

# RESOLUTION OF THE CITY COUNCIL

No. 440

Approved SEPTEMBER 17, 2007

RESOLVED, DECREED AND ORDERED:

The petition of Joseph M. Henderson and Thomas P. Weidman to purchase that portion of AP 98, Lot 233, bounded on two sides by Greeley Street and immediately adjacent to the cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064422 dated June 14, 1988, is hereby granted, specifically conditioned upon the following:

(1) Petitioners shall pay the sum of Eight Thousand Five Hundred Eighty-two Dollars (\$8,582.00) in legal U.S. tender to the City of Providence.

(2) Petitioners shall convey a full sewer easement acceptable to City of Providence, Department of Public Works 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 Petitioners that any such facilities need be relocated in order to comply with an intended use, the Petitioners shall assume all costs of relocation.

(3) Petitioners shall grant an easement in favor of National Grid, d/b/a Narragansett Electric Company, permitting the 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 Petitioners that any such facilities need to be relocated in order to comply with an intended use, the Petitioners shall assume all costs of relocation.

(4) Petitioners shall grant an easement in favor of Verizon, permitting the 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 Petitioners that any such facilities need to be relocated in order to comply with an intended use, the Petitioners shall assume all costs of relocation.

**IN CITY COUNCIL**  
OCT 6 2005  
FIRST READING  
REFERRED TO COMMITTEE ON  
CITY PROPERTY  
Alan M. Steen CLERK

**THE COMMITTEE ON**

City Property  
Recommends  
Alan M. Steen

CLERK  
5-15-06-Contd  
12-13-06-Contd  
1-31-07-Contd  
5-22-07-Contd

**IN CITY COUNCIL**

APR 19 2007  
And Referred Back  
To The Committee on  
City Property  
Alan M. Steen CLERK

**THE COMMITTEE ON  
CITY PROPERTY  
Approves Passage of  
The Within Resolution**

Alan M. Steen  
First Deputy Clerk  
July 25, 2007

(5) Petitioners shall grant an easement in favor of National Grid, permitting the maintenance of facilities under the paved section of Greeley Street that current occupies a portion of AP 98, Lot 233, 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 Petitioners that any such facilities need to be relocated in order to comply with an intended use, the Petitioners shall assume all costs of relocation.

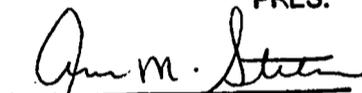
(6) Petitioners shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as this property purchase constitutes a boundary change.

(7) Petitioners shall comply with all conditions contained herein, including recording this Resolution, 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.

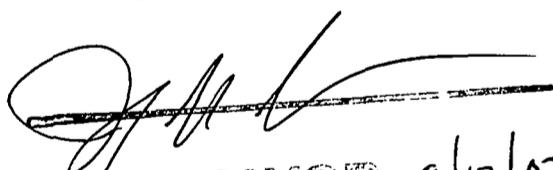
(8) Such other conditions as the Mayor or the Law Department shall see fit to impose.

IN CITY COUNCIL  
SEP 6 2007  
READ AND PASSED

  
PRES.

  
CLERK

**APPROVED**

  
MAYOR 9/17/07

July 26, 2007

Mr. Joseph M. Henderson  
Mr. Thomas P. Weidman  
14 Aventine Avenue  
Providence, RI 02904

Re: Interim Authorization

Dear Sirs:

At a meeting of the City of Providence City Property Committee yesterday, the committee unanimously voted to convey to you a portion of property located on Assessor's Plat 98, Lot 233 for \$8,582.00. Because the full City Council will not meet again until September, your Council member asked whether it would be possible to obtain an interim authorization for you to construct a fence on the property you have sought to acquire. It was his understanding that you had placed a deposit with a North Smithfield construction firm to complete the installation; the vendor has now advised that if the fence is not installed promptly, there is no guarantee as to when it can be done.

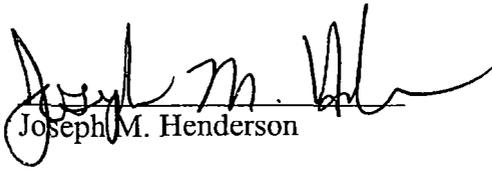
Under these circumstances, the City of Providence is willing to provide you with an interim authorization to construct the fence (consistent with the standard requirements of the City's ordinances), provided that (a) you pre-pay the sum designated by the City Property Committee prior to commencing construction, and (b) you agree that should the property sale not be consummated at the Council's September meeting(s), the fence will be promptly removed and the property restored to its previous condition.

