



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Transportation
Real Estate
Two Capitol Hill, Room 317
Providence, RI 02903-1124

OFFICE (401) 222-2411
FAX (401) 222-1212
TDD (401) 222-4971

August 31, 2012

Anna Stetson, City Clerk
City of Providence
25 Dorrance Street
Providence, RI 02903

RE: *Condemnation Plat 2722, Parcel 2A*
Replacement of the Providence Viaduct Bridge #578
Providence, RI
F.A.P. No.: BRO-0578(001)

Dear Ms. Stetson:

Enclosed please find copies of documents sent to you and received at City Hall on July 26, 2012. The acquisition of 1,308 s.f. of city owned land is needed for the replacement of the Providence Viaduct Bridge.

I am also forwarding copies to Adrienne Southgate in the Legal Department and Nate Urso at DPW. If you have any questions, please feel free to contact me at 222-2411, extension 4531.

Thank you for your kind attention.

Very truly yours,

Susan M. Howe
Real Estate Specialist

Enclosures

cc: Adrienne Southgate, Esq.
Nate Urso

IN CITY COUNCIL

OCT 18 2012

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED AND APPROVED
 CLERK



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Transportation
Real Estate
Two Capitol Hill, Room 317
Providence, RI 02903-1124

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July 17, 2012

Anna Stetson, City Clerk
CITY OF PROVIDENCE
25 Dorrance Street
Providence, RI 02903

91 7108 2133 3935 8403 6989

Dear Sir or Madam:

Subject: CONDEMNATION PLAT 2722, PARCEL(S) 2A
Replacement of the Providence Viaduct Bridge #578
Providence, Rhode Island
F.A.P. NO. : BRO-0578(001)

This letter is to inform you that in accordance with Title 37, Chapter 6 of the General Laws of the State of Rhode Island, 1956 as amended, the Department of Transportation will be replacing the Providence Viaduct Bridge in the City of Providence.

In order to accomplish this project, the State will require some acquisition of land and/or easements along this roadway. Your property may be affected by partial acquisition and/or by one or more of the easements described in Exhibit "A" (attached) and as specified in the "Statement of Just Compensation."

The following forms are attached to this letter:

- STATEMENT OF JUST COMPENSATION (Exhibit 3) - This form indicates the amount of money you are entitled to because of the effect to your property by this project. Value is based on "Market Value" of the comparable properties.
- LETTER OF RIGHTS - This form explains the "Rights" to which you as a property owner are entitled.
- BROCHURE - This is an informational booklet containing questions and answers on the Department's acquisition program.
- PLANS - These plans show the area of the property affected.
- FORM W-9 - In order to process your check, this form must be signed and returned before you can receive payment.

In the near future you will be asked to sign one of the following releases:

- FULL RELEASE - Execution of this release indicates that you are satisfied with the Offer of Just Compensation, and releases the State from any further obligations.
- RECEIPT AND ACKNOWLEDGMENT - Execution of this form indicates that you have received the State's offer, but you retain the right to litigate within one (1) year for additional compensation to which you feel you may be entitled.
- *Please note:* A Letter of Corporate Authority is required when a corporation is the owner of record. This letter must state that the person executing the release is authorized to do so on behalf of the corporation.)

Method of Payment:

- Upon receipt of one (1) set of signed and notarized releases executed by the property owner(s), full payment will be vouchered and a check issued for the amount specified.
- As soon as the check is issued, it will be delivered by certified mail or by a staff member of the Property and Right-of-Way Division of the Department of Transportation.
- In the event you do not sign the "Full Release" or the "Receipt and Acknowledgment" forms, the amount of the offer will be deposited for your benefit in an Escrow Account in the Registry of the Superior Court.

Department Contact:

- Upon receipt of this package, please contact the Acquisition Unit of the Real Estate Section to discuss this matter with the Real Estate Specialist assigned to your claim (*his or her business card is attached*). You may do so by calling area code (401) 222-2411, collect if necessary, between the hours of 8:30 AM and 4:00 PM.
- If you desire, an appointment for a personal visit will be scheduled at your convenience.

We respectfully request your cooperation in assisting the Department of Transportation in proceeding with the construction of this project, and thank you for your consideration.

Sincerely,



Richard Kalunian
Chief Real Estate Specialist

cc: File



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**Department of Transportation
Real Estate**

Two Capitol Hill, Room 317
Providence, RI 02903-1124

OFFICE (401) 222-2411

FAX (401) 222-1212

TDD (401) 222-4971

NAME: **City of Providence**

PLAT NO: 2722/Parcel 2A

ADDRESS: **25 Dorrance Street
Providence, Rhode Island 02903**

LOCATION: Providence Viaduct Bridge

PROJECT NO: F.A.P. No. BRO-0578(001)

OFFER OF JUST COMPENSATION AND REPURCHASE

The State of Rhode Island, pursuant to and under the authority of Title 37, Chapter 6 and Title 24, Chapter 10 of the General Laws of Rhode Island 1956 (re-enactment of 1969), as amended, proposes to condemn the above described property for highway purposes.

