

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 701

Approved December 14, 2001

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-E-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 agrees to tender 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
AUG 3 2000
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael R. Clement
CB

THE COMMITTEE ON
Public Works
Recommends Set-up P.H.
Charles E. Buttner
Oct. 1, 2001 CLERK

THE COMMITTEE ON
Public Works
Recommends Public Hearing
Charles E. Buttner
Nov. 6, 2001 CLERK

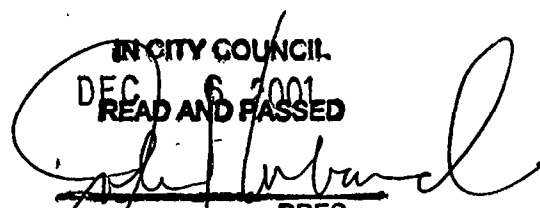
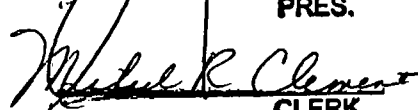
THE COMMITTEE ON
Public Works
Recommends Public Hearing
Charles E. Buttner
Nov. 8, 2001 CLERK

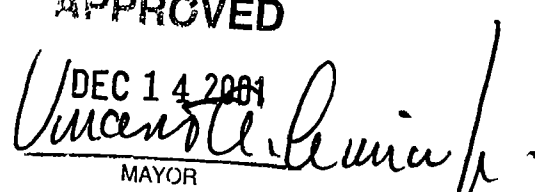
From the Clerk's Office

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.
DEC 6 2001
READ AND PASSED

PRES.

CLERK
BO

APPROVED
DEC 14 2001

MAYOR

FERDINAND C. IHENACHO, P.E., PTOE.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

Sept. 11, 2000

Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council -- City Hall
Prov., RI 02903

Re: Abandonment of Murphy St.
Atwells to Spruce

Dear Councilman Clarkin:

This Department has no objection to the proposed abandonment of Murphy St. from Atwells Avenue to Spruce St., as shown on the attached plan, entitled "Providence, RI, P.W. Dept., Engineering Section, Plan No. 064658, Date: Sept. 7, 2000".

Area to be abandoned is designated as cross-hatched area noted A,B,C,D,E,A on the accompanying plan. There is no sewer easement required (private drain) related to this proposed abandonment of Murphy St. Total Square Footage related to this abandonment is 4050.00' (+). Lot numbers for this plan were taken from City of Providence, Assessor's Plat NO.28.

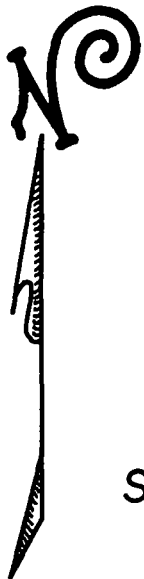
If we can further assist in this regard, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Thenacho", is written over a set of horizontal lines.

