

Resol: Acorn

RESOLUTION OF THE CITY COUNCIL

No. 320

Approved June 16, 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. 06486 dated 30 December 1996.

VIZ:

A portion of Acorn Street, shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following:

(1) Petitioner shall tender to the City of Providence the amount of Five Thousand One Hundred Dollars (\$5,100.00) in legal tender U.S.

(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) The City of Providence retains for itself, through its Department of Public Works, an easement for full sewer purposes 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.

IN CITY COUNCIL
Dec. 19, 1996
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael A. Cloness CLERK

THE COMMITTEE ON

Patricia A. Hark

Recommends P.H.

Barbara A. Coe

CLERK

5/13/97 P.H. (Hark) 5/13/97

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Barbara A. Coe

Clerk

5/29/97

From the Clerk's Desk

(5) The Petitioner acknowledges that the State of Rhode Island may make claim to some portion of the subject realty and shall reach accommodation of any such claim at its sole cost and expense.

(6) Petitioner shall, at its sole cost and expense tender to the Providence Water Supply Board all costs associated with "capping the main" and any other costs referred to in a communication dated 14 January 1997 from said Board to the City Council Committee on Public Works.

(7) Petitioner shall merge the parcel created hereunder with lots 434 and 442 and that any subsequent parking shall comply with Section 705 of the Zoning Ordinance, as it may be amended.

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 5 1997
READ AND PASSED

Evelyn V. Fargnoli

PRES.

Michael L. Clement

CLERK

APPROVED

JUN 16 1997

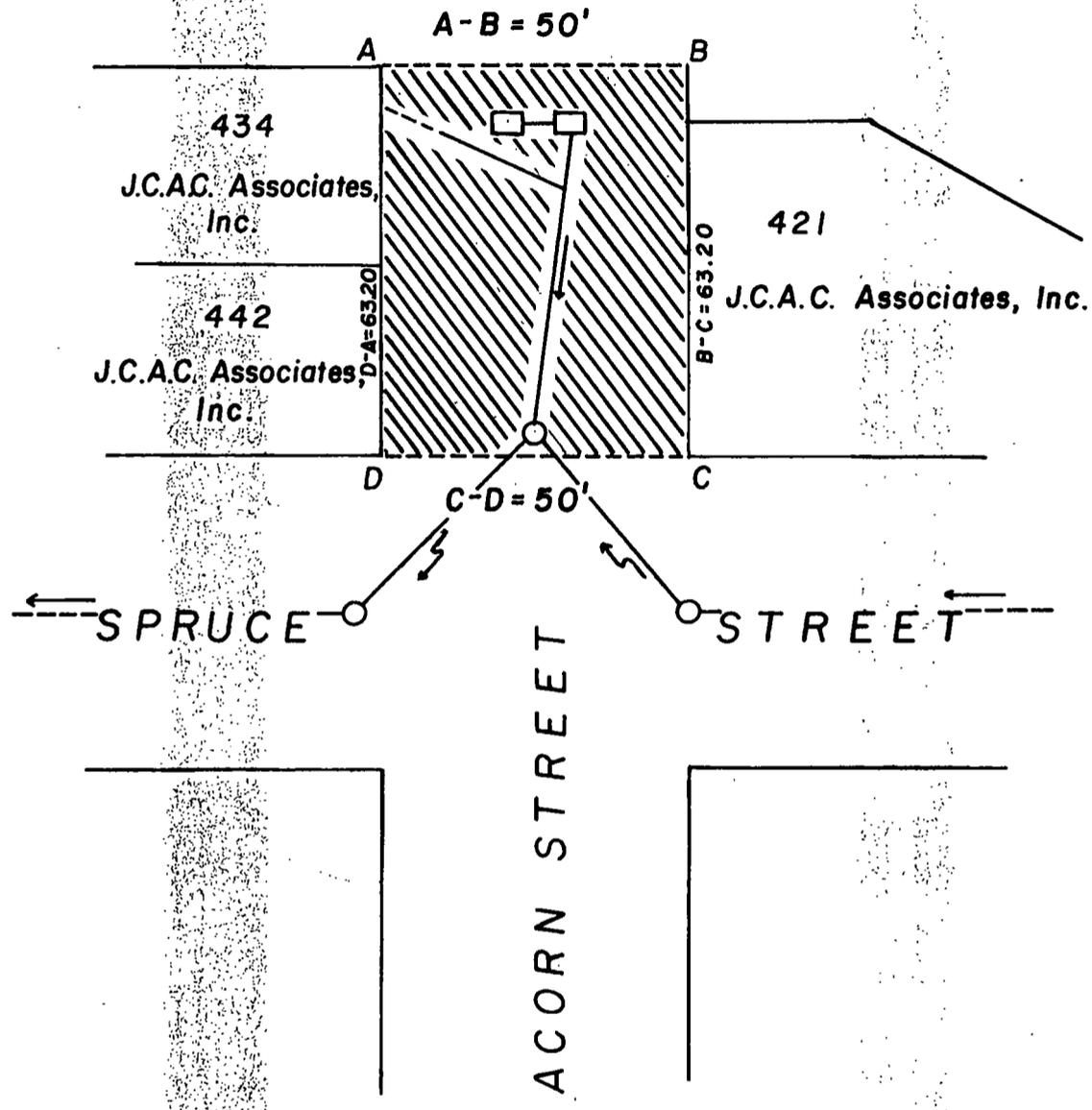
Vincent A. Cianci

MAYOR



PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREETLINE SECTION
 Plan No. 064586
 Date 12-30-96

State of Rhode Island



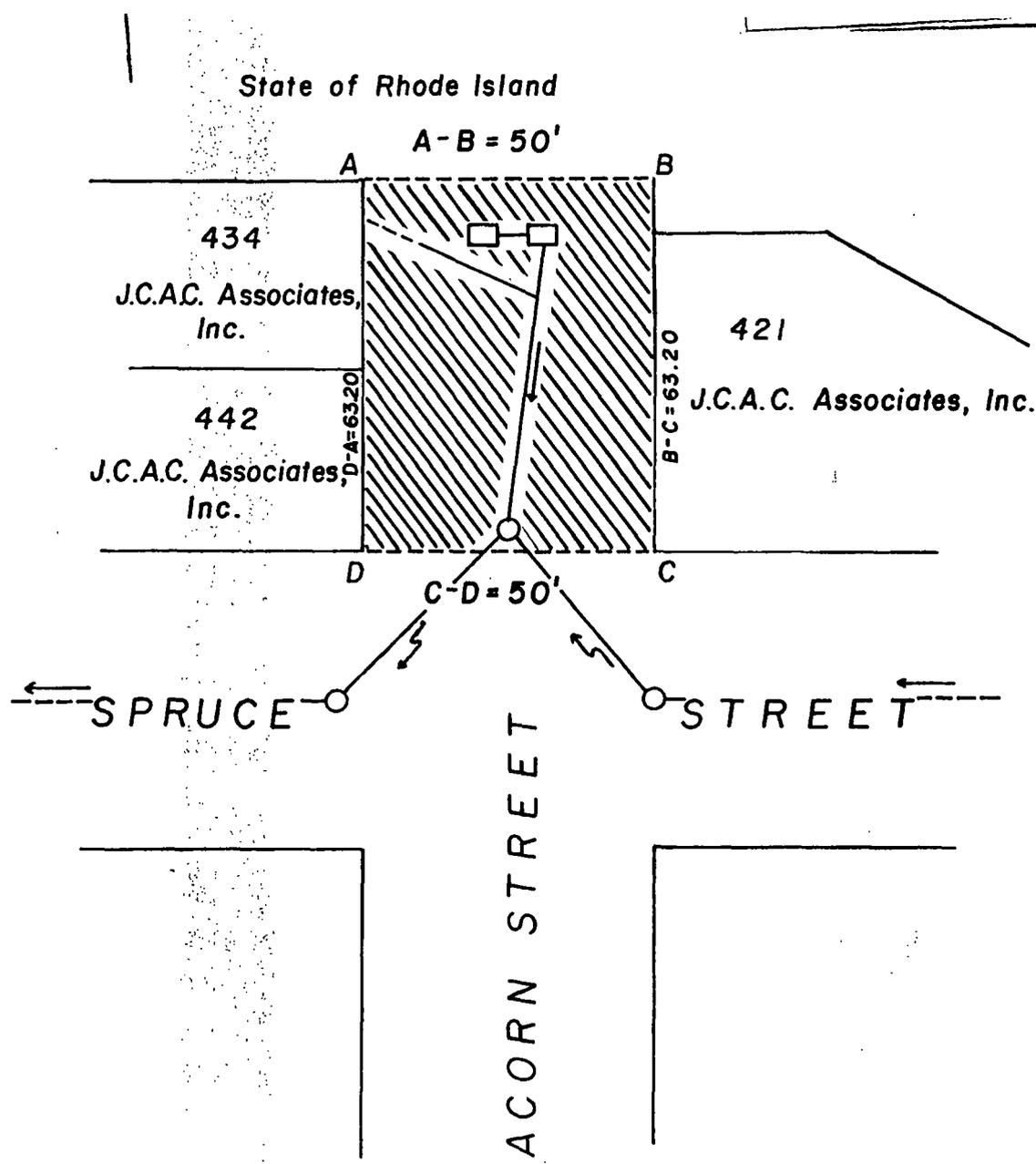
Notes: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.