Based on the Department of Transportation 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), the State will be authorized to pay to the owner(s) of record of said property, full settlement of all claims arising from proposed taking, including payment for the land and any and all improvements thereon and severance damages if any.

STATEMENT OF TOTAL JUST COMPENSATION

OFFER #1 The total amount of just compensation established is: \$1.00

OFFER #2 The total amount of just compensation is N/A which includes the value for the uneconomic remnant.

A. Real Property and Real Estate or Interest being acquired:

2A - Land Acquisition – 1,308 Sq.Ft.

B. Building, Structures and Other Improvements: N/A

C. The value established for the real property acquired is: \$1.00

D. The value established for damages to remaining property is: N/A

E. The value established for the uneconomic remnant is: N/A

City of Providence
Plat No. 2722/ Parcel No(s). 2A

It is understood, that in the event of a partial taking, wherein the State is to replace improvements such as walls and fences, that the appraised value of same, if offered, will be deducted from the amount of the offer stated herein. Said offer includes payment for any and all claims, debts, rights, and damages for all manner of actions and causes of action both in law and in equity, which against the State you and/or all persons claiming by, through or under you ever had, now have or ought to have, for or by reason of the taking of said property by this proposed condemnation.

The payment of the above State offer will be made as soon as possible, provided, that the proposed plat is filed for condemnation.

Date:

July 24, 2012

Susan M. Howe
Susan M. Howe
Real Estate Specialist
222-2411/Ext. 4531

Date:

July 24, 2012

Colleen M. Kerr
Colleen M. Kerr
Chief Real Estate Specialist
222-2411/Ext. 4527

STATE OF RHODE ISLAND
**PAYER'S REQUEST FOR TAXPAYER
 IDENTIFICATION NUMBER AND CERTIFICATION**

THE IRS REQUIRES THAT YOU FURNISH YOUR TAXPAYER IDENTIFICATION NUMBER TO US. FAILURE TO PROVIDE THIS INFORMATION CAN RESULT IN A \$50 PENALTY BY THE IRS. IF YOU ARE AN INDIVIDUAL, PLEASE PROVIDE US WITH YOUR SOCIAL SECURITY NUMBER (SSN) IN THE SPACE INDICATED BELOW. IF YOU ARE A COMPANY OR A CORPORATION PLEASE PROVIDE US WITH YOUR EMPLOYER IDENTIFICATION NUMBER (EIN) WHERE INDICATED.

Taxpayer Identification Number (T.I.N.)

Enter your taxpayer identification number in the appropriate box. For most individuals, this is your social security number.

Social Security No. (SSN)

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Employer ID No. (EIN)

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NAME _____**ADDRESS** _____**(REMITTANCE ADDRESS, IF DIFFERENT)** _____**CITY, STATE AND ZIP CODE** _____**CERTIFICATION:** Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct Taxpayer Identification Number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because either: (A) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (B) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions – You must cross out item (2) above if you have been notified by the IRS that you are subject to backup withholding because of under-reporting interest or dividends on your tax return. However, if after being notified by IRS that you were subject to backup withholding you received another notification from IRS that you are no longer subject to backup withholding, do not cross out item (2).

PLEASE SIGN HERE

SIGNATURE _____ TITLE _____ DATE _____ TEL NO. _____

BUSINESS DESIGNATION:

Please Check One: Individual ☐ Medical Services Corporation ☐ Government/Nonprofit Corporation ☐
 Partnership ☐ Corporation ☐ Trust/Estate ☐ Legal Services Corporation ☐

NAME: Be sure to enter your full and correct name as listed in the IRS file for you or your business.

ADDRESS, CITY, STATE AND ZIP CODE: Enter your primary business address and remittance address if different from your primary address). If you operate a business at more than one location, adhere to the following:

- 1) Same T.I.N. with more than one location – attach a list of location addresses with remittance address for each location and indicate to which location the year-end tax information return should be mailed.
- 2) Different T.I.N. for each different location – submit a completed W-9 form for each T.I.N. and location. (One year-end tax information return will be reported for each T.I.N. and remittance address.)

CERTIFICATION – Sign the certification, enter your title, date, and your telephone number (including area code and extension).

BUSINESS TYPE CHECK-OFF – Check the appropriate box for the type of business ownership.

Mail to: Supplier Coordinator, One Capitol Hill, Providence, RI 02908

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF TRANSPORTATION**

ACQUISITION OF LAND

The acquisition of land is the taking of real property with just compensation for the purpose of construction or reconstruction of roadways.

