

RESOLUTION OF THE CITY COUNCIL

No. 366

Approved June 30, 1997

RESOLVED, DECREED AND ORDERED:

That the following named highway shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064583 dated 1 November 1996.

VIZ:

CYREL COURT, shown as cross-hatched area on accompanying plan (attached hereto as Exhibit "A") 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) Petitioner shall tender the amount of Twelve Thousand Two Hundred Forty (\$12,240.00) in legal tender U.S. to the City of Providence.

(2) The Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain operate and replace the same 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 sue, the petitioner shall assume all costs of relocation.

(3) The Petitioner shall convey an easement acceptable to NYNEX which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same 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) Upon abandonment, petitioners, should they wish to operate an automobile repair and sales business, shall complete any petitions before the Zoning Board of Review and/or the Department of Planning & Development, and/or the City Plan Commission, but in any event shall:

(a) comply with Sections 409 and 410 of the Zoning Ordinance;

(b) provide a hedge of compact evergreens or other suitable plantings behind the existing chain-link fence along the frontage of lots 571 and 398 facing Manton Avenue as required under Section 705.6 of the Zoning Ordinance;

IN CITY COUNCIL

Sept. 5, 1996

FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael P. Clement CLERK

THE COMMITTEE ON

Gabriel Forte

Recommends P.H.

Barbara A. Caserio
Clerk

5/13/97 P.H. Lee 5/13/97

THE COMMITTEE ON
PUBLIC WORKS

Approves Passage of
The Within Resolution

Barbara A. Caserio
Clerk

5/18/97

From the Clerk: Best

(c) pave the surface of lots 398, 528 and 571 as required in Section 705.4 of the Zoning Ordinance; and

(d) install a six (6) foot high tight board fence along the outside perimeter of said lots so as to screen the outside storage of vehicles from adjacent residential and commercial properties as required under Sections 410 and 705.7 of the Zoning Ordinance;

5. The petitioner acknowledges the letter of the Providence Water Supply Board dated 11 October, 1996 and notes that prospective development of lots surrounding the abandoned highway may present costly modifications so as to provide an adequate water supply and the petitioner, if it is found necessary, shall allow access and utility access to lot 447.

6. The petitioner shall, if necessary, allow access and utility access to lot 447 through the grant of an appropriate easement.

7. Petitioner acknowledges that abutters to the abandoned portion of the highway may make some claim thereto.

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.

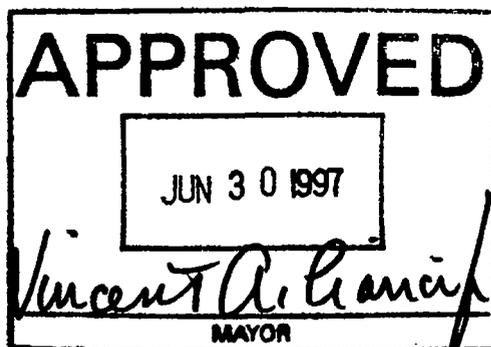
IN CITY COUNCIL
JUN 19 1997
READ AND PASSED

Evelyn V. Fargnoli

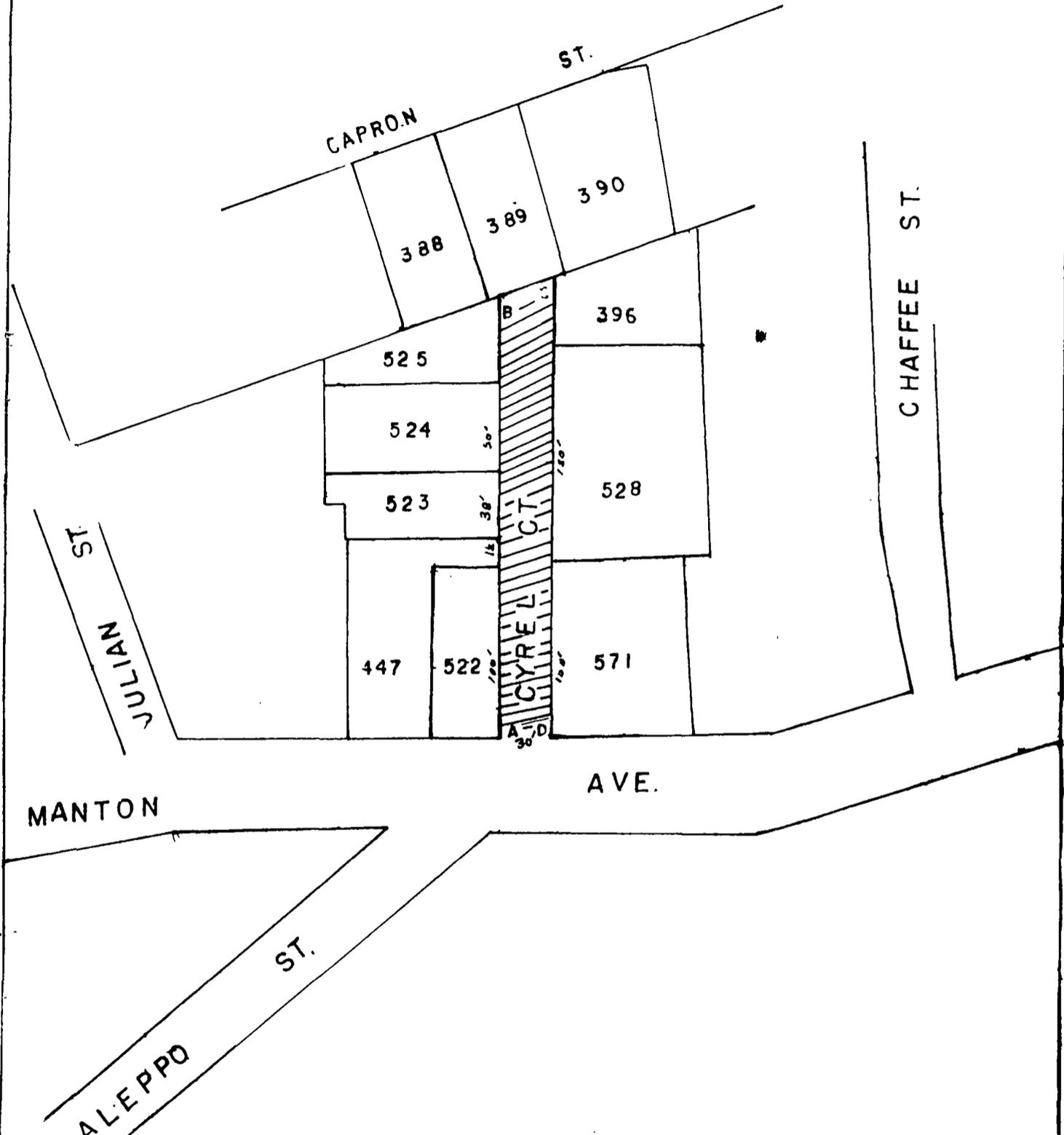
PRES.

Michael S. Clement

CLERK



PROVIDENCE, R. I.
 PUBLIC WORKS ENGINEERING OFFICE
 STREET LINE SECTION
 No. **064583**
 11-1-96



MANTON

AVE.

NO SEWER EASEMENT REQUIRED

NOTE: Cross-Hatched Area
 Proposed Abandonment
 (A-B-C-D-A)

Said Area Contains 7,650 Sq. Ft. of Land
 Lot Numbers From Assessor's Plat 62

CITY OF PROVIDENCE, R. I.
 Public Works Engineering Office
 Proposed Abandonment
CYREL CT.
 Drawn by J.D.T. Checked by J.T.M.
 Scale NO Scale Date 11-1-96
 Correct James T. Moran Associate Engr.
 Approved [Signature] CHIEF ENGINEER

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

as follows:

Your Petitioners, Theofanis and Sheryl Markos are the owners of property located at 135 and 141 Manton Avenue and own and operate their businesses at the above addresses. The businesses consist of an automobile repair business located at 141 Manton and an automobile sales business located at 135 Manton Avenue and that in between the two above addresses there is located a so-called paper street named Cyrel Court.

1. That the said Cyrel Court is a street running between and abutting property owned by your petitioners. That the street is and has been serviced and maintained by your petitioners; i.e. sweeping, snow removal and has not been serviced by the City. Your petitioners are desirous of having the street abandoned by the City of Providence as it would help your petitioners to more easily operate their businesses and at the same time relieve the city of any liability which could be incurred by its ownership of said Cyrel Court.

2. That further during the course of a zoning hearing on June 25, 1996, wherein your petitioners were seeking approval for a building permit relative to 135 Manton Avenue, it was suggested and later made a condition of the zoning resolution on August 2, 1996, that the Markos petition would only be effective upon successful abandonment of Cyrel Court. The zoning board's reasons were predicated upon its inspection of the property, and it felt that your petitioners' property would offer more cohesiveness if they were to pursue the abandonment of Cyrel Court. It further reasoned that the city would lose its legal exposure by such abandonment, thereby relieving it of its liability and further that since the public has no access through Cyrel Court, the abandonment will place said land on the tax rolls thereby increasing the tax base of the City of Providence.

3. Your petitioners intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners. And your petitioners will provide a legal right of way to said lots should same be developed.

WHEREFORE, your petitioners respectfully pray that the Honorable Council of the City of Providence effectuate abandonment of Cyrel Court which is more fully delineated and laid out on the appended radius map marked Exhibit A.

Respectfully submitted

Theofanis Markos
THEOFANIS MARKOS

Sheryl Markos
SHERYL MARKOS

Dated: August 23, 1996

Abandonment of Cyrel Court

DEPARTMENT OF CITY CLERK
RECEIVED
AUG 29 1996
Richard A. Chouet
CITY CLERK OF PROVIDENCE, RI

PROVIDENCE
CITY CLERK
08/29/96
TOTAL 75.00
2584B1 14:37
THANK YOU

Ch # 1076 - R.S. Hospital Trust

FILED

AUG 29 2 28 PM '96
DEPT. OF PUBLIC WORKS
PROVIDENCE, R. I.

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Barbara A. Cassin
5/28/97 Clerk

THE COMMITTEE ON

Arthur Stark
Recommends P.H.

Barbara A. Cassin
Clerk

5/13/97 P.H. Lee 5/13/97

IN CITY COUNCIL
SEP. 5 1996
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Richard K. Clement
CLERK

From The Clerk's Desk

ROBERT D. MACLEAN

ATTORNEY AT LAW
BAKER HOUSE, SUITE 1
80 CARPENTER STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE 861-9440

August 23, 1996

Barbara Poirier, Second Deputy City Clerk
City Hall
City of Providence
Providence, Rhode Island 02903

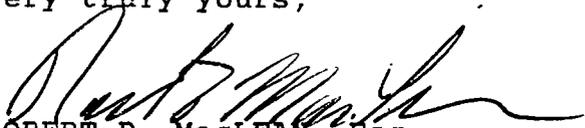
RE: Theofanis and Sheryl Markos
Petition for Abandonment of Cyrel Court

Dear Ms. Poirier:

Please find enclosed a petition which we discussed relative to the Markos property located on Manton Avenue in Providence along with the radius map and filing fee.

