

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

*No.* 276

*Approved* June 21, 2004

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064658 dated September 7, 2000."

VIZ: Murphy Street (portion of) as described in Attachment "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters A-B-C-D-A 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. The Petitioner has tendered the amount of Twenty-four Thousand Three Hundred Dollars (\$24,300.00) in legal tender U.S. currency to the City of Providence.
2. The petitioner shall convey an easement acceptable to Verizon which will permit 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 be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.
3. The Petitioner shall meet the conditions to which reference is made in that communication from the Providence City Plan Commission dated 11 September, 2000 which provides that said abandonment ought to be subject to Petitioner providing landscaping, including shrubbery and wrought iron fences at the ends of the abandoned situs.
4. The Petitioner shall meet the conditions to which reference is made in that communication from the Providence Water Supply Board 25 September, 2000 with reference to replacing certain pipes and connectors.

IN CITY COUNCIL  
MAY 20 2004  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS  
Michael R. Clement CLERK  
ams

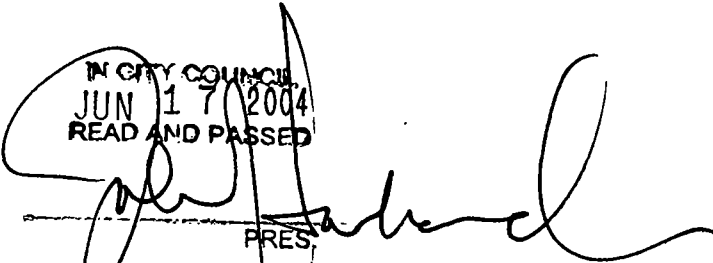
THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution  
Ann M. Stein As Amended  
6-1-04 Clerk

Council President Lombardi, By Request

5. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place 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  
JUN 17 2004  
READ AND PASSED  
  
PRES.  
Michael R. Clement  
CLERK *Amo*

  
**APPROVED** 6/21/04  
**MAYOR**

**Rudy's Marketplace, LLC  
Furniture Mall Realty, LLC**

August 18, 2004

Adrienne Southgate  
Deputy City Solicitor  
City of Providence Legal Department  
275 Westminster Street  
Providence, Rhode Island 02903

RE : MURPHY STREET ABANDONMENT  
RESOLUTION OF CITY COUNCIL  
# 276  
Approved June 21, 2004

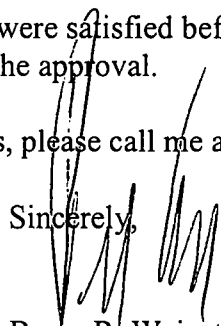
Dear Deputy Solicitor Southgate,

This communication is being forwarded to you with the intention of memorializing the compliance and satisfaction of all the terms and conditions as set forth in the above mentioned Resolution. The Resolution was recorded with the land evidence records for the City of Providence on at 8:50 a.m. on 7/14/04 at Book 6657, Page 124 ( a copy of which has been enclosed for your convenience).

- Condition #1 - The payment to the City of Providence was satisfied on December 2, 2002;
- Condition #2 - Easement to Verizon recorded with the land evidence records for the City of Providence on July 30, 2004, at 12:37 p.m.;
- Condition #3 - Landscaping including wrought iron fences completed on August 1, 2004 (copies of photos are enclosed);
- Condition # 4 - The Providence Water Supply Board letter dated August 10, 2004 indicates compliance/ satisfaction of this condition #4 (copy enclosed); and
- Condition #5 - each of the other conditions were satisfied before August 18, 2004, and within Sixty (60) days of the approval.

Should you have any questions or comments, please call me at 401-255-9630.

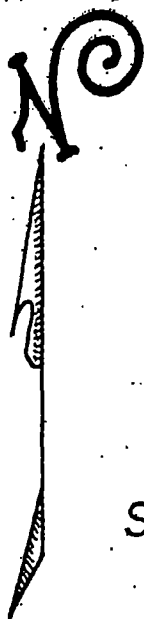
Sincerely,

  
MEMBER  
Bruce R. Weinstein, Member  
Rudy's Marketplace, LLC  
Furniture Mall Realty, LLC

Enclosures

Cc: IF Alps, LLC  
J. Nottie, Esq.

