

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 316

Approved April 22, 1983

RESOLVED, That His Honor the Mayor is hereby authorized to execute any and all necessary documents in order to grant an easement to the State of Rhode Island - by and through its Director of Transportation and its State Properties Committee - across that realty known as the Branch Avenue Railroad Bridge, Providence, Rhode Island (further identified as Parcels Nos. 10C and 10D of Plat No. 1940, and consisting of a permanent highway easement of 5,700 square feet, a permanent aerial easement of 24,500 square feet, and a temporary 2-year construction easement of 24,500 square feet, as shown by the shaded areas of the accompanying maps, which are incorporated hereto and made a part hereof).

The City Council of the City of Providence has declared that said land and properties have become unsuitable and have ceased to be used for any public or municipal purposes, and are to be condemned for highway purposes, and may be conveyed for the sum of ONE (\$1.00) DOLLAR.

This conveyance is to be further made under such terms and conditions as may be provided for by His Honor the Mayor and the City Solicitor.

IN CITY COUNCIL  
APR 21 1983  
READ AND PASSED

*[Signature]*  
*[Signature]*

APPROVED  
APR 22 1983  
*[Signature]*  
MAYOR

RESOLUTION AUTHORIZING HIS HONOR  
THE MAYOR OF THE CITY OF PROVIDENCE  
TO EXECUTE DOCUMENTS IN ORDER TO  
GRANT AN EASEMENT TO THE STATE OF  
RHODE ISLAND.

IN CITY COUNCIL  
MAR 17 1983  
FIRST READING  
REFERRED TO COMMITTEE ON CITY PROPERTY  
*Robert M. Anderson*

THE COMMITTEE ON  
CITY PROPERTY  
APPROVES PASSAGE OF  
THE BILLS HEREON  
*Robert M. Anderson*  
Chairman  
April 13/1983

Councilman James and Councilman Pitts (By Request)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Transportation  
DIVISION OF PUBLIC WORKS  
State Office Building  
Providence, R. I. 02903



STATE OF RHODE ISLAND  
DIVISION OF PUBLIC WORKS  
DEPARTMENT OF TRANSPORTATION

RAYMOND E. SKIERA  
RIGHT OF WAY NEGOTIATOR

ROOM 317  
STATE OFFICE BLDG.

TELEPHONE  
277-6840

NAME City of Providence  
ADDRESS c/o Rose M. Mendonca  
City Clerk, 25 Dorrance Street  
Providence, R. I. 02903

PROJECT NO. BRM S008(002)  
LOCATION Branch Avenue RR Bridge  
Providence  
PLAT/PARCEL NO. 1940/10C & 10D

STATEMENT OF JUST COMPENSATION TO OWNER

1. The amount of money established as just compensation is:

\$ 1.00

2. This offer is based on the Right-Of-Way Section's review and analysis of an appraisal(s) of subject property, showing the indicated Fair Market Value as established by a qualified appraiser(s).
3. Real Property and Estate or Interest being acquired: Perm. highway easement  
5700 s.f., Perm. aerial easement 24,500 s.f., Temp. Construction Ease. 24,500 s.f.
4. Building, structures and other improvements, fixtures, removable buildings, equipment, etc. (considered real property) included in our offer of Just Compensation is as follows:

none

5. A) The Just Compensation for the Real Property to be acquired is:

\$ 1.00

- B) The Just Compensation for damages to remaining property is:

\$ n/a

3-3-83  
Date of Offer

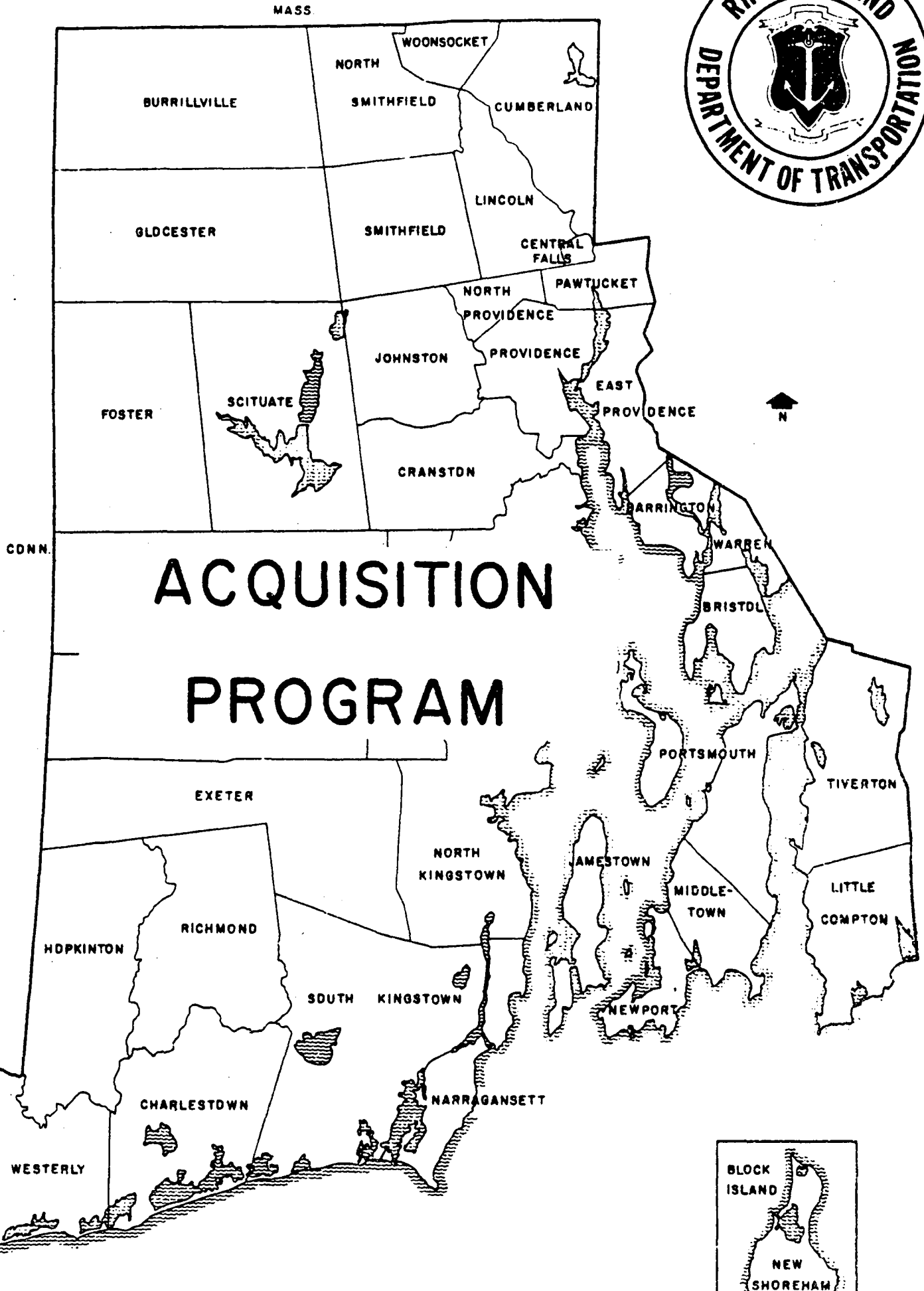
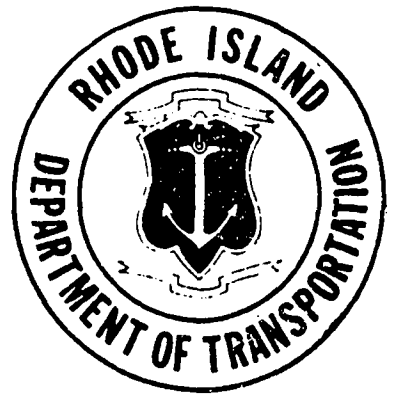
Raymond E. Skiera  
Right of Way Negotiator  
Raymond E. Skiera

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF PUBLIC WORKS  
LETTER OF RIGHTS

If said real estate is condemned by the State of Rhode Island and Providence Plantations in accordance with Chapter 37-6 of the General Laws of Rhode Island, 1956, as amended, final payment to you of the aforesaid sum is subject to the discharge of any and all encumbrances, liens attachments, taxes and any other interest in or claim against said property. If said offer is acceptable as full compensation for said property to be taken, sign the "Full Release" and return it to the negotiator. If said offer is not acceptable, sign the "Advance Payment Release." By doing so you will receive payment of an amount not less than the approved appraisal of fair market value, equal to One Hundred Percent (100%) of the State's offer. If you sign the "Advance Payment Release" you in no way prejudice your right to file a petition in the Superior Court requesting a trial for the assessment of your damages. Also your signing of the "Advance Payment Release" is without prejudice to your right, at a later date, to either accept the offer contained herein or to file a petition as aforesaid.

In the event you sign neither the "Full Release" or the "Advance Payment Release" the amount of the offer will be deposited in the Registry of the Superior Court for your benefit.

The foregoing is contingent upon the condemnation of said real estate by the State of Rhode Island and Providence Plantations as aforesaid.



## INTRODUCTION

In providing an adequate and efficient transportation system for the people of the State of Rhode Island, it is often necessary to acquire private property for a transportation project.