Petitioners would appreciate this matter being placed on the calendar as soon as possible. If you need any further information, please feel free to call. Thank you for your courtesy in this matter.

Very truly yours,


ROBERT D. MacLEAN, Esq.

RDM/anm
Enclosures

ZONE
ZONE

MANTON

AVE.

PLAT
PLAT

149
NT
K

LOT 393
AUTO SALES

LOT 571

EXISTING
PROPOSED
ADDITION

CYREL

LOT 522
AUTO
BODY
MARKOS

LOT 447
VACANT
MYRON

STORES

LOT 478
MYRON

* CROSS HATCHED AREA
INDICATE AREA TO BE
ABANDONED

LOT 395
BEANY

LOT 528
VACANT
MARKOS
(FUTURE
AUTO
SALES)

LOT 523
VACANT
MARKOS

LOT 511
CASSELL

OFFICE
2.F.

LOT 524
VACANT
MARKOS

LOT 500
SILVIERA

LOT 537
VACANT
J & J ENAMELING

LOT 396
VACANT
MARKOS

LOT 525
VACANT
MARKOS

LOT 387
RLS
REALTY

LOT 3
DEAN
SOUVANA

LOT 394
VACANT
J & J ENAMELING

C-4 ZONE
R-M ZONE

LOT 538
J & J ENAMELING

EVERY
PG.

LOT 391
J & J

LOT 389
VACANT
MARKOS

LOT 388
VACANT
BEAVER-
ACKERMAN
(TRUSTEE)

2.F.

LOT 392

LOT 390
VACANT

62

ROBERT D. MACLEAN

**ATTORNEY AT LAW
BAKER HOUSE, SUITE 1
80 CARPENTER STREET
PROVIDENCE, RHODE ISLAND 02903**

**Barbara Poirier, Second Deputy City Clerk
City Hall
City of Providence
Providence, Rhode Island 02903**

THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

PETITION TO ABANDON A PORTION OF CYREL COURT.

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
62	389	Theofanis & Sheryl Markos 50 Capron Street Providence, RI 02909
62	396	Theofanis Markos 40 Cyrel Court Providence, RI 02909
62	528	Theofanis Markos 20 Cyrel Court Providence, RI 02909
62	571	Theofanis Markos 131 Manton Avenue Providence, RI 02909
62	522	Theofanis Markos 141 Manton Avenue Providence, RI 02909
62	447	Wolf E. Myrow, Inc. 145 Manton Avenue - <i>46 Aleppo St.</i> Providence, RI 02909
62	523	Theofanis Markos 13 Cyrel Court Providence, RI 02909
62	524	Theofanis Markos 15 Cyrel Court Providence, RI 02909
62	525	Theofanis Markos 17 Cyrel Court Providence, RI 02909

PETITIONER
Theofanis & Sheryl Markos
135 & 141 Manton Avenue
Providence, RI 02909

Ralph P. Guglielmino
City Sergeant
Date: *3/11/97*

Councilwoman Josephine DiRuzzo
Ward 15

Plat 62

Lot 389

THEOFANIS MARKOS

Lot 396

THEOFANIS MARKOS

Lot 528

"

"

Lot 571

"

"

Lot 522

"

"

Lot 447

WOLF E. MYROW INC.

Lot 523

THEOFANIS MARKOS

Lot 524

"

"

Lot 525

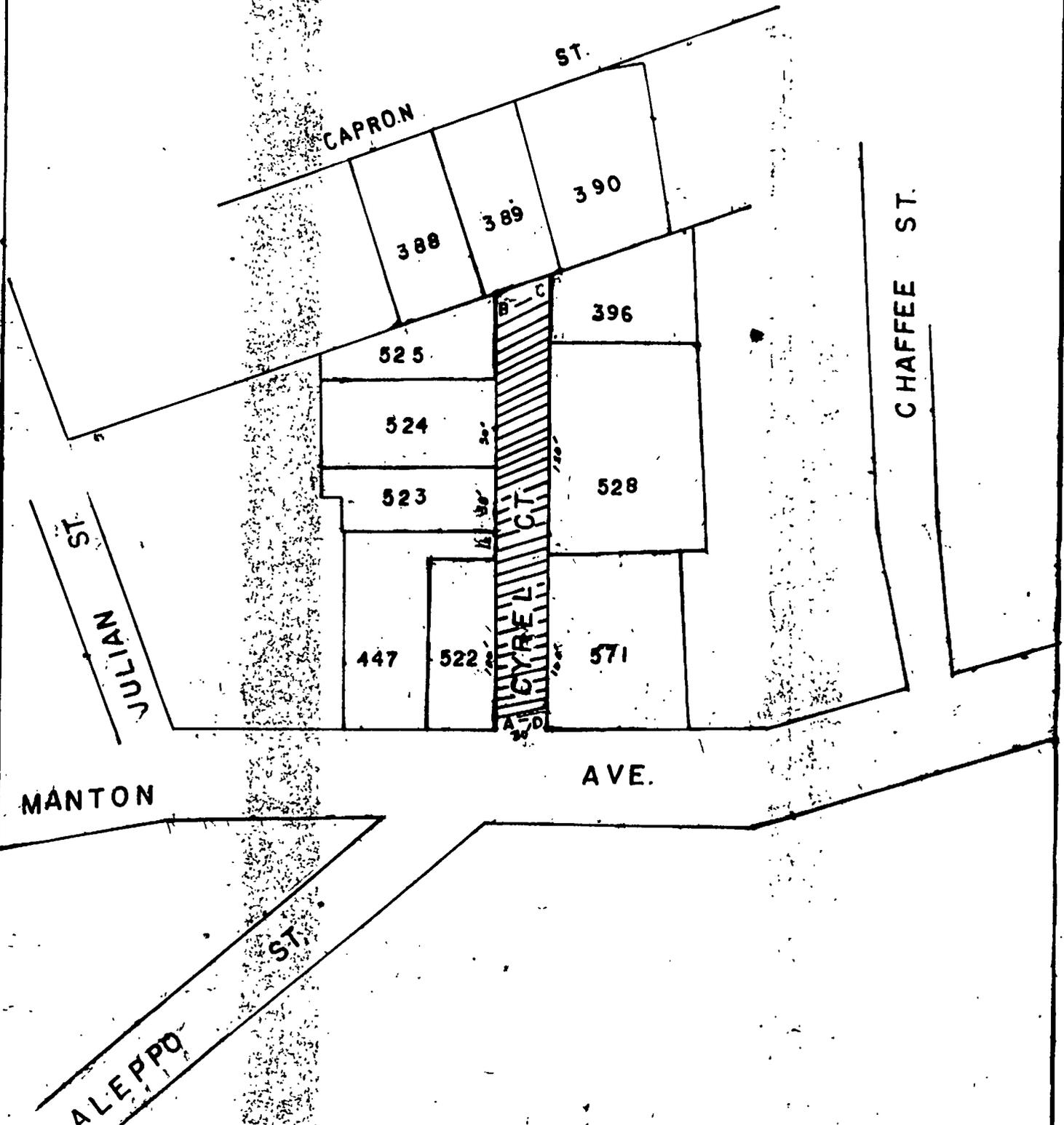
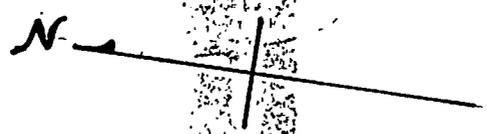
"

"

Lot
388
396
note from
P.W.

Ass # 366. Approved: 6/30/97

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 06458-3
Date 11-1-96



NO SEWER EASEMENT REQUIRED

NOTE: Cross-Hatched Area
Proposed Abandonment
(A-B-C-D-A)

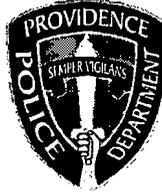
Said Area Contains 7650 Sq. Ft. of Land
Lot Numbers From Assessor's Plat 62

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing **Proposed Abandonment**
CYREL CT.
Drawn by J.D.T. Checked by D.T.M.
Scale **NO Scale** Date 11-1-96
Corrected James T. Moran Associate Engr.
Approved [Signature] CHIEF ENGINEER

768
N-31

COLONEL URBANO
PRIGNANO Jr.

Chief of Police



VINCENT A. CIANCI, JR.

Mayor

**PROVIDENCE POLICE DEPARTMENT
TRFFIC BUREAU**

Lieutenant Kenneth M. Cohen, Commanding

March 31, 1997

TO: Colonel Urbano Prignano, Jr., Chief of Police
FROM: Lieutenant Kenneth M. Cohen, Traffic Bureau
SUBJECT: Street Abandonments, Chalkstone Avenue and Cyrel Court

Sir:

I received correspondence regarding the abandonment of certain portions of two streets in the City of Providence. The first, is area of Chalkstone Avenue, behind Rego Auto Body, and the second is on Cyrel Court off of Manotn Avenue.

The area of Chalkstone Avenue is a dead end that terminates at the on-ramp to Route 95 south. The only other property that is affected is a small portion of the parking lot to the Foxy Lady on the Northwest side of the street. There is no driveway at that location, and abandonment of the property will cause no adverse affects to any other property owner. Therefore it is my recommendation that the Police Department agree with whatever the City Council decides on this matter. I see no objection to the request.

In regards to Cyrel Court, all of the properties that are on the street belong to the petitioner, and therefore do not cause any adverse affects to any other property owner. The street dead-ends on the backside of property of Capron Street, which has no access. Therefore it is my recommendation that the Police Department agree with whatever the City Council decides on this matter. I see no objection to the request.

Respectfully,

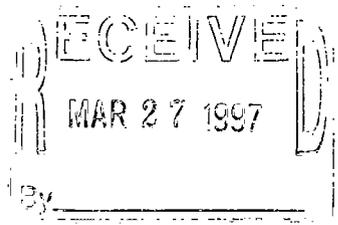
A handwritten signature in black ink, appearing to read "Ken Cohen", is written over a horizontal line.

Lieutenant Kenneth M. Cohen
Commander, Traffic Bureau

City of Providence



Rhode Island



Department of City Clerk

MEMORANDUM

DATE: March 24, 1997

TO: Colonel Urbano Prignano, Chief of Police

SUBJECT: **PETITION TO ABANDON A PORTION OF
CYREL COURT.**

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman, Committee
on Public Works.

DISPOSITION: The accompanying petition is referred to you for
study, report and recommendation and report back in
writing to the above-named committee as soon as
practical.

SECOND NOTICE

Barbara A. Fairies
Second Deputy City Clerk

PETITION TO THE CITY COUNCIL

08/29/96

TOTAL: 75.00 ABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

2584B1 14:37
THANK YOU

The undersigned respectfully petitions your honorable body

as follows:

Your Petitioners, Theofanis and Sheryl Markos are the owners of property located at 135 and 141 Manton Avenue and own and operate their businesses at the above addresses. The businesses consist of an automobile repair business located at 141 Manton and an automobile sales business located at 135 Manton Avenue and that in between the two above addresses there is located a so-called paper street named Cyrel Court.

1. That the said Cyrel Court is a street running between and abutting property owned by your petitioners. That the street is and has been serviced and maintained by your petitioners; i.e. sweeping, snow removal and has not been serviced by the City. Your petitioners are desirous of having the street abandoned by the City of Providence as it would help your petitioners to more easily operate their businesses and at the same time relieve the city of any liability which could be incurred by its ownership of said Cyrel Court.