Total square footage = 3,160.

Full sewer easement required.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a
portion of Acorn St.
 Drawn by A. Zislerides Checked by J. T. M.
 Scale 1" = 30' Date 12-30-96
 Correct James T. M... Associate Engr.
 Approved [Signature]
 CHIEF ENGINEER

LOT NUMBERS TAKEN FROM A. P. 28



Notes: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.

Total square footage = 3,160.

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CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office

PROPOSED ABANDONMENT
ACORN ST.

PLAT 28 LOT 434 J.C.A.C. ASSOCIATES
121 SPRUCE ST. PROV. 02903

LOT 442 J.C.A.C. ASSOCIATES
- same

LOT 421 J.C.A.C. ASSOCIATES
- same

- STATE OF RHODE ISLAND
(condemnation)

THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

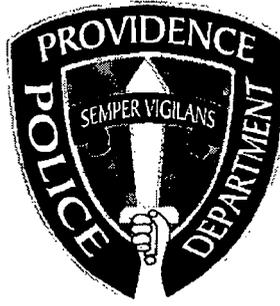
THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

TO ABANDON A PORTION OF ACORN STREET.

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
28	434	J.C.A.C. Associates 121 Spruce Street Providence, RI 02903
28	442	J.C.A.C. Associates 121 Spruce Street Providence, RI 02903
28	421	J.C.A.C. Associates 121 Spruce Street Providence, RI 02903
		State of Rhode Island (CONDEMNATION) Department of Transportation Division of Right of Way William D. Ankner 2 Capitol Hill Providence, RI 02903
		<u>PETITIONER</u> Alfred A. Cavallaro 121 Spruce Street Providence, RI 02903

Ralph P. G. Lombardi
City Sergeant
Date: 3/11/97

Councilman John J. Lombardi
Ward 13



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Kenneth M. Cohen, Commanding

January 6, 1997

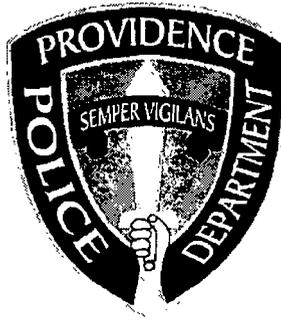
TO: Colonel Urbano Prignano, Chief of Police
FROM: Lieutenant Kenneth Cohen, Traffic Bureau, Commanding
SUBJECT: Abandonment of a portion of Acorn Street

I have reviewed the City Council Petition and inspected that area described. My recommendation would be for the city to abandon the suggested portion of Acorn Street.

This portion of the street does not serve the motoring public nor does it aid the citizens of the City in any obvious way. As suggested in the Petition, the named property owner is the only logical person to develop the area.

Respectfully,

Kenneth M. Cohen
Lieutenant
Traffic Bureau



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Kenneth M. Cohen, Commanding

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Respectfully,

Kenneth M. Cohen
Lieutenant
Traffic Bureau

James F. Rattigan
Chief of Department

David D. Costa
Fire Marshal



Vincent A. Cianci Jr.
Mayor

John J. Partington
Commissioner

PROVIDENCE FIRE DEPARTMENT
FIRE PREVENTION DIVISION
"Smoke Detectors Save Lives"

December 30, 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 Acorn Street which abuts Tax Assessor's Plat 28, Lots 421, 434, and 442, the Fire Department has no objection.

Yours truly,

David D. Costa
Fire Marshal

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

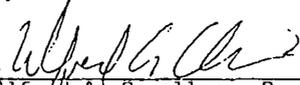
for the abandonment of that portion of Acorn Street, highlighted on that map attached hereto and incorporated herein, and that it be granted title to this parcel of land.

The undersigned further states that it presently owns those parcels of land known as Tax Assessor's Plat 28, Lots 421,434, and 442, and as such, it is the sole abutting property owner to this dead end portion of Acorn Street.

It is the undersigned's intention, should this petition be granted, to use this portion of Acorn Street to continue its development and improvement of these three lots and this area.

J.C.A.C Associates, Inc.

by


Alfred A. Cavallaro, President

Abandonment of a portion of Acorn Street

J.C.A.C. Associates, Inc. - Alfred A. Cavallaro, President

Caserta Pizzeria
121 Spruce Street
Providence, RI 02903

Check #7479 - \$75.00

Fleet Bank

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

J a n u a r y 2, 1 9 9 6

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

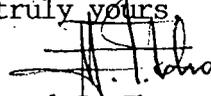
Re: Portion Abandonment
Acorn Street

Dear Councilman Clarkin:

This department has reviewed that proposed "portion" abandonment of Acorn Street, and finds no objection to said request. Proposed portion abandonment, shown as cross-hatched area on plan entitled, "Providence, R.I., P.W. Dept.- Engineering Office, Street Line Section, Plan No. 064586, Dated 12/30/96." Said abandonment shown as A-B-C-D-A, on the accompanying plan, contains 3,160 square feet.

Also enclosed find a list of abutting property owners affected by said proposed portion abandonment of Acorn Street; lot numbers were taken from City of Providence Assessors Plat No. 28. Further note, that there will be a Full Sewer Easement required with this proposed abandonment. If we can further assist you in this regard, please advise.

Very truly yours,


Ferdinand C. Ihenacho, P.E.
Director

CC: M. Clement - City Clerk ✓
F.I.
JTM
JLC
SZ

Ferdinand C. Ihenacho, P.E.
Director



VINCENT A. CIANCI, JR.
Mayor

Department of Public Works

"Building Pride In Providence"

J a n u a r y 2, 1 9 9 6

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

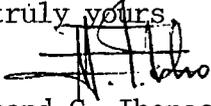
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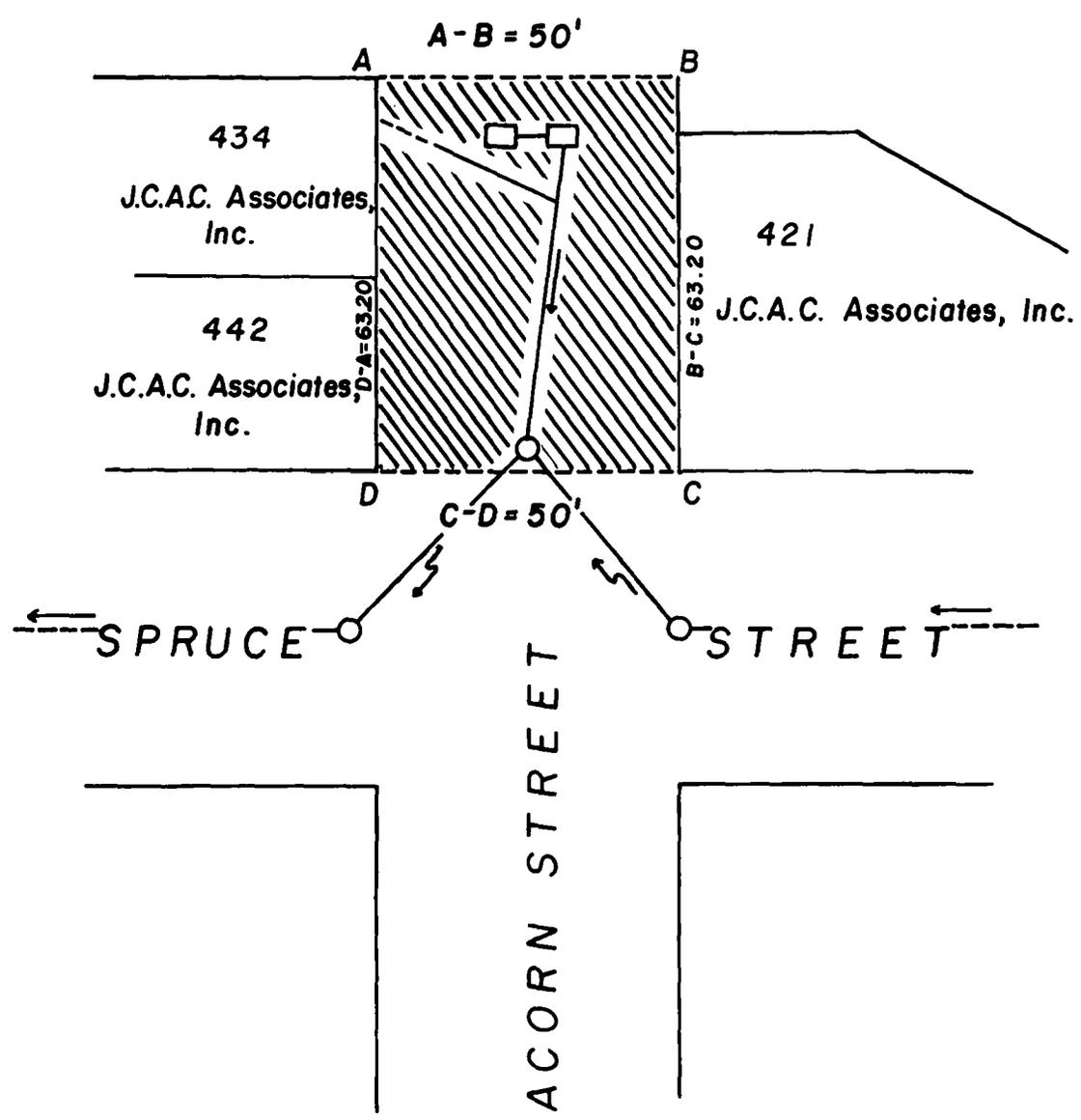

Ferdinand C. Ihenacho, P.E.
Director

CC: M. Clement - City Clerk
F.I.
JTM
JLC
SZ



PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064586
 Date 12-30-96

State of Rhode Island



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 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a portion of Acorn St.
 Drawn by A. Zislades Checked by J. T. M.
 Scale 1" = 30' Date 12-30-96
 Correct James T. M... Associate Engr.
 Approved [Signature] CHIEF ENGINEER

LOT NUMBERS TAKEN FROM A. P. 28

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PLAT 28 LOT 434 J.C.A.C. ASSOCIATES
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LOT 442 J.C.A.C. ASSOCIATES
- same

LOT 421 J.C.A.C. ASSOCIATES
- same

- STATE OF RHODE ISLAND
(condemnation)

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: December 20, 1996

TO: Ferdinand Ihenacho, Director of Public Works

SUBJECT: THE ATTACHED PETITION

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.