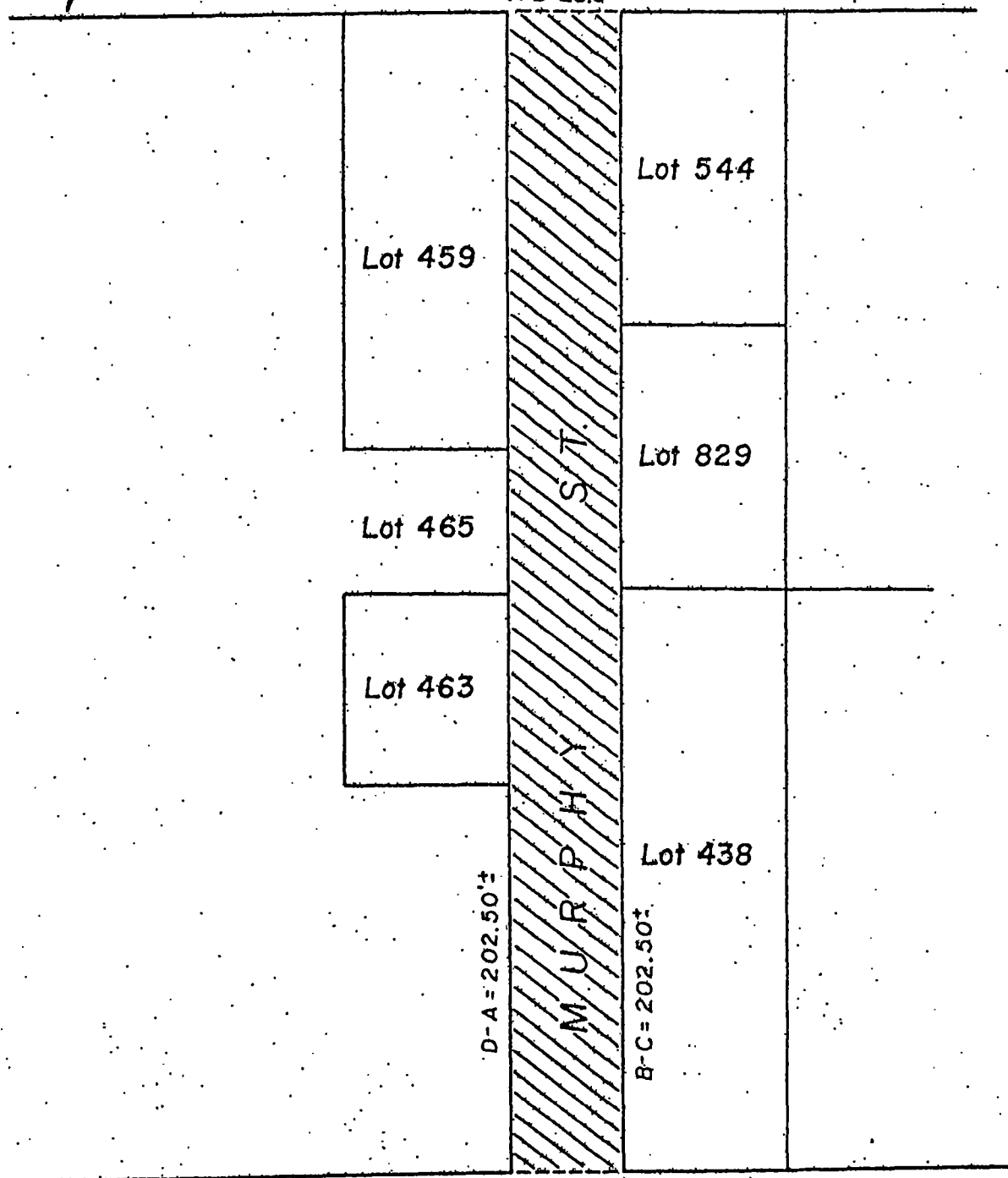
**333 Atwell's Avenue  
Providence, RI**



PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064658  
Date Sept. 7, 2000

SPRUCE ST.

A-B=20.0' B



D C-D=20.0' C

ATWELLS AVE.

NOTES: Cross-hatched area (A-B-C-D-A)  
indicates proposed abandonment.  
Total square footage= 4050.00'±  
No sewer easement required. (private drain)  
Lot numbers taken from A.P. 28.