PERMANENT EASEMENT

An easement is a partial use of land for a specific purpose.

TEMPORARY EASEMENT

The term of this easement will be for a three (3) year period. This easement provides for the temporary use of the property during road or bridge construction. Any driveways that are affected by construction will be cut and matched to meet the roadway.

The property will be restored to the same or better condition that exists now.

During the term of this easement the property owner will retain the right to enter and exit the property.

PERMANENT DRAINAGE EASEMENT

This easement involves placing a drainage structure on private property to continue the natural flow of water in the area.

PERMANENT AERIAL EASEMENT

This easement involves the arms of the relocated utility poles and overhead wires that extend over private property.

PERMANENT GUY EASEMENT

This easement involves a guy wire placed on private property that extends from the utility pole to the ground as a support.

PERMANENT SLOPE EASEMENT

This easement provides a perpetual right and easement to construct, reconstruct, and maintain slopes and any necessary appurtenances.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Department of Transportation

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 Real Estate Specialist. If said offer is not acceptable, sign the Receipt and Acknowledgment. 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 Receipt and Acknowledgment, 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 Receipt and Acknowledgment is without prejudice to your right at a later date to either accept the offer contained herein or to file a petition as aforesaid.

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Department of Transportation
Real Estate

FULL RELEASE

CONDEMNATION PLAT NO. 2722

WHEREAS, the Director of Transportation, on behalf of the State of Rhode Island, pursuant to Title 37, Chapter 6, and/or Title 24, Chapter 10, of the General Laws of 1956, as amended, and in exercise of the powers and authority conferred by said section(s) upon authorization by the State Properties Committee on the 17th day of July, A.D. 2012, proposes to condemn certain land belonging to the City of Providence situated in the City of Providence, Rhode Island, and designated as Parcel No.(s) 2A of Plat No.(s) 2722 to be filed in the Office of the City Clerk of Providence.

NOW THEREFORE, the City of Providence in consideration of One Dollar (\$1.00) paid by the State of Rhode Island to and on behalf of the City of Providence, or to the owner(s) of record of said property on the date of recordation of the takings documents, as follows:

<i>Parcel No.</i>		<i>Sq. Footage/ Acreage</i>
2A	Acquisition of property	1,308 Sq.Ft.

Improvements: N/A

The receipt of which consideration is hereby acknowledged, the undersigned does hereby release the Director of Transportation and the State of Rhode Island and any of its agencies or subdivisions from any and all claims by the undersigned and his/her/their/its heirs, successors, and or assigns for just compensation, for any diminution in value, or for consequential or incidental damages, inflicted upon the real property of the undersigned by virtue of the acquisitions described within this instrument.

Notwithstanding the above release by the property owner the provisions of § 37-7-3 of the General Laws of Rhode Island and the provisions of Article XVII of the Rhode Island Constitution, as amended, concerning the condemnee's right to repurchase or lease the property shall remain in full force and effect.

KNOW ALL MEN THAT N/A, MORTGAGEE, owner of mortgage covering land taken as aforesaid, in consideration of the sum of N/A Dollars (\$N/A) to it paid by the State of Rhode Island, receipt of which is hereby acknowledged, does hereby release the Director of Transportation and the State of Rhode Island and any of its agencies or subdivisions from any and all claims by the undersigned for just compensation, for any diminution in value, or for consequential or incidental damages, inflicted upon the real property of the undersigned by virtue of the acquisitions described within this instrument.

In the case of the taking of a temporary easement, the following two paragraphs will apply:

1. Upon expiration of the above-designated period from the date of condemnation hereof, all land, real estate, interest and title shall thereupon revert to the party(ies) who was(were) the owner(s) at the time of condemnation, his(their) successor(s) in title or assign(s), without the necessity of a document transferring same or any other action.
2. Meaning and intending by this release that the State acquires the right to enter the aforescribed real estate taken for temporary easement as Parcel(s) No. N/A above, in conjunction with adjacent construction, and reserving to said landowner all rights of access for ingress and egress to and from said real estate.

*Social Security No. _____, or

*Federal Identification No. _____

Dated: _____

Witness:

Signed:

By:
For the City of Providence



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Please execute releases as follows:

1. All owners of record must sign each copy of the release and indicate their Social Security Number or Federal Identification Number in the appropriate space.
2. Each signature should be dated and witnessed. Anyone of legal age can witness a signature.
3. Keep one (1) copy of the release for your records.
4. Enclosed Form W-9 which is to be signed by one of the property owners.
5. Call Susan Howe, Real Estate Specialist, at 401-222-2411 (Extension 4531), collect if necessary, to arrange for the return of the signed releases.

Corporate Authority

A letter of corporate authority is required when a corporation is listed as the owner of record. This letter must state that the person executing the release is authorized to sign on behalf of the corporation.