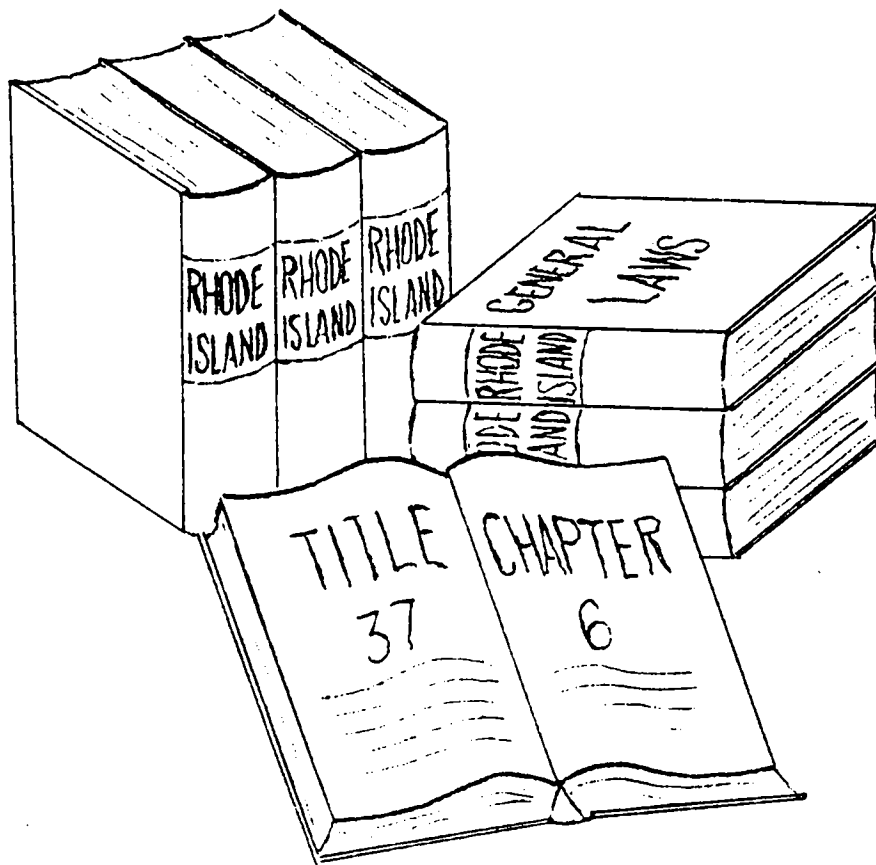
This brochure was prepared to help give you a general understanding of the State of Rhode Island's acquisition process. The questions and answers presented do not include all questions that might be asked. They do provide however, information on the basics of the acquisition process. More detailed information can be obtained by writing to the Rhode Island Department of Transportation, Right-of-Way Section, State Office Building, Smith Street, Providence, R.I. 02903 or by telephoning 277-2411 (Area Code 401).

### HOW IS PROPERTY ACQUIRED BY THE STATE?

When it is necessary for the State to acquire land for a transportation project, a plat (map) is prepared showing the amount of land to be acquired from each parcel. Title to the property required for the project is transferred to the State when a copy of the map is filed in the Office of the City or Town Clerk.

Before this plat is filed, a representative of the State will meet with you to thoroughly discuss the acquisition process and the full effects of the acquisition of your property.





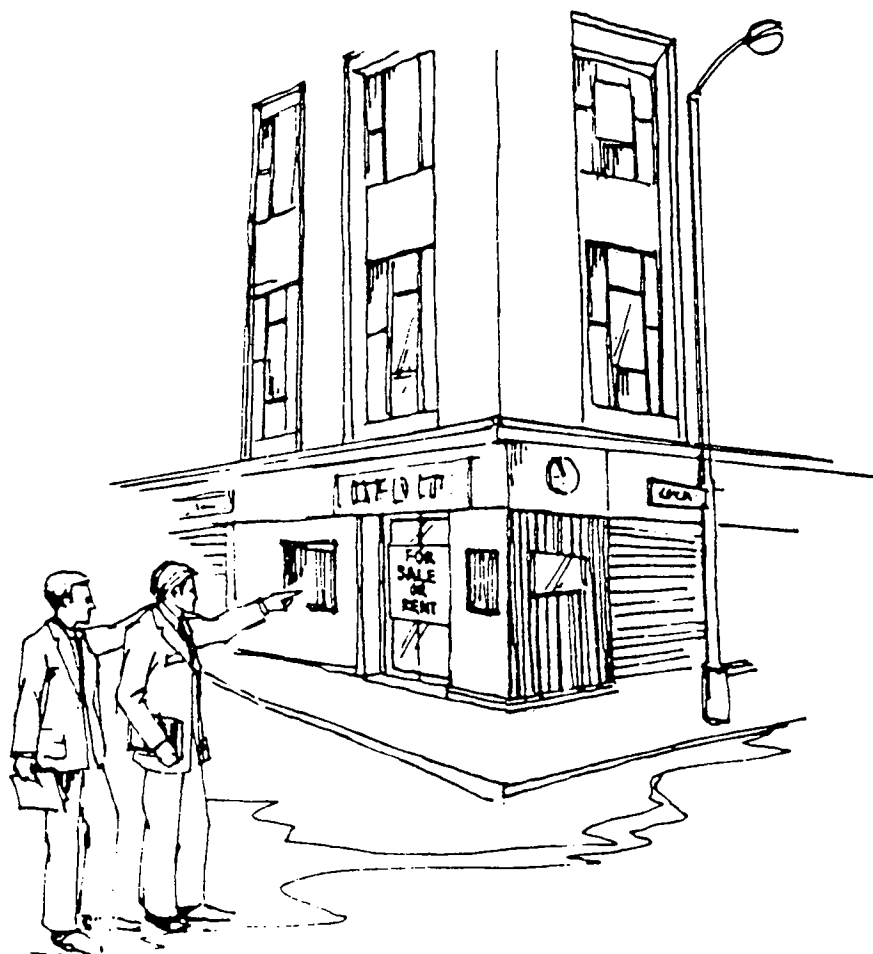
DOES THE STATE HAVE THE RIGHT TO ACQUIRE MY PROPERTY?