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Showing proposed abandonment of a  
portion of Murphy St.  
Drawn by A. Zisiades Checked by Dec  
Scale 1" = 30' Date 9-7-2000  
Correct James P. H. Associate Eng'r  
Approved [Signature] CHIEF ENGINEER



Resolution# 276

# RESOLUTION OF THE CITY COUNCIL

No. 276

Approved June 21, 2004

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VIZ: Murphy Street (portion of) as described in Attachment "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters A-B-C-D-A 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. The Petitioner has tendered the amount of Twenty-four Thousand Three Hundred Dollars (\$24,300.00) in legal tender U.S. currency to the City of Providence.
2. The petitioner shall convey an easement acceptable to Verizon which will permit 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 be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.
3. The Petitioner shall meet the conditions to which reference is made in that communication from the Providence City Plan Commission dated 11 September, 2000 which provides that said abandonment ought to be subject to Petitioner providing landscaping, including shrubbery and wrought iron fences at the ends of the abandoned situs.
4. The Petitioner shall meet the conditions to which reference is made in that communication from the Providence Water Supply Board 25 September, 2000 with reference to replacing certain pipes and connectors.

5. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place 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  
JUN 17 2004  
READ AND PASSED  
PRES  
Michael R. Clement  
CLERK *Amo*

APPROVED *6/21/04*  
*[Signature]*

MAYOR

A true copy.  
Attest  
*[Signature]*  
Michael R. Clement  
City Clerk



## Receipt

Michael R. Clement  
City Clerk  
\_\_\_\_\_  
Clerk of Council  
\_\_\_\_\_




Claire E. Bestwick  
First Deputy  
\_\_\_\_\_  
Anna M. Stetson  
Second Deputy  
\_\_\_\_\_

DEPARTMENT OF CITY CLERK  
CITY HALL

**RECEIPT**

Received of Furniture Mall Realty LLC, Check No. 1423,  
Coastway Credit Union, Providence, Rhode Island, in the amount of  
Twenty-Four Thousand and Three Hundred (\$24,300.00) Dollars,  
for deposit for the Abandonment of a portion of Murphy Street.

  
\_\_\_\_\_  
Claire E. Bestwick  
First Deputy City Clerk

Dated: December 2, 2002

## Providence Water

ROBERT A. WALSH, JR.  
*Chairman*

JOEL D. LANDRY, II  
*Vice Chairman*

ALEXANDER D. PRIGNANO  
*Ex-Officio*

CARISSA R. RICHARD  
*Secretary*

FERNANDO S. CUNHA, ESQ.  
*Legal Advisor*



DAVID N. CICILLINE  
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JOSEPH DE LUCA  
*City Councilman*

PETER S. MANCINI  
*City Councilman*

JOSEPH D. CATALDI  
*Member*

ANNE T. QUINTERNO  
*Member*

August 10, 2004

Mr. Steve Weinstein  
Rialto Furniture  
333 Atwells Avenue  
Providence, RI 02903

Re: Resolution of the City Council No. 276  
Abandonment of Murphy Street, Providence

Gentlemen:

This letter shall serve as confirmation that Providence Water has removed the water valve located at the intersection of Murphy Street and Atwells Avenue in the City of Providence. Providence Water has also abandoned, in place, the six inch water main located beneath Murphy Street.

Providence Water no longer has any asset located in the abandoned section of Murphy Street as referenced in Resolution of the City Council Number 276.

Should there be any questions regarding this information, please contact Frank Healy at Providence Water, 401-521-6300 extension 7261.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Healy", is written over a horizontal line.

Frank Healy  
Manager

cc: P. Gadoury, P.E.  
J. Brosco  
File

[WWW.PROVWATER.COM](http://WWW.PROVWATER.COM)

552 ACADEMY AVENUE • PROVIDENCE, RHODE ISLAND • 02908 • (401) 521-6300 • FAX (401) 331-5081 • TDD (401) 751-0203

## Verizon Easement

## EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that RUDY'S MARKET PLACE, L.L.C., a Rhode Island Limited Liability Company, doing business at 321 Arwells Avenue, Providence, RI 02903, (hereinafter called the "GRANTOR") hereby grants an Easement to VERIZON NEW ENGLAND, INC. (formally known as New England Telephone and Telegraph Company), a New York corporation, having its principal place of business at 185 Franklin Street, Boston, Massachusetts 02110, and THE NARRAGANSETT ELECTRIC COMPANY, having its usual place of business at 280 Melrose Street, Providence, Rhode Island, together with their respective successors and assigns, as tenants in common, (hereinafter the "Grantees").

