN COMMISSION

FHM:MMH

c.c. City Assessor's Office  
City Clerk's Office  
City Collector's Office  
Mr. Donald M. Graham  
Mr. Charles R. Wood

~~SECRET~~

# RESOLUTION OF THE CITY COUNCIL

No. 368

Approved May 23, 1955

Resolved,

That His Honor, the Mayor, is hereby authorized to execute a lease to Fred DeCesaris of the City of Providence, of a certain tract of land, comprising two parcels situated on the westerly side of Eagle Street and Atwells Avenue, at Giles Place, for the purpose of parking automobiles, for a term of five (5) years, at an annual rental of twelve hundred (\$1200) dollars, payable in equal quarterly installments, with a right of renewal for a further term of five (5) years.

IN CITY COUNCIL

MAY 19 1955

READ and PASSED

*Angelo P. DiStefano*  
President  
*Ernest G. Gifford*  
ACTING Clerk

APPROVED

MAY 23 1955

*Walter H. Reynolds*  
MAYOR

RESOLUTION  
OF THE  
CITY COUNCIL

AUTHORIZING THE MAYOR TO  
EXECUTE A LEASE TO FRED  
DE CESARIS OF TWO PARCELS  
OF LAND ON THE WESTERLY  
SIDE OF EAGLE STREET AND  
ATWELLS AVENUE.

