

RESOLUTION OF THE CITY COUNCIL

No. 36

Approved January 29, 2016

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, R.I., DPW Engineering Office, Street Line Section Plan No. 064850, dated May 26, 2015,"

VIZ:

SOMERSET STREET, (portions of), shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-E-F-A) having ceased to be useful to the public.

Said Abandonment is specifically conditioned upon the following:

- (1) Petitioner shall grant any easements for utility access and maintenance, or required by the Department of Public Works and move any utilities if required;
- (2) 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.
- (3) 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.
- (4) Petitioner shall tender the amount of \$69,525.00 in legal tender U.S. to the City of Providence.
- (5) Funds received by the City pursuant to Paragraph (4) and deposited into the Real Estate Sales Account Fund 656 shall be transmitted to support infrastructure improvements, both in and around, the Davey Lopes Recreation Center.

(6) Petitioner shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.

(7) The Petitioner shall comply with all conditions contained herein within sixty (60) days from the date of passage.

(8) The Petitioner shall apply for an administrative subdivision to merge the abandoned street area with their property.

(9) The abandonment shall be subject to the Petitioner fulfilling the conditions of approval of the campus master plan approved by the City Plan Commission.

(10) Under the supervision of the City Engineer, 24 feet between the northern and southern curbs of Somerset St. between Prairie Ave and Tanner St. shall be measured and designed a "no build zone" where no permanent structure used for human habitation shall be permitted to be built.

(11) There shall be public access to the basketball courts on Somerset St.

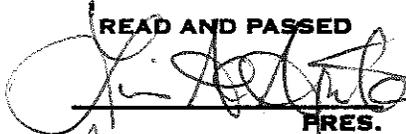
(12) Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works.

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.

IN CITY COUNCIL

JAN 21 2016

READ AND PASSED

PRES.

CLERK

I HEREBY APPROVE. 
Mayor
Date: 1/29/16

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

Attachment Page 1

CITY OF PROVIDENCE
State of Rhode Island and Providence Plantations

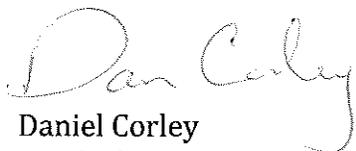
PETITION TO THE CITY COUNCIL

To the Honorable City Council of the City of Providence:

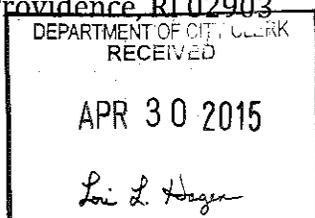
The undersigned respectfully petitions your honorable body

Per the attached Meets and Bounds Description and Exhibit A, to abandon the 50' wide Public Right of Way known as Somerset Street on Assessor's Plat Number 23 from the westerly side of Prairie Avenue to the easterly side of Tanner Street for ownership of and use by the Community Preparatory School Inc., 126 Somerset, Providence, RI 02903.

Respectfully Submitted,



Daniel Corley
Head of School
Community Preparatory School Inc
126 Somerset Street
Providence, RI 02903

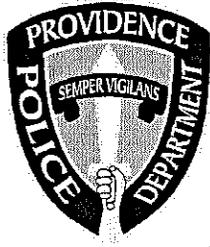


Petition to Abandon Somerset Street

Citizens Bank

Check No. 16333

\$75.00



PROVIDENCE POLICE DEPARTMENT
Traffic Bureau
325 Washington St., Providence, RI 02903
243-6279

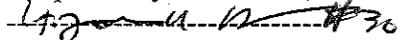
08/20/15

To: Lori L. Hagen, City Clerk
From: Lt. John K. Ryan
Subject: Abandonment of a portion of Somerset Street.

Ma'am:

After reviewing the request for the abandonment of the 50 Foot wide Public Right of Way known as Somerset Street as Somerset Street on Assessor's Plat Number 23, the Police Department has no objections to the proposed abandonment.