WHEREAS, the Grantor owns in fee simple a certain parcels of land off Arwells Avenue and Murphy Street, in the City of Providence, Providence County, State of Rhode Island.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Grantor grants to the Grantees, their successors and assigns, with quitclaim covenants, the exclusive and perpetual right and easement to access, erect, construct, reconstruct, connect, install, lay, operate, maintain, inspect, repair, replace, alter, extend, or remove one or more lines for the transmission and/or distribution of electricity and the transmission and/or distribution of intelligence and telecommunications including the existing Poles, with the necessary wires, cables, anchors, guys and appurtenances for the transmission and/or distribution of electricity and the transmission and/or distribution of intelligence and telecommunications upon, over and across a portion of said parcels of land known as Flat 28, Lots 438, 829 & 544, said portion of land acquired through a petition of abandonment on Murphy Street, in the City of Providence Tax Assessor Records. The location of said facilities to become permanent upon the placing thereof as now laid out or may be laid out in the future.

The Grantees shall have the further right to enter said portion of Grantor's land by foot or by vehicle for all of the herein stated purposes and to connect said Poles, wires and cables with the poles, conduits, cables and wires which are located or which may be placed in public or private ways, adjacent or contiguous to the aforesaid premises. Grantees shall also have the right to cut, trim and remove such trees, bushes and growth as the Grantees or either of them may from time to time deem necessary for the safe and efficient operation and maintenance of Grantee's facilities.

It is also agreed that the Grantees, their successors and assigns, shall have the right to extend their lines on the subject premises from time to time as may be necessary in the judgment of the Grantees, their successors or assigns, to serve customers on the subject premises or on adjoining premises of other parties without any liability to the Grantor, or any successors or assigns.

For Grantor's title, see Book 3517, Page 253, recorded in the City of Providence Land Evidence Records on March 21, 1997.

IN WITNESS WHEREOF, said RUDY'S MARKET PLACE, L.L.C., has set its Hand  
and Seal to be hereto affixed and these presents to be signed by its proper approving  
authority for the purpose duly authorized this 30th day of July 2004.

IN THE PRESENCE OF:

RUDY'S MARKET PLACE, L.L.C

[Signature]