Barbara A. Garrison
Second 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

for the abandonment of that portion of Acorn Street, highlighted on that map attached hereto and incorporated herein, and that it be granted title to this parcel of land.

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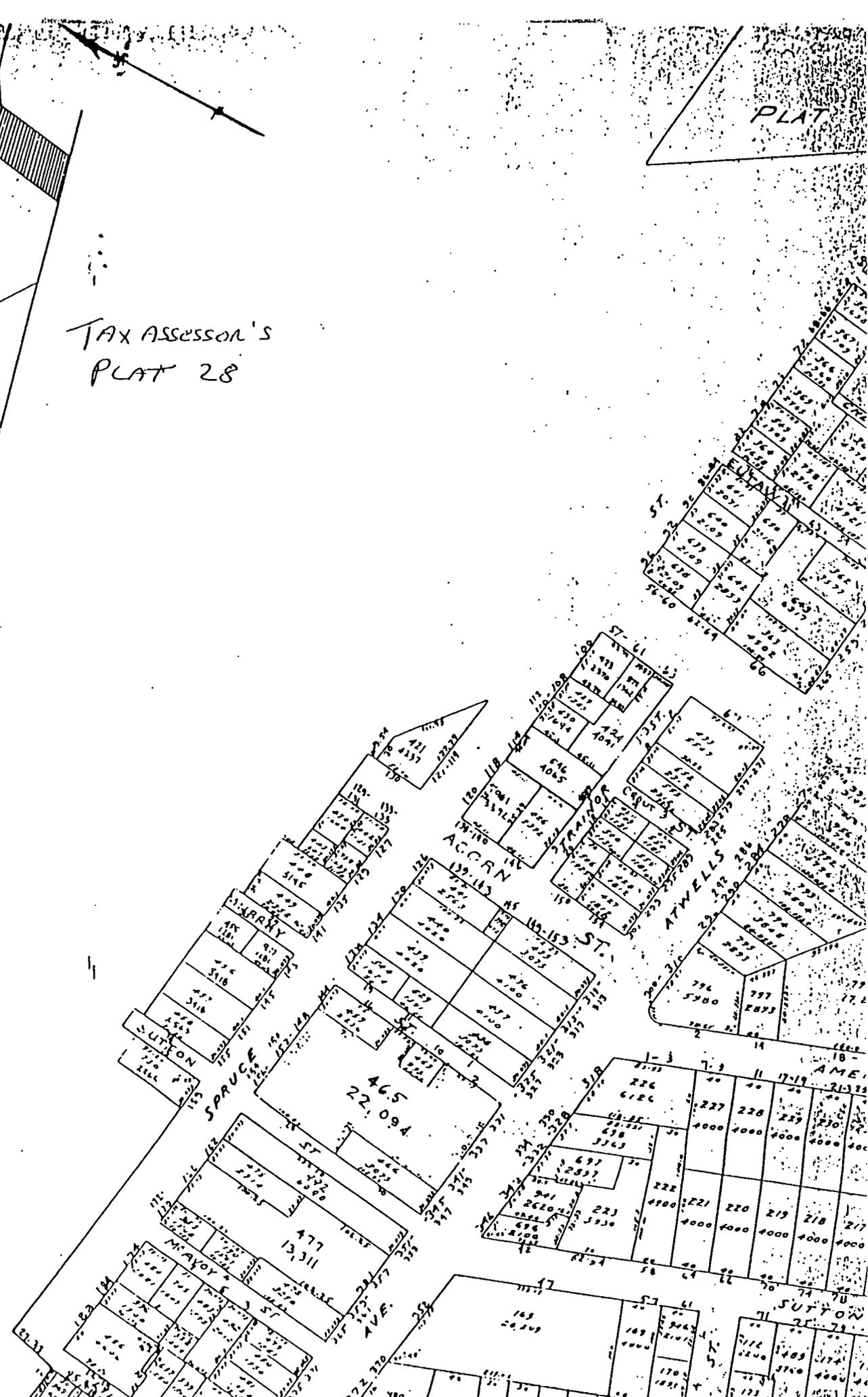
Check #7479 - \$75.00

Fleet Bank

PLAT

TAX ASSESSOR'S
PLAT 28

754
157,861



ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

ROBERT J. KILDUFF, ESQ., P.E.
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

December 24, 1996

Mr. Alfred A. Cavallaro
J.C.A.C. Associates, Inc.
121 Spruce Street
Providence, Rhode Island 02903

SUBJECT: Petition for Street Abandonment
Portion of Acorn Street
Providence, Rhode Island

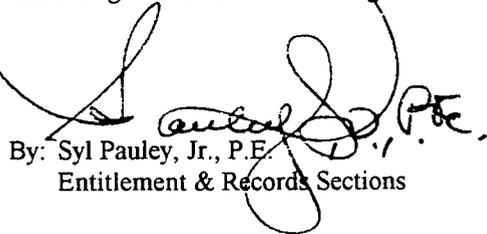
Dear Mr. Cavallaro:

We have received a copy of a Petition to the City Council for the abandonment of a portion of the referenced street—from the intersection of Spruce Street north to the State Freeway Line—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, to 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.

Very truly yours,

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

By:  P.E.
Entitlement & Records Sections

SP/s
cc: P. Gadoury, P.E.
M. Clement, City Clerk
File

FEECOL57.SAM

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

ROBERT J. KILDUFF, ESQ., P.E.
Secretary

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VINCENT A. CIANCI, JR.
Mayor

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JOSEPHINE DI RUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

January 14, 1997

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

SUBJECT: Petition for Street Abandonment
Portion of Acorn Street
Providence, Rhode Island

Dear Councilman Clarkin:

The referenced Petition received from the Department of City Clerk has been reviewed for any impact the abandonment may have on the Providence Water Supply Board (PWSB) distribution system. Our records indicate that PWSB owns and maintains approximately sixty (60) feet of 8-inch cast iron water main in the portion of street being proposed for abandonment—between Spruce Street and the Freeway Line of Route 10 to the north—with an old lead service to 131 Acorn Street (A.P. 28, Lot No. 434), which was closed for non-use in 1985. According to the Petitioner, Mr. Alfred A. Cavallaro, the house he owned at 131 Acorn Street was demolished many years ago and he has no intentions of ever wanting to reuse the closed service. The water service connection and main are approximately one hundred twenty-five (125) years old.

Considering Mr. Cavallaro's intentions to develop the street right-of-way after it is abandoned, PWSB shall require that the existing water main, described above, be removed from its system since it will serve no useful purpose, be located on private property after the abandonment is approved and be in the way of development. To determine the remaining value of this class of asset that will be removed, PWSB uses an asset life of 75 years to calculate straight-line depreciation. Due to its age, the portion of main to be abandoned has no remaining value to charge back to the Petitioner. However, PWSB requires that the Petitioner provide a reimbursement to the PWSB for the labor, materials and equipment involved in severing this portion of main from the rest of its system. In this case, it has been calculated that the Petitioner is required to pay the PWSB \$750.00 to cut and cap the main which will remain. This payment may be made to the PWSB prior to passage of the Petition or be included as a condition of approval of the Petition—that the Petitioner be required to make satisfactory financial arrangements with the PWSB prior to accomplishing the work. Please have the Petitioner contact me in this regard.

Councilman R.M. Clarkin
Street Abandonment Petition
Portion of Acorn Street, Providence, RI
January 14, 1997
Page 2 of 2

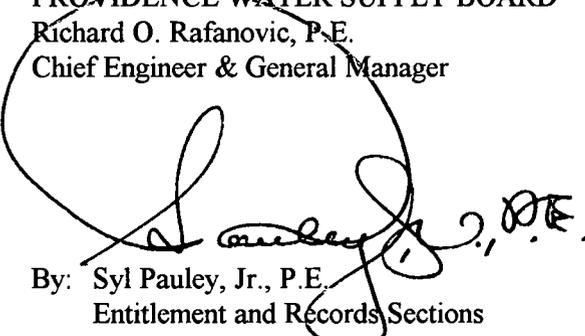
It is important to note that the Petitioner shall also be responsible for scheduling and paying for the following: sawcutting the pavement where the work will be done; any required traffic control; and making permanent pavement restoration after the PWSB completes its work.