Respectfully Submitted,


Lt. John K. Ryan #30

CLARENCE A. CUNHA
Chief of Department

SCOTT G. MELLO
Assistant Chief of
Department



JORGE O. ELORZA
MAYOR

STEVEN M. PARÉ
Commissioner of
Public Safety

Department of Public Safety, Fire Department
"Building Pride in Providence"

MEMORANDUM

DATE: May 27, 2015

TO: The office of the City Clerk

FROM: Chief Clarence A. Cunha
Chief of the Providence Fire Department

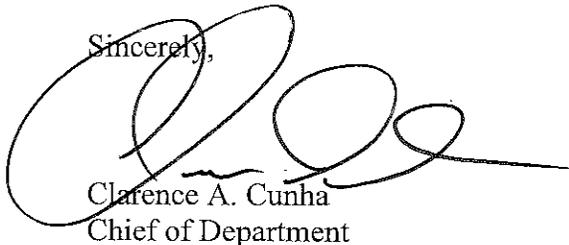
SUBJECT: Resolution to the City Council
(Requesting to abandon a portion of Somerset Street)

The Providence Fire Department is in receipt of the Resolution to the City Clerk dated May 8, 2015, with regards to a request of Councilman Michael J. Correia, Chairman of the Committee on Public Works.

Please be advised that the Providence Fire Department requires The Community Preparatory School to relocate its Fire Department Connection (FDC) to the Tanner Street side of the building. Presently, the connection is on the Somerset Street side of the building approximately 100 feet down from Tanner Street.

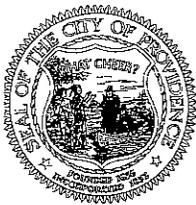
If the proposed section of Somerset Street is abandoned and the FDC is not relocated, the Fire Department will not have access to the Fire Department Connection impeding proper fire protection to the Community Preparatory School building.

Sincerely,



Clarence A. Cunha
Chief of Department

Russell P. Knight
Director



Jorge O. Elorza
Mayor

Department of Public Works
"Building Pride in Providence"
ENGINEERING DIVISION

October 21, 2015

Honorable Michael J. Correia
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Abandonment of a portion of Somerset St. (This letter and plan supercedes previous letter and plan.)

Dear Councilman Correia:

This department has no objection to the proposed abandonment of a portion of Somerset St. in conjunction with the attached plan, entitled "Prov., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064850. Area of abandonment is designated as cross-hatched area (A-B-C-D-E-F-A) on the accompanying plan.

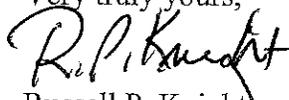
Full sewer easement is required.

Total square footage equals 13,905 feet. (+)
See accompanying plan for plat and lot numbers.

According to Informational Bulletin 2003.1 issued by Rhode Island Board of Registration for Professional Land Surveyors, road abandonments constitutes a boundary change, and as such, requires a Class 1 survey prepared by a professional Land Surveyor, property licensed by said board.

If we can further assist you in this regard, please advise.

Very truly yours,


Russell P. Knight
Director-D.P.W.

Cc: Lori Hagen-City Clerk
RPK, AZ-DPW
A. Southgate, Esq.-Law Dept.
D. Quinn-Tax Assessors
J. Bennett-Planning & Development

700 Allens Avenue – Providence, Rhode Island 02905 – (401) 467-7950 – FAX 941-2567 – TDD 751-0203

Prairie Avenue

(50' WIDE PUBLIC RIGHT OF WAY)

PROVIDENCE, R.I.
P.W.DEPT. - ENGINEERING OFFICE
STREET LINE SECTION

PLAN NO. 064850

DATE: OCTOBER 6, 2015

POINT OF BEGINNING

Somerset Street
(50' WIDE PUBLIC RIGHT OF WAY)
(15,945 SF, 0.37 ACRES)

AP 23, LOT 993

24' WIDE SEWER EASEMENT
"NO BUILD ZONE"
AREA=7,654 SF

AP 23, LOT 744

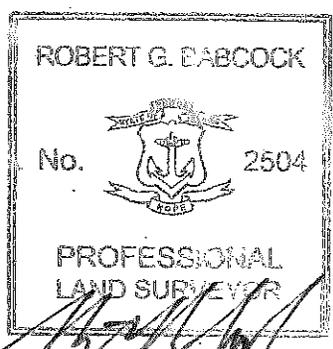
AP 23, LOT 361

AP 23, LOT 373

REMAINING AREA OF SOMERSET STREET
AREA=2,040 SF

AP 23, LOT 595

Tanner Street
(40' WIDE PUBLIC RIGHT OF WAY)

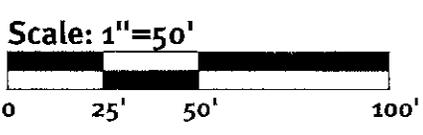


Legend

- ⊙ DRAINAGE MANHOLE
- ⊙ SEWER/SEPTIC MANHOLE
- S — SEWER LINE

NOTES:
 CROSS-HATCHED AREA (A-B-C-D-E-F-A) INDICATES PROPOSED ABANDONMENT OF A PORTION OF SOMERSET STREET
 TOTAL SQUARE FOOTAGE=13,905±
 SEWER EASEMENT REQUIRED