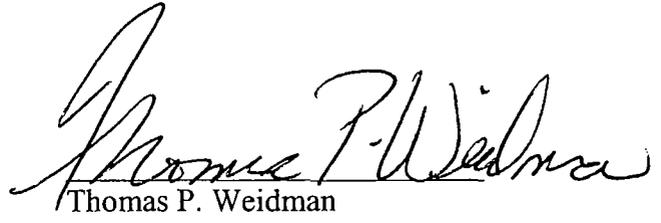
Please indicate your approval by signing below.

Very truly yours,

Adrienne G. Southgate  
Deputy City Solicitor

Agreed:

  
Joseph M. Henderson

  
Thomas P. Weidman

Witnessed:

\_\_\_\_\_

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

**DATE:** August 2, 2007

**TO:** Mr. Joseph Chiodo, City Controller

**SUBJECT:** CHECK TO BE DEPOSITED FOR AN ABANDONMENT OF PLAT 98 LOT 233.

**CONSIDERED BY:** Anna M. Stetson, City Clerk

**DISPOSITION:** Accompanying is check number 380 from Credit Union Central Falls of Rhode Island in the amount of \$8,582.00 from Joseph M. Henderson and Thomas P. Weidman. Please deposit into the Sale of Real Estate Account (856-4-00000-2500)

*Anna M. Stetson*

City Clerk

JOSEPH M HENDERSON  
THOMAS P WEIDMAN  
14 AVENTINE AVE  
PROVIDENCE, RI 02904

11/03

380

57-8982/2115  
02

Date 7/23/07

Pay to the  
Order of

City of Providence

\$ 8582.00

Eight thousand five hundred eighty two + no cents Dollars



Credit Union Central Falls  
2291 MENDON ROAD  
CUMBERLAND, RHODE ISLAND 02864

For Lot 98 Lot 23

Joseph M Henderson

⑆ 21 5898 281 ⑆

⑆ 65720307 ⑆ 0380

INTOUCH CUSTOMER CREATIONS™

Josephine DiRuzzo, Chairwoman  
Committee on City Property  
141 Roosevelt St.  
Providence, RI 02909

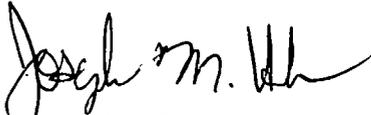
July 12, 2005

Dear Madam Chairwoman,

We would like to formally request to purchase a piece of property from the City of Providence. The land that I would like to purchase is part of plat number 98, lot 233. We currently have an easement over a portion of lot 233 from the city, and are interested in purchasing both the easement land, as well as a small portion of the land that abuts Greeley St. Enclosed is a copy of the original easement for your reference. Any help you can provide to assist us would be greatly appreciated.

Thank you in advance for your anticipated time and assistance in this matter. If you have any questions about the nature of my request, please don't hesitate to contact us at home, 401-383-8885.

Sincerely,



Joseph M. Henderson



Thomas P. Weidman

cc: Anna Stetson, Second Deputy City Clerk  
Councilwoman Carol Romano

enclosure

IN CITY COUNCIL  
OCT 6 2005  
FIRST READING  
REFERRED TO COMMITTEE ON  
CITY PROPERTY  
Ann M. Steh CLERK

Communication

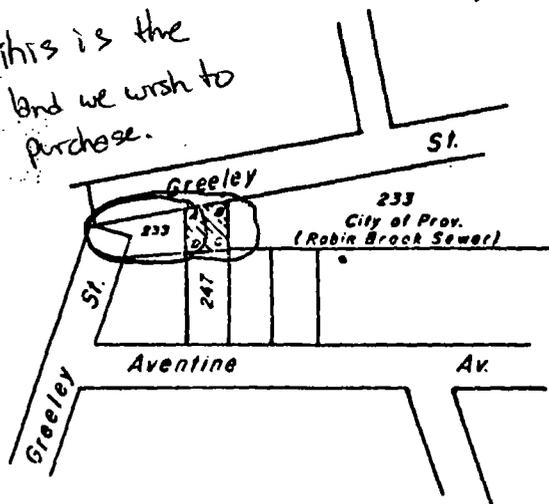
THE COMMITTEE ON  
City Property  
Recommends  
Ann M. Steh

5-15-06. CLERK Con 4  
12-13-06- Con 4  
1-31-07 Con 4  
5-22-07 Con 4

IN CITY COUNCIL  
APR 19 2007  
And Referred Back  
To The Committee on  
City Property  
Ann M. Steh CLERK

PROVIDENCE  
 ENGINEERING OFFICE  
 CITY PROPERTY SECTION  
 Plan No 064422  
 Date June 14, 1988

This is the  
 land we wish to  
 purchase.