060717  
 May 13, 1953

Sub-Sketch

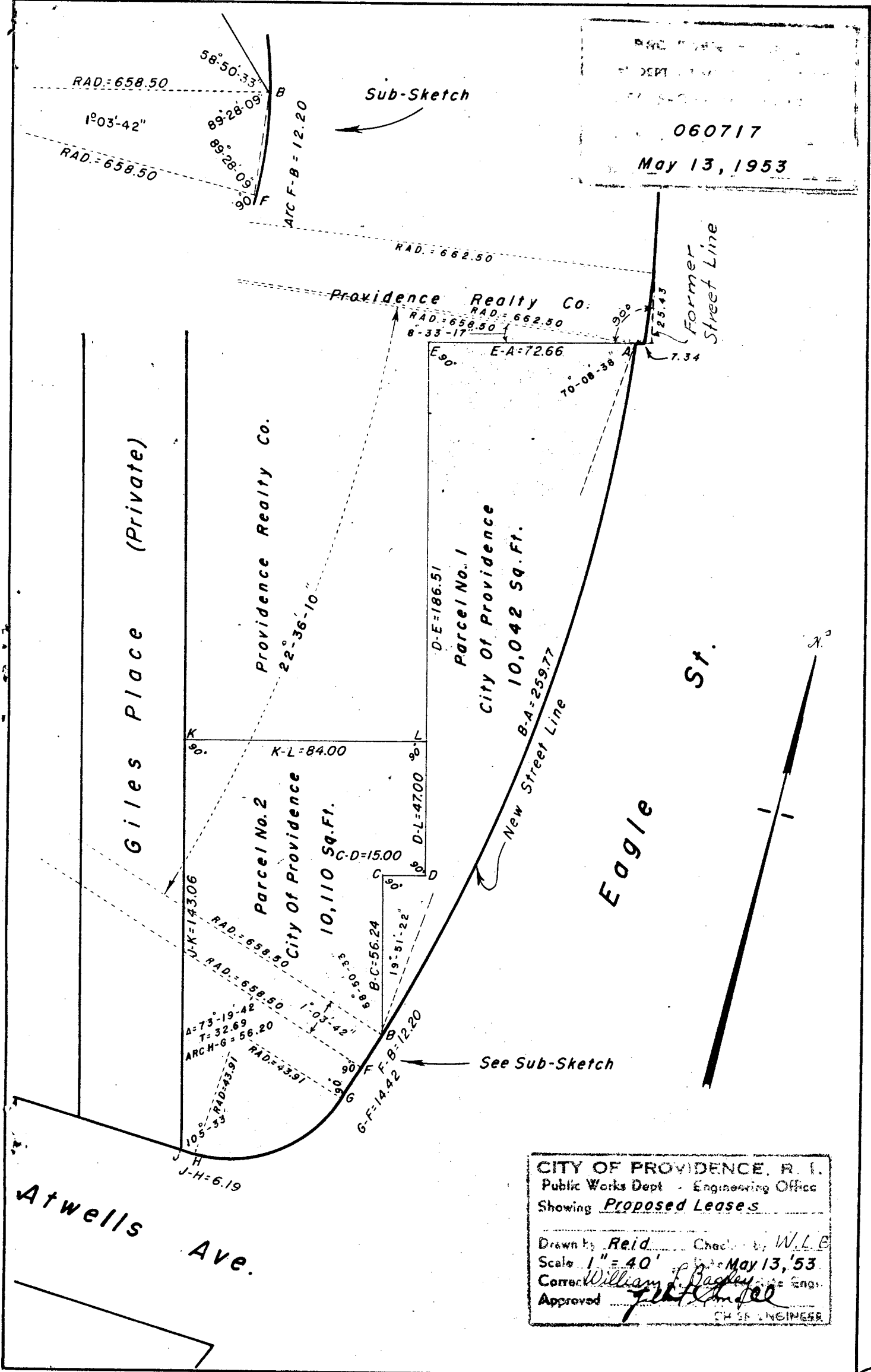
Former Street Line

St.

Eagle

See Sub-Sketch

CITY OF PROVIDENCE, R. I.  
 Public Works Dept - Engineering Office  
 Showing Proposed Leases  
 Drawn by Reid Check by W.L.B.  
 Scale 1" = 40' Date May 13, '53  
 Corrected by William F. Bagley C.E.  
 Approved [Signature] CH. OF ENGINEER



PETITION TO THE CITY COUNCIL

368-A

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

To amend the Zoning Map which is a part of the Zoning Ordinance of the City of Providence by changing from an R-4 Multiple Dwelling Zone to a C-1 Limited Commercial Zone Lots 85, 86 and 87 on Assessor's Plat 67; said lots being located on the southerly side of Orms Street (308-316 Orms Street).

IN CITY COUNCIL

MAY 19 1955

READ: *and denied*  
*Vincent Vespa*  
ACTING CLERK

*Anna Carruthers*  
*318 Orms St*

*Francis D. Top*  
*157 Smith St*  
*Providence R.I.*

*Marie L La Fleur*  
*316 Orms St*  
*Providence R.I.*

IN CITY  
COUNCIL

NOV 18 1954

FIRST MEETING  
REFERRED TO COMMITTEE ON  
ORDINANCE  
.....  
Newcastle, N.H.

Mr. Gray  
(help request)

NOV 9 12 46 PM '54  
CITY CLERK'S OFFICE  
PROVIDENCE, R.I.





# City Plan Commission

EDWARD WINSOR, *Chairman*  
JERRY LORENZO      RALPH MATERA

WALTER H. REYNOLDS, *Mayor*  
LUCIO E. CARLONE, *Secretary*

PAUL A. SAN SOUZI, *Vice Chairman*  
RAYMOND J. NOTTAGE      HARRY PINKERSON

FRANK H. MALLEY, *Director*  
MILLARD HUMSTONE, *Senior Planner*

*Suite 103, City Hall,  
Providence 3, Rhode Island*

December 16, 1954

Committee on Ordinances  
City Hall  
Providence, Rhode Island

SUBJECT: REFERRAL NO. 671 - ZONING CHANGE AT 308-316 ORMS STREET

Gentlemen:

The subject referral received consideration by the City Plan Commission at a meeting held on Wednesday, December 15, 1954.

This referral is a request for a change in zoning from an R-4 Zone to a C-1 Zone of Lots 85, 86 and 87 on Assessor's Plat 67; said lots being located on the southerly side of Orms Street. The lots have a total of 14,315 square feet.

On the field trip it was found that each of the lots in question contains a residence. There are one three-family and two two-family dwellings. That section of Orms Street on which the petitioner's lots front is one of residential uses with two and three-family dwellings predominating. The only exceptions being the Smith Hill Garage and a variety store both on the north side of Orms Street.

The area is currently zoned so that a ribbon commercial zone 100 feet deep is allowed on the south side of Smith Street. Were a change in zoning allowed on Orms Street it would project a commercial zone into a residential neighborhood where any new zoning boundary would be nothing more than an arbitrary line. In view of this and in order to protect the existing residential properties in the area

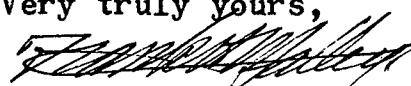
The Commission

VOTED: To recommend that this petition be denied.

FHM:MMH

c.c. Councilman William A. Gray  
Councilman Russell J. Boyle

Very truly yours,

  
FRANK H. MALLEY  
DIRECTOR  
CITY PLAN COMMISSION

Anna E. Carruthers

Plat 67, Lots 85, 86, & 87

308-316 Orms Street

26

Plat 67

Lot 85 Marie La Fleur (154)  
316 Orms St.