In summary, PWSB does not oppose this *Petition for Street Abandonment* as long as the requirements explained above are met. 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.
R. Kilduff, Esq., P.E.
M. Clement, City Clerk
File

ARMANDO PARILLO
Chairman

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January 14, 1997

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

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Portion of Acorn Street
Providence, Rhode Island

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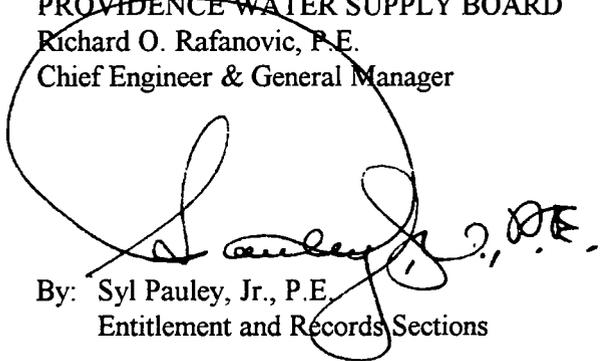
Councilman R.M. Clarkin
Street Abandonment Petition
Portion of Acorn Street, Providence, RI
January 14, 1997
Page 2 of 2

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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.
R. Kilduff, Esq., P.E.
M. Clement, City Clerk
File

NANCY L. DERRIG
Superintendent of Parks



VINCENT A. CIANCI, JR.
Mayor

Department of Public Parks

"Building Pride In Providence"

January 6, 1997

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

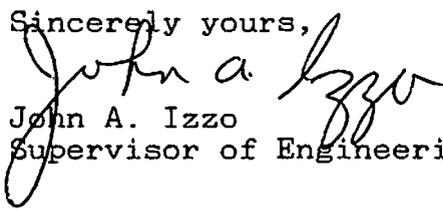
RE: Abandonment of a portion of Acorn Street

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 Acorn Street, 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

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

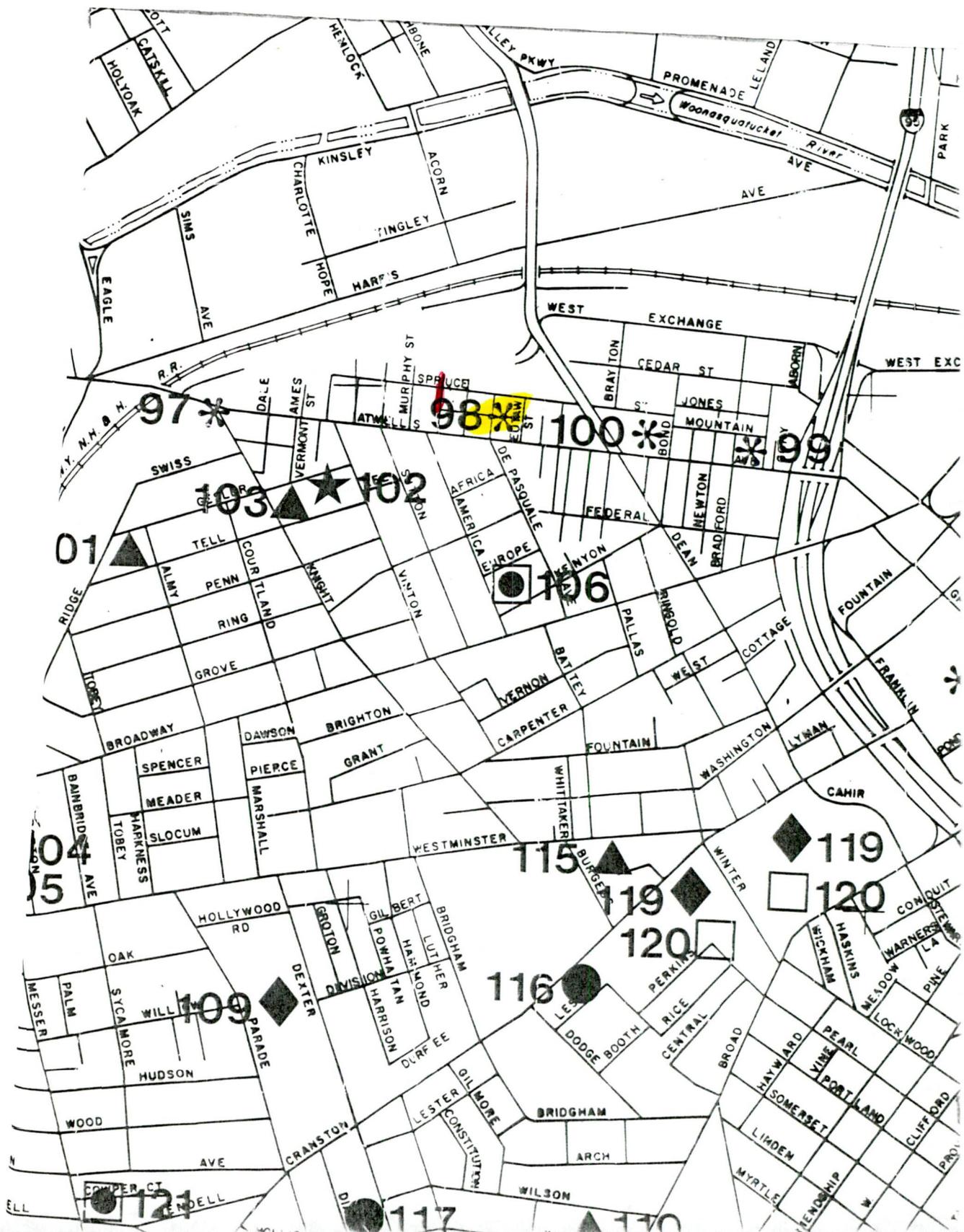
DATE: December 20, 1996

TO: Nancy Derrig, Superintendent of Parks

SUBJECT: THE ATTACHED PETITION

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.



JOHN F. PALMIERI
Director



VINCENT A. CIANCI, JR.
Mayor

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 PORTION OF ACORN STREET

Pursuant to your request I have completed an appraisal of a portion of Acorn Street. The property in question will be used as a parking area to support a commercial business. It is presently zoned C-2 and contains 3,160 sq. ft. of land. The abandonment will require a full sewer easement.

The value of the site is as follows:

3,160 sq. ft. @ \$1.60 per ft. = \$5,100.00

GEORGE CALCAGNI

Chair



VINCENT A. CIANCI, JR.

Mayor

PROVIDENCE CITY PLAN COMMISSION

"Planning the Future of Providence"

January 22, 1997

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

Re: CPC REFERRAL NO. 3102 - ABANDONMENT OF ACORN STREET.

Attention: Mr. Michael R. Clement, City Clerk ✓

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on January 21, 1996, reviewed and evaluated the request from the Committee on Public Works for the abandonment of a portion of Acorn Street. Acorn Street is a paved public right-of-way. The portion that is proposed to be abandoned abuts lots 421, 434, and 442 on Assessor's Plat 28 at Spruce Street.

The petitioner, Alfred A. Cavallaro, President of J.C.A.C. Associates, Inc. is the owner of Caserta Pizzeria located at 121 Spruce Street. Mr. Cavallaro is also owner of Assessor's Plat 28, Lots 421, 434, and 442 and is the sole abutting owner of the dead end portion of Acorn Street. An identical petition was presented before the City Plan Commission (CPC Referral NO. 2176) in 1986 at the request of owner Mr. Alfred Cavallaro. (See attached letter to the City Clerk dated February 5, 1986)

A field inspection revealed that the portion of Acorn Street to be abandoned extends from Spruce Street, a distance of approximately 63 feet to a dead end, and is located adjacent to a very busy pizza bakery (Caserta Pizzeria). This portion of Acorn Street, is currently utilized as a parking lot and a delivery access to the pizza bakery. The other adjacent lots 434 and 442 on A.P. 28 are paved and used for parking. The portion of Acorn Street in question has no apparent value as a public right-of-way.

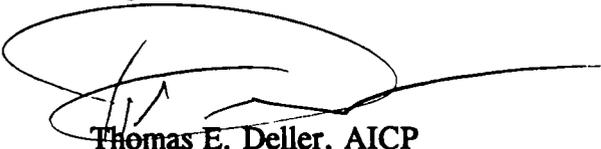
The Commission has review and evaluated the request for consistency with the City's Comprehensive Plan. The Commission finds that portion of right-of-way has ceased to be useful to the general public and the proposed abandonment is consistent with *Providence 2000: The Comprehensive Plan*.

Therefore, the City Plan Commission voted to recommend that the City Council approve the abandonment of this portion of Acorn Street with conditions that:

1. The new parcel, to be created as a result of the abandonment, be merged with lots 434 and 442, and
2. That the entire parking area is required to comply with Section 705 of the Zoning Ordinance which provides standards for such parking lots.