2. That further during the course of a zoning hearing on June 25, 1996, wherein your petitioners were seeking approval for a building permit relative to 135 Manton Avenue, it was suggested and later made a condition of the zoning resolution on August 2, 1996, that the Markos petition would only be effective upon successful abandonment of Cyrel Court. The zoning board's reasons were predicated upon its inspection of the property, and it felt that your petitioners' property would offer more cohesiveness if they were to pursue the abandonment of Cyrel Court. It further reasoned that the city would lose its legal exposure by such abandonment, thereby relieving it of its liability and further that since the public has no access through Cyrel Court, the abandonment will place said land on the tax rolls thereby increasing the tax base of the City of Providence.

3. Your petitioners intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners. And your petitioners will provide a legal right of way to said lots should same be developed.

WHEREFORE, your petitioners respectfully pray that the Honorable Council of the City of Providence effectuate abandonment of Cyrel Court which is more fully delineated and laid out on the appended radius map marked Exhibit A.

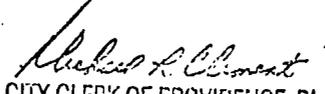
Respectfully submitted


THEOFANIS MARKOS


SHERYL MARKOS

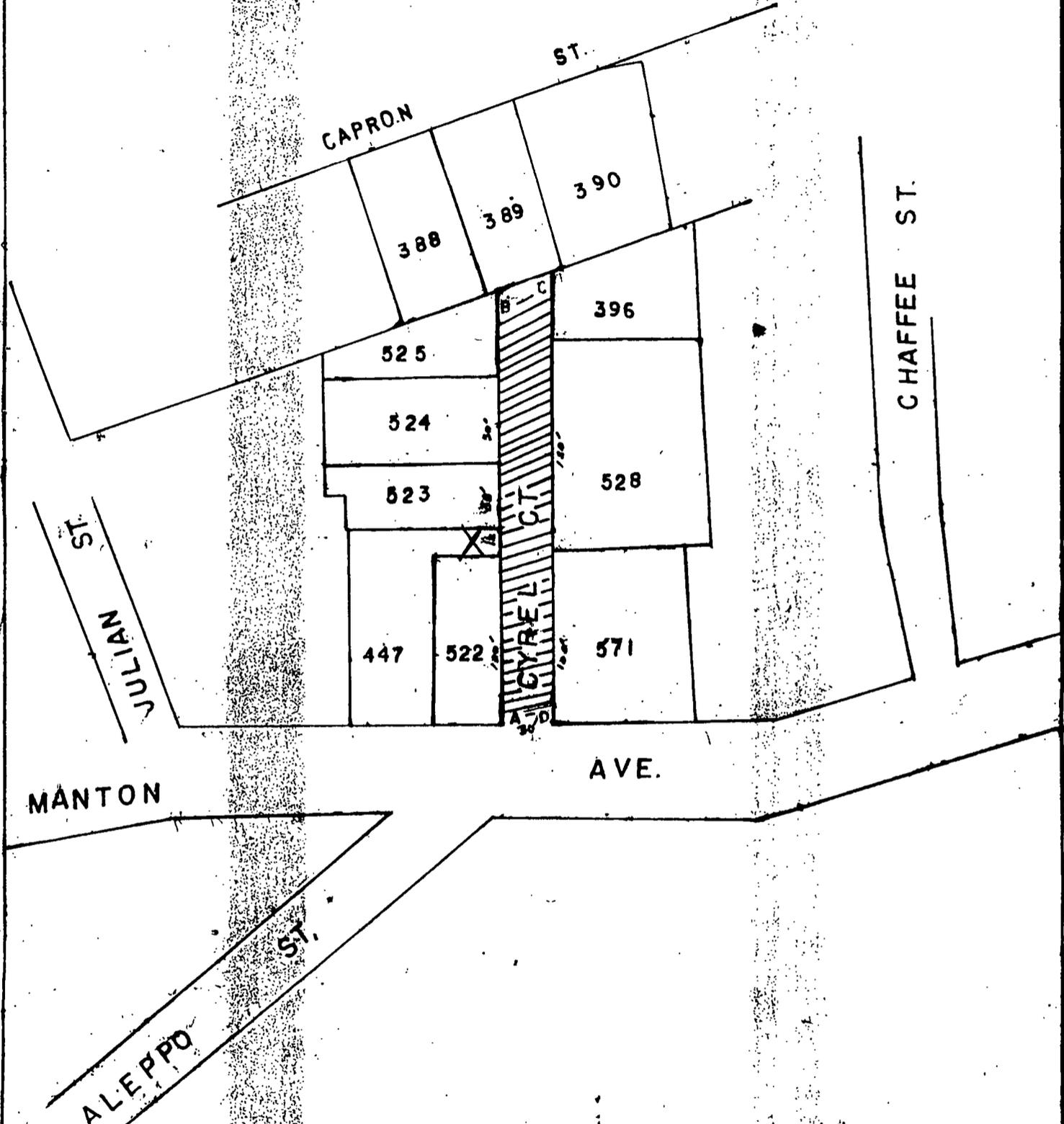
Dated: August 23, 1996

Abandonment of Cyrel Court

DEPARTMENT OF CITY CLERK
RECEIVED
AUG 29 1996

CITY CLERK OF PROVIDENCE, RI

CH # 1076 R. D. Hospital

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 06458-3
 Date 11-1-96



NO SEWER EASEMENT REQUIRED

NOTE: Cross Hatched Area
 Proposed Abandonment
 (A-B-C-D-A)

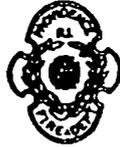
Said Area Contains 7650 Sq. Ft. of Land
 Lot Numbers From Assessor's Plat 62

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing **Proposed Abandonment**
CYREL CT.
 Drawn by J.D.T. Checked by D.T.M.
 Scale **NO Scale** Date 11-1-96
 Corrected by James D. M... Associate Engr.
 Approved by [Signature] CHIEF ENGINEER

768
 N-31

Vincent A. Cianci Jr.
Mayor
John J. Partington
Commissioner

James F. Rattigan
Chief of Department
David D. Costa
Fire Marshal



PROVIDENCE FIRE PREVENTION DIVISION
"Smoke Detectors Save Lives"

September 26, 1996

Chairman Robert M. Clarkin
Committee on Public Works
City Hall
Providence, R.I. 02903

Chairman Clarkin,

After review of the proposal to abandon a portion of Cyrel Court, the Fire Department has no objection.

Yours truly,

A handwritten signature in black ink, appearing to read "David D. Costa".

David D. Costa
Fire Marshal

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

as follows:

Your Petitioners, Theofanis and Sheryl Markos are the owners of property located at 135 and 141 Manton Avenue and own and operate their businesses at the above addresses. The businesses consist of an automobile repair business located at 141 Manton and an automobile sales business located at 135 Manton Avenue and that in between the two above addresses there is located a so-called paper street named Cyrel Court.

1. That the said Cyrel Court is a street running between and abutting property owned by your petitioners. That the street is and has been serviced and maintained by your petitioners; i.e. sweeping, snow removal and has not been serviced by the City. Your petitioners are desirous of having the street abandoned by the City of Providence as it would help your petitioners to more easily operate their businesses and at the same time relieve the city of any liability which could be incurred by its ownership of said Cyrel Court.

2. That further during the course of a zoning hearing on June 25, 1996, wherein your petitioners were seeking approval for a building permit relative to 135 Manton Avenue, it was suggested and later made a condition of the zoning resolution on August 2, 1996, that the Markos petition would only be effective upon successful abandonment of Cyrel Court. The zoning board's reasons were predicated upon its inspection of the property, and it felt that your petitioners' property would offer more cohesiveness if they were to pursue the abandonment of Cyrel Court. It further reasoned that the city would lose its legal exposure by such abandonment, thereby relieving it of its liability and further that since the public has no access through Cyrel Court, the abandonment will place said land on the tax rolls thereby increasing the tax base of the City of Providence.

3. Your petitioners intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners. And your petitioners will provide a legal right of way to said lots should same be developed.

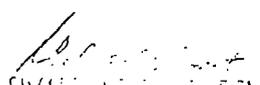
WHEREFORE, your petitioners respectfully pray that the Honorable Council of the City of Providence effectuate abandonment of Cyrel Court which is more fully delineated and laid out on the appended radius map marked Exhibit A.

Respectfully submitted


THEOFANIS MARKOS


SHERYL MARKOS

Dated: August 23, 1996

Abandonment of Cyrel Court
DEPARTMENT OF CITY CLERK
RECEIVED
AUG 29 1996

CITY CLERK

Ch # 1076 - R.I. Hospital Trust

FERDINAND C. IHENACHO, P.E.
~~XXXXXXXXXXXXXXXX~~

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

November 19, 1996

The Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council
City Hall - Providence, R.I. 02903

Re: Proposed Abandonment
Cyrel Court

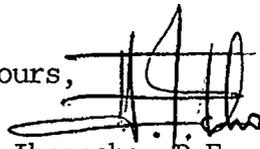
Dear Councilman Clarkin:

This department has no objection to the proposed abandonment of Cyrel Court from Manton Avenue to Lot 389 on City of Providence Assessor's Plat 62, in accordance with plan entitled, Providence, R.I., P.W. Dept., Engineering Office, Street Line Section, Plan No. 064583, Dated: 11/1/96.

Said proposed abandonment of Cyrel Court is shown as the cross-hatched area on the accompanying plan. It is noted that there are no sewer easements related to this proposed abandonment. Cross-hatched area of said proposed abandonment is designated as "A,B,C,D,A" on said accompanying plan. Said area contains 7650 square feet, and lot numbers on said plan were taken from City of Providence Assessor's Plat 62. A list of abutting property owners is attached herewith, relative to this proposed abandonment.

If this department can further assist you with this proposal, please advise.