86/Anna E. Carruthers & E. L. C.  
310 Orms St.

87 Francis D. Fox  
157 Smith St.

88 Michael E. Floskin & wife Mary  
266 Orms St.

84 Helen A. Sullivan  
329 Orms St.

85 Josephine A. Vautour  
356 Smith St.

89 Thomas H. Volkmann & family  
215 Elmgrove Ave

91 Lurine Reilly & family (154)  
290 Smith St.

110 Anthony M. Angelo  
954 Smith

111 Raymond S. Lurine  
138 Miller St., E. River

112

"

113 Margaret M. C. ...  
149 Jewett St.

114 George Dooling & my Bridie  
115 Jewett St.

115 Adele McEnnis & Shirley J.  
J.B. & L. - RFD 1 Box 102  
no date  
383 "

114 Ernest R. Cotton & my Harold  
115 Jewett St.

115 Harold Jackson & my  
Luterie // Elma St.

423 Eugene H. McFee & my Wanda  
328 Orr St.

79 Peter R. Kachanist & my Marie  
335 Orr St.

78 Joseph R. McKelvey & my R.  
327 Orr St.

76 Albert E Cartwright & Edith  
319 Oms H

75 Woodard E. Johnston H 85

73 Geo. D. C. Co  
1608 Walnut St, Phila., Pa.

72 Angela Piccolo  
75 Vain St.

71 Nathaniel J. Malinow & wife  
334 Smith St

Place 8

Miss ~~Thomas H. Hedberg~~ H 89

78 Isabelle Aptel  
376 Oms H

13 Thomas J. J. Donnell  
Sheraton Baltimore Hotel

Und. 12  
Counselman Group &  
Boyle

**The City of Providence — Legislative Department**  
**CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM**

Providence, R. I., Nov. 19, 1954

TO: CITY PLAN COMMISSION

SUBJECT: ZONING PETITION ANNA CARRUTHERS ET AL, 308-316 Orms Street,

CONSIDERED BY: COMMITTEE ON ORDINANCES

ACTION TAKEN: VOTED TO REFER FOR STUDY, REPORT AND RECOMMENDATION  
ATTACH PETITION.

*City Clerk*

CITY COUNCIL

DATE November 8 19 54

RECEIVED OF Anna E. Carrithers, 318 Orms St., City and al

TEN AND 00/100

DOLLARS

Fee for Petition to the City Council for a change in the Zoning of

Lots 85, 86 and 87 Plat 67 Said lots being located on the  
southerly side of Orms Street (308-16 Orms Street)

\$10.00

1000

PAID - City of Providence - Janet M. Gordon, City Collector

A F F I D A V I T

I, ANNA E. CARRUTHERS, of the City of Providence, County of Providence and State of Rhode Island, do hereby depose and say that I am the owner of premises at No. 310 Orms Street, Providence, Rhode Island.

That I am incapacitated and unable to leave the home.

I further make affidavit and state that a petition was brought to me, in behalf of Marie LaFleur, wherein she requesting a zoning change for her property, so that she might conduct a beauty parlor, and requested the change from R4 to C1.

I signed what I believed was the petition, as at that time I had no objection to said change.

However, I have received a notice of change, which was headed "Petition of Anna E. Carruthers" and I have no desire for any such change to be made in my name or for any property which I own; and in view of the circumstances contained herein, I protest any change for the other two parcel noted in Notice of Public Hearing.

This affidavit will be presented by my son, who is a half-owner of my real estate with me, and who also, as he will state himself, protests the zoning change.

Anna E. Carruthers

Subscribed and sworn to before me this 24<sup>th</sup> day of February, A. D., 1955.

Saul Hadash  
Notary Public

ANNA E. CARRUTHERS

A F F I D A V I T

LAW OFFICE OF  
SAUL HODOSH  
109 GROSVENOR BUILDING  
PROVIDENCE, RHODE ISLAND



1-0  
CITY OF PROVIDENCE  
CITY COUNCIL  
CITY HALL, PROVIDENCE, R.I.

IN RE PETITION OF ANNA E. CARRUTHERS ET ALS.

MEMORANDUM OF PETITIONERS,  
FRANCIS D. FOX AND MARIE C. LAFLEUR

Counsel respectfully informs this body that he is representing Marie C. LaFleur, owner of Lot 85 on Assessor's Plat 67 and himself as owner of Lot 87 on said Plat 67 and that when Counsel hereinafter refers to Petitioners that he will be referring to the aforementioned parties as Counsel has had no contact whatsoever with the other Petitioner named herein.