In addition, the petitioner should be aware that all merger of lots must comply with the City's Development Review Regulations (adopted September 19, 1996). The petitioner should contact this Department for further information on lot mergers.

Regards,



Thomas E. Deller, AICP
Deputy Director

cc: G. Calcagni, Chairman
A. Cavallaro, petitioner

3102.clerk

Department of Planning and Development
400 Westminster Street
Providence, Rhode Island 02903

Mr. Michael R. Clement
City Clerk
City Hall, 3rd Floor
Providence, RI 02903

FILED

JAN 28 10 06 AM '97

DEPT. OF CITY CLERK
PROVIDENCE, R.I.



PROVIDENCE CITY PLAN COMMISSION

"Planning the Future of Providence"

January 22, 1997

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

Re: CPC REFERRAL NO. 3102 - ABANDONMENT OF ACORN STREET.

Attention: Mr. Michael R. Clement, City Clerk

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on January 21, 1996, reviewed and evaluated the request from the Committee on Public Works for the abandonment of a portion of Acorn Street. Acorn Street is a paved public right-of-way. The portion that is proposed to be abandoned abuts lots 421, 434, and 442 on Assessor's Plat 28 at Spruce Street.

The petitioner, Alfred A. Cavallaro, President of J.C.A.C. Associates, Inc. is the owner of Caserta Pizzeria located at 121 Spruce Street. Mr. Cavallaro is also owner of Assessor's Plat 28, Lots 421, 434, and 442 and is the sole abutting owner of the dead end portion of Acorn Street. An identical petition was presented before the City Plan Commission (CPC Referral NO. 2176) in 1986 at the request of owner Mr. Alfred Cavallaro. (See attached letter to the City Clerk dated February 5, 1986)

A field inspection revealed that the portion of Acorn Street to be abandoned extends from Spruce Street, a distance of approximately 63 feet to a dead end, and is located adjacent to a very busy pizza bakery (Caserta Pizzeria). This portion of Acorn Street, is currently utilized as a parking lot and a delivery access to the pizza bakery. The other adjacent lots 434 and 442 on A.P. 28 are paved and used for parking. The portion of Acorn Street in question has no apparent value as a public right-of-way.

The Commission has review 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*.

Therefore, the City Plan Commission voted to recommend that the City Council approve the abandonment of this portion of Acorn Street with conditions that:

1. The new parcel, to be created as a result of the abandonment, be merged with lots 434 and 442, and
2. That the entire parking area is required to comply with Section 705 of the Zoning Ordinance which provides standards for such parking lots.

In addition, the petitioner should be aware that all merger of lots must comply with the City's Development Review Regulations (adopted September 19, 1996). The petitioner should contact this Department for further information on lot mergers.

Regards,



Thomas E. Deller, AICP
Deputy Director

cc: G. Calcagni, Chairman
A. Cavallaro, petitioner

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

for the abandonment of that portion of Acorn Street, highlighted on that map attached hereto and incorporated herein, and that it be granted title to this parcel of land.

The undersigned further states that it presently owns those parcels of land known as Tax Assessor's Plat 28, Lots 421,434, and 442, and as such, it is the sole abutting property owner to this dead end portion of Acorn Street.

It is the undersigned's intention, should this petition be granted, to use this portion of Acorn Street to continue its development and improvement of these three lots and this area.

J.C.A.C Associates, Inc.

by


Alfred A. Cavallaro, President

Abandonment of a portion of Acorn Street

J.C.A.C. Associates, Inc. - Alfred A. Cavallaro, President

Caserta Pizzeria
121 Spruce Street
Providence, RI 02903

Check #7479 - \$75.00

Fleet Bank

**CPC REFERRAL NO. 3102 - ABANDONMENT OF ACORN STREET
(dead end portion off Spruce Street)**

A communication was received from the Committee on Public Works dated December 20, 1996, requesting the City Plan Commission to recommend the abandonment of a portion of Acorn Street (That portion being a dead end) located north from the intersection with Spruce Street.

The petitioner is Mr. Alfred A. Cavallaro, President of J.C.A.C. Associates, Inc., and owner of Caserta Pizzeria, 121 Spruce Street, Providence, Rhode Island. Mr. Cavallaro is owner of abutting lots 421, 434 and 442 on Assessor's Plat 28.

A field inspection revealed that the portion of ACORN Street to be abandoned extends from Spruce Street a distance of approximately 63 feet to a dead end, and is located adjacent to a very busy pizza bakery (Caserta Pizzeria). The portion of Acorn Street in question, is currently utilized as a parking lot and a delivery access to the pizza bakery. The other adjacent lots 434 and 442 on A.P. 28 are paved and used for parking. The portion of Acorn Street in question has no apparent value as a public right-of-way.

An identical petition was the subject of CPC Referral NO. 2176 in 1986 (see attached letter to the City Clerk dated February 5, 1986).

The staff recommends that the Commission advise the Committee on Public Works that no objection is offered to this petition on condition that the new parcel to be created as a result of the abandonment be merged into lots 434 and 442 and that the entire parking area is required to comply with Section 705 of the Zoning Ordinance which provides standards for such parking lots.



The City Plan Commission

40 FOUNTAIN STREET

PROVIDENCE, RHODE ISLAND 02903

February 5, 1986

Committee on Public Works
c/o City Clerk
City Hall
Providence, Rhode Island 02903

Attention: Rose M. Mendonca, City Clerk

Subject: Referral No. 2176 - Abandonment of Acorn Street
(dead end portion off Spruce St.)

Gentlemen:

The City Plan Commission at its February 4, 1986 regular monthly meeting, reviewed and evaluated the subject referral from your Committee.

The petitioners are John Campagnone and Alfred Cavallaro representing J.C.A.C. Associates of 121 Spruce Street, Providence, Rhode Island, owners of abutting lots 421, 434 and 442 on A.P. 28.

A field inspection revealed that the portion of Acorn Street to be abandoned extends from Spruce Street a distance of approximately 63' to a dead end, and is located adjacent to a very busy pizza bakery (Caserta Pizzeria). The portion of Acorn Street in question, is utilized as a parking lot and a delivery access to the pizza bakery. The other adjacent lots 434 and 442 on A.P. 28 are vacant. The portion of Acorn Street in question has no apparent value as a public right-of-way.

The Commission voted:

to advise the Committee on Public Works that no objection is offered to this petition under the condition that lot 434 and 442 should be merged into one lot before the aforesaid portion of Acorn Street would be abandoned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen D. Field".

Kathleen D. Field
Associate Director of Planning

KDF/jp

cc: Councilman John J. Lombardi

CITY PLAN COMMISSION
PROVIDENCE, R. I.

Ref. No. 3102 Subject: Abandonment of ACORN STREET
(dead end portion off SPRUCE ST)
- Plat No. 28 Lot No. _____
Lot Area: 50 X 63