Note:

Cross-Hatched Area (A-B-C-D-A)  
 Indicates Proposed Easement.

Owner:

Lot 247 - Stuart Evans

CITY OF PROVIDENCE, R.I.  
 Public Works Dept. Engineering Office  
 Shows Proposed Easement  
 Drawn by J.A.M. Checked by J.T.M.  
 Scale No Scale Date 6-14-88  
 Approved by [Signature] Date [Signature]

Lot Numbers From Assessors Plat 98

768  
 M-13

Received for Record at 11 o'clock 45 min A.M. on  
 JUL 15 1988 [Signature] Recorder of Deeds

Robert 2. Riccio

# RESOLUTION OF THE CITY COUNCIL

No. 362

Approved July 12, 1988

Owner: Stewart J. Evans, Jr.

RESOLVED: That an easement is hereby granted to the owner/owners of property located at 14 Aventine Avenue, known as Lot 247, on City Assessor's Plat 98, for a right-of-way over a portion of city-owned land situated on Lot 233, as set out and delineated on City Assessor's Plat 98, as outlined on accompanying map entitled: "Providence, R. I., Public Works Department, Engineering Office, City Property Section, Plan No. 064422, date June 14, 1988".

A true copy,  
Attest:

*Rose M. Mendonca*

Rose M. Mendonca  
City Clerk

JOHN D. NICKELSON, P. E.  
Director



DAVID N. CICILLINE  
Mayor

**Department of Public Works**  
Traffic Engineering Division  
*"Building Pride in Providence"*

**MEMORANDUM**

**TO:** Anna Stetson, Office of the City Clerk

**FROM:** E. Bernard Leiby, Traffic Engineer *EBL*

**CC:** John D. Nickelson, PE, Director of DPW  
Councilman Kevin Jackson, Chairman, Committee on City Property

**DATE:** March 28, 2007

**SUBJECT:** Communication from Joseph M. Henderson and Thomas P. Weidman, dated July 12, 2005, requesting to purchase a piece of Property located on a part of assessor's Plat 98, Lot 233.

2001 MAR 28 P 2:00  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

FILED

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The DPW - Division of Traffic Engineering has reviewed the request to purchase a piece of property located on a part of assessor's Plat 98, Lot 233 and has no objection to this purchase.

John J. Gelati  
Assessor



David N. Cicilline  
Mayor

Finance Department, City Assessor  
*"Building Pride In Providence"*

**To: Anna Stetson, City Clerk**

**From: John Gelati, City Assessor**

A handwritten signature in black ink, appearing to be "J. Gelati", written over the "From:" line.

**Date: February 13, 2007**

**Re: Communication from Joseph M. Henderson and Thomas P. Weidman to purchase property located on a part of Assessor's Plat 98, Lot 233.**

The appraisal for this request has been assigned to Andolfo Appraisal on 2/5/07. On 2/12/2007 Andolfo Appraisal notified us that the documentation needed to formulate an appraisal analysis provided from the Public Works Department is incomplete. The information has been requested from the Public Works Department.



## Providence City Plan Commission

DAVID N. CICILLINE  
Mayor

March 6, 2007

Committee on City Property  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Attn: Anna Stetson, City Clerk

**Re: CPC Referral No. 3280: Sale of a Portion of City Property at Greeley Street  
(AP 98, Lot 233)**

Dear Ms. Stetson:

At the City Plan Commission (CPC) meeting on Tuesday, February 20, 2007, the Commission reviewed the request by Joseph M. Henderson and Thomas P. Weidman to purchase an approximately 2,500-sf portion of City property (Lot 233) located at Greeley Street. The applicants currently have an easement over a smaller portion of the lot.

The matter was continued from the CPC meeting on January 16, 2007 in order to allow time for the Planning Department to discuss the future of this property with the Department of Public Parks and the Department of Public Works. The Planning Department had two concerns. One is the potential of the lot as a park site and the second is the fact that part of the Robin Brook sewer line, which goes to North Providence, runs through the property. The Parks Department determined that although Lot 233 may have potential as a park site, the portion in question would not affect any such plans as it is the narrow end of the lot. The Parks Department had no objection to the proposed sale of this portion of the lot. A recommendation from the Department of Public Works was pending.

The Commission determined that the property is surplus and voted to recommend the sale of the property subject to the Department of Public Works having no objection and with the condition that a sewer easement be granted to the City of Providence for access to the sewer line.

Please contact me at 351-4300 ext. 521 if you have any questions.