CITY OF PROVIDENCE, R.I.
 Public Works Dept - Engineering Office
 Showing proposed abandonment of a portion of Somerset Street
 Drawn by ELT Checked by _____
 Correct _____ Associate Engr.
 Approved William A. Bonham
 CHIEF ENGINEER





Aug 11, 2015 2nd letter

June 11, 2015

Michael J. Correia
Chairman Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Subject: Petition for Street Abandonments
A portion of Somerset Street
Providence, RI

The Hon. Jorge O. Elorza
Mayor
Ricky Caruolo
General Manager

Dear Mr. Correia:

The referenced Somerset Street Petition to the City Council has been reviewed for any impact this action might have on the Providence Water (PW) water distribution system. Our records indicate that there is an active 6-inch cast iron water main located within the right of-way of this street, running from Prairie Avenue to Tanner Street, with water services to several buildings on Somerset Street. Accordingly, this main must remain active.

PW has no objection to the street abandonment provided that the Petitioner grants a full utility easement to PW to maintain, construct, repair, etc. the existing water main and its appurtenances and that no permanent construction, whatsoever, be allowed within the easement. The easement shall be at least 20-feet wide and centered on the main. Actual dimensions and wording of the easement shall be subject to review by PW as to form and content.

In addition, PW would have no objection to the street abandonment if the petitioner was willing to re-locate the mains and services, at their expense. All construction must be coordinated with the PW Construction Services Division. All construction plans for re-location work would have to be in accordance with and approved by PW.

If you have any further questions, please feel free to contact me at (401) 521-6300, extension 7262.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD

Jacqueline Brosco
Real Estate Administrator

cc: Chris Labossiere
Michael Di Nobile
Andy Pion
File

Lori L. Hagen, City Clerk ✓

BOARD OF DIRECTORS

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- Joseph D. Cataldi
Vice Chairperson
- Michael J. Correia
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Councilperson
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- New England Water Works Assn.
- American Water Works Assn.
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(401) 521-6300

552 Academy Avenue
Providence, RI 02908

www.provwater.com

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WENDY NILSSON
Superintendent of Parks

JORGE O. ELORZA
Mayor



CITY OF PROVIDENCE

MEMORANDUM

TO: Lori L. Hagen, City Clerk

FROM: Wendy Nilsson, Superintendent of Parks & Recreation 

DATE: May 26, 2015

RE: Petition to the City Council – Requesting to abandon a portion of Somerset Street

We are general in favor, but need to insure that the best interests of Davey Lopes Park are assured and that we are allowed access for maintenance through Somerset Street.

DEPARTMENT OF PARKS + RECREATION

Roger Williams Boathouse | 1000 Elmwood Avenue Providence, Rhode Island 02905
401 785 9450 ph | 401 941 5920 fax
www.providenceri.com



ANDOLFO APPRAISAL ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS
THE BUSH BUILDING
216 WEYBOSSET STREET • PROVIDENCE • RHODE ISLAND 02903
(401) 273-8989 • FAX (401) 273-2510

October 29, 2015

Mr. David Quinn
Providence Tax Assessor
25 Dorrance Street
Providence, Rhode Island 02903

Re: Revised Proposed Abandonment of a Portion of Somerset Street

Dear Mr. Quinn:

Pursuant to your request, we have personally inspected the real estate located on Somerset Street (Assessor's Plat 23) as it intersects with Prairie Avenue and Tanner Street. This appraisal has been revised due to a change in requested square footage. The subject is located in the Upper South Providence neighborhood of the city and is presently zoned R-2 Residential. The purpose of our inspection and subsequent analysis was to opine the "as is" fee simple market value of a partial abandonment of Somerset Street.

The abandonment is requested by The Community Preparatory School, Inc., of 126 Somerset Street, Providence, Rhode Island. The proposed abandonment would contain 13,905 square feet, the area in general measuring approximately 40 feet by 306.55 feet in length along the center line of the street. The appraisers note that the Department of Public Works has reviewed this petition and concluded no objection to the proposed abandonment providing that the petitioner be responsible for a Class 1 Survey prior to any conveyance of the area.

