

Presented by:
Res. # 302
Approved 5/30/94

RESOLUTION OF THE CITY COUNCIL

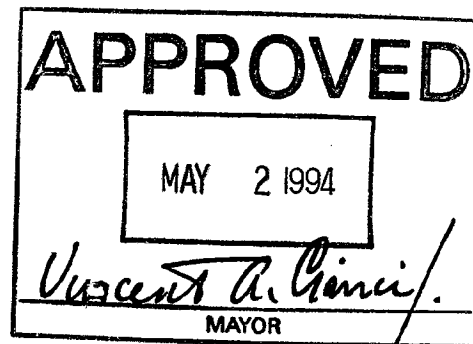
No. 250

Approved May 2, 1994

NOW THEREFORE BE IT RESOLVED, that any and all rights the City of Providence shall have to dump into and fill that certain tract or parcel of land situated generally west of Manton Avenue in the City of Providence, Plat 34, Lot 194 and designated by the letters A-B-C-D-E-F-G-H-I-J-K-L-M-N-O on the plan entitled, "Providence, R.I., Public Works Department- Engineering Office, City Property Section, Plan No. 061891 dated June 23, 1959, and hereto attached, are hereby terminated. The termination of these rights, however, is conditioned upon:

- 1.) Receipt of a letter from the owner of the property relieving the City of any requirement to cover the surface with soil or take any other remedial measure; and
- 2.) Receipt of a letter from the Tax Assessor relative to the taxes on the property; and
- 3.) Receipt of a letter of indemnification relative to any environmental liability on the property; and
- 4.) Any other terms or conditions imposed by His Honor, the Mayor, the City Council and the Committee on City Property.

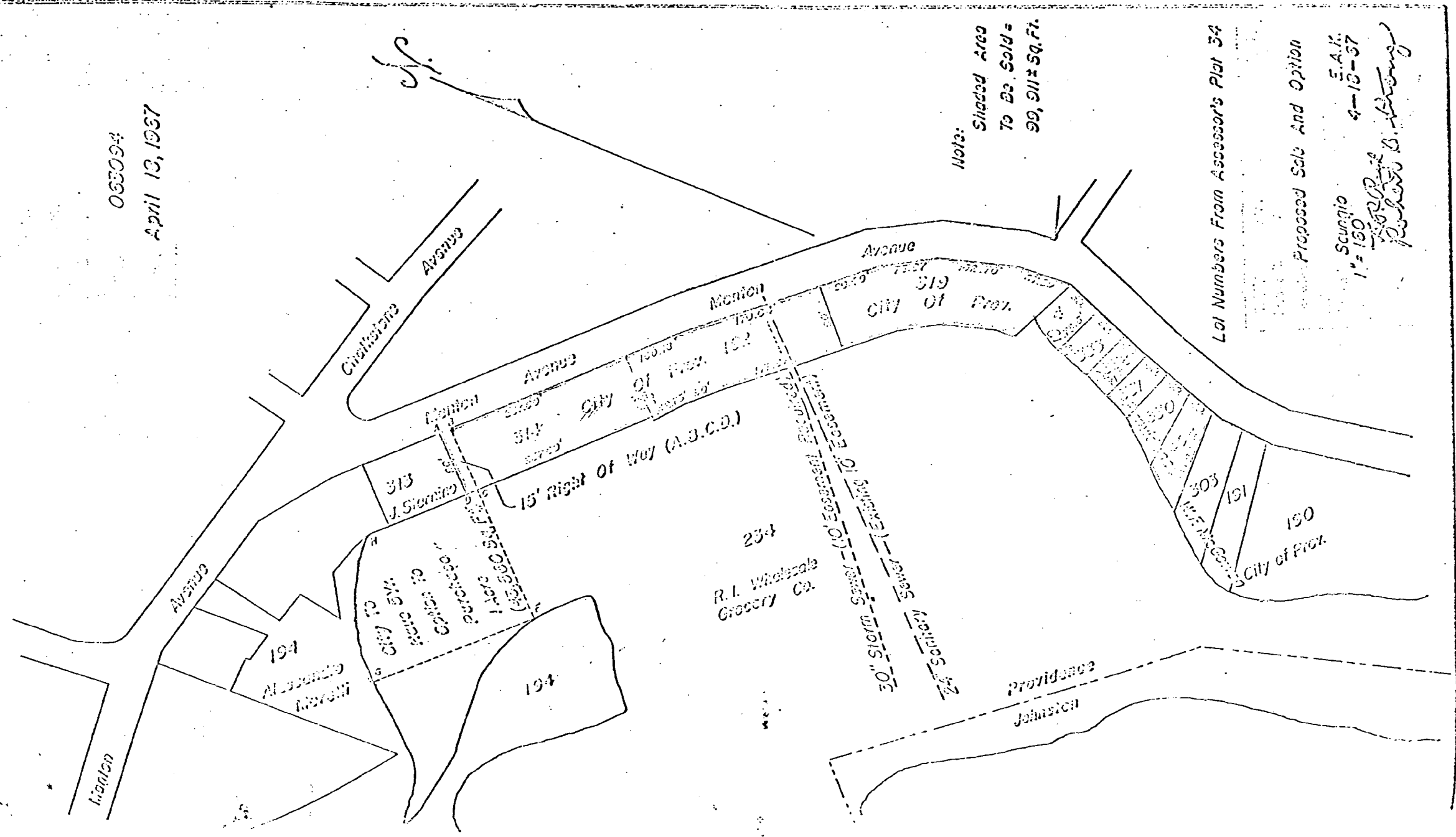
IN CITY COUNCIL
APR 21 1994
READ AND PASSED
James H. Bennett
PRES.
Michael S. Clement
CLERK