By [Signature]  
Title member

[Signature]  
MEMBER

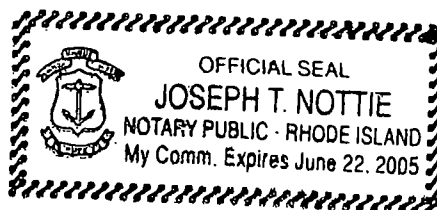
STATE OF RHODE ISLAND

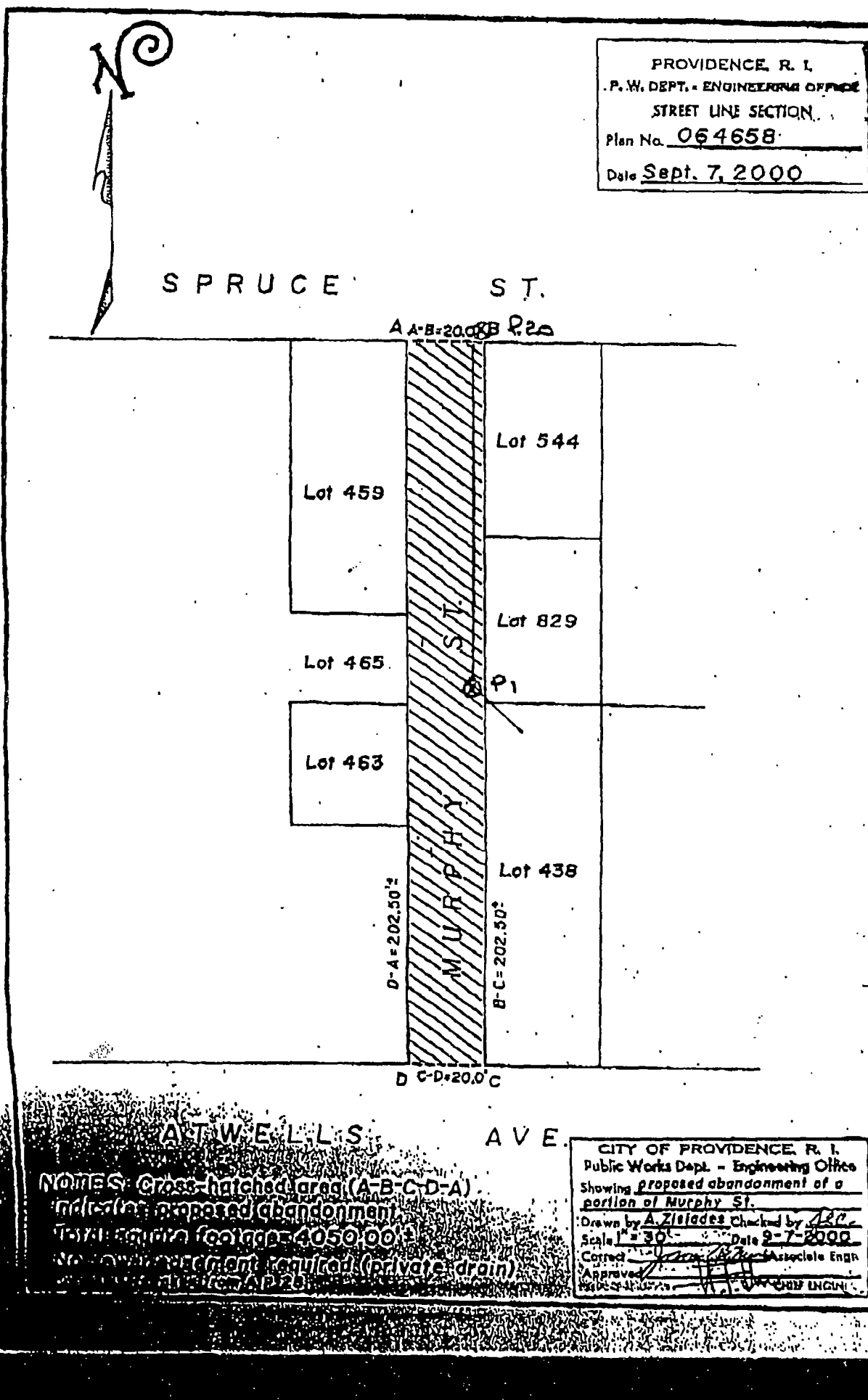
Providence County In Rhode Island  
In said County on the 30th day of July 2004, before me personally appeared the above  
named Bruce M. Weinstein and Steve Weinstein, Members  
to me known and known by me to be the person(s) executing the foregoing instrument and  
acknowledged said instrument to be their free act and deed and the free act and deed of said  
RUDY'S MARKET PLACE, L.L.C.

[Signature]  
NOTARY PUBLIC

Name Printed \_\_\_\_\_

My Commission Expires \_\_\_\_\_









# City of Providence

*Receipt*

## Recorder of Deeds



Record ID 39656

Instrument Easement

Grantor RUDY'S MARKETPLACE LLC

Grantee VERIZON NE

Date 7/30/2004 Time 12:37 PM

Base fee	\$45.00
Historical tax fee	\$2.00
Page Fee	\$2.00
Regular Copy Fee	\$0.00
Certified Copy Fee	\$0.00
Miscellaneous Fee	\$0.00
<b>Total Amount Due:</b>	<b>\$49.00</b>

Payment Received By: \_\_\_\_\_

Date: 7/30/2004

## Photographs

\* ATWELLS AVE "NOT A PUBLIC HIGHWAY"  
SIGNAGE



\* SPRUCE STREET "NOT A PUBLIC HIGHWAY"  
SIGN

# SPRUCE ST.



## LANDSCAPING & WROUGHT IRON FENCE



# ATWELLS AVE

Resolution# 276

# RESOLUTION OF THE CITY COUNCIL

No. 276

Approved June 21, 2004

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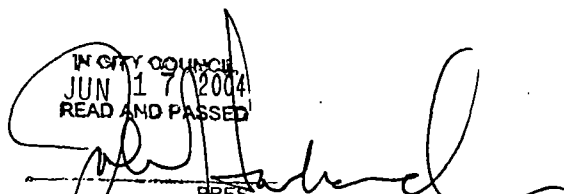
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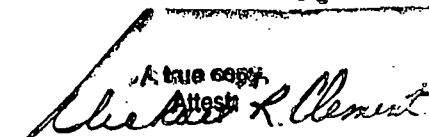
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IN CITY COUNCIL  
JUN 17 2004  
READ AND PASSED  
  