Ferdinand C. Thenacho, P.E.
Director

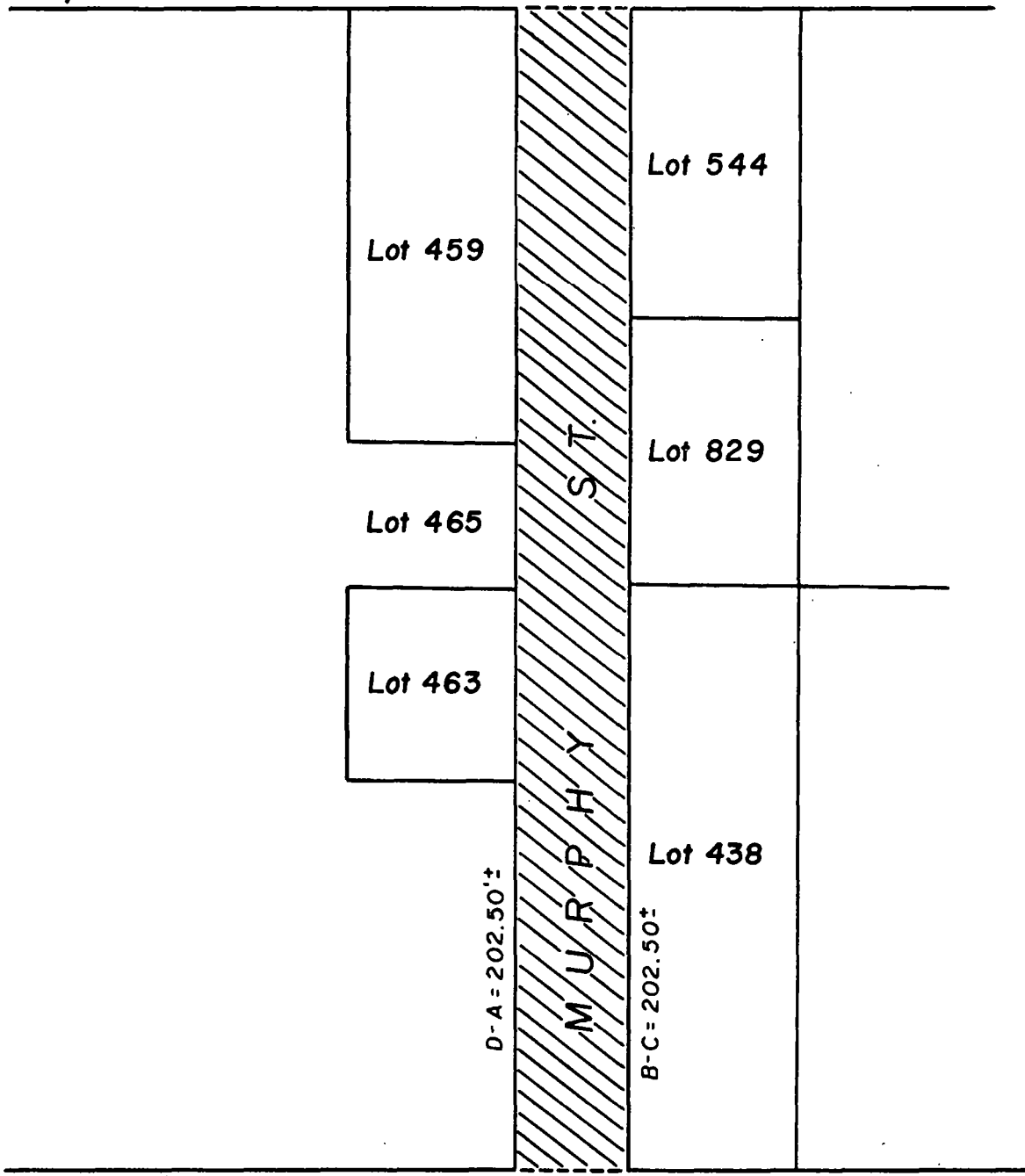
CC: M. Clement
J. D'Amico
G. Florio
SZ
JLC



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

SPRUCE ST.

A A-B=200' B

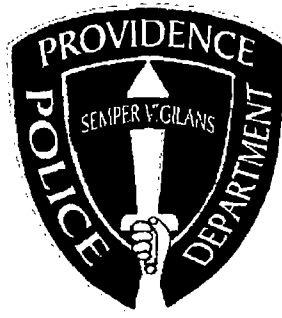


D C-D=20.0' C

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 [Signature] Associate Engr.
Approved [Signature] CHIEF ENGINEER



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Timothy Lee, Commanding

October 2, 2001

TO: Colonel Richard Sullivan, Chief of Police

FROM: Lieutenant Timothy Lee, Commanding Traffic Bureau

SUBJECT: Murphy St. abandonment

Dear Sir,

I have visited the area on several occasions and would not recommend the abandonment of that street. The streets in the area would be required to handle more traffic if this street were abandoned. Acorn St. is already congested and handles a majority of the traffic. Sutton St. is a small street which is a one way from South to North.. The street also provides access to buildings both residential and commercial. The street allows the Fire Dept. a right of way to the buildings on that street, closing that street would hinder access to the East and West sides of those buildings.

Respectfully Submitted;

LT. Timothy M. Lee
Lt. Timothy Lee

JAMES F. RATTIGAN
CHIEF OF DEPARTMENT

DAVID N. BOCK
ASS'T. CHIEF OF DEPARTMENT



VINCENT A. CIANCI, JR.
MAYOR

JOHN J. PARTINGTON
COMMISSIONER

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

October 01, 2001

Department of City Clerk
City Hall
Providence, RI 02903

To Whom It May Concern:

The Providence Fire Department is in receipt of a petition requesting permission to abandon a portion of Murphy Street from the beginning of Atwells Avenue to Spruce Street.