063094

April 13, 1937

N



Note: Shaded Area
To Be Sold =
99, 911 ± Sq. Ft.

Lot Numbers From Assessor's Plat 34

Proposed Sale And Option

Scungio
1" = 150'

E.A.K.
4-13-37
Robert B. Whiting

234
R.I. Wholesale
Grocery Co.

194

194
Allegretto
Mansion

City of
Providence
Purchase to
City of
Providence
1,400,000 Sq. Ft.
(15,000 Sq. Ft.)

15' Right of Way (A.B.C.D.)

30" Storm Sewer - (10' Easement)
24" Sanitary Sewer - (Excluding 10' Easement)

City of Prov.
319

190
City of Prov.
303
191

RESOLUTION

Z. HERSHEL SMITH & ASSOCIATES, P.C., INC.

COUNSELLORS-AT-LAW

Z. HERSHEL SMITH

ARCHIE SMITH

LEO PAUL ATTILLI
MICHAEL J. FURTADO

167 Angell Street
Second Floor

1933 1977

Providence, Rhode Island 02906-1200

OF COUNSEL:

Telephone (401) 274-7900

EDMOND A. DiSANDRO

Facsimile (401) 751-8494

January 11, 1994

Honorable John Lombardi
Chairman City Council
Properties Committee
c/o City Clerk
City Hall
Providence, RI

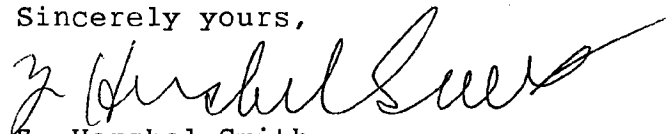
Dear Councilman Lombardi:

This letter is being written to request that the City Council release the dumping rights granted to the City by agreement between the City and Rhode Island Wholesale Company dated August 19, 1957, relating to a portion of Lot No. 234 on Assessor's Plat No. 34 as the same was in effect prior to 1981 and the agreement between the City and Alessandro Morelli and wife Anna Morelli relating to Assessor's Plat No. 34, Lot No. 194 dated February 5, 1965. Copies of both of these agreements are enclosed.