Yes, each State has the right of eminent domain which is often called "condemnation". This right gives the State the authority to acquire private property when it is necessary for public purposes and for the best interests of the public. This authority is extended to the Rhode Island Department of Transportation under Title 37, Chapter 6 of the General Laws of Rhode Island, 1956, as amended.



### HOW IS THE VALUE OF MY PROPERTY DETERMINED?

It is the State's responsibility to make sure you receive the same amount of money for the property to be acquired that you would receive if you sold it on the open market. To accomplish this, the State will have your property appraised and its "FAIR MARKET VALUE" determined. The term "FAIR MARKET VALUE" used above is not "assessed" or "insurance" value.



### WHO WILL APPRAISE MY PROPERTY?

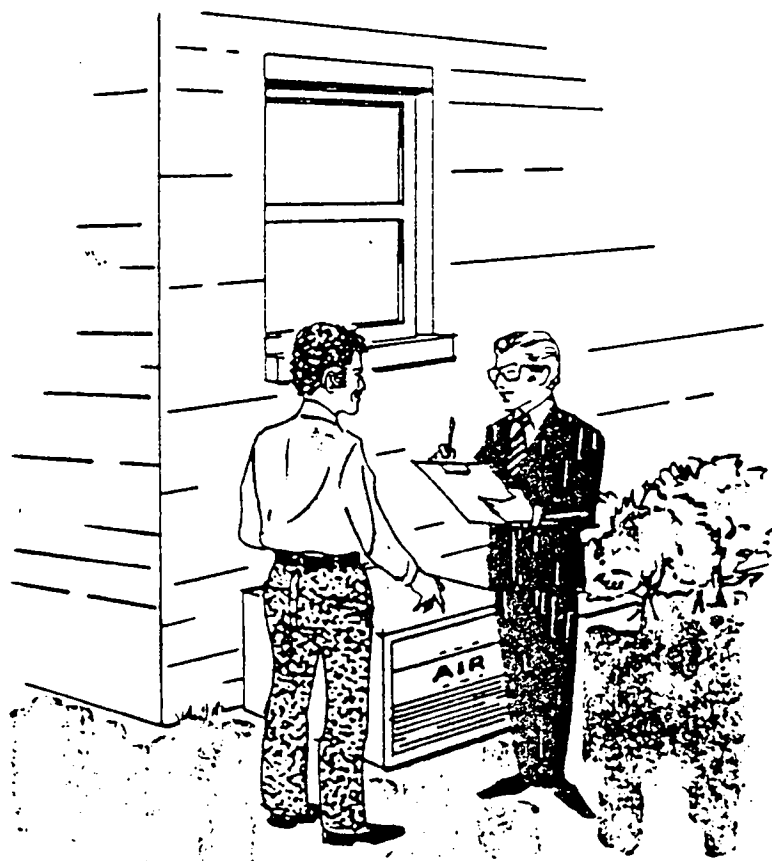
Your property will be appraised by one or more State employees, or consultants, who have received special training in this field, and have had experience in evaluating real estate. The appraiser will inspect your property and, through his research and analysis of the real estate market in your area, will determine its value.

You, or a representative you choose, must be given an opportunity to accompany the appraiser on his inspection of your property. This affords you the opportunity to point out any unusual or hidden feature your property may possess.

Each completed appraisal will be thoroughly reviewed by a review appraiser to be certain that it has considered everything that may affect the value of your property. In preparing the appraisal, the appraiser may not consider any increase or decrease in value which results from the proposed transportation project, or the likelihood that your property will be acquired for the project.

WHO WILL APPRAISE MY PROPERTY? (CONTINUED)

The offer made to you will be the full amount established by the review appraiser representing the fair market value of the property to be acquired.





#### WHAT IF MY REMAINING PROPERTY IS DAMAGED?

If only a portion of your property is required, the State will make every effort to make sure that you do not suffer financially due to any loss in value of your remaining property. The appraisal and the State's offer will include compensation for a loss in value to any remaining property as well as the value of the property acquired.