Please be advised that the Providence Fire Department has no objection to this request. If you have any further questions, please do not hesitate to contact us.

Yours truly,

Gary E. Mulcahy
Acting Assistant Chief of Department

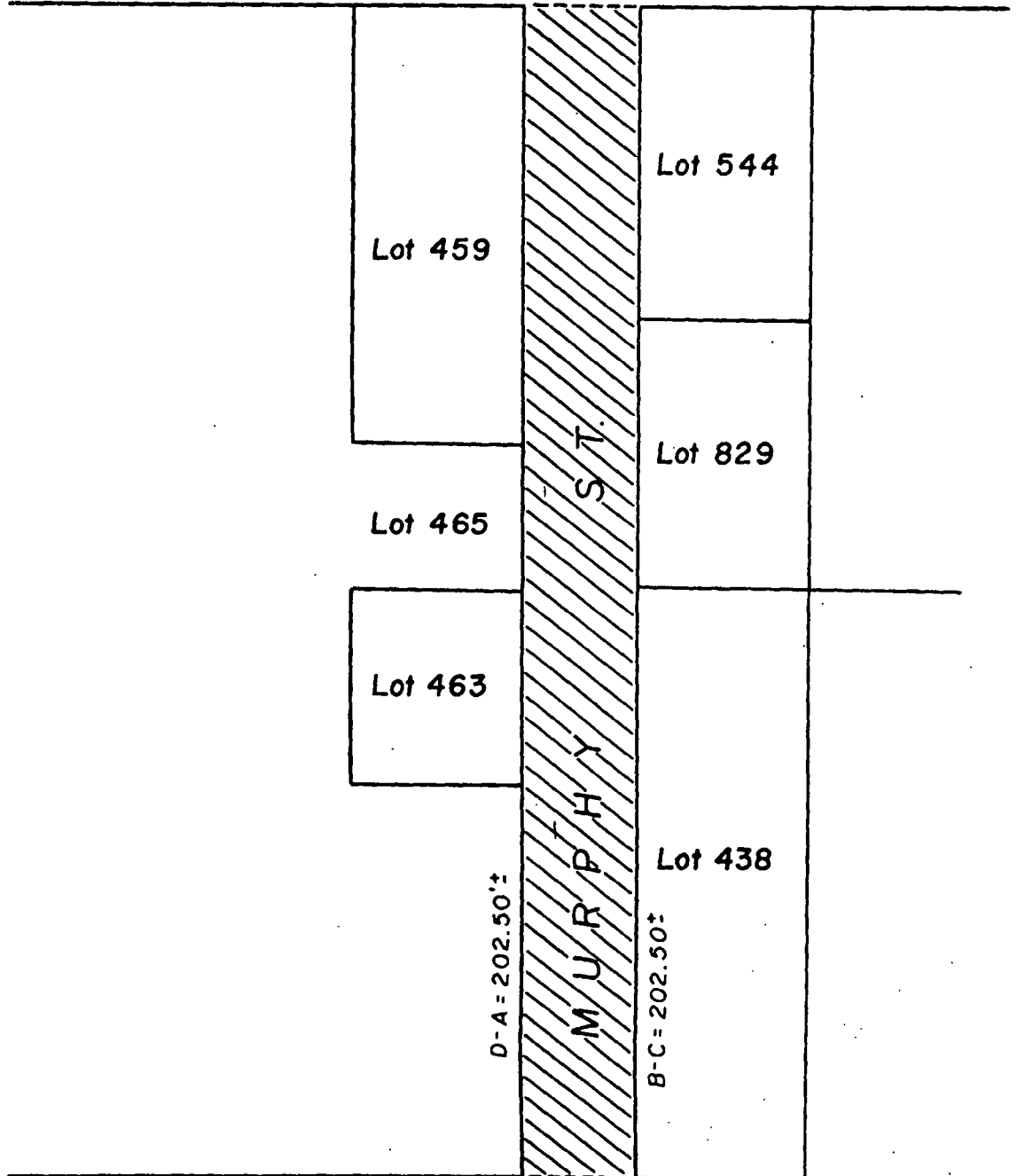
GEM:lrj



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

SPRUCE ST.

A A-B=20.0' B



ATWELLS AVE.