The reason for this request is that the City has not dumped on this property for many years and the property is about to be sold for the development of a shopping center containing Stop & Shop as the anchor tenant off of Manton Avenue near the intersection of Fruit Hill Avenue.

This release is the last remaining item necessary in order to finalize this transaction. Your expeditious handling of this matter will be greatly appreciated.

Sincerely yours,



Z. Hershel Smith

ZHS:kk

Enclosure

cc: Patricia McLaughlin

7/29/57 FDW/m 2-3

BOOK 1068 PAGE 231

AGREEMENT

WHEREAS the RHODE ISLAND WHOLESALE GROCERY COMPANY, a Rhode Island corporation, owns a large area of land under water known as DYERVILLE POND, west of Manton Avenue in the City of Providence, and

WHEREAS the City Council of the City of Providence desires to operate a controlled dump on a portion of said premises for the convenience of the inhabitants of the City of Providence and the disposal of the city's waste,

NOW, THEREFORE, This Agreement made and concluded this 19th day of AUGUST, A. D. 1957 by and between the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of the State of Rhode Island, hereinafter called the "CITY" and RHODE ISLAND WHOLESALE GROCERY COMPANY, a corporation organized under the laws of the State of Rhode Island, hereinafter called the "COMPANY".

WITNESSETH:

In consideration of the premises and agreements herein mutually entered into, the parties agree for themselves, their successors and assigns as follows:

1. That the City shall have the right to dump into and fill that certain tract or parcel of land situated generally west of Manton Avenue in the City of Providence, shown as shaded area and designated by the letters A-B-C-D-E-F-G-H-J-K-L-N on the accompanying plan entitled, "Providence, R. I., P. W. Dept.--Engineering Office, City Property Section, Plan No. 061600, Date July 22, 1957", bounded and described

as follows:

1068 272

Beginning at the northwesterly corner of Lot 314 as shown on Assessor's Plat 34, said point being marked "A" on the accompanying plan; thence in a general southerly direction and bounding generally easterly in part on other of this grantee and in part on land now or formerly of William F. McGowan and wife, Anna A. to the northwesterly corner of Lot 190, said point being marked "H" on the accompanying plan; thence westerly in range of the northerly line of said Lot 190 and bounding southerly on other land of this grantor to point marked "J" on said plan; thence in a general northerly direction in a line sixty (60) feet easterly from and parallel with the westerly shore line of the Woonasquatucket River to point marked "K" on said plan; thence northerly to point marked "L" on said plan, said point being on the general southerly line of Lot 194, one hundred thirty (130) feet, more or less, from the northwesterly corner of said Lot 194; thence in a general easterly direction along the shore line of Dyerville Pond, so called, and bounding generally northerly on land now or formerly of James Apice and wife Rose to point marked "M" on said plan, this last described line being also the general southerly line of Lot 194 on said plan; thence southerly and bounding easterly in part on land now or formerly of Peter Amore and in part on land now or formerly of Joseph Starnino to the northwesterly corner of Lot 314 and the point and place of beginning and containing 562,400 square feet, more or less.

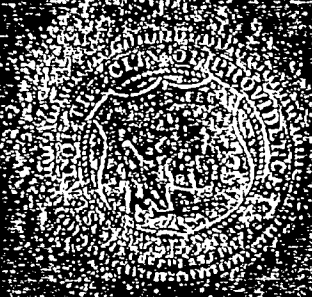
Said parcel is further identified as being a portion of Lot 234 on Assessor's Plat 34.

2. This dump shall be operated by the City of Providence under the control of the Director of Public Works of said City during the period of operations and when said dumping operations are completed the surface will be covered with soil.
3. The City will repay the company for any increase in taxes paid, over and above the normal increase of assessments on adjacent land in the area, until such time as the land is actually put to productive use.
4. The City will convey to the Company for purposes of ingress and egress a strip of land fronting approximately fifty (50) feet on Manton Avenue, and holding that width extending back

TAXES

BY 1064 MAY 23

IN WITNESS WHEREOF, the parties have signed and executed these presents, the CITY OF PROVIDENCE by WALTER H. REYNOLDS, the Mayor hereof, hereunto duly authorized by Resolution No. 500 and RHODE ISLAND WHOLESALE GROCERY COMPANY, by its duly authorized officer.