Petitioners respectfully submit this Petition as a matter of right for the enactment of an Ordinance in amendment to Chapter 544 of the Ordinances of the City of Providence as heretofore amended in order that their property will be changed from an R-4 Zone to a C-1 Zone. One of the Petitioners is a hairdresser who desires to engage in the business of hairdressing in her own home. Said home is situated at 314-316 Orms Street a distance of approximately Two Hundred (200) from where her present business is located. Upon the advice of someone in the City Hall she instituted this Petition and was joined therein by the other two Petitioners.

Petitioners' property is situated on the southerly

side of Orms Street near the junction of Smith Street in an area known as Smith Hill. Prior to the building of our present State Capital, this area was far more suited for residential uses than for business uses but it commenced to change from residential uses to business uses as soon as the Capital was built and this trend gained momentum with the passing years. This trend from residential uses to business uses was not fully confined to Smith Street but branch off into the side arteries such as Orms Street and in 1923 Providence took cognizance of the fact that it had growing pains and enacted our original Zoning Ordinance, Chapter 370, in order, among other things, to govern the future development of business in the community. Petitioners' property was put in a business Zone by the provisions of this Ordinance in which Zone it remained for a period of twenty eight (28) years. In 1951 Providence enacted said Chapter 544 which repealed said Chapter 370 and Petitioners' property was then put in an R-4 Zone.

It is fundamental that Providence does have the power to enact Zoning Ordinances and that no one has a vested right in having their property remain classified as it originally was classified but Petitioners' respectfully point out to this body that in exercising this power that Providence must obey the mandate of the enabling Statute and the pertinent provisions of our Constitutions and that a reclassification of property must be warranted by changing conditions and required for the health, safety, morals and welfare of the community. There must be a rational relationship between the means invoked and the public interest designed to be advanced. An Ordinance general in its scope as is said Chapter 544 may be adjudged reasonable as applied to one state of facts and unreasonable when applied to circumstances of a different character. Even the Zoning of one side of the street for business uses and the other side of the street for

residential uses may in certain circumstances constitute a distinct disservice to the policy of the Statute and a greater disservice to the policy of the Statute is rendered when rezoning permits both sides of a street to be zoned for business uses and yet restrict certain properties having a common street frontage and contiguous thereto to remain under restrictions laid upon a residential use district.

With this background in mind, a consideration of the immediate area in the vicinity of Petitioners' property may be made in order to determine whether or not the rezoning of said property was made within the scope of the enabling Statute and pursuant to law. Under the original Zoning Ordinance, Lots 89, 88, 87, 86, 85, 84, 83, 423, 78, 76, 75 and 73 on said Plat 67 were put in a business zone. This narrow strip of land covers both sides of Orms Street for a distance of approximately Three Hundred Forty (340) feet westerly from the junction of Smith Street. On this strip at the time of the enactment of said Chapter 544 were an office building with stores on the ground floor, a cafe, the Smith Hill Garage, a store and a Gas Station. Under the provisions of said Chapter 544 the Smith Hill Garage and the aforementioned store were taken from the business zone and put in an R-4 Zone as was most of this strip yet the office building on the southerly side of Orms and the cafe next door and the Gas Station on the northerly side of Orms Street remained zoned for business. The Smith Hill Garage is a fine substantial brick building which apparently had been built in 1913-1915 and its boundaries was the extent to which the strip had been zoned for business under the original ordinance. Immediately in the rear of Lot 87 is a residential piece of property which is used to park cars in connection with a business situated on Smith Street and near the rear of Lot 85 is a store

'Due Process Clause' of the Fourteenth Amendment to the Constitution of the United States and in direct violation of the 'Due Process Clause' of Section 16, Article One of our State Constitution. And although Chapter 544 may be deemed to be reasonable in many cases, the facts in this case proves that as applied to Petitioners' property that this Ordinance passes the bound of reason and assumes the character of a merely arbitrary fiat.

Wherefore Petitioners pray that the Council grant them the relief prayed for in their Petition on the grounds that Petitioners have sustained their burden of proving that this Ordinance as applied to their property is unreasonable, oppressive, unconstitutional, inconsistent with public policy and inconsistent with the scope of the enabling Statute.