PRES.  
Michael R. Clement  
CLERK *amo*

  
**APPROVED** 6/21/04

**MAYOR**

A true copy  
Attest  
  
Michael R. Clement  
City Clerk

Receipt

Receipt



Michael R. Clement  
City Clerk  
\_\_\_\_\_  
Clerk of Council  
\_\_\_\_\_



Claire E. Bestwick  
First Deputy  
\_\_\_\_\_  
Anna M. Stetson  
Second Deputy  
\_\_\_\_\_

DEPARTMENT OF CITY CLERK  
CITY HALL

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Claire E. Bestwick  
First Deputy City Clerk

Dated: December 2, 2002

Providence Water

ROBERT A. WALSH, JR.  
*Chairman*

JOEL D. LANDRY, II  
*Vice Chairman*

ALEXANDER D. PRIGNANO  
*Ex-Officio*

CARISSA R. RICHARD  
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JOSEPH DE LUCA  
*City Councilman*

PETER S. MANCINI  
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*Member*

ANNE T. QUINTERNO  
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August 10, 2004

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Rialto Furniture  
333 Atwells Avenue  
Providence, RI 02903

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Sincerely,



Frank Healy  
Manager

cc: P. Gadoury, P.E.  
J. Brosco  
File

[WWW.PROVWATER.COM](http://WWW.PROVWATER.COM)

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Verizon Easement

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The Grantees shall have the further right to enter said portion of Grantor's land by foot or by vehicle for all of the herein stated purposes and to connect said Poles, wires and cables with the poles, conduits, cables and wires which are located or which may be placed in public or private ways, adjacent or contiguous to the aforesaid premises. Grantees shall also have the right to cut, trim and remove such trees, bushes and growth as the Grantees or either of them may from time to time deem necessary for the safe and efficient operation and maintenance of Grantee's facilities.

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JUL 02 2004 12:30 FR REIMBURSABLES

725 7680 TO 3511489

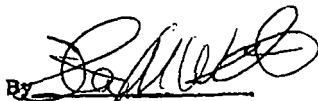
P.02

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IN THE PRESENCE OF:

RUDY'S MARKET PLACE, L.L.C



By   
Title member

  
MEMBER

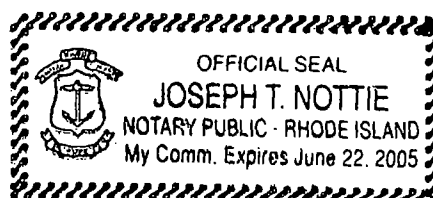
STATE OF RHODE ISLAND

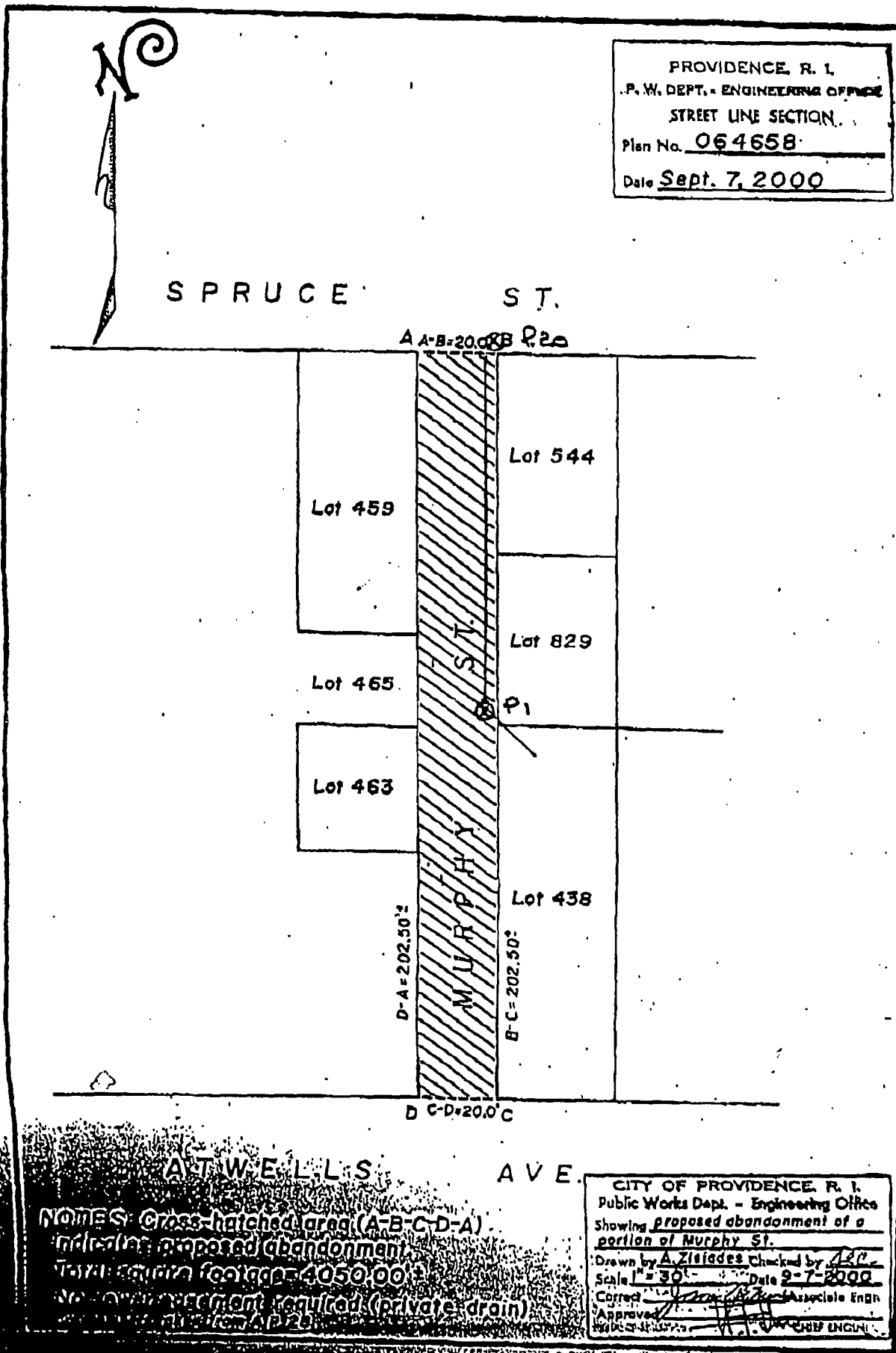
Providence County In Rhode Island  
In said County on the 30th day of July 2004, before me personally appeared the above  
named Bruce M. Weinstein and Steve Weinstein, Members  
to me known and known by me to be the person(s) executing the foregoing instrument and  
acknowledged said instrument to be their free act and deed and the free act and deed of said  
RUDY'S MARKET PLACE, L.L.C.

  
NOTARY PUBLIC

Name Printed \_\_\_\_\_

My Commission Expires \_\_\_\_\_







# City of Providence

*Receipt*

## Recorder of Deeds



Record ID 39656

Instrument Easement

Grantor RUDY'S MARKETPLACE LLC

Grantee VERIZON NE

Date 7/30/2004 Time 12:37 PM

Base fee	\$45.00
Historical tax fee	\$2.00
Page Fee	\$2.00
Regular Copy Fee	\$0.00
Certified Copy Fee	\$0.00
Miscellaneous Fee	\$0.00
<b>Total Amount Due:</b>	<b>\$49.00</b>

Payment Received By: \_\_\_\_\_

Date: 7/30/2004



Photographs

# SPRUCE ST.



## LANDSCAPING & WROUGHT IRON FENCE



# ATWELLS AVE



\* ATWELLS AVE "NOT A PUBLIC HIGHWAY"  
SIGNAGE



\* SPRUCE STREET "NOT A PUBLIC HIGHWAY"  
SIGN

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*No.* 276

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5. Petitioner shall comply with all conditions contained herein not later than sixty (60) days from its approval. Upon failure to so comply for any reason, the within resolution shall automatically become a nullity.

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

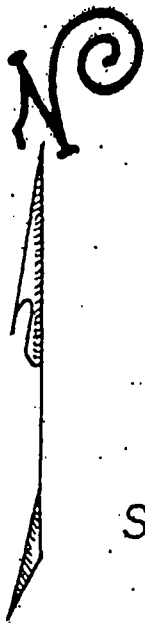
IN CITY COUNCIL  
JUN 17 2004  
READ AND PASSED  
PRES.  
Michael R. Clement  
CLERK *Amo*