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Scale 1" = 30' Date 9-7-2000
Correct [Signature] Associate Engr.
Approved [Signature] CHIEF ENGINEER

PROPOSED ABANDONMENT OF A
PORTION OF MURPHY STREET

A.P. 28 LOT 459 RUDY MARKETPLACE
321 ATWELLS AVE. 02907
LOT 544 RUDY MARKETPLACE
321 ATWELLS AVE. 02907
LOT 829 RUDY MARKETPLACE
321 ATWELLS AVE. 02907
LOT 438 RUDY MARKETPLACE
321 ATWELLS AVE. 02907
LOT 465 FURNITURE MALL REALTY
331 ATWELLS AVE. 02903
LOT 463 FURNITURE MALL REALTY
331 ATWELLS AVE. 02903

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

PATRICIA F. MC VICKER, ESQ.
Acting Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

ALEXANDER D. PRIGNANO
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

ROBERT J. KILDUFF, ESQ., P.E.
Acting General Manager & Chief Engineer

JOSEPH DE LUCA
City Councilman

RITA M. WILLIAMS
City Councilwoman

MARY A. NOCERA
Member

JOSEPH D. CATALDI
Member

September 25, 2000

Councilman Robert M. Clarkin, Chairman
Committee on Public Works
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: **Petition to Abandon a Portion of Murphy Street
Atwells Avenue to Spruce Street
Providence, Rhode Island**

Dear Councilman Clarkin:

The referenced Petition received from the Department of City Clerk proposes to abandon a portion of Murphy Street from the point of beginning at Atwells Avenue and ending at Spruce Street.

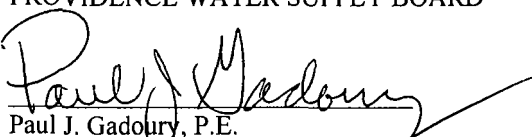
Accordingly, we have reviewed this Petition with respect to the impact it may have on the Providence Water (PW) Distribution System. Our present records indicate that the portion of roadway, as proposed herein for abandonment, contains a 6" cast iron, dead-ended water main and gate valve belonging to PW. Our records also indicate non-use of two (2) lead service laterals off the 6-inch Murphy Street water main.

A recent telephone conversation with the Petitioner, Mr. Steve Weinstein, regarding our facilities has led us to conclude that they are no longer needed. Therefore, PW will no longer keep this water main in service as it serves no worthwhile purpose. To allow our facilities to remain on private property presents a liability to PW and the Petitioner with respect to damages through breakage. The integrity of our distribution network would also be diminished with respect to water quality through future corrosion of a stagnant pipe.

Accordingly, the Petitioner will be required to reimburse PW our cost (estimated at \$4,500.00) to replace the 12"x 6" tee in Atwells Avenue with a straight 12" piece of pipe thereby abandoning our facilities in Murphy Street. We therefore request that a written agreement from the Petitioner to reimburse PW for the costs of severing the main be made a condition of any abandonment approval.

Should you have any questions, or require additional information with respect to our facilities in Murphy Street, please contact Dennis Haworth at 521-6300, extension 7228.

Respectfully,
PROVIDENCE WATER SUPPLY BOARD


Paul J. Gadoury, P.E.
Director of Engineering

cc: S. Pauley, Jr., P.E.
M. Clement, City Clerk
File

C:\MyFiles\MURPHYSTREETABANDONMENT2.wpd - 1 of 1

WWW.PROVWATER.COM



Department of Public Parks

"Building Pride In Providence"

August 22, 2000

Mr. Michael Clement
City Clerk
City Hall
Providence, RI 02903

RE: Proposed Abandonment of Murphy St. and Worsted Ave.

Dear Mr. Clement:

The Department of Public Parks has reviewed the proposed abandonment of Murphy St. and Worsted Ave., and has no objection to the abandonment's.

Sincerely yours,

A handwritten signature in cursive script that reads "John A. Izzo".

John A. Izzo
Supervisor of Engineering & Planning

IRENE J. TESTA
Traffic Engineer

JOSEPH W. CAPRIO
Deputy Director



VINCENT A. CIANCI, JR.
Mayor

Department of Traffic Engineering
"Building Pride In Providence"

MEMORANDUM

TO: Councilman Robert Clarkin
Chairman – Committee on Public Works

FROM: Irene J. Testa *Irene J. Testa*

DATE: 9/18/01

RE: PENDING MATTERS

REQUEST: To abandon a portion of Murphy Street from the point beginning at Atwells Avenue and ending at Spruce Street, as specified in Exhibit "A" attached hereto and made a part hereof.