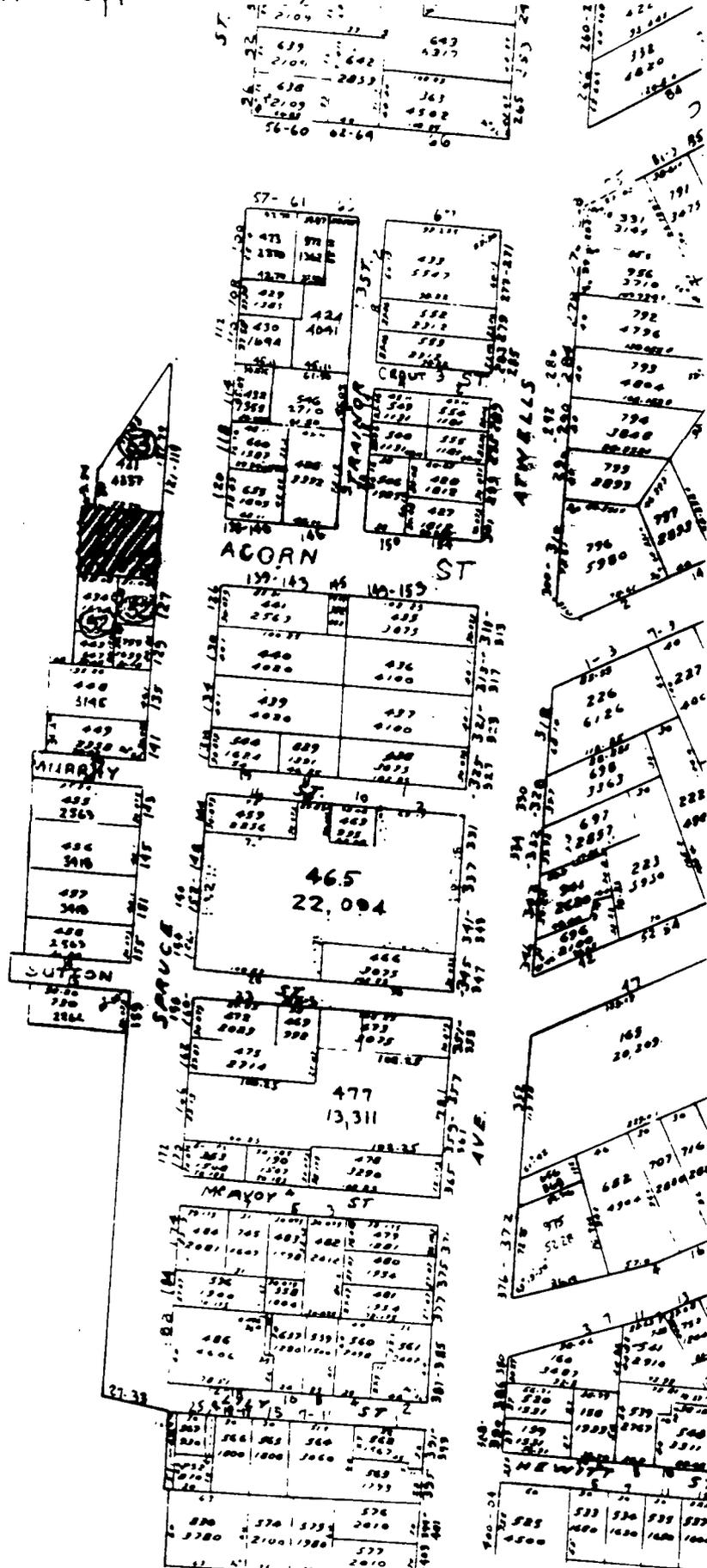
LAND USE LEGEND

- 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.
- 25 Two Fam. & One Fam.
- 30 Three Fam.
- 31 Three Fam. & Nonres.
- 32 Three Fam. & Home Occ.
- 33 Three Fam. & Prof. Off.
- 35 Three Fam. & One Fam.
- 36 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 Gen.
- 56 Heavy Comm.
- 57 Nonstruct. Heavy Comm.
- 58 Auto. Service Sta.
- 59 Stor. Gar. for Comm. Veh.
- 64 Gen. Ind.
- 65 Nonstruct. Gen. Ind.
- 67 Heavy Ind.
- 68 Nonstruct. Heavy Ind.
- 71 Utility
- 75 Railroad
- 81 Instit. (not elsewhere class.)
- 82 Parochial School
- 83 Church
- 84 Private School or Coll.
- 85 Cemetery
- 91 Park, Golf Course
- 92 Playground & Playfield
- 95 Public Bldo. (exc. schools)
- 96 Public School (E.S., J.H., H.S.)

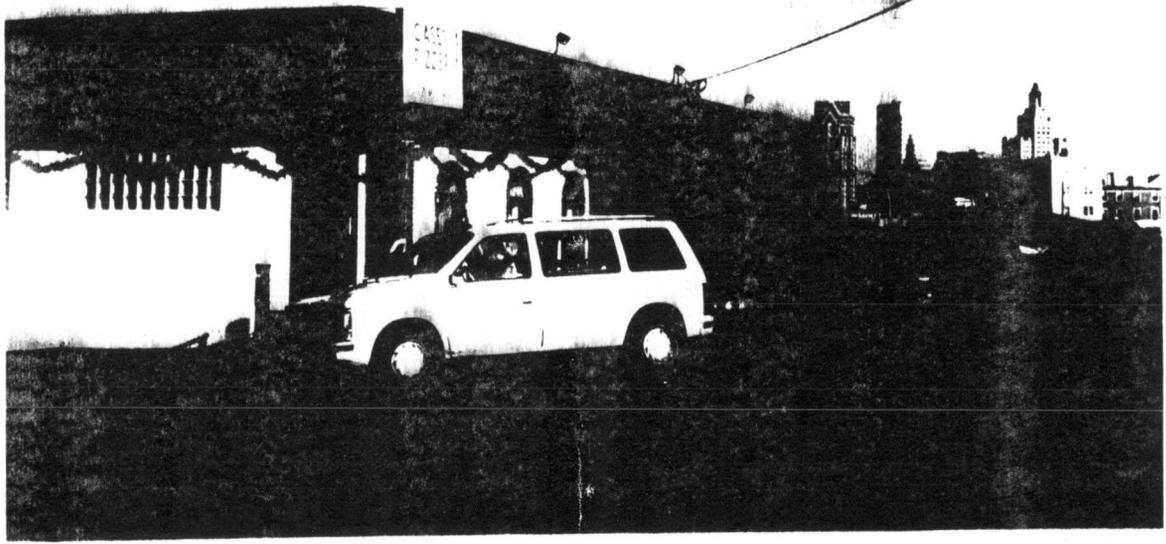


AREA IN QUESTION

Date: 1/23/86 By: GT Scale _____
12/30/96

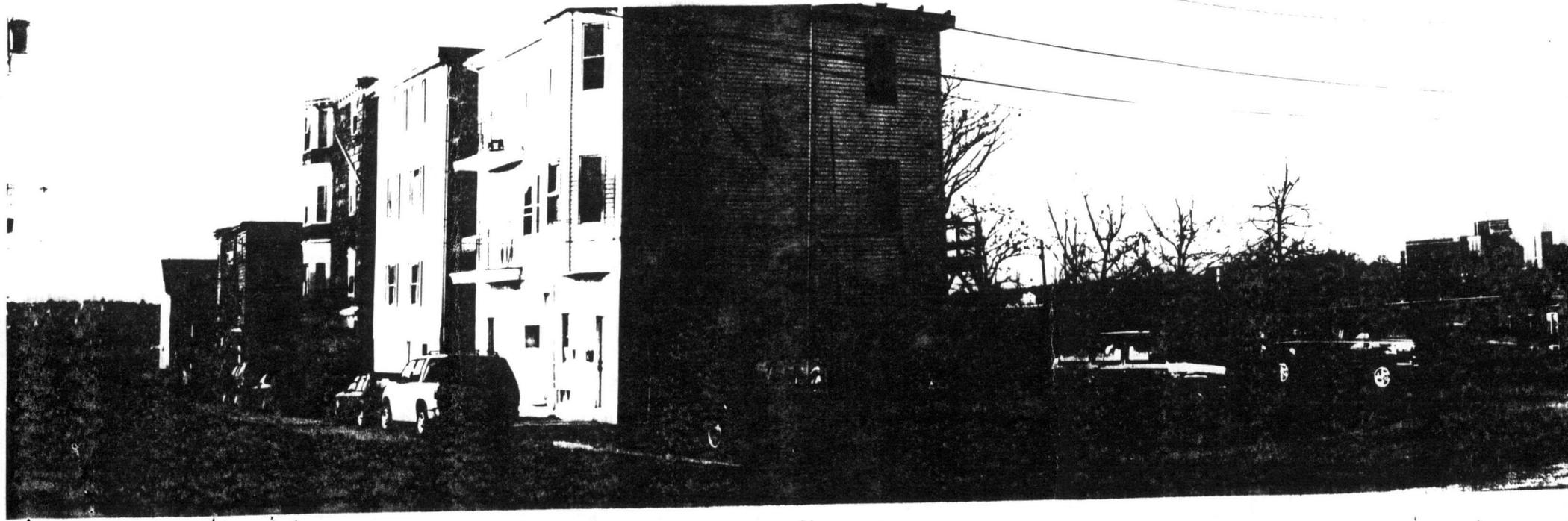


CPC REFERRAL NO. 5102
Abandonment of a dead end portion
of ACORN STREET.



VIEW TOWARDS EAST

VIEW TOWARDS WEST (LOTS 431 and 442)