Should the appraiser of your property show that the acquisition will leave you with a remainder that is considered uneconomic, the State will offer to purchase it from you. You are not obligated, however, to sell that remainder property to the State.

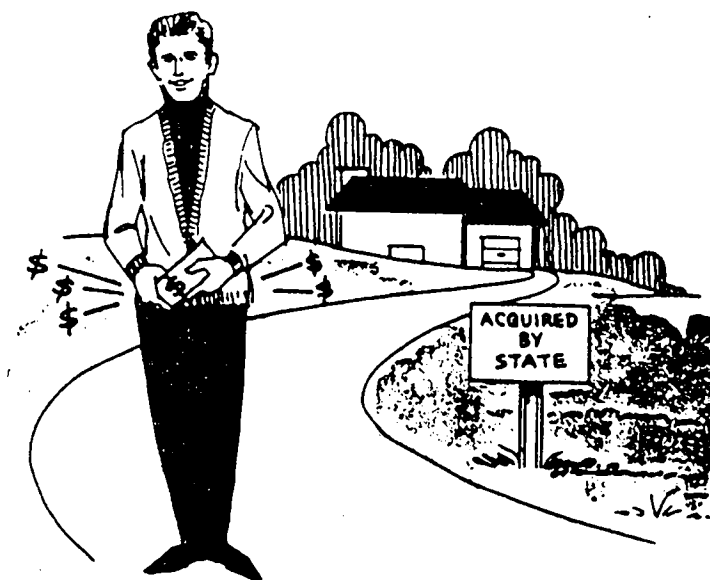
### HOW WILL THE STATE SETTLE WITH ME?

After the appraisals have been completed and reviewed, the appraised value must be approved by the State Properties Committee. Then a State Negotiator will meet with you to discuss in detail the acquisition and its effects as well as to present the State's offer.

It is the policy of the State to use the "one - offer" system. Under this policy, the amount offered to you is the full amount of the State's approved value.

If you disagree with the State's offer and feel there are aspects which warrant further consideration, you should make this information available, together with any evidence supporting your view, at the earliest opportunity. Your case will be reviewed in light of any additional information furnished and you will be notified of the results.





#### WHEN WILL I BE PAID?

After you have reached an agreement with the State and have signed the appropriate documents, the State will start processing your payment. Processing time typically takes 3 to 4 weeks.

It must be noted, however, that no payment can be made until the State has actually filed the condemnation plat (map) in the City or Town Clerk's Office. It is the State's policy, if possible, to have the payment check available for delivery to you on the day the map is filed.

WHAT IF I HAVE A MORTGAGE?

If there are any outstanding mortgages or liens on your property, the mortgagees or lien holders will have an interest in your settlement. All mortgagees and lien holders must sign a release before a payment can be made to you.

If your mortgage has a penalty for prepayment, the State will reimburse you for the amount assessed in accordance with the mortgage provisions.

WILL I HAVE TO PAY ANY CLOSING COSTS?

No. The State will prepare all documents necessary for payment at no expense to you.

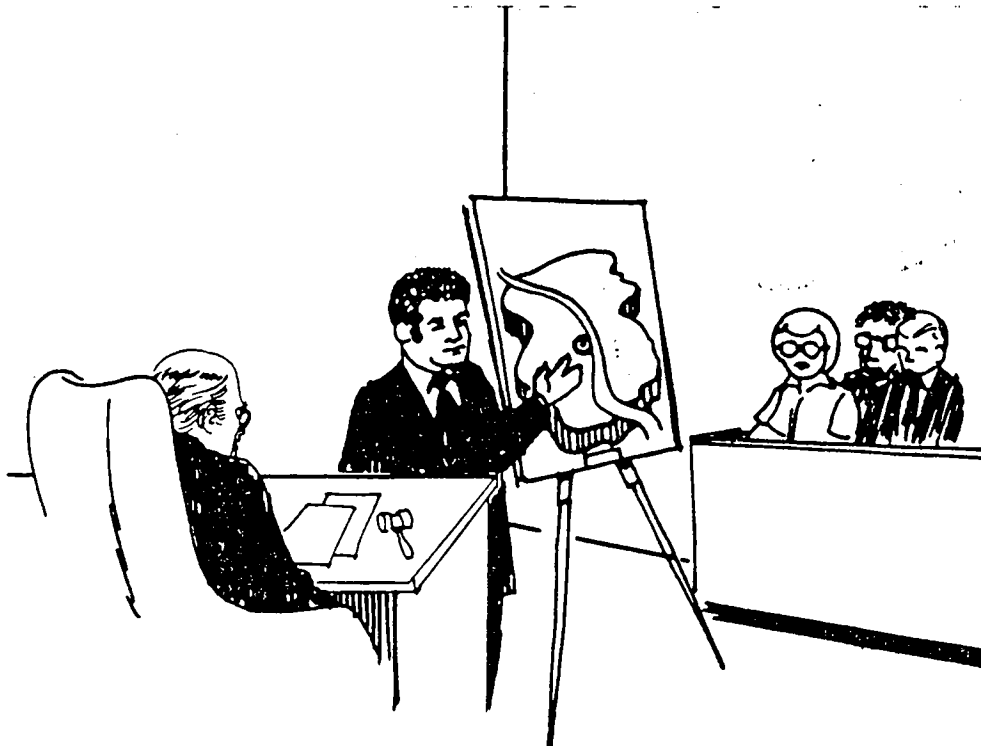
WHAT ABOUT REAL ESTATE TAXES?