Sincerely,

Christopher J. Ise  
Administrative Officer

cc: Joseph M. Henderson  
Thomas P. Weidman



ANDOLFO APPRAISAL ASSOCIATES, INC.

REAL ESTATE APPRAISERS AND CONSULTANTS  
THE BUSH BUILDING  
216 WEYBOSSET STREET • PROVIDENCE • RHODE ISLAND 02903  
(401) 273-8989 • FAX (401) 273-2510

February 28, 2007  
(Amended July 11, 2007)

Mr. John Gelati  
Tax Assessor  
City of Providence  
City Hall  
Providence, Rhode Island 02903

Re: Proposed Purchase  
Portion of Plat 98, Lot 233 on Greeley Street  
Robin Brook Sewer Line

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Greeley Street, otherwise designated as a portion of Lot 233 on Plat 98. The site intersects with Aventine Street in the Charles Street neighborhood of the city.

The petitioner has requested to purchase a portion of the parcel which contains a major sewer line. The proposed easement contains 1,907 square feet, and measures 40.68 feet by 51.46 feet, having 43.89 feet in length along that portion of the area as abutting Lot 248 on Aventine Street. **The City's Department of Public Works has no objection to this request providing that the city receive a full permanent easement in return.**

We have taken into account a number of factors in arriving at the fair market value of this site. The petitioner will gain full use and access of the site and their existing property should increase in value as a result. In turn, the city will still retain a sewer easement.

ANDOLFO APPRAISAL ASSOCIATES, INC.

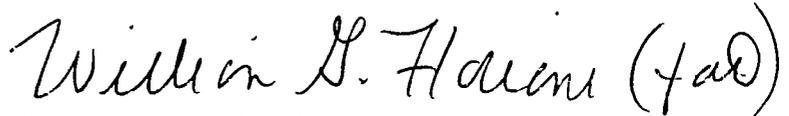
Mr. John Gelati  
Page 2  
February 28, 2007  
(Amended July 11, 2007)

The highest and best use of the site is for residential use as a side yard to the primary site. Based upon an analysis of comparable residential land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a value of \$10.00 per square foot is estimated. However, since the site will be partially encumbered by an easement and is considered non-buildable given its side yard status and size, the fee value was reduced by 50%.

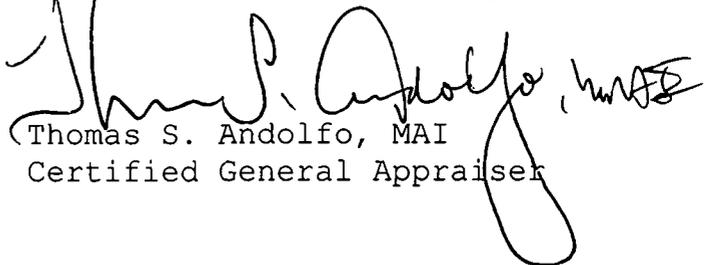
Therefore, 1,907 square feet x \$10.00 per square foot x .50 = \$9,535 estimated market value of the proposed purchase.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

 (fad)

William G. Floriani  
Certified Residential Appraiser

 MAI

Thomas S. Andolfo, MAI  
Certified General Appraiser

WGF:TSA/fad

Right of Way

May 23, 2007

Anna Stetson  
2<sup>nd</sup> Deputy/City Clerk  
25 Dorrance Street  
Providence, Rhode Island 02903

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF GREELEY STREET

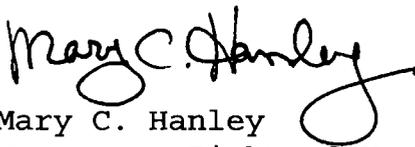
Upon investigation by our in house Engineer-Omario Dawkins it has been determined that Verizon has aerial facilities in the portion of Greeley Street to be abandoned.

These facilities include poles, wires and cables that provides service to the surrounding area.

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.