CITY OF PROVIDENCE

BY Walter H. Reynolds

RHODE ISLAND WHOLESALE GROCERY COMPANY

BY James J. [Signature]



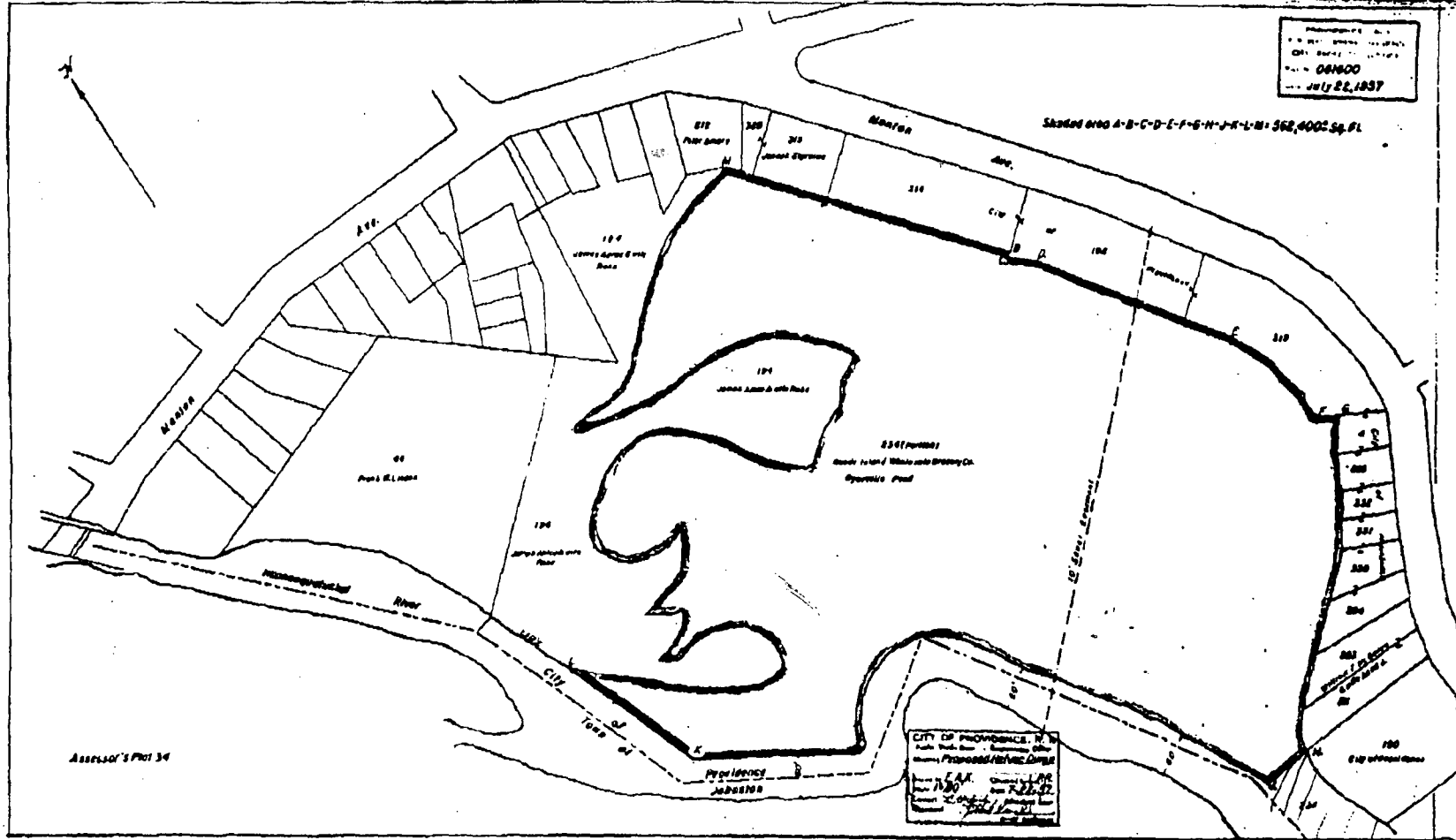
APPROVED:

John F. Meade
DEPUTY DIRECTOR OF PUBLIC WORKS

APPROVED AS TO FORM:

Francis W. McManus
ASSISTANT CITY SOLICITOR

1108 234



Edward M. Holman
 August 21, 1857



**CITY OF PROVIDENCE
CITY COLLECTOR**

COUNTER BILL

REAL ESTATE

DATE: NOV 08 1993

ACCOUNT #: 18214119

RI INDUSTRIAL FACILITIES CORP.
DYERVILLE, ASSOCIATES
222 RICHMOND ST
PROVIDENCE, RI 02903

QTR 1 0.00
QTR 2 0.00
QTR 3 573.25
QTR 4 573.29
TOTAL 1,146.54

ORIG TAX: 2,293.04 CREDITS: 1,146.50

INTEREST _____

034-0234-0000 662 MANTON AVE

TOT PAID _____

COLLECTOR'S STUB: WHEN PAYING BY MAIL DETACH AND RETURN IN ENVELOPE. MAKE CHECK PAYABLE TO CITY COLLECTOR.



CITY COLLECTOR, CITY OF PROVIDENCE

DATE: NOV 08 1993

ACCOUNT #: 18214119

RI INDUSTRIAL FACILITIES CORP.
DYERVILLE, ASSOCIATES
222 RICHMOND ST
PROVIDENCE, RI 02903

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QTR 4 573.29
TOTAL 1,146.54

ORIG TAX: 2,293.04 CREDITS: 1,146.50

034-0234-0000 662 MANTON AVE

| YR | ACCT NBR | PROP VALUE | TOTAL TAX DUE | CREDITS | TOTAL TAX BAL |
|----|----------|------------|---------------|----------|---------------|
| 93 | 18214119 | 81,400 | 2,293.04 | 1,146.50 | 1,146.54 |
| | | | ===== | ===== | ===== |
| | | | 2,293.04 | 1,146.50 | 1,146.54 |

NOTE: NO INTEREST IS SHOWN ON THIS STATEMENT. INTEREST WILL BE APPLIED TO ALL PAST DUE BALANCES AT TIME PAYMENT IS MADE.

TAX _____ INTEREST _____ CHARGES _____

A G R E E M E N T

WHEREAS, ALESSANDRO MORELLI and wife, ANNA MORELLI, both of the City and County of Providence, State of Rhode Island, own a large area of land under water known as DYERVILLE POND, west of Manton Avenue in the City of Providence, and

WHEREAS the City Council of the City of Providence desires to operate a controlled dump on a portion of said premises for the convenience of the inhabitants of the City of Providence and the disposal of the City's waste,

NOW, THEREFORE, this Agreement made and concluded this 24 day of February, A. D. 1965, by and between the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of the State of Rhode Island, hereinafter called the "CITY", and ALESSANDRO MORELLI and wife, ANNA MORELLI, hereinafter called the "MORELLIS";

W I T N E S S E T H:

In consideration of the premises and agreements herein mutually entered into, the parties agree for themselves, their heirs, executors, administrators and assigns as follows:

1. That the City shall have the right to dump into and fill that certain tract or parcel of land situated generally west of Manton Avenue in the City of Providence, shown as shaded area and designated by the letters A-B-C-D-E-F-G-H-J-K-L-M-N-O on the plan entitled, "Providence, R.I., P.W. Dept.--Engineering Office, City Property Section, Plan No. 061891, Date June 23, 1959", bounded and described as follows:

Beginning at a point in the southerly line of Manton Avenue at the northwesterly corner of Lot 338 on Assessor's Plat 34, said point being marked "A" on the accompanying plan; thence southerly and bounded easterly by other land of this grantor to the southwesterly corner of said Lot 338; thence easterly and bounded northerly by said other land of this grantor to the southeasterly corner of said Lot 338; thence southerly and bounded easterly by land now or formerly of

Edward E. Levy and wife Betty R. to the southwesterly corner of Lot 193; thence northeasterly and bounded northwesterly by said Levy land to the southeasterly corner of said Lot 193; thence easterly and bounded northerly by land now or formerly of Peter Amore to point marked "F" on the accompanying plan; thence in a general southerly direction and bounded generally easterly by land now or formerly of R. I. Wholesale Grocery Co. to point marked "G" on the accompanying plan, this last described line being the shoreline of Dyerville Pond, so called, and is the westerly limit of a controlled dump now operated by the City in agreement with the R. I. Wholesale Grocery Co.; thence northerly and bounded westerly by land now or formerly of Leo Francisco, Jr. and wife Louise to the northeasterly corner of Lot 48; thence easterly and bounded northerly by land now or formerly of Leo Francisco and wife Molly to the southeasterly corner of Lot 232; thence northerly and bounded westerly by said land now or formerly of Leo Francisco and wife Molly to the northeasterly corner of Lot 232 at point marked "K" on the accompanying plan; thence easterly and bounded northerly by land now or formerly of Ellen V. Rigney to the southeasterly corner of Lot 213; thence southerly, easterly and northerly and bounded easterly, northerly and westerly, respectively by said Rigney land to the southerly line of Manton Avenue and the northeasterly corner of Lot 316; thence easterly along the said southerly line of Manton Avenue to the northwesterly corner of Lot 338 and the point and place of beginning.

Said parcel is further identified as being Lot 194 on Assessor's Plat 34 and contains 137,492 square feet, more or less.

2. This dump shall be operated by the City of Providence under the control of the Director of Public Works of said City during the period of operations and when said dumping operations are completed the surface will be covered with soil.

3. The City will repay the MORELLIS for any increase in taxes paid, over and above the normal increase of assessments on adjacent land in the area, until such time as the land is actually put to productive use.

IN WITNESS WHEREOF, the parties have signed and executed these presents, the CITY OF PROVIDENCE, by JOSEPH A. DOORLEY, JR. the Mayor hereof, hereunto duly authorized by Resolution No. approved