If all, or a large portion of your property is to be acquired by the State, real estate taxes will be adjusted at the time of closing in accordance with the custom of the City or Town in which your property is located just as in the case of a private real estate transaction.

WHAT IF I DON'T AGREE WITH THE STATE'S OFFER?

If you cannot reach a satisfactory agreement with the State, you may make application for an advance payment, without prejudice, of an amount equivalent to one hundred percent (100%) of the State's approved offer to you. If, for some reason, you decline to make application for the advance payment, the State will deposit the amount offered to you, for your benefit, with the Clerk of the Superior Court in an interest bearing escrow account.

You may, within one (1) year after the filing of the condemnation plat in the City or Town Clerk's office, file a petition in Superior Court requesting a trial for the assessment of damages by the Court.





WHAT IF I DON'T AGREE WITH THE STATE'S OFFER?

(CONTINUED)

When the State is the sole financial participant in a project, you will be required, within sixty (60) days after filing of the petition, to confer with the State Properties Committee relative to a settlement prior to the trial of the case. In all Federally funded projects, however, this provision for appearance before the State Properties Committee is not permissible under State law.

In cases where the State's offer may fail to take certain matters into consideration, you can meet with the person in charge of acquisition for the R.I. Department of Transportation, or a designee, to settle the matter administratively without the necessity of legal action on your part.





WHEN WILL THE STATE TAKE POSSESSION OF MY PROPERTY?

You will not be required to surrender possession of your property until:

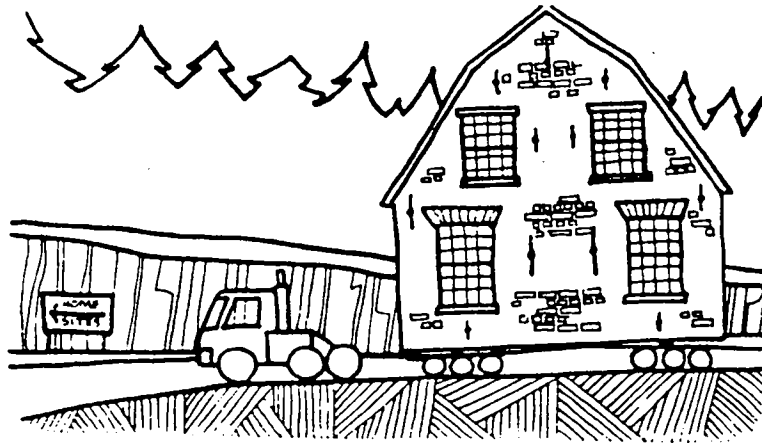
1. You have been paid the agreed settlement price or advance payment, or
2. An amount equal to the State's offer has been deposited with the court for your benefit.

In addition, if you must move because your home has been acquired, or if you must relocate your farm or business operation because of the acquisition, you will be given at least 90 days written advance notice of the date by which you will be required to move.

WHAT IF MY TENANTS OR I WISH TO CONTINUE USING  
THE PROPERTY AFTER THE STATE ACQUIRES IT?

If a property is not immediately needed for a transportation project, it is the State's policy to allow the owner or tenant to occupy the property for forty five (45) days-rent free. After that time, a rental fee will be charged.





MAY I KEEP A BUILDING AND MOVE IT TO ANOTHER LOT?

Yes. If you decide to keep a building and move it, the State will determine a retention value and subtract this amount from the State's offer. Usually the retention value is quite reasonable.