We have taken into account a number of factors in arriving at the opined "as is" market value for this site. Notably, while the petitioner will gain restricted use of the site for uses associated with its institutional use, there would exist a sewer easement required by the City of Providence, Department of Public Works, through it.

The highest and best use of the site would be for institutional-related uses given the close proximity to the Prairie Avenue commercial corridor within the Rhode Island Hospital District area. However, the petitioner would most likely not be able to construct a permanent structure on the site given the continued existence and city use of the sewer (easement). Based on the limited use of the site area, the appraisers reduced the fee simple market value by 50%.

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. David Quinn
Providence Tax Assessor
Page 2
October 29, 2015

Based upon an analysis of comparable residential land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a value of \$10.00 per square foot was opined for the site abandonment area prior to the 50% public sewer offset.

Therefore, based on the data gathered and the analysis thereof, it is our considered opinion that the "as is" fee simple market value of the proposed abandonment is as follows:

13,905 square feet x \$10.00 per square foot = \$139,050 x .50 = \$69,525
rounded to \$70,000.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

William G. Floriani (fcd)

William G. Floriani
Certified Residential Appraiser

Thomas S. Andolfo, MAI, SRA, AI-GRS
Thomas S. Andolfo, MAI, SRA, AI-GRS
Certified General Appraiser

WGF:TSA/fad



City Plan Commission
Jorge O. Elorza, Mayor

June 18, 2015

Councilman Michael Correia
Chair, Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lori Hagen, City Clerk

Re: Referral 3391 – Abandonment of a portion of Somerset Street

Petitioner: Community Preparatory School

Dear Councilman Correia:

At a regular meeting of the City Plan Commission (CPC) held on June 16, 2015, the CPC considered the proposal by the petitioner to abandon a portion of Somerset Street between Prairie Ave and Tanner Street. The applicant intends to close the abandonment area and convert it to a one way to be used for parking, a bus drop off area and as a connection to the recreation center at the southern portion of Somerset Street.

FINDINGS OF FACT

The Commission made the following findings of fact as required by the City Plan Commission Handbook Policy No. 1: "Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment":

- 1. A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

The petitioner intends to abandon and close this portion of Somerset Street to traffic to provide students access to the community center to the south. The CPC found that the abandonment could have a number of benefits that are in the public interest and that closing the street to traffic would enhance the safety and welfare of students and also result in traffic calming which would benefit the immediate area. The CPC found that by increasing the pervious surface on lot 993 and using a smaller parking lot, the applicant would be improving the immediate environment, improving drainage conditions and mitigating the heat island effect. This would be in conformance with strategies G and H of objective M-6 of the

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

comprehensive plan, which encourage elimination of paved surfaces and an increase in the amount of green, pervious surface.

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

The CPC found that no negative impacts are expected as a result of the abandonment.

3. *All abutting landowners agree to the proposed abandonment.*

The petitioner owns the land abutting the northern portion of Somerset Street and the City of Providence owns the land abutting the Southern portion. The CPC required that the Department of Public Property approve the abandonment and agree to the petitioner acquiring the entire street.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

The CPC found that the abandonment would not deny legal access to surrounding property.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is unknown if any utilities need to be provided or maintained within the public right of way. The CPC required that the applicant grant any easements required by the Department of Public Works.

The CPC recommended that 24 feet between the north and south curb of Somerset Street between Prairie Ave and Tanner Street be measured under the supervision of the City Engineer and be declared a no build zone. No development of permanent structures used for human-habitation shall occur within the zone.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

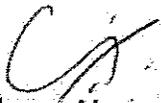
A petition and plan were provided. The CPC found the proposal to be consistent with the Comprehensive Plan and purposes of Zoning listed in Section 101 of the Zoning Ordinance. The applicant submitted an institutional master plan detailing development on campus and how the abandoned area would be used.

RECOMMENDATION

The CPC voted to advise the Committee on Public Works that the petition be approved subject to the following conditions:

1. The petitioner shall apply for an administrative subdivision to merge the abandoned street area with their property.
2. The petitioner shall grant any necessary easements for utility access and maintenance.
3. The abandonment shall be subject to the applicant fulfilling the conditions of approval of the campus master plan approved by the City Plan Commission.
4. Under the supervision of the City Engineer, 24 feet between the northern and southern curbs of Somerset Street between Prairie Ave and Tanner Street shall be measured and designated a 'no build zone' where no permanent structure used for human habitation shall be permitted to be built.

Sincerely,



Choyon Manjrekar
Administrative Officer

cc: William Bombard, Department of Public Works