Very truly yours,


Ferdinand C. Ihenacho, P.E.
Director

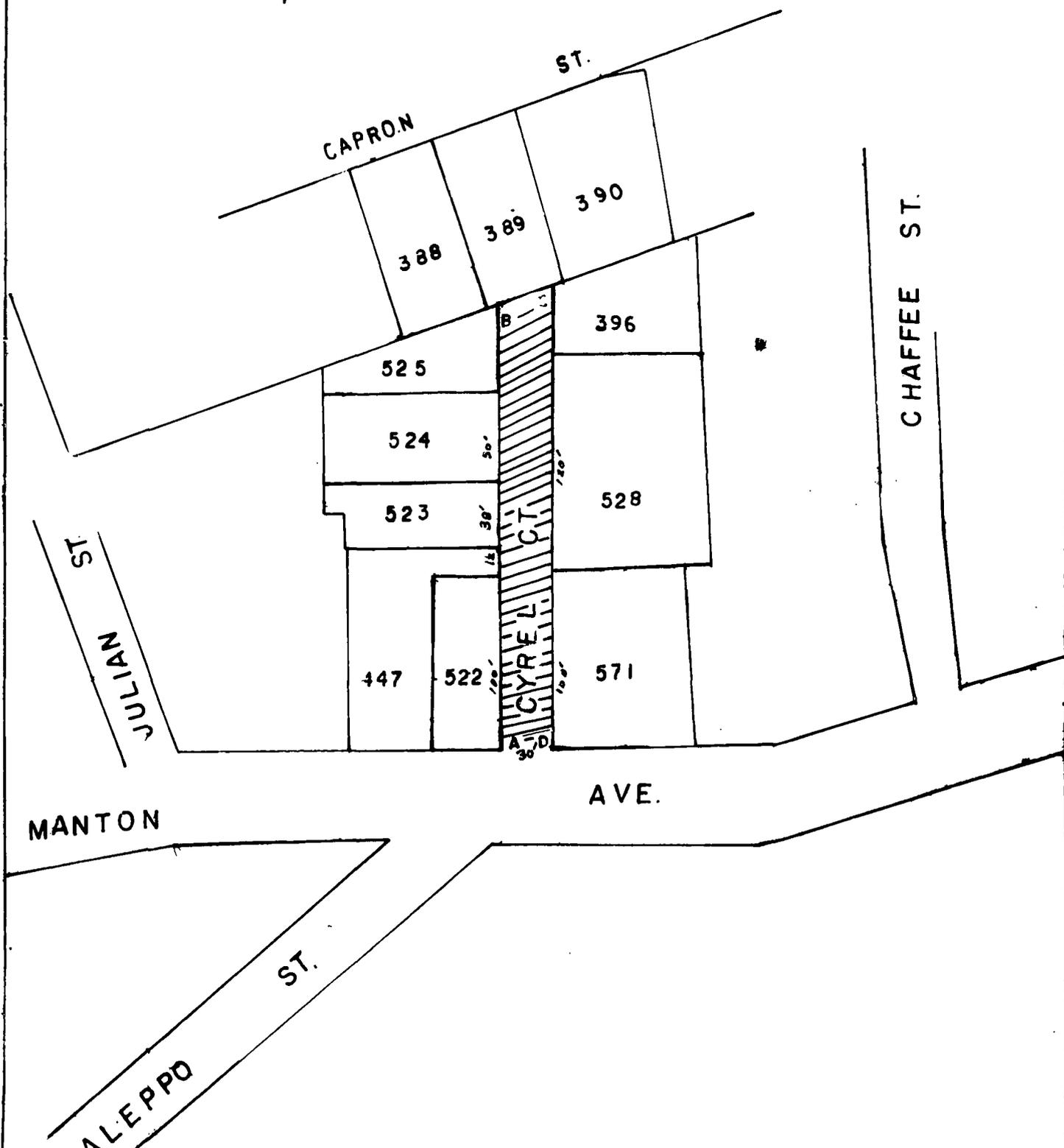
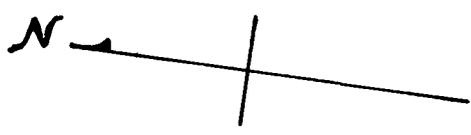
Encs: Plan, Petition, Abutting Owners

CC: Michael Clement - City Clerk
John D'Amico - City Atty.
G. Florio-Ass't. Dir./DPW
JTM
JLC
JT

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 No. 064583
 Date 11-1-96



NO SEWER EASEMENT REQUIRED

**NOTE: Cross-Hatched Area
 Proposed Abandonment
 (A-B-C-D-A)**

**Said Area Contains 7650 Sq. Ft. of Land
 Lot Numbers From Assessor's Plat 62**

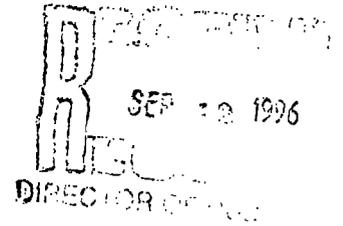
CITY OF PROVIDENCE, R. I.
 Public Works Department - Engineering Office
 Show **Proposed Abandonment**
CYREL CT.
 Drawn by J.D.T. Checked by J.T.M.
 Scale **NO Scale** Date 11-1-96
 Corrected James T. Moran Associate Engr.
 Approved [Signature] **CHIEF ENGINEER**
 11-1-96



Rhode Island

Department of City Clerk

MEMORANDUM



DATE: September 11, 1996

TO: Ferinand Ihenacho, Director of Public Works *FCI.*

SUBJECT: PETITION TO ABANDON A PORTION OF CYREL COURT

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman, Committee on Public Works.

DISPOSITION: The accompanying resolution is referred to you for study, report and recommendation and report back in writing to the above-named committee as soon as practical.

James T. Morris

Please review and prepare response for my signature.

Thank You

FCI.

Barbara A. Coeries
Senior Deputy City Clerk

Your Petitioners, Theofanis and Sheryl Markos are the owners of property located at 135 and 141 Manton Avenue and own and operate their businesses at the above addresses. The businesses consist of an automobile repair business located at 141 Manton and an automobile sales business located at 135 Manton Avenue and that in between the two above addresses there is located a so-called paper street named Cyrel Court.

1. That the said Cyrel Court is a street running between and abutting property owned by your petitioners. That the street is and has been serviced and maintained by your petitioners; i.e. sweeping, snow removal and has not been serviced by the City. Your petitioners are desirous of having the street abandoned by the City of Providence as it would help your petitioners to more easily operate their businesses and at the same time relieve the city of any liability which could be incurred by its ownership of said Cyrel Court.

2. That further during the course of a zoning hearing on June 25, 1996, wherein your petitioners were seeking approval for a building permit relative to 135 Manton Avenue, it was suggested and later made a condition of the zoning resolution on August 2, 1996, that the Markos petition would only be effective upon successful abandonment of Cyrel Court. The zoning board's reasons were predicated upon its inspection of the property, and it felt that your petitioners' property would offer more cohesiveness if they were to pursue the abandonment of Cyrel Court. It further reasoned that the city would lose its legal exposure by such abandonment, thereby relieving it of its liability and further that since the public has no access through Cyrel Court, the abandonment will place said land on the tax rolls thereby increasing the tax base of the City of Providence.

3. Your petitioners intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners. And your petitioners will provide a legal right of way to said lots should same be developed.

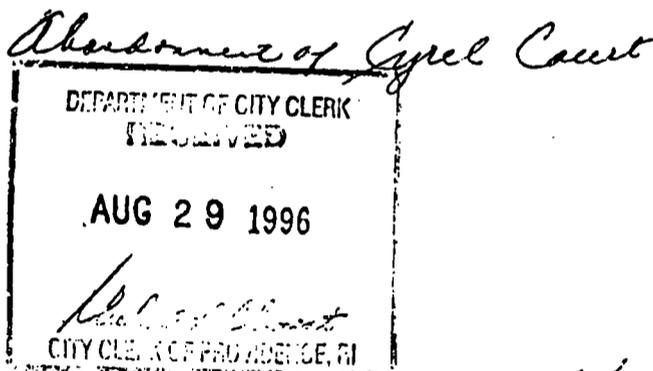
WHEREFORE, your petitioners respectfully pray that the Honorable Council of the City of Providence effectuate abandonment of Cyrel Court which is more fully delineated and laid out on the appended radius map marked Exhibit A.

Respectfully submitted


THEOFANIS MARKOS


SHERYL MARKOS

Dated: August 23, 1996



Ch. H. 1171 P. O. Shaker's Land

MANTON

AVE.

135

141

LOT 571

EXISTING

PROPOSED ADDITION

CYREL

LOT 522

AUTO BODY

MARKOS

LOT 447
VACANT
MYRON

LOT 398
AUTO SALES

CROSS HATCHED AREA
INDICATE AREA TO BE
ABANDONED

LOT 528
VACANT
MARKOS

(FUTURE
AUTO
SALES)

LOT 523
VACANT
MARKOS

LOT 524
VACANT
MARKOS

LOT 525
VACANT
MARKOS

LOT 396
VACANT
MARKOS

C-4 ZONE

R-M ZONE

LOT 387
RLS REALTY

LOT 384
VACANT
MARKOS

LOT 388
VACANT
BERGEE-ROCKMAN

LOT 390
VACANT

ENAMELING

ENAMELING

ENAMELING

LOT 391

Key

LOT 389

12

Plat 62

Lot 389

THEOFANIS MARKOS

Lot 396

THEOFANIS MARKOS

Lot 528

"

"

Lot 571

"

"

Lot 522

"

"

Lot 447

WOLF E. MYROW INC.

Lot 523

THEOFANIS MARKOS

Lot 524

"

"

Lot 525

"

"

FERDINAND C. IHENACHO, P.E.
~~XXXXXXXXXXXX~~

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

November 19, 1996

The Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council
City Hall - Providence, R.I. 02903

Re: Proposed Abandonment
Cyrel Court

Dear Councilman Clarkin:

This department has no objection to the proposed abandonment of Cyrel Court from Manton Avenue to Lot 389 on City of Providence Assessor's Plat 62, in accordance with plan entitled, Providence, R.I., P.W. Dept., Engineering Office, Street Line Section, Plan No. 064583, Dated: 11/1/96.

Said proposed abandonment of Cyrel Court is shown as the cross-hatched area on the accompanying plan. It is noted that there are no sewer easements related to this proposed abandonment. Cross-hatched area of said proposed abandonment is designated as "A,B,C,D,A" on said accompanying plan. Said area contains 7650 square feet, and lot numbers on said plan were taken from City of Providence Assessor's Plat 62. A list of abutting property owners is attached herewith, relative to this proposed abandonment.

If this department can further assist you with this proposal, please advise.

Very truly yours,

Ferdinand C. Ihenacho, P.E.
Director

Encs: Plan, Petition, Abutting Owners

CC: Michael Clement - City Clerk ✓
John D'Amico - City Atty.
G. Florio-Ass't. Dir./DPW
JTM
JLC
JT

Ferdinand C. Ihenacho

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

Mr. Michael R. Clement
City Clerk
Prov. City Hall
Prov., R.I. 02903

Mar. 11, 1997

Dear Mr. Clement,

Per your request as to whether lots 388 and 390 would be affected by the abandonment of Cyrel Ct.

Please be advised, according to the best available Engineering Records needed for the Proposed Abandonment Drawing #064583 of Cyrel Ct. lots 388 and 390 will not be affected by the Abandonment of Cyrel Ct. for the following reasons:

1. Both lots 388 and 390 are not abutting the abandonment.
2. Both lots 388 and 390 front on Capron St.

If you have any questions please call me or J.T. Morris of my staff at 467-7950 ext. 24.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a horizontal line.

Ferdinand C. Ihenacho
Director

John D'Amico - City Atty.
G. Florio - Ass't. Dir./ DPW
JTM
JLC
JT

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

Ferdinand C. Ihenacho

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

Mr. Michael R. Clement
City Clerk
Prov. City Hall
Prov., R.I. 02903

Mar. 11, 1997

Dear Mr. Clement,

Per your request as to whether lots 388 and 390 would be affected by the abandonment of Cyrel Ct.

Please be advised, according to the best available Engineering Records needed for the Proposed Abandonment Drawing #064583 of Cyrel Ct. lots 388 and 390 will not be affected by the Abandonment of Cyrel Ct. for the following reasons:

1. Both lots 388 and 390 are not abutting the abandonment.
2. Both lots 388 and 390 front on Capron St.

If you have any questions please call me or J.T. Morris of my staff at 467-7950 ext. 24.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a horizontal line.