CITY OF PROVIDENCE

BY

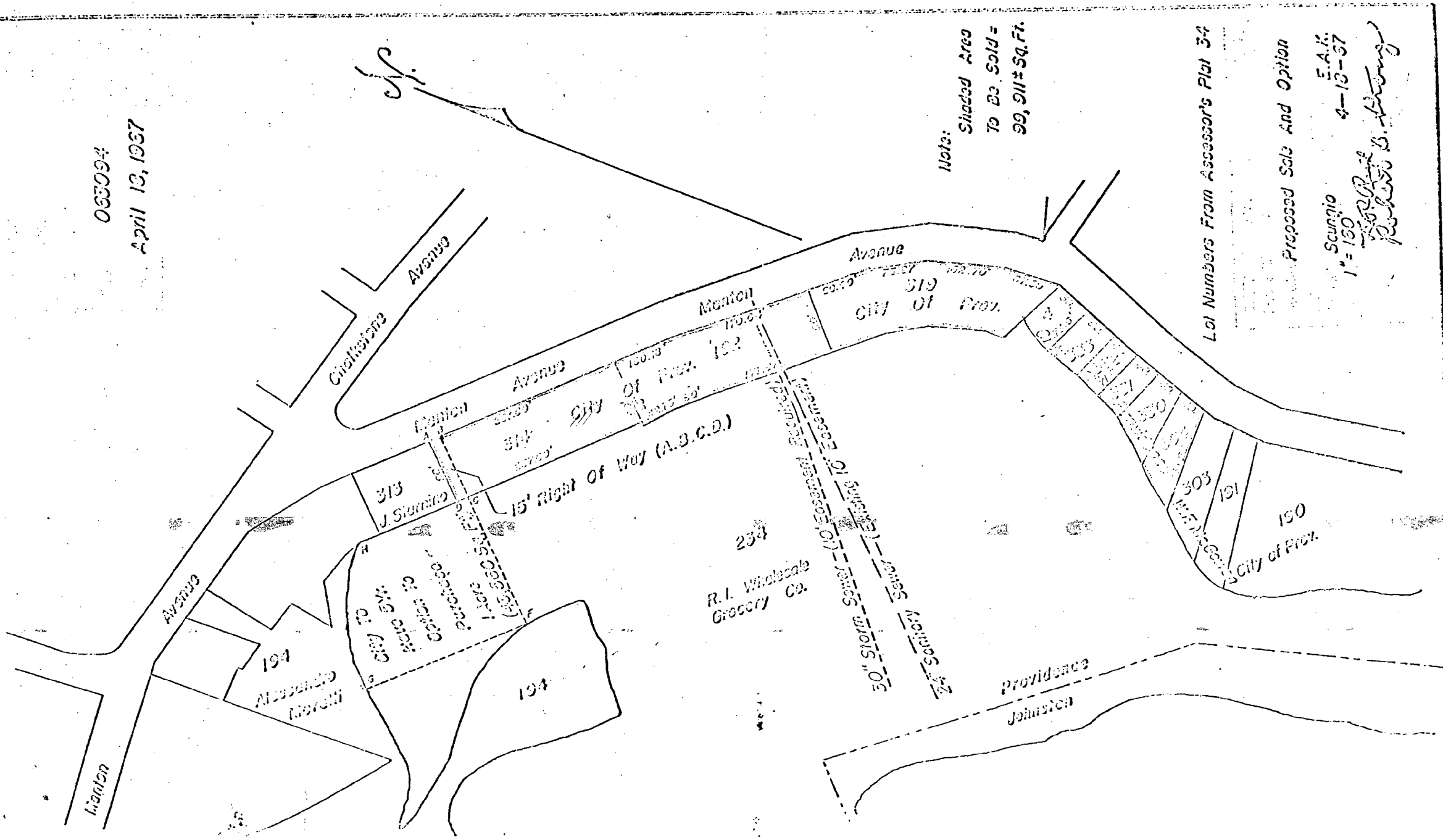
Joseph A. Doorley, Jr.
MAYOR

Alessandro Morelli
ALESSANDRO MORELLI

ANNA MORELLI

063094

April 13, 1937



Note:
 Shaded Area
 To Be Sold =
 99,911 ± Sq. Ft.

Lot Numbers From Assessor's Plat 34

Proposed Sale And Option

Scungio
 1" = 150'
 E.A.M.
 4-13-37

Robert B. Anthony

Michael R. Clement
City Clerk

Clerk of Council



Jean M. Angelone
First Deputy

Barbara A. Poirier
Second Deputy

**DEPARTMENT OF CITY CLERK
CITY HALL**

April 5, 1994

Z. Hershel Smith, Esq.
167 Angell Street
Second Floor
Providence, RI 02906-1200

Dear Attorney Hershel:

In response to your letter dated January 11, 1994 regarding to the release of dumping rights, I have been requested by Councilman John J. Lombardi, Chairman- Committee on City Property to invite you to the next scheduled meeting Tuesday, April 12, 1994 at 4:00 p.m., in Committee Room "A", City Clerk's Department, City Hall.

Please contact my office at 421-7740 ext. 250, if you will be able to attend.

Very truly yours,

Michael R. Clement
City Clerk

MRC/lma