DISPOSITION: No objection.

HENRY E. KATES
Chairman

LESLIE A. GARDNER
Vice Chairwoman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMOON
Secretary



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

DATE: September 26, 2001

TO : Michael Clement, City Clerk

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

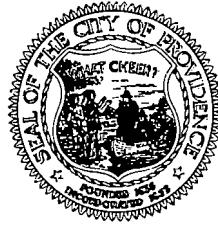
RE : STREET ABANDONMENT
MURPHY STREET

Pursuant to your request I have visited the site. The purpose of the visit was to determine Fair Market Value. The parcel will be transferred with no easements and will become suitable for building, it is zoned C-2 Commercial.

The value of the property is as follows:

4,050 s.f. @\$6.00 per ft = \$24,300.00

GEORGE CALCAGNI
Chair



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning The Future of Providence"

September 26, 2000

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

Attn: Michael R. Clement, City Clerk

Re: CPC Referral No. 3169, Petition for the abandonment of a portion of Murphy Street

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on Tuesday, September 19, 2000 reviewed and evaluated the request of the Committee on Public Works dated August 11, 2000 for the Commission's recommendation on the proposed abandonment of Murphy Street between Atwells Ave. and Spruce St.

The petitioner is Mr. Steven Weinstein, member of Furniture Mall Realty. LLC. This corporation owns all adjacent lots to this portion of Murphy Street.

The Commission found the proposed abandonment is consistent with the Comprehensive Plan and voted to recommend that the Committee on Public Works approves this proposed abandonment, with the condition that ends of the street being abandoned be landscaped with shrubbery and wrought iron fences.

Sincerely,

Samuel J. Shamoan
Associate Director of Planning

cc: Mr. Steven Weinstein
George Calcagni, Chair

Narragansett Electric

A National Grid Company



October 17, 2000

Ms. Claire E. Bestwick
Department of City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Re: Petition to Abandon a portion of Murphy Street

Dear Ms. Bestwick:

The Narragansett Electric Company has no facilities within the above listed areas proposed for abandonment.

Sincerely,



Sheree Storey
Paralegal/Property Assets



08/22/00

Ms. Claire E. Bestwick
Second Deputy City Clerk
Department of City Clerk
City of Providence
Providence, RI 02903

Re: Petition to Abandon a Portion of Murphy St. from Atwells Ave to Spruce St.,
Providence

Dear Ms. Bestwick:

Providence Gas does not own nor maintain any facilities within the
proposed abandonment. We have no objections to this petition.

If you have any further questions please feel free to call me at 401 272-5040 ext.
573.

Sincerely,

A handwritten signature in black ink. The signature is stylized, starting with a large 'M' and ending with a long, sweeping horizontal stroke that loops back under the 'M'.

Michael McGuire
Manager of Engineering Design & Facility Locating

Right of Way



Verizon Communications
85 High Street
Pawtucket, RI 02860

Phone 401.727.9555
Fax 401.725.7680

September 24, 2001

Claire Bestwick
2nd Deputy/City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

Attn: Mr. Claire Bestwick

RE: PETITION TO ABANDON A PORTION OF MURPHY STREET.


Verizon presently has aerial facilities in said street.

These facilities include a pole and wires that provide service to Lots 544 and 438. (See attached)