Ferdinand C. Ihenacho
Director

John D'Amico - City Atty.
G. Florio - Ass't. Dir./ DPW
JTM
JLC
JT

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

JOSEPHINE DI RUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

October 11, 1996

Mr. Michael Clement
City Clerk
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Petition for Street Abandonment
Cyrel Court
Providence, Rhode Island

Dear Mr. Clement:

We have reviewed the referenced Petition for impact on the Providence Water Supply Board (PWSB) system. Our records indicate that there is a 4-inch cast iron water service originally installed in 1924, which once served a building (no longer standing) on Lot No. 528, in place within the Cyrel Court right-of-way. Said service was closed around 1930, which most likely makes it unfit for reuse. No water main exists in the street.

A representative of the PWSB has made a site visit to this location and finds that the street right-of-way is paved and looks like an ordinary public street with a street sign identifying it as Cyrel Court. Accordingly, this is not a "paper street" as stated in the introductory paragraph of the Petition. The Public Works Department has confirmed that this is a public street.

In Petition Item No. 3 it is stated that the petitioners "...intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners." and goes on to say "...your petitioners will provide a legal right-of-way to said lots should same be developed." Lot Nos. 396, 523, 524, 525, and 528 will become landlocked if Cyrel Court is abandoned. Since the petitioners clearly intend to develop Lot No. 528 as a site for future auto sales, and possibly the others, it seems reasonable that the lot(s) should continue to abut a public street to allow for convenient mail delivery, refuse collection, and any other services that will travel on public streets but are forbidden from traversing private streets. Hence, will this street abandonment create unnecessary hardships that the petitioners may or may not be aware of?

If the five (5) previously mentioned lots were to be sold to others or built upon by the current owners, each lot will require its own water service connected to the Manton Avenue main. In the case of the same owner, the PWSB will not allow the extension of water service from an existing building that they own to cross property lines to another structure that they own or plan to build. If separate water services to each lot are

Mr. M. Clement
Cyrel Court Street Abandonment
October 11, 1996
Page 2 of 2

requested if and after Cyrel Street is abandoned, it would be unwise to make so many closely spaced taps along a short section of water pipe located in the nearest public street. That condition creates the potential for premature failure of a section of the Manton Avenue main and, therefore, will make approvals for some of the services difficult. Furthermore, sewer laterals from each lot to Manton Avenue, in lieu of the installation of a single collector pipe in Cyrel Court, will further complicate installation of water services if the street abandonment is approved.

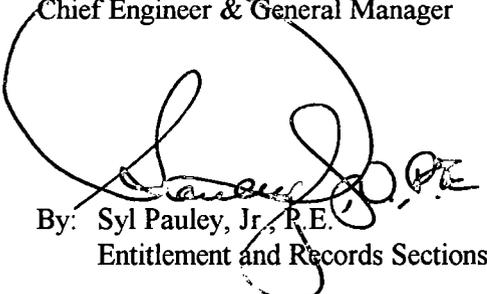
A better way to serve lots in this configuration is through a main extension, which is always constructed at the expense of the requester with the approval of the PWSB. In this manner, service connections are kept to a minimum length and are located in front of the property they serve. Main extensions are allowed in private streets under certain circumstances and always require an easement running along the original street lines with the requirement that no building, whatsoever, occur in that space, as well as maintaining 24-hour access.

Another point to consider is that Lot No. 447 as depicted on the map supplied by the Petitioner is owned by a party named Myron. The lot is shown to have frontage on both Manton Avenue and Cyrel Court. Is the owner of Lot No. 447 willing to relinquish the secondary means of ingress and egress along Cyrel Court?

To conclude, PWSB strongly opposes the abandonment of Cyrel Court as presented at this time, for the reasons stated above. If you have any questions, please feel free to contact me at (401) 521-6300 EXT 170.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD
Richard O. Rafanovic, P.E.
Chief Engineer & General Manager



By: Syl Pauley, Jr., P.E.
Entitlement and Records Sections

SP/s
cc: P. Gadoury, P.E.
T. & S. Markos, Petitioners
File



ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio

VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

JOSEPHINE DIRUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

September 13, 1996

Mr. & Mrs. Theofanis Markos
135 Manton Avenue
Providence, Rhode Island

SUBJECT: Petition for Street Abandonement
Cyrel Court
Providence, Rhode Island

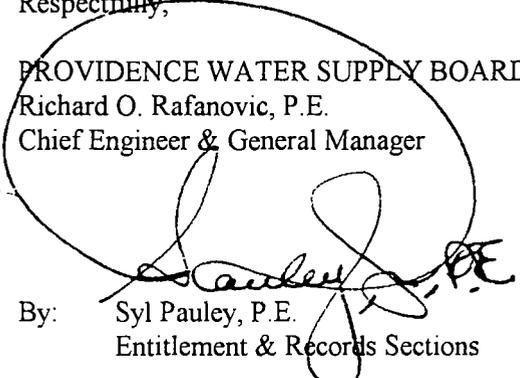
Dear Mr. & Mrs. Markos:

we have received a copy of a Petition to the City Council for the abandonment of the referenced street--at the intersection of Manton Avenue--from the Providence City Clerk. It is the Policy of the Providence Water Supply Board to collect a fee, as authorized by the R.I. Public Utilities Commission, review this type of request. Please forward your check in the amount of \$75.00, made payable to the "CITY COLLECTOR, PROVIDENCE WATER SUPPLY BOARD", at your earliest convenience. **Our review will commence as soon as we receive your payment.**

If you have any questions, please do not hesitate to contact me at (401) 521-6300 EXT 170.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD
Richard O. Rafanovic, P.E.
Chief Engineer & General Manager

By:  Syl Pauley, P.E.
Entitlement & Records Sections

cc: P. Gadoury, P.E.
R. Church
M. Clement, City Clerk
File

FEECOL50 WPD



DEPARTMENT OF PLANNING AND DEVELOPMENT

"Building Pride in Providence"

MEMORANDUM

DATE: April 4, 1997

TO : Michael Clement, City Clerk

FROM: William G. Floriani, Assistant Director
Project Management and Construction

RE : ABANDONMENT OF CYREL COURT

Pursuant to your request I have completed an appraisal of Cyrel court. This parcel will not require any sewer easement and possibly any other easements. That would allow the petitioner to build on this site. The parcel is zoned C-4 heavy commercial which would allow most commercial uses, it contains 7,650 sq. ft. of land. The value of this site is predicated on there being no easements required.

The value of the parcel is as follows:

7,650 sq. ft. @ \$2.50 per ft. = \$19,125.00

NANCY L. DERRIG
SUPERINTENDENT OF PARKS



VINCENT A. CIANCI, JR.
MAYOR

Department of Public Parks
"Building Pride In Providence"

September 18, 1996

Mr. Michael Clement
City Clerk
City Hall
Providence, R.I., 02903

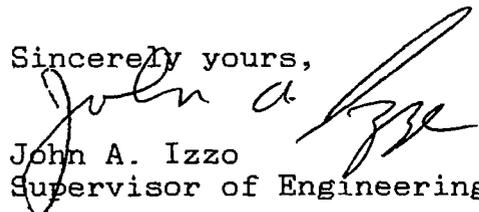
RE: Abandonment of a portion of Cyrel Court

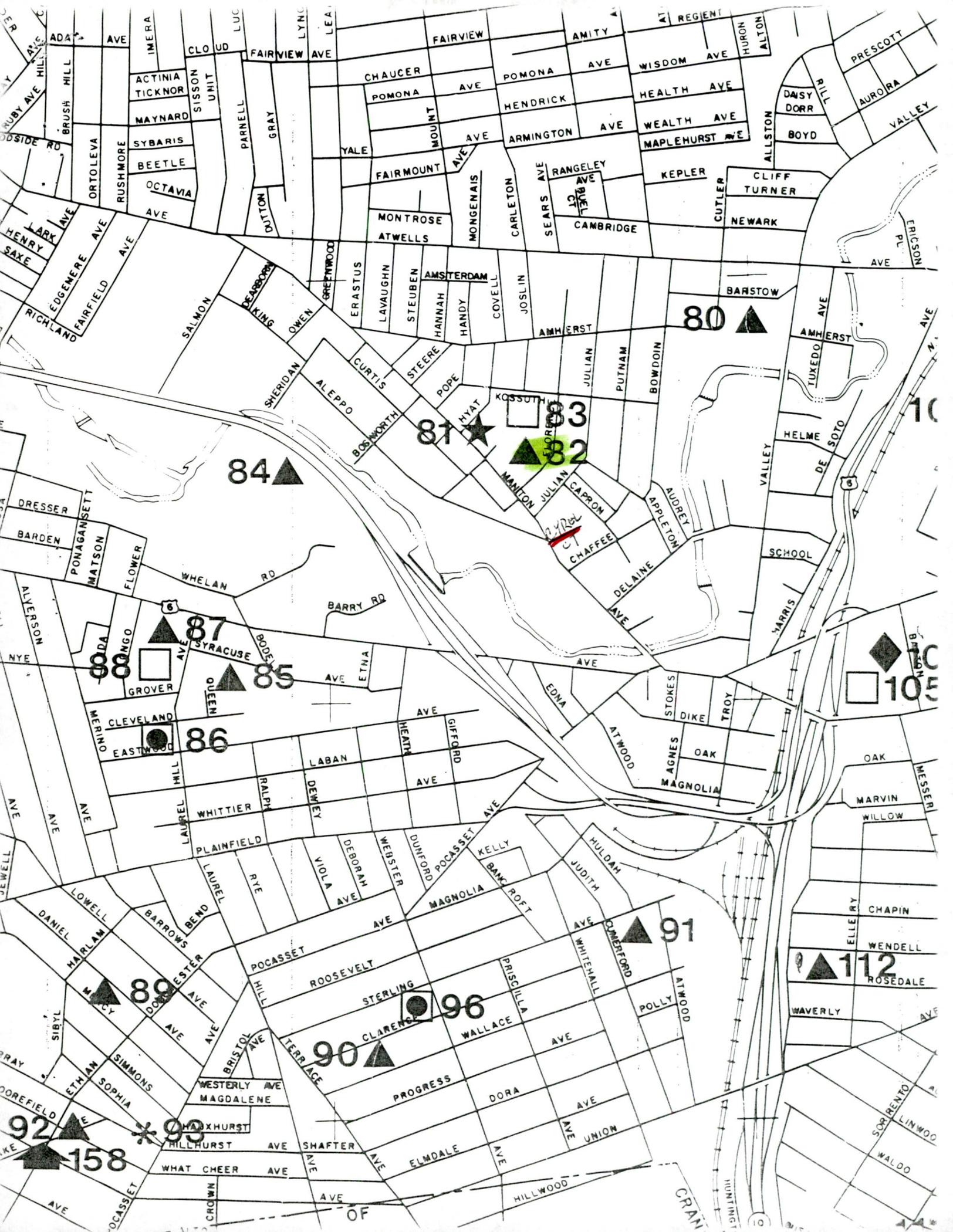
Dear Mr. Clement:

Upon review of all Department of Public Parks plans, and records. It is the conclusion of the Parks Department that the abandonment of a portion of Cyrel Court, will in no way effect any Parks Department existing facility, and or future plans for that area.