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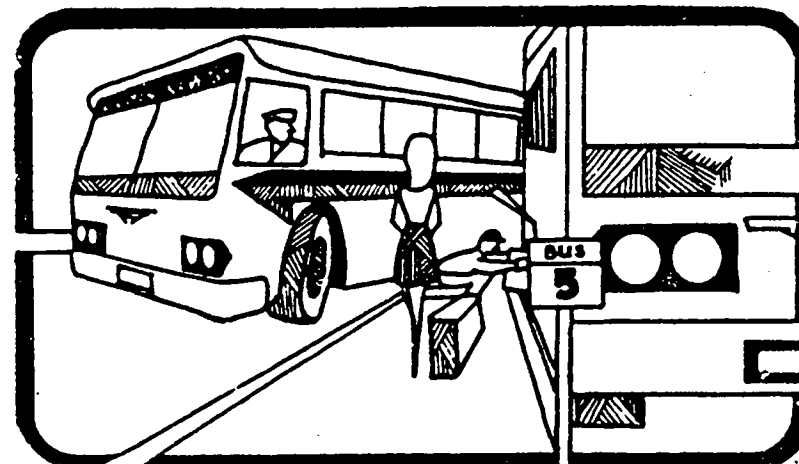
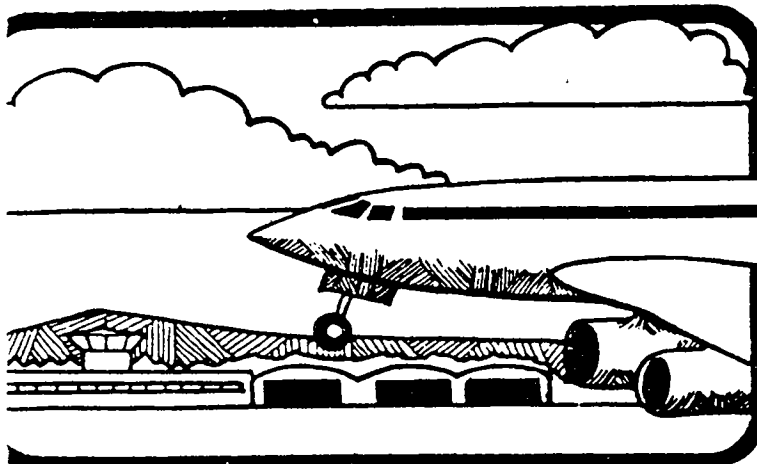
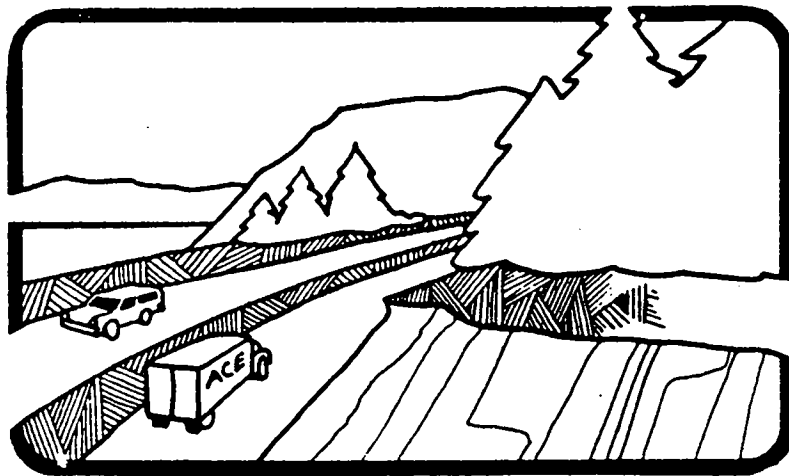
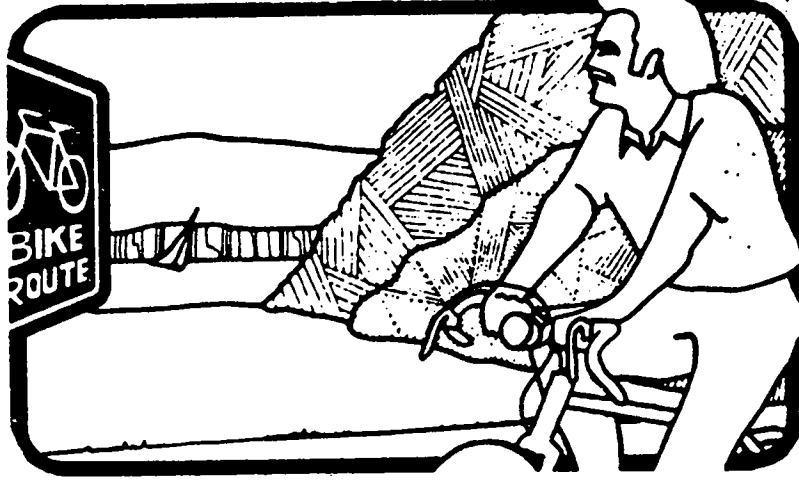
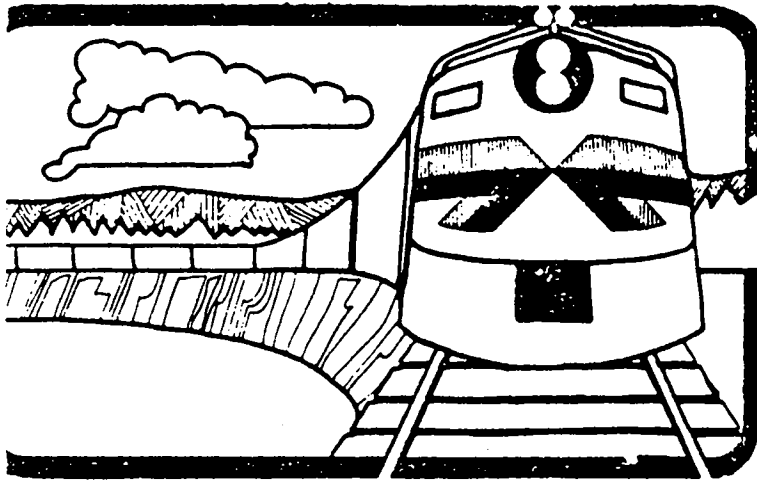
There are many instances however, where due to age, size or condition of the building, possible damage to other property, or utility problems, moving the building is not feasible. It is suggested that before you make a decision to retain a building all aspects of the move be thoroughly investigated.