Abandonment of a dead end
portion of ACCORN STREET

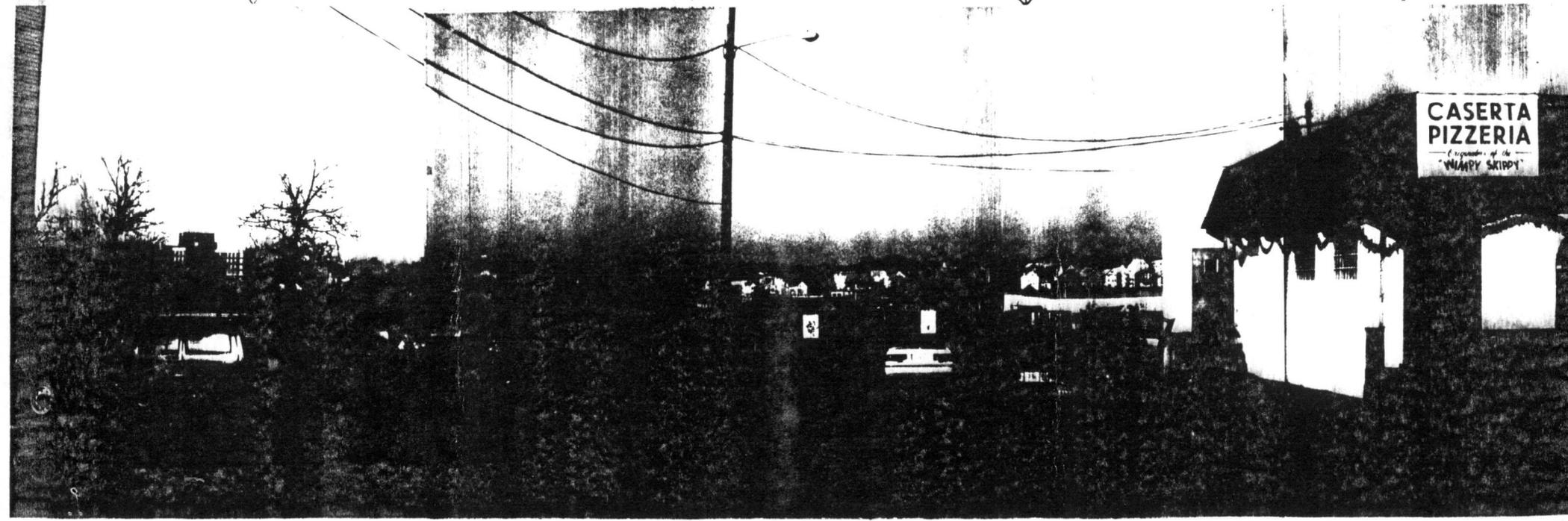


VIEW TOWARDS NORTH

LOTS 424 & 412

SUBJECT PORTION OF ACCORN STREET

LOT 421

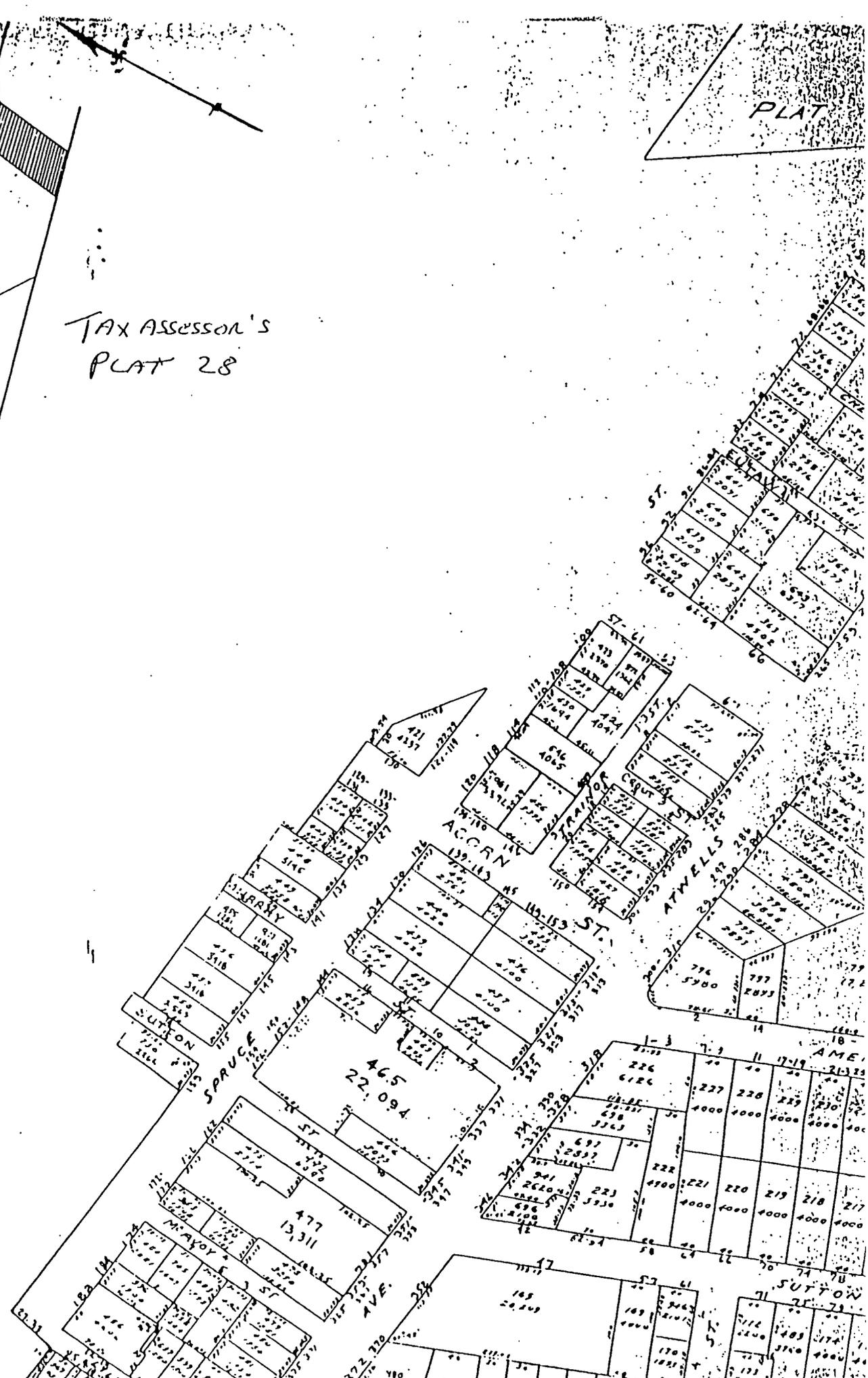


CASERTA
PIZZERIA
A successor of the
"WIMPY SKIPPY"

PLAT

TAX ASSESSOR'S
PLAT 28

754
157,861



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: Robert Clarkin
Chairman, Committee on Public Works

FROM: Irene J. Testa, Director

DATE: 6/5/97

RE: **PENDING MATTER**

REQUEST: To abandon a portion of Acorn Street.

DISPOSITION: No objection to said abandonment.

January 9, 1997

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

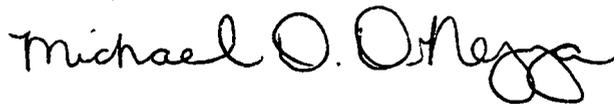
Re: Petition to Abandon a Portion of Acorn Street, Providence

Dear Barbara:

The Narragansett Electric Company (NECo) presently has overhead facilities situated in the proposed abandoned portion of Acorn Street. 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



January 22, 1997

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

Attn: Mr. Robert Clarkin

RE: PETITION TO ABANDON A PORTION OF ACORN STREET

Dear Sir,

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

These facilities include a pole that provides service to residents and businesses in the area.

Nynex 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 Nynex, 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 black ink, appearing to read "Mary C. Hanley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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

BK 3512 PG 116

KNOW ALL MEN BY THESE PRESENTS that J C A C ASSOCIATES, INC. a Rhode Island Corporation (hereinafter called the Grantor), for good and valuable consideration, grants to NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a corporation duly organized under the laws of the State of New York and having a usual place of business at 125 High Street, Boston, Massachusetts, 02110, and THE NARRAGANSETT ELECTRIC COMPANY, having its principal place of business at 280 Melrose Street, Providence, Rhode Island (hereinafter called the Grantees), their successors and assigns as tenants in common with QUITCLAIM COVENANTS, the right and perpetual easement to erect, maintain, operate, replace and remove for the transmission of intelligence and distribution of electric current a pole with the necessary wires and anchor attached thereto, upon that certain parcel of the Grantor's said land on Acorn Street situated in the City of Providence, Rhode Island. Deed to subject property recorded in Book 1318, Page 315 on December 9, 1985, in City of Providence Land Evidence Records,

Said pole and anchor currently located on the southwesterly side of Acorn Street, on the Grantor's property for the purpose of supplying electric and telephone service to the Grantor's property and to property in proximity to Grantor's said property. The location of said pole, anchor and wires is to be established by and upon the erection thereof by the Grantees, and it is also agreed that said pole, anchor and wires, shall remain the property of the Grantees, their successors and assigns.

Also, the right and easement from time to time to clear and keep cleared said pole, anchor and wires of trees, underbrush and structures as is necessary for the safe and proper operation of said pole, anchor and wires, and to renew, replace, add to and otherwise change said pole, anchor and wires, and each and every part thereof but not the general location thereof and to pass over and across the Grantor's said land to and from said pole, anchor and wires, as is reasonable and necessary for all of the above purposes.

C

3517/116-17

EASEMENT 2/97
J C A C Associates, Inc.
ACORN STREET PROVIDENCE, RHODE ISLAND
TO: New England Tel. & Tel. Co. Narragansett Electric Co. PLEASE RETURN TO: Mary Hanley Nynex 85 High Street Pawtucket, R. I. 02860

8/06

RECEIVED FOR RECORD
 at 10 o'clock 5 minutes P M
 and recorded in book _____ page _____
 of record of _____

MAR 13 1997

Witness: Providence, R.I.
Robert L. Riccio
 Recorder of Deeds
Adm. J.S.



April 28, 1997

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

RE: ACORN STREET

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. Our gas main on this portion of Acorn Street was abandoned in 1990.

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. Meselella
Chairman

Paul Pinault
Executive Director

January 9, 1997

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

SUBJECT: Abandonment of City-Owned Property

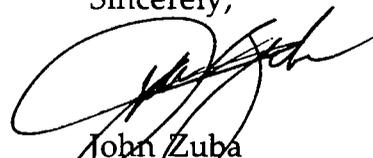
Dear Ms. Poirier:

We have reviewed your memoranda and documentation concerning the abandonment of a portion of Acorn Street, 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

COUNCIL PRESIDENT
PRO TEMPORE
JOHN J. LOMBARDI
48 GROVE STREET
PROVIDENCE, RI 02909
Res: 273-6585
Office: 521-8400



COMMITTEE

Claims and Pending
Suits
Chairman

City of Providence, Rhode Island

December 12, 1996

Councilman Robert M. Clarkin
Chairman of Committee on Public Works
City Clerk's Office
City Hall
Providence, RI 02903

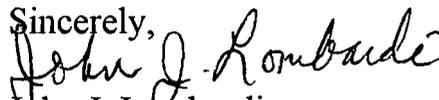
RE: Abandonment of Acorn Street and granting of title to J.C.A.C.
Associates, Inc.