Enclosed is a map indicating the street in question marked in RED, and the nearest Department of Public Parks facility marked in GREEN.

Sincerely yours,


John A. Izzo
Supervisor of Engineering & Planning



80 ▲

81 ★

83

82 ▲

84 ▲

87 ▲

85 ▲

86

88

88

86

89 ▲

90 ▲

96

91 ▲

112 ▲

92 ▲

93

158 ▲

105

2424

KOSKUTH ST

MANTON

JULIAN

CHAFFEE

EDNA

ATWOOD

MAGNOLIA

POCASSET

ROOSEVELT

STERLING

CLARENCE

WALLACE

PRISCILLA

WALLACE



PROVIDENCE CITY PLAN COMMISSION

"Planning the Future of Providence"

October 28, 1996

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
City Hall
Providence, Rhode Island 02903

Re: CPC REFERRAL NO. 3101 - ABANDONMENT OF CYREL COURT.

The City Plan Commission at its regular meeting on October 17, 1996, reviewed and evaluated the request from the Committee on Public Works for the abandonment of Cyrel Court. Cyrel Court is a right-of-way abutting lots 528, 522-525, 571, 447, 396, and 389 on Assessor's Plat 62 near Manton Avenue.

The Petitioners, Theofanis and Sheryl Markos of 141 Manton Avenue, Providence, R.I. is the owners of all aforesaid lots except lots 389 & 447 that have independent and unrestricted access from the adjacent streets. A field inspection revealed that Cyrel Court is a partially paved public right of way terminating on vacant lot 389.

The Petitioners who own and operate the automobile repair and sales business, obtained a variance from the Zoning Board of Review (see attached Resolution No. 7969) and is contingent upon the successful abandonment of Cyrel Court. The Zoning Board of Review accepted the Department of Planning and Development recommended conditions for variance approval. The petitioner is required to comply with Sections 409 and 410 of the Zoning Ordinance and the following conditions:

- A hedge of compact evergreens or other suitable plantings will be provided behind the existing chain-link fence along the frontage of lot 571 and 398 facing Manton Avenue as required under Section 705.6.
- The surface of subject lots 398, 528 and 571 will be paved as required in Section 705.4.
- A six (6) foot high, tight board fence will be installed along the outside perimeter of said lots, screening the outside storage of vehicles from adjacent residential and commercial properties as required under Sections 410 and 705.7.

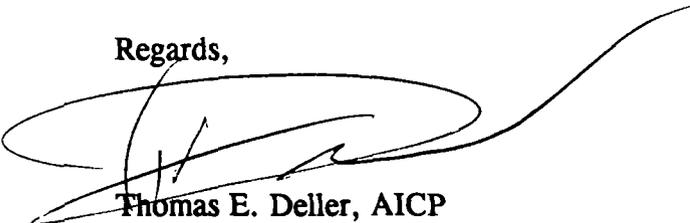
The Zoning Board added another condition, which is the abandonment of Cyrel Court, which is the subject of this petition.

The City Plan Commission recommends that the City Council, as part of its action to abandon the street, require full compliance with the Department's recommended conditions.

The Commission has reviewed and evaluated the request for consistency with the City's Comprehensive Plan. The Commission finds that portion of right-of-way has ceased to be useful to the general public and the proposed abandonment is consistent with *Providence 2000: The Comprehensive Plan*.

The Commission would advise the Committee on Public Works that they would offer no objection to abandon the right-of-way adjacent to 135 and 141 Manton Avenue.

Regards,



Thomas E. Deller, AICP
Deputy Director

cc: G. Calcagni, Chairman
T. and S. Markos, petitioners
Wolf E. Myron, Inc., abutter

3101epctr

CITY PLAN COMMISSION
PROVIDENCE, R. I.

Ref. No. 3101 Subject: ABANDONMENT OF A PORTION OF CYREL COURT AT 131 AND 141 MANTON AVENUE.

Plot No. 62 Lot No. _____

Lot Area: _____

LAND USE LEGEND

- 00 Vac. Land
- 10 One Fam.
- 11 One Fam. & Nonres.
- 12 One Fam. & Home Occ.
- 13 One Fam. & Prof. Off.
- 15 Auxiliary to Res.
- 20 Two Fam.
- 21 Two Fam. & Nonres.
- 22 Two Fam. & Home Occ.
- 23 Two Fam. & Prof. Off.
- 24 Two Fam. & One Fam.
- 25 Three Fam.
- 26 Three Fam. & Nonres.
- 27 Three Fam. & Home Occ.
- 28 Three Fam. & Prof. Off.
- 29 Three Fam. & One Fam.
- 30 Three Fam. & Two Fam.
- 40 Apt. 4 Fam. or More
- 41 Apt. & Nonres.
- 42 Apt. & Home Occ.
- 43 Apt. & Prof. Off.
- 45 Apt. & One Fam.
- 46 Apt. & Two Fam.
- 47 Apt. & Three Fam.
- 48 Lodging House
- 49 Fraternity
- 51 Limited Comm.
- 52 Parking Lot
- 53 Gen. Comm.
- 54 Nonstruct. Gen. Comm.
- 55 Parking Gar.
- 56 Heavy Comm.
- 57 Nonstruct. Heavy Comm.
- 58 Auto. Service Sta.
- 59 Stor. Gar. for Comm. Veh.
- 60 Gen. Ind.
- 61 Nonstruct. Gen. Ind.
- 62 Heavy Ind.
- 63 Nonstruct. Heavy Ind.
- 64 Utility
- 65 Railroad
- 66 Instit. (not elsewhere class.)
- 67 Parochial School
- 68 Church
- 69 Private School or Coll.
- 70 Cemetery
- 71 Park, Golf Course
- 72 Playground & Playfield
- 73 Public Bldg. (exc. schools)
- 75 Public School (E.S., J.H., H.S.)



AREA IN QUESTION

Date: 9-19-96 By: clp Scale: 1"=160'



PLAT

Plat 62



105

547
19385-4000
3716-1000
207,097 Total

ALEPO ST

PLAT 63

AVE

CYRIL COURT

SCARLETT COURT

BAILEY COURT

CARROLL COURT

BENTON

DELAINE

EXTON

77 Total

448
2090
87
309
10-12

157 156 155
4979 7800 5800
158 159 160 548
4343 7800 7800 3765

100
430
3000

430
5100

430
2800

430
2800

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

420
3000

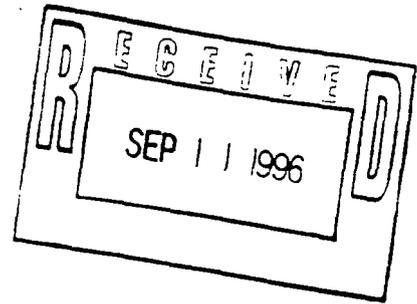
420
3000

420
3000

City of Providence



Rhode Island



Department of City Clerk

MEMORANDUM

DATE: September 11, 1996

TO: John Palmieri, Department of Planning & Development

SUBJECT: PETITION TO ABANDON A PORTION OF CYREL COURT

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman, Committee on Public Works.

DISPOSITION: The accompanying resolution is referred to you for study, report and recommendation and report back in writing to the above-named committee as soon as practical.

RECEIVED

SEP 11 1996

PLANNING DIVISION

Barbara A. Paerle
Deputy City Clerk

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

as follows:

Your Petitioners, Theofanis and Sheryl Markos are the owners of property located at 135 and 141 Manton Avenue and own and operate their businesses at the above addresses. The businesses consist of an automobile repair business located at 141 Manton and an automobile sales business located at 135 Manton Avenue and that in between the two above addresses there is located a so-called paper street named Cyrel Court.

1. That the said Cyrel Court is a street running between and abutting property owned by your petitioners. That the street is and has been serviced and maintained by your petitioners; i.e. sweeping, snow removal and has not been serviced by the City. Your petitioners are desirous of having the street abandoned by the City of Providence as it would help your petitioners to more easily operate their businesses and at the same time relieve the city of any liability which could be incurred by its ownership of said Cyrel Court.

2. That further during the course of a zoning hearing on June 25, 1996, wherein your petitioners were seeking approval for a building permit relative to 135 Manton Avenue, it was suggested and later made a condition of the zoning resolution on August 2, 1996, that the Markos petition would only be effective upon successful abandonment of Cyrel Court. The zoning board's reasons were predicated upon its inspection of the property, and it felt that your petitioners' property would offer more cohesiveness if they were to pursue the abandonment of Cyrel Court. It further reasoned that the city would lose its legal exposure by such abandonment, thereby relieving it of its liability and further that since the public has no access through Cyrel Court, the abandonment will place said land on the tax rolls thereby increasing the tax base of the City of Providence.

3. Your petitioners intend to reserve all access rights to lots abutting said Cyrel Court owned by said petitioners so that street access will be permitted for development if any regarding said lots owned by your petitioners. And your petitioners will provide a legal right of way to said lots should same be developed.

WHEREFORE, your petitioners respectfully pray that the Honorable Council of the City of Providence effectuate abandonment of Cyrel Court which is more fully delineated and laid out on the appended radius map marked Exhibit A.

Respectfully submitted


THEOFANIS MARKOS


SHERYL MARKOS

3. **A SIX (6) FOOT HIGH, TIGHT BOARD FENCE SHOULD BE INSTALLED ALONG THE OUTSIDE PERIMETER OF LOTS OWNED BY THE PETITIONER SCREENING THE OUTSIDE STORAGE OF VEHICLES FROM ADJACENT RESIDENTIAL AND COMMERCIAL PROPERTIES AS REQUIRED UNDER SECTION 410 & 705.7.**

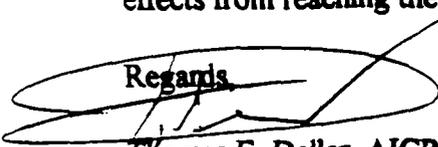
FINDINGS:

A UPDATED FIELD INSPECTION revealed a small building facing Manton Avenue. The applicant owns three lots which are combined to make the proposed auto repair facility. The applicant also owns a significant amount of property along Cyrel Court, which dead ends before reaching Chaffee Street. Cyrel Court is lined with properties owned by the applicant which are used for the storage of vehicles which are either in the process of being repaired or are scheduled to be repaired.

The building expansion would add to the building facing Manton Avenue, at the part of the street which is strictly commercial in nature. The auto repair company uses a portion of Cyrel Court as a storage facility. The street contains a dumpster and two vehicles which do not appear to be in working condition. These must be removed to insure safe and uninhibited passage along the street.

There are residential properties to the rear of the lots owned by the applicant, but they are not close enough to be injured by this expansion. However, because the lots are poorly paved and in some cases, dirt only. These should be properly landscaped so as to prevent potentially damaging effects from reaching the residences.