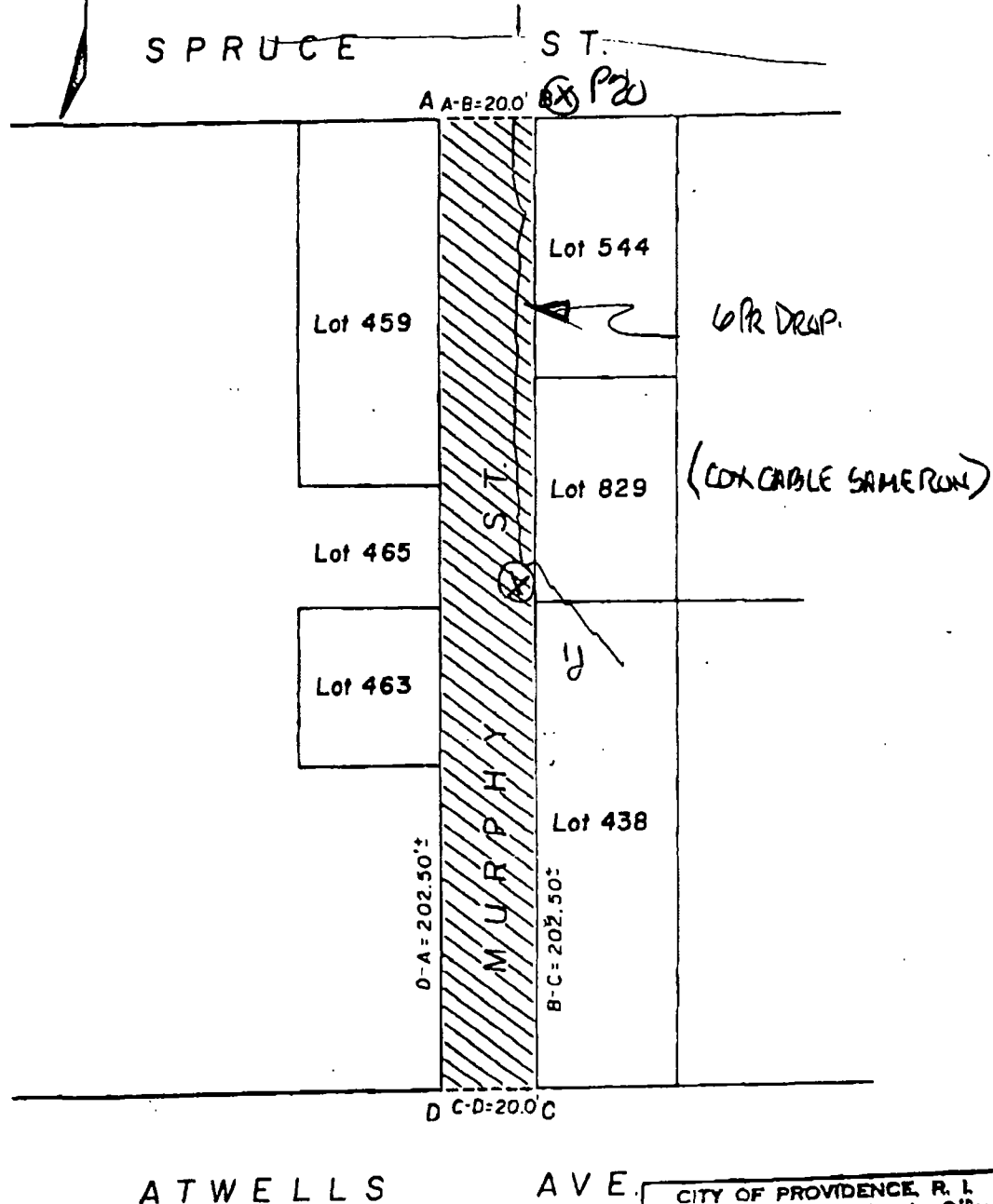
Verizon will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement to Verizon, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with 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,


Mary C. Hanley
Manager - Right of Way

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



NOTES: Cross-hatched area (A-B-C-D-A)
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Total square footage= 4050.00'²
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
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Drawn by A. Zisades Checked by dec
Scale 1" = 30' Date 9-7-2000
Correct [Signature] Associate Engr.
Approved [Signature] CHIEF ENGINEER

THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

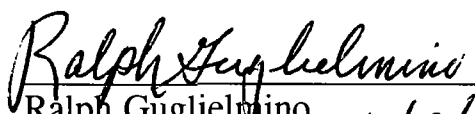
THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

PETITION TO ABANDON A PORTION OF MURPHY STREET

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
28	459	Rudy Marketplace 321 Atwells Avenue Providence, RI 02903
28	544	Rudy Marketplace 321 Atwells Avenue Providence, RI 02903
28	829	Rudy Marketplace 321 Atwells Avenue Providence, RI 02903
28	438	Rudy Marketplace 321 Atwells Avenue Providence, RI 02903
28	465	Furniture Mall Realty 331 Atwells Avenue Providence, RI 02903
28	463	Furniture Mall Realty 331 Atwells Avenue Providence, RI 02903