Dear Chairman Clarkin and Members of the Committee:

With this letter, I am requesting approval of the above referenced petition. Mr. Alfred A. Cavallaro, President of J.C.A.C. Associates, Inc., 121 Spruce Street, is the only abutting owner of this dead end portion of Acorn Street.

It is Mr. Cavallaro's intention to improve and develop Acorn Street along with the three abutting lots he owns. He will be expanding the Caserta's Pizzeria building and enlarging the kitchen. With the expansion, he will be hiring more employees. I am confident that these improvements will benefit the surrounding neighborhood.

If any further information is needed, please let me know. Thank you for your consideration in this matter.

Sincerely,

John J. Lombardi
Council President Pro Tempore

JJL/db
cc: Mr. Alfred Cavallaro

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 24, 1999

TO: Anthony Annarino, City Collector

SUBJECT: **CHECK DEPOSITED FOR ABANDONMENT OF
PROPERTY – ACORN STREET**

CONSIDERED BY: Barbara A. Poirier, Second Deputy City Clerk

DISPOSITION: Accompanying is check number 10237 with Fleet Bank in the amount of \$5,100.00 from James M. Sloan, III, for deposit for abandonment of a portion of Acorn Street in accordance with Resolution No. 326, approved June 16, 1997, to be deposited into the Mayor's Improvement Fund (Fund 842).

CC: Thomas Deller, Deputy Director
Planning & Development
John D'Amico, Senior Assistant City Solicitor
Robert Ricci, Recorder of Deeds
Irene Testa, Traffic Engineer

Barbara A. Poirier
Second Deputy City Clerk



CASERTA PIZZERIA

121 SPRUCE ST.
PROVIDENCE, RI 02903-1524

10237

DATE 3/27/99 57-1/115

PAY TO THE ORDER OF City of Providence \$ 5100.00

Fifty one hundred xx/100 DOLLARS 

Fleet
44000 Olneyville Office
Providence, Rhode Island 02909

A. Caproni MP

FOR _____
⑈010237⑈ ⑆011500010⑆ 04132 32394⑈

Resol: Acorn

RESOLUTION OF THE CITY COUNCIL

No. 320

Approved June 16, 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. 06486 dated 30 December 1996.

VIZ:

A portion of Acorn Street, shown as cross-hatched area on accompanying plan and designated by the letters (A-B-C-D-A) having ceased to be useful to the public and is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned precedent upon the following:

(1) Petitioner shall tender to the City of Providence the amount of Five Thousand One Hundred Dollars (\$5,100.00) in legal tender U.S.

(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.

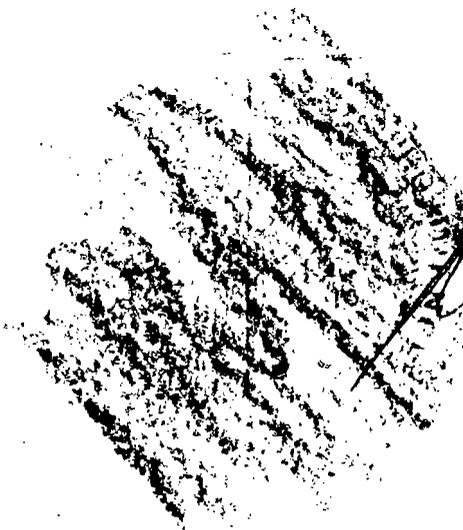
(4) The City of Providence retains for itself, through its Department of Public Works, an easement for full sewer purposes which will permit retention of its facilities in their existing location, together with the right to inspect, maintain operate and replace the same with twenty-four hour access to 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.

(5) The Petitioner acknowledges that the State of Rhode Island may make claim to some portion of the subject realty and shall reach accommodation of any such claim at its sole cost and expense.

(6) Petitioner shall, at its sole cost and expense tender to the Providence Water Supply Board all costs associated with "capping the main" and any other costs referred to in a communication dated 14 January 1997 from said Board to the City Council Committee on Public Works.

(7) Petitioner shall merge the parcel created hereunder with lots 434 and 442 and that any subsequent parking shall comply with Section 705 of the Zoning Ordinance, as it may be amended.

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:

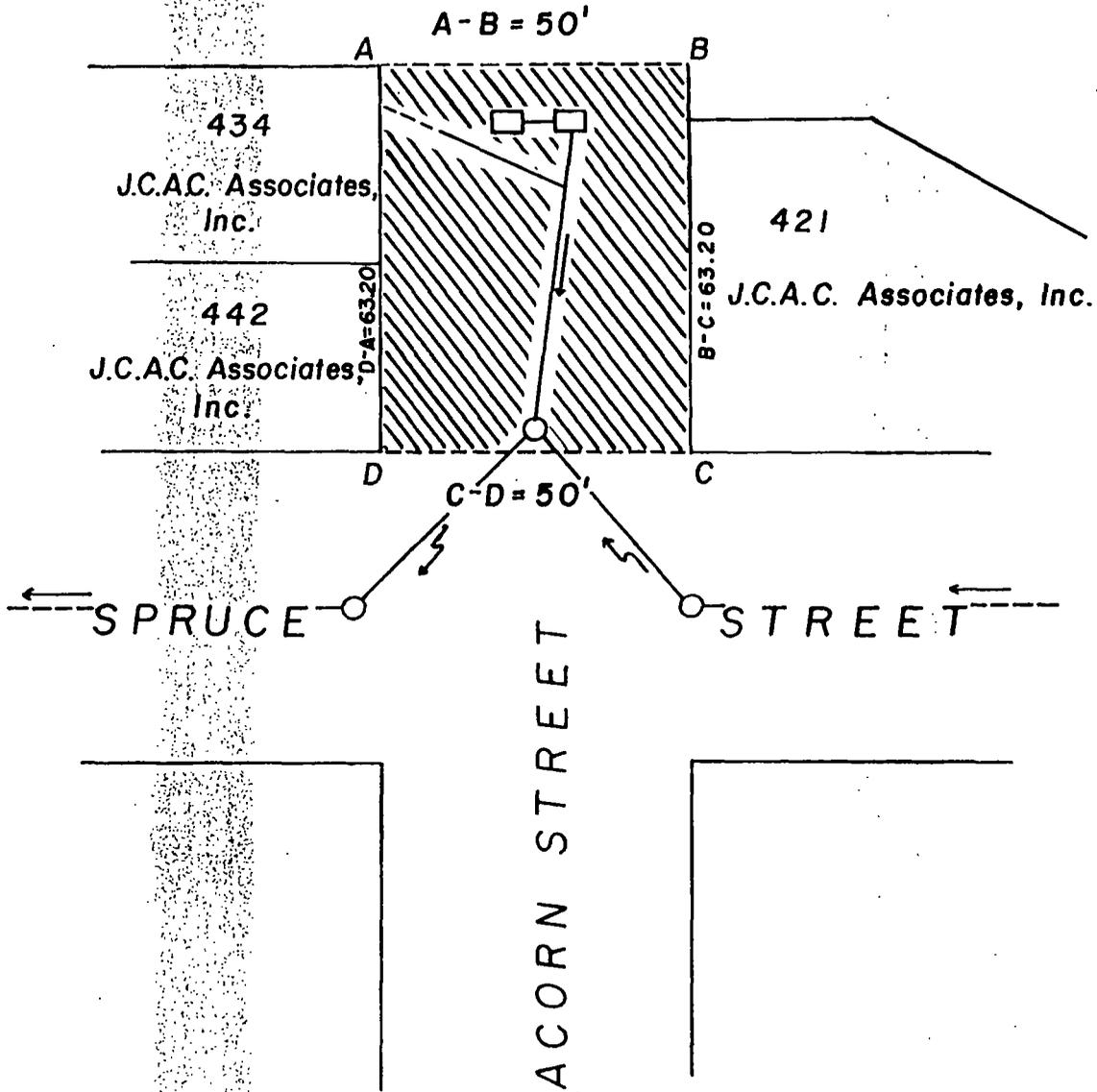
Michael R. Clement
Michael R. Clement
City Clerk

BK 3582 PG 0165

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREETLINE SKETCH
 Plan No. 064586
 Date 12-30-96



State of Rhode Island



Notes: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.

Total square footage = 3,160.

Full sewer easement required.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a portion of Acorn St.
 Drawn by A. Zislados Checked by J. T. M.
 Scale 1" = 30' Date 12-30-96
 Correct James T. M... Associate Engr.
 Approved [Signature] CHIEF ENGINEER

LOT NUMBERS TAKEN FROM A. P. 28

JUN 30 1997

Received for Record at 8 o'clock 36 min A in
Robert Z. Ricci Recorder of Deeds

3582/163-165

C

22444

RECORDED
of _____ minutes _____ of _____
and recorded in book _____ page _____
of _____

JUN 30 1997

Providence, R.I.
With Robert L. Ricci
Recorder of Deeds
Fee _____