Regards


Thomas E. Deller, AICP
Deputy Director

cc: Sandra L. Carlson, Chairperson
Anthony M. Catauro
Arthur A. Strother
Thomas Scorpio, Jr.
Ralph Lennon
Margaret Castro - Aux.
Patricia McLaughlin, Esq.
John F. Palmieri
Peter Carnevale, Zoning Secretary

IRENE J. TESTA
Traffic Engineer



VINCENT A. CIANCI, JR.
Mayor

JOSEPH W. CAPRIO
Deputy Director

Department of Traffic Engineering
"Building Pride In Providence"

MEMORANDUM

TO: Councilman Robert Clarkin
Chairman, Committee on Public Works

FROM: Irene J. Testa
Director

DATE: May 28, 1997

RE: PROPOSED ABANDONMENTS

REQUEST: To abandon a portion of Hebron Street.

DISPOSITION: No objection.

REQUEST: To abandon a portion of Chalkstone Avenue.

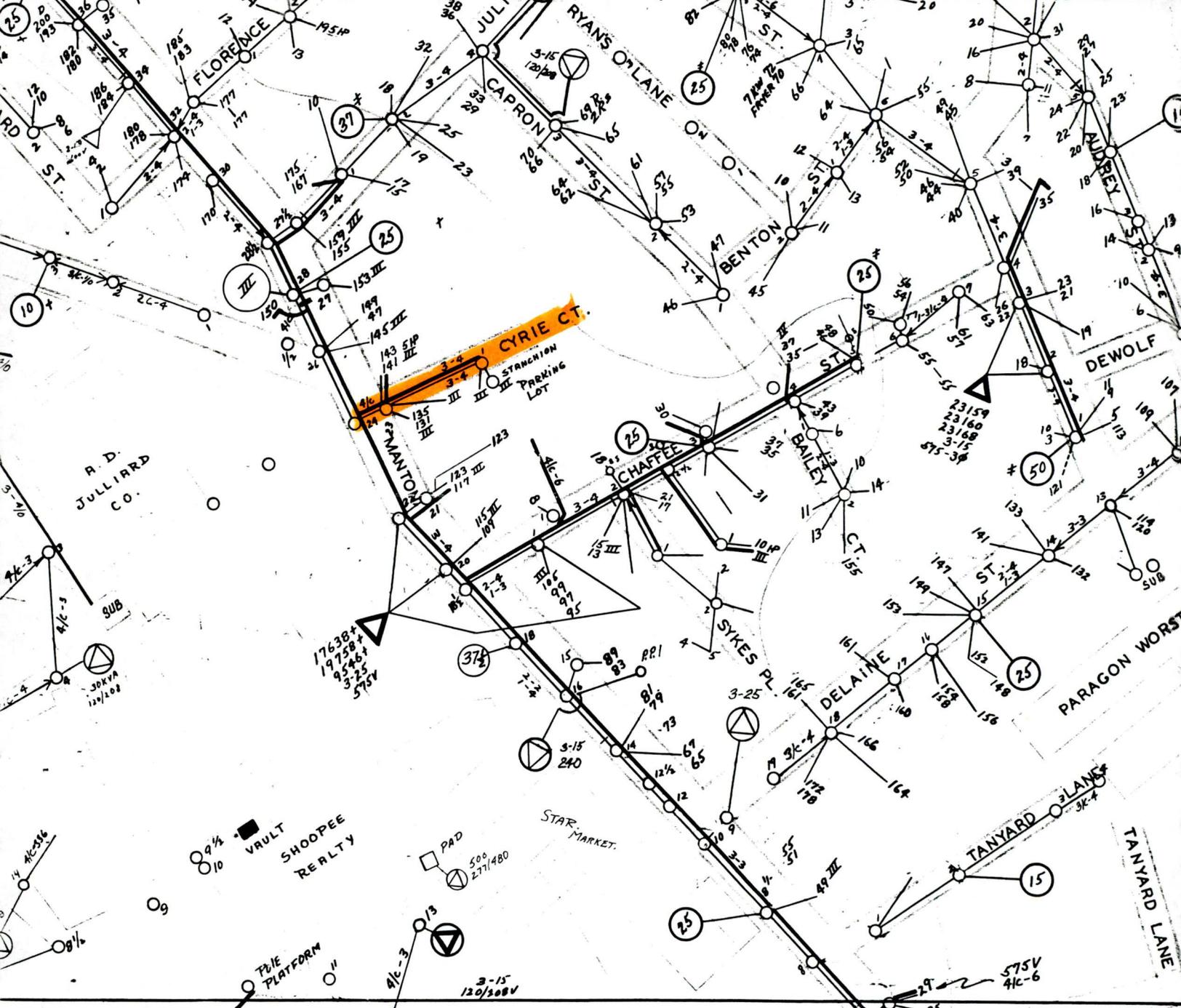
DISPOSITION: No objection

REQUEST: To abandon a portion of Gainer Street.

DISPOSITION: No objection.

REQUEST: To abandon a portion of Cyril Court.

DISPOSITION: No objection.



R. D. JULLIARD CO.

9/10 VAULT SHOOPEE REALTY

PILE PLATFORM

PAD 500 271/480

3-15 120/200V

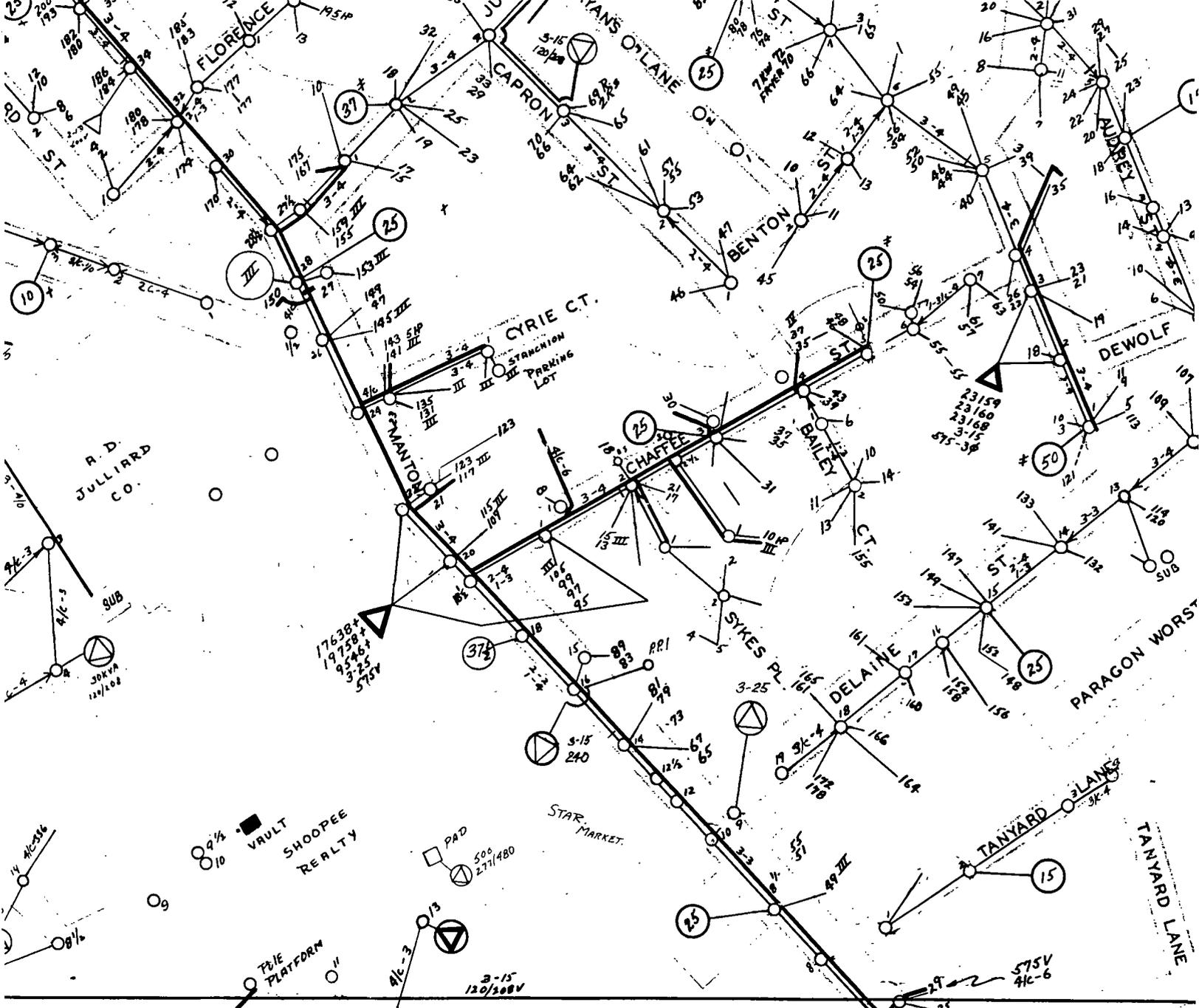
STAR MARKET

TANYARD LANE

MARINE FINANCE

INCHES ON ORIGINAL

SAN



MARINE FINANCE

INCHES ON ORIGINAL

SAN



Narragansett Electric
A NEES company

October 1, 1996

Ms. Barbara A. Poirier
Department of City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition to Abandon a Portion of Cyrel Court, Providence

Dear Barbara:

The Narragansett Electric Company (NECo) presently has overhead facilities situated in the proposed abandoned portion of Cyrel Court. NECo has no objection to the proposed abandonment provided that in the event the street is abandoned, an easement acceptable to NECo will permit the retention of our facilities in their existing locations and the right to access them.

If you have any questions feel free to call me at 401-784-7209.

Sincerely,

Michael D. DiNezza
Senior Real Estate Representative

Enclosure



September 16, 1996

Providence City Council
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Attn: • Mr. Robert Clarkin

RE: PETITION TO ABANDON A PORTION OF CYREL COURT

Dear Sir,

Upon investigation it has been determined that Nynex has facilities in the portion of Cyrel Court to be abandoned.

These facilities include a pole that provides service to the surrounding area.

New England Telephone and Telegraph Company will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement acceptable to New England Telephone, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Very truly yours,

A handwritten signature in cursive script that reads "Mary C. Hanley". The signature is written in black ink and is positioned above the typed name.

Mary C. Hanley
E/P Manager - Right of Way



April 28, 1997

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
Providence City Council
Providence, RI 02903

RE: CYREL COURT

Dear Councilman Clarkin:

Please be advised, as far as Providence Gas Company is concerned, there is no easement necessary in connection with the above mentioned street. We do not have a gas main on Cyrel Court.

Sincerely,

Cynthia M. Radican
Engineering Clerk

cc: file

The Foundry Corporate Office Center
235 Promenade Street – Suite 500
Providence, RI
02908-5739
401 • 277 • 6680
401 • 277 • 2584 Fax
401 • 277 • 6680 TDD



Rep. Vincent J. Mesolella
Chairman

Paul Pinault
Executive Director

September 19, 1996

Ms. Barbara Poirier
Second Deputy Clerk
Department of City Clerk
City Hall
Providence, RI 02903

SUBJECT: Abandonment of City-Owned Property

Dear Ms. Poirier:

We have reviewed your memoranda and documentation concerning the abandonment of a portion of Cyrel Court, Providence, RI.

The NBC does not own any facility in this street. Therefore, we do not have any objection to the abandonment of these properties.