*February 24, 1955*

Respectfully submitted,

*Francis D. Fox*  
Francis D. Fox, Pro Se and  
as Solicitor for  
Marie C. LaFleur

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF PROVIDENCE

NOTICE OF DEMAND TO ACT

Gentlemen: I have been advised today, May 10, 1955, by Mr. Vincent Vespia, First Deputy City Clerk, that on May 9, 1955 the Committee on Ordinances recommended to this Honorable Body that Marie C. LaFleur as owner of Lot 85 on City Assessor's Plat 67, Anna E. Carruthers as part owner of Lot 86 on said Plat 67 and Francis D. Fox as owner of Lot 87 on said Plat 67 be granted leave to withdraw their petition to amend the existing Zoning Ordinances of the City of Providence. Said Petition was heard by said Committee on Ordinances on February 24, 1955 and was presented to this Honorable Body for the purpose of changing the abovementioned properties from an R-4 Multiple Dwelling Zone to a C-1 Limited Commercial Zone.

Your Honorable Body is hereby expressly notified that Petitioner, Francis D. Fox, as owner of said Lot 87 on said Plat 67 absolutely refuses to exercise such leave to withdraw said Petition in so far as he is concerned. Your Honorable Body is therefore requested to afford said Francis D. Fox his specific legal right in this matter and to make it plain as to whether this Honorable Body shall grant said Petition or whether this Honorable Body shall deny said Petition. Your Honorable Body is also requested to act forthwith on this matter as time is always of the essence.

Respectfully submitted,

*Francis D. Fox*  
Francis D. Fox  
Petitioner Pro Se

*may 10, 1955*

# RESOLUTION OF THE CITY COUNCIL

No. 369 NOT PASSED

*Approved*

Resolved,

That

the members of the City Council hereby request that the Mayor, in preparing his Annual Budget for the year 1955-1956, include and recommend the following salaries for the members of the Police and Fire Departments, and an ordinance to establish the following Compensation Plan:

|                     |          |
|---------------------|----------|
| Chief of Police     | \$10,000 |
| Commanders          | 7,500    |
| Captains            | 6,500    |
| Lieutenants         | 5,500    |
| Sergeants           | 5,000    |
| Patrolmen           | 4,500    |
| Chief of Fire Dept. | 10,000   |
| Battalion Chiefs    | 7,500    |
| Captains            | 6,500    |
| Lieutenants         | 5,500    |
| Privates            | 4,500    |

AND BE IT FURTHER RESOLVED,

THAT

this City Council requests the Mayor to recommend that the Ordinance establishing the authorized strength of Patrolmen at 418 members be amended and increased to 475 Patrolmen

IN CITY COUNCIL  
May 19, 1955  
READ AND NOT PASSED

*Vincent Vespia*  
Acting Clerk

RESOLUTION  
OF THE  
CITY COUNCIL

*Frank Dargatzis*

MAY 13 11 34 AM '55

MAY 13 11 34 AM '55

MAY 13 11 34 AM '55

~~---1919---~~

# RESOLUTION OF THE CITY COUNCIL

No. 370 NOT PASSED

*Approved*

Resolved,

That

WHEREAS,

on May 1, 1955 the Democrat Administration caused to be published in the Providence Journal "The Providence Report", so called, as a paid advertisement and that payment therefore came from the taxpayers of Providence, and

WHEREAS,

various portions thereof must be characterized as misleading, misrepresentations, untrue or half true, and

WHEREAS,

said report is entirely lacking in conveying to the citizens of Providence data of great pertinence, and

WHEREAS,

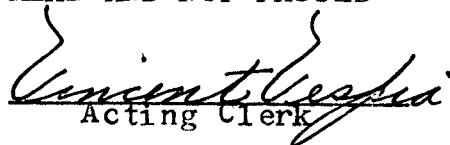
funds of the public treasury have been used to so inform the citizens, and they are entitled to full and complete disclosure of all matters concerning their welfare in relation to the practices of the administration, and that such can be conveyed only by the minority,

NOW THEREFORE BE IT RESOLVED

THAT

the sum of Fifteen Hundred Dollars (\$1,500.00) be and hereby is appropriated from funds not otherwise expended or appropriated from the Reserve of Extraordinary Expenditures Account, to the use of the minority for the purpose of displaying through a paid advertisement in the Providence Sunday Journal, its own appraisal of such portions of said May 1, 1955 "The Providence Report" as it has branded as misleading, misrepresentation, untrue, half true or lacking in pertinent data.

IN CITY COUNCIL  
May 19, 1955  
READ AND NOT PASSED

  
Acting Clerk



RESOLUTION  
OF THE  
CITY COUNCIL

Lee A. Howell  
J.R.  
Frank Tagawa