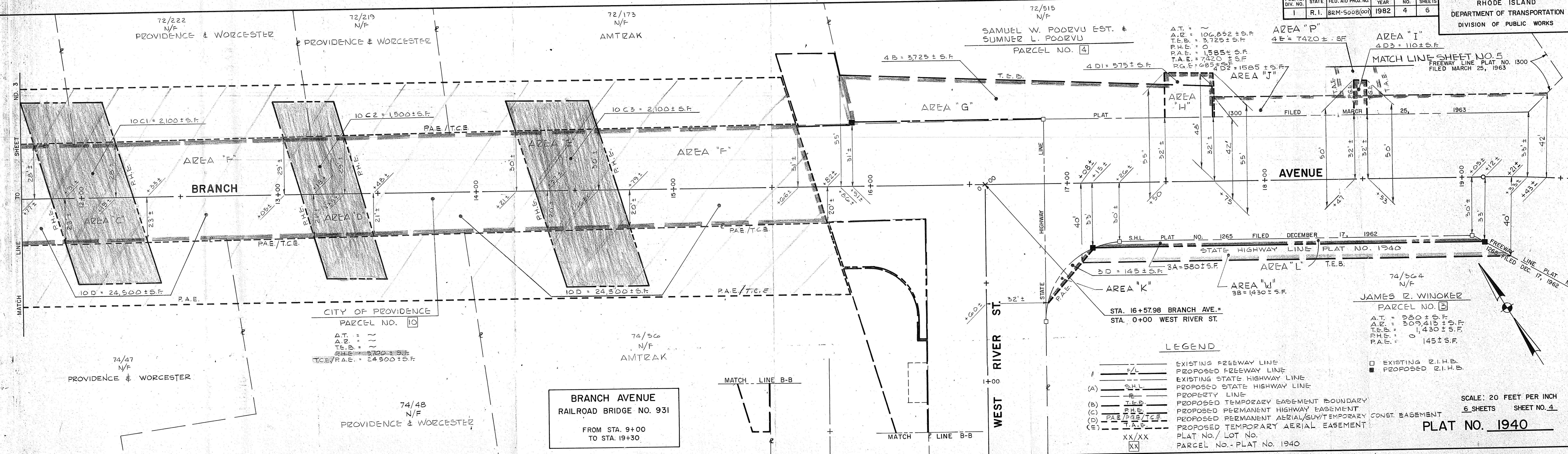
ARE THERE ANY OTHER BENEFITS I MAY OBTAIN  
IF I MUST RELOCATE?

Owners or tenants occupying property to be acquired by the State may apply for reimbursement of moving costs. Eligible families, individuals living on the property, business concerns (including farms) and non-profit organizations all may qualify for payment of the actual, reasonable and necessary cost of moving to replacement sites. Commercial properties may qualify for an "in lieu of" payment should the occupant choose to go out of business rather than relocate or should it be determined that the business cannot be relocated without a substantial loss of patronage.

Residential owners and tenants may be eligible for a "supplemental payment" to enable them to relocate into replacement housing. Certain other incidental payments which are incurred in the purchase of replacement residences may also be available to those who relocate.

These benefits are fully explained in the "Relocation Assistance Program" brochure.











City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

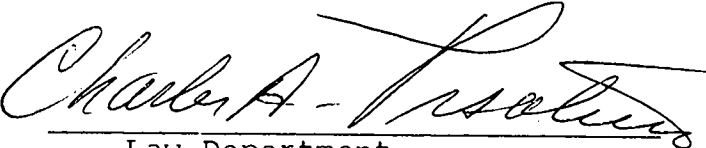
**DATE:** June 1, 1983

**TO:** City Solicitor Charles A. Pisaturo

**SUBJECT:** ACCOMPANYING CHECK

**CONSIDERED BY:** Rose M. Mendonca, City Clerk

**DISPOSITION:** Check received from City Clerk, Check No. S-888041 from State of Rhode Island and Providence Plantations in the Sum of One Dollars (\$1.00), in accordance with Resolution No. 316, approved April 22, 1983.

  
Law Department

  
City Clerk