We appreciate your notification of these abandonments and the opportunity to comment.

Sincerely,



John Zuba
Project Coordinator

JZ/amr
cc: Joe Filippone, NBC

ROBERT D. MACLEAN

ATTORNEY AT LAW
BAKER HOUSE, SUITE 1
80 CARPENTER STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE 861-9440

October 16, 1996

Mr. Michael Clement
City Clerk
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

RE: Petition of Sheryl and Theofanis Markos for
Abandonment of Cyrel Court
Providence, Rhode Island

Dear Mr. Clement:

It was brought to my attention as the attorney representing Mr. and Mrs. Markos in the above matter, an objection was filed with the City Clerk's office concerning the above abandonment which was more fully described in the petition to the City Council dated August 23, 1996, wherein the reference to Cyrel Court as a paper street was a reference for descriptive purposes only since the street did not continue through to any location other than the property owned by the petitioners and consists of a dirt path approximately half way or so down Cyrel Court. In effect the only person occupying the bounds of Cyrel Court are the Markos's with the exception of an old right of way to an abutter's lot, the front of which also abuts Manton Avenue. Mr. Markos has assured the owner that the right of way as long as it exists would not be interfered with and has offered a written letter to that effect so long as said right of way remains in existence.

Addressing the further comments in the Providence Water Board letter, it is noted that concern is expressed about future water service and other services to any property which might be developed at a later date by Mr. Markos. In particular Lot 528 is identified. It should be noted that Lot 528 is no more than a parking lot for Mr. Markos' automobiles, and this was part of the requirement of the zoning board that the space in Lot 528 would be used for a parking space as part and parcel for Mr. Markos' auto sales operation and would not contain any building or any other facility that would use water or any services whatsoever as all of the services would be contained on the front lot which abuts Manton Avenue and is presently fully

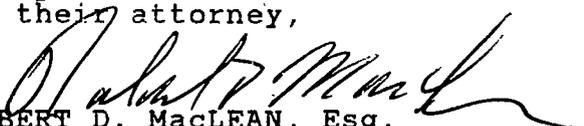
Mr. Michael Clement
October 16, 1996
Page 2

serviced and applianced by city water, sewer, electric and other utilities. It is therefore not true that Lot 528 will be developed other than as parking space for the display of the automobiles and therefore will not anticipate delivery of mail, refuse collection or anything else as there is no need to since Mr. Markos' office servicing the auto sales business fronts on Manton Avenue.

As far as the other remaining lots are concerned which Mr. Markos indicated he might develop at a later date, this is only speculation as to what use these lots may or may not be put to or whether they will be used individually or combined and this may never occur and for the Providence Water Board to speculate as to what their use might be does not shed any light whatsoever on the reasonableness of Mr. Markos' petition which is in effect made pursuant to the suggestion and requirement of the Providence Zoning Board which found that the street called Cyrel Court offered no public access and exposed the city to liability and therefore the city would lose its legal exposure by such abandonment and the board felt that the cohesiveness of Mr. Markos' operation would be more appropriate if the abandonment occurred. Consequently the zoning board made the abandonment of Cyrel Court a condition to granting of Mr. Markos' petition.

It is therefore respectfully requested that the abandonment of Cyrel Court be approved.

Sheryl Markos and Theofanis Markos
by their attorney,


ROBERT D. MacLEAN, Esq.

RDM/anm

RESOLUTION OF THE CITY COUNCIL

No. 366

Approved June 30, 1997

RESOLVED, DECREED AND ORDERED:

That the following named highway shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064583 dated 1 November 1996.

VIZ:

CYREL COURT, shown as cross-hatched area on accompanying plan (attached hereto as Exhibit "A") 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) Petitioner shall tender the amount of Twelve Thousand Two Hundred Forty (\$12,240.00) in legal tender U.S. to the City of Providence.

(2) The Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain operate and replace the same 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 sue, the petitioner shall assume all costs of relocation.

(3) The Petitioner shall convey an easement acceptable to NYNEX which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same 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) Upon abandonment, petitioners, should they wish to operate an automobile repair and sales business, shall complete any petitions before the Zoning Board of Review and/or the Department of Planning & Development, and/or the City Plan Commission, but in any event shall:

(a) comply with Sections 409 and 410 of the Zoning Ordinance;

(b) provide a hedge of compact evergreens or other suitable plantings behind the existing chain-link fence along the frontage of lots 571 and 398 facing Manton Avenue as required under Section 705.6 of the Zoning Ordinance;

(c) pave the surface of lots 398, 528 and 571 as required in Section 705.4 of the Zoning Ordinance; and

(d) install a six (6) foot high tight board fence along the outside perimeter of said lots so as to screen the outside storage of vehicles from adjacent residential and commercial properties as required under Sections 410 and 705.7 of the Zoning Ordinance;

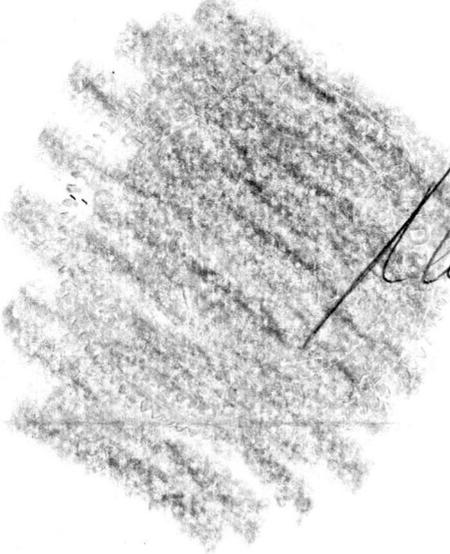
5. The petitioner acknowledges the letter of the Providence Water Supply Board dated 11 October, 1996 and notes that prospective development of lots surrounding the abandoned highway may present costly modifications so as to provide an adequate water supply and the petitioner, if it is found necessary, shall allow access and utility access to lot 447.

6. The petitioner shall, if necessary, allow access and utility access to lot 447 through the grant of an appropriate easement.

7. Petitioner acknowledges that abutters to the abandoned portion of the highway may make some claim thereto.

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.

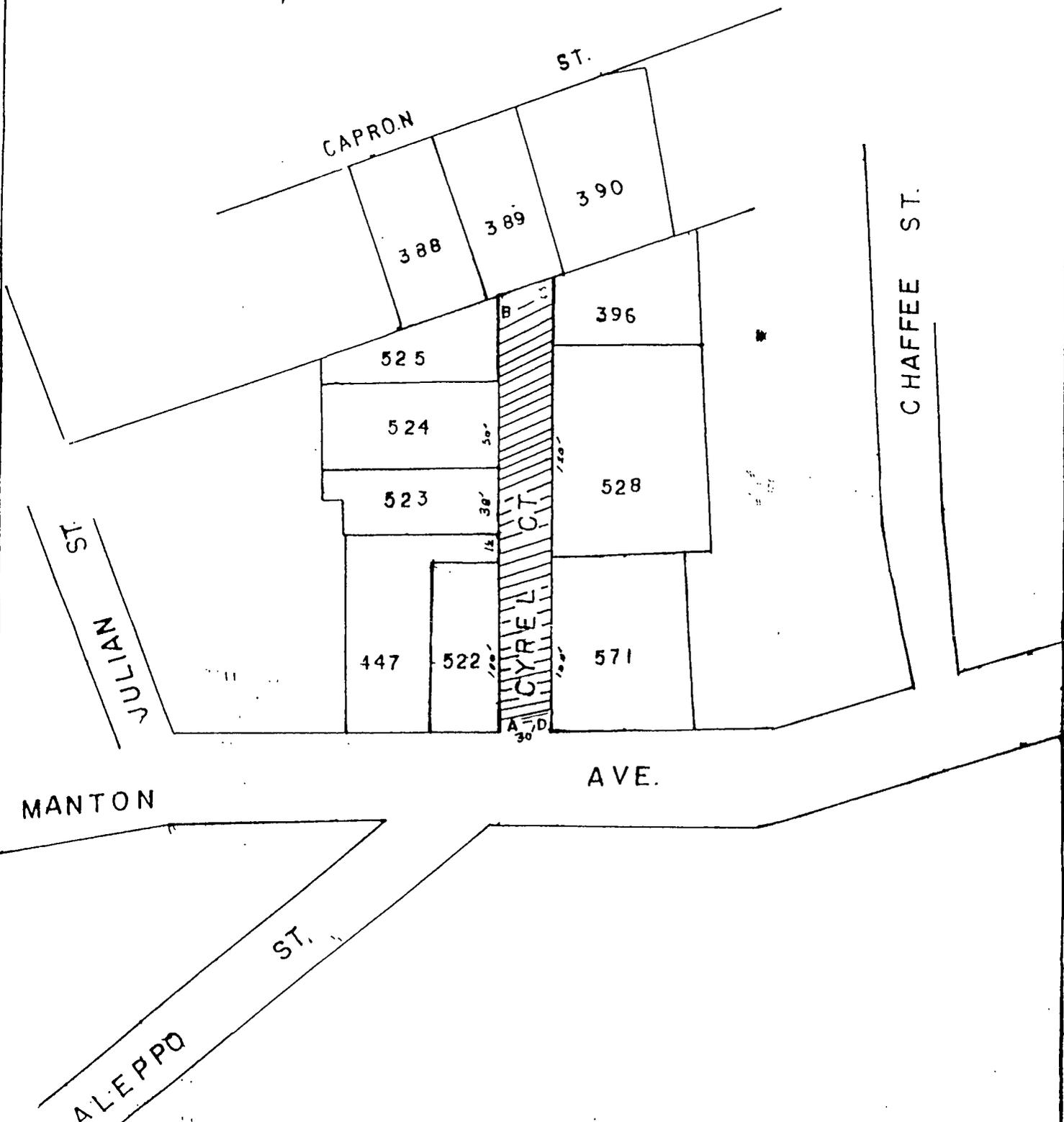
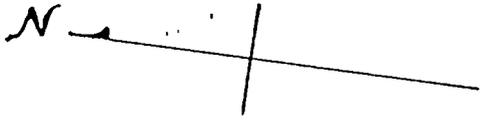
A true copy,
Attest:



Michael R. Clement
Michael R. Clement
City Clerk

BK3588PG0253

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
No. 0645.83
11-1-96



NO SEWER EASEMENT REQUIRED

NOTE: Cross-Hatched Area
Proposed Abandonment
(A-B-C-D-A)

Said Area Contains 7,650 Sq. Ft. of Land
Lot Numbers From Assessor's Plat 62

CITY OF PROVIDENCE, R. I.
Public Works Department Engineering Office
Show Proposed Abandonment
CYREL CT.
Drawn by J.D.T. Checked by D.T.M.
Scale NO Scale Date 11-1-96
Correct James T. Moran Associate Engr.
Approved [Signature] CHIEF ENGINEER

768
N-31

JUL - 9 1997

Received for Record at 10 o'clock 38 min A in
Recorder of Deeds
Robert L. Riccio

3588/251-253
C

23578

RECORDED FOR RECORD
of 10 38 minutes of
and rec. in book page
of record of

JUL 00 1997

Providence, R.I.
Wm. Robert Z. Ricci
Recorder of Deeds
Fee