APPROVED 6/21/04  
*[Signature]*

MAYOR

A true copy  
Attest  
*[Signature]*  
Michael R. Clement  
City Clerk

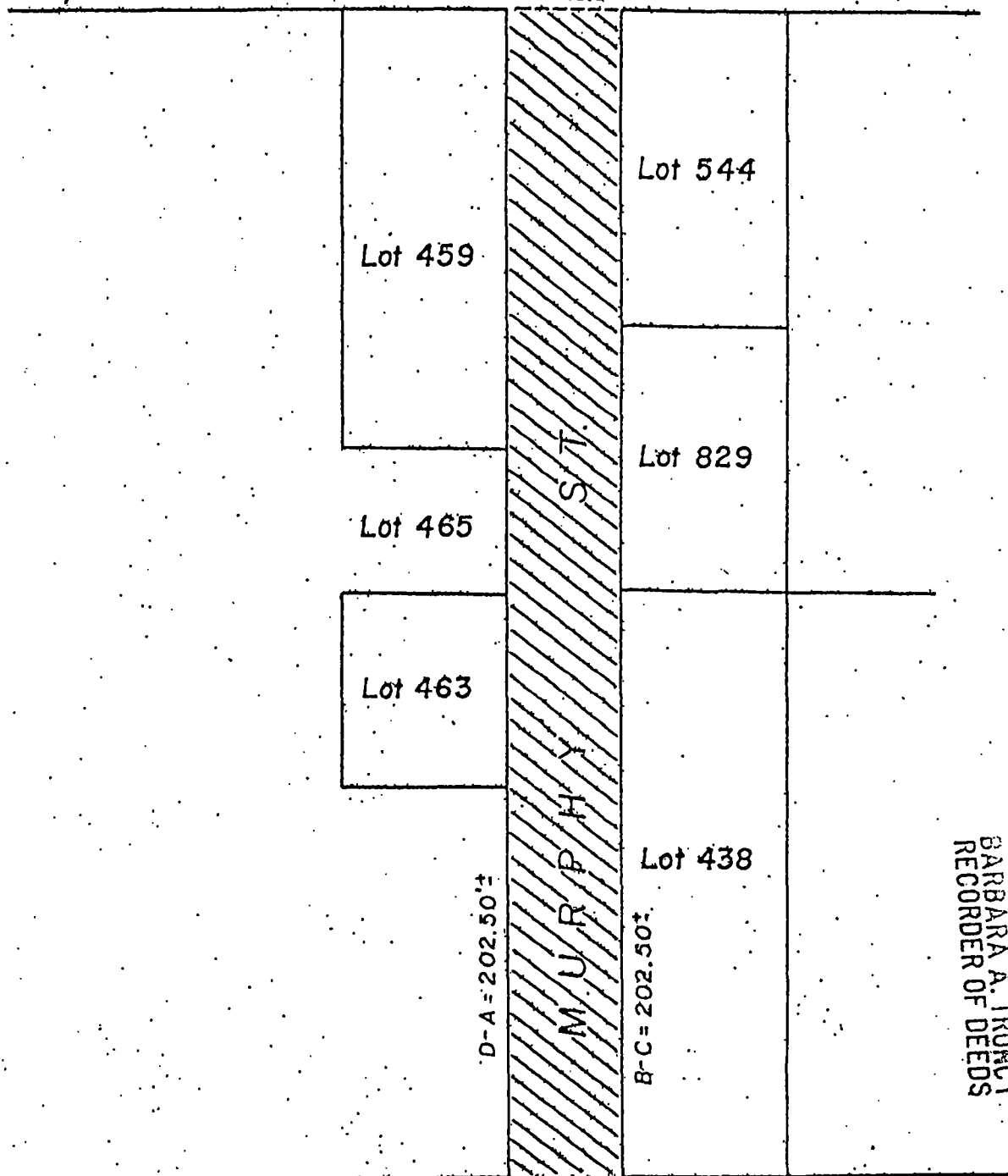
BK 6657 PG 0126



PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064658  
Date Sept. 7, 2000

SPRUCE ST.

A-B=20.0' B



PROVIDENCE, RI  
RECEIVED FOR RECORD  
2004 JUL 14 AM 8:50  
BARBARA A. TROTCY  
RECORDER OF DEEDS

ATWELLS AVE.

NOTES: Cross-hatched area (A-B-C-D-A)  
indicates proposed abandonment.  
Total square footage= 4050.00'±  
No sewer easement required. (private drain)  
Lot numbers taken from A.P. 28.

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Showing proposed abandonment of a  
portion of Murphy St.  
Drawn by A. Zisades Checked by Dec  
Scale 1" = 30' Date 9-7-2000  
Correct [Signature] Associate Engr.  
Approved [Signature] CHIEF ENGINEER