PETITIONER

Rialto Furniture Company
Steve Weinstein
333 Atwells Avenue
Providence, RI 02903



Ralph Guglielmino
City Sergeant 10/19/01

Council President John J. Lombardi
Ward 13

Michael R. Clement
City Clerk

Clerk of Council



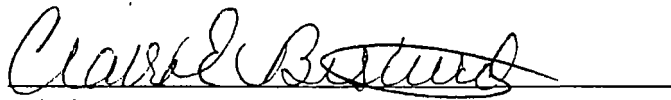
Claire E. Bestwick
First Deputy

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

1423

FURNITURE MALL REALTY LLC
333 ATWELLS AVENUE
PROVIDENCE, RI 02903

COASTWAY CREDIT UNION
PROVIDENCE, RI
57-7322/2115

12-2-02

PAY TO THE
ORDER OF

CITY OF PROVIDENCE

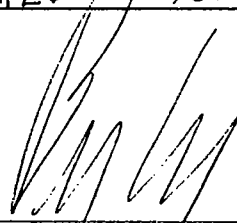
\$24,300

TWENTY FOUR THOUSAND AND THREE HUNDRED

$\frac{00}{100}$

DOLLARS

PAYMENT IN FULL FOR
MURPHY STREET ABANDONMENT



MP

AUTHORIZED SIGNATURE

MEMO

⑈001423⑈ ⑆211573229⑆ 01 0582758⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 701

Approved December 14, 2001

RESOLVED, DECREED, AND ORDERED:

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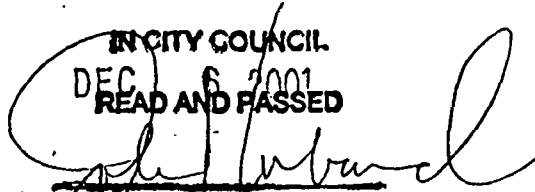
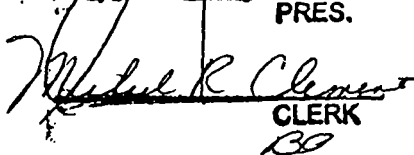
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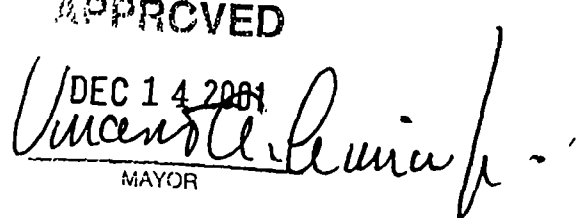
1. The Petitioner agrees to tender the amount of Twenty-four Thousand Three Hundred Dollars (\$24,300.00) in legal tender U.S. currency to the City of Providence.
2. The petitioner shall convey an easement acceptable to Verizon which will permit retention of its facilities in their existing location, 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.
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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.

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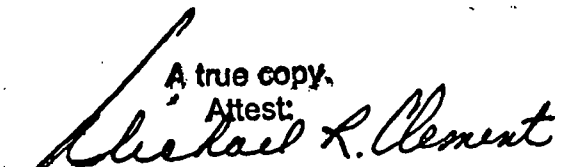
ORDERED, That the Traffic Engineer be and he is hereby directed to cause a sign to be place on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway", and it is further

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
DEC 6 2001
READ AND PASSED

PRES.

CLERK
BO

APPROVED
DEC 14 2001

MAYOR



A true copy,
Attest:

Michael R. Clement
City Clerk

N

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

SPRUCE ST.

A A-B=20.0' B

Lot 459

Lot 544

Lot 465

Lot 829

Lot 463

Lot 438

RECORDERS NOTE
 POOR ORIGINAL
 FOR DUPLICATING

D-A=202.50'

MURPHY ST.

B-C=202.50'

Received for Record at 9 o'clock 23 min AM on

JAN 31 2002

Barbara A. Inc. Recorder of Deeds

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 coverage required (private drain)

AP 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 Jan 2002 Associate Engr.
 Approved W. J. V. W. C. H. E. N. G. I. N. E. E. R.
 CHIEF ENGINEER

5009 / 49-51

Gerrick Van Deusen
376 Broadway
02809
521-8400



USP

RECEIVED FOR RECORD
AT 9 O'CLOCK 23 MIN.
PROVIDENCE, RI

JAN 31 2002

Witness:

Fee _____