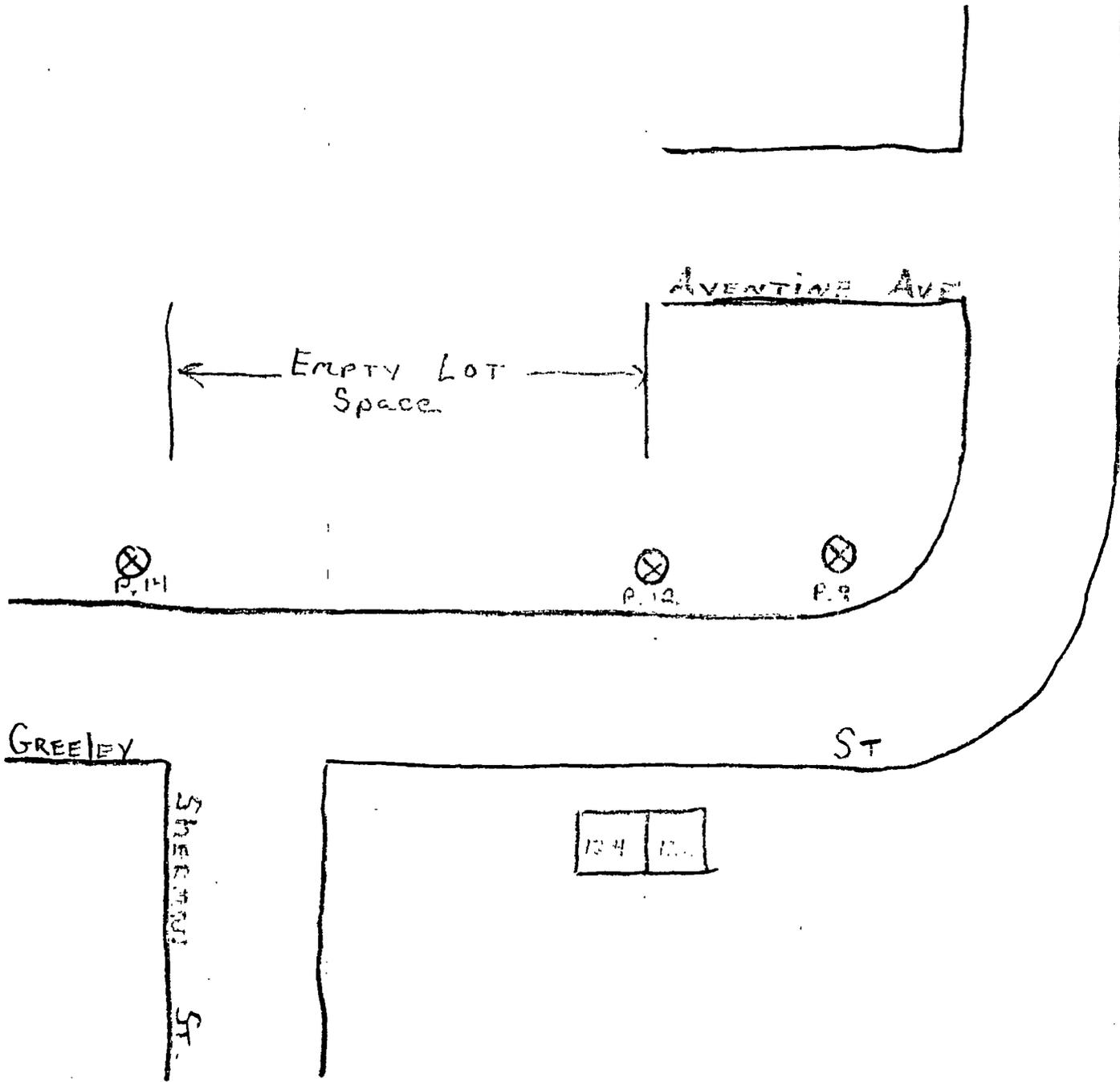
Very truly yours,

  
Mary C. Hanley  
Manager - Right of Way  
401-727-9555



85 High Street  
Pawtucket, RI 02860

Phone 401 727-9555  
Fax 401 725-7680





March 21, 2007

Ms. Anna M. Stetson  
City Clerk's Office  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Re: Petition to Abandon a portion of Greeley Street

Dear Ms. Stetson:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has overhead equipment in the area proposed for abandonment.

Therefore, NECO has no objection to the abandonment provided we are granted an easement for said equipment.

Please call me if you have any questions.

Very truly yours,

Mindy C. Montecalvo  
Property Rights Specialist  
(401) 784-7512  
(401) 784-7316 (fax)



March 8, 2007

Anna M. Stetson, City Clerk  
Department of City Clerk, City of Providence, Rhode Island  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

**RE: COMMUNICATION FROM JOSEPH M. HENDERSON AND THOMAS P. WEIDMAN, DATED JULY 12, 2005, REQUESTING TO PURCHASE A PIECE OF PROPERTY LOCATED ON A PART OF ASSESSOR'S PLAT 98, LOT 233.**

Dear Ms. Stetson:

It appears that National Grid facilities located under the paved section of Greeley Street that currently occupies a portion of Assessor's Plat 98, Lot 233 may be impacted by this purchase request. If in fact this purchase request includes the portion of Assessor's Plat 98, Lot 233 that has been paved, an easement must be granted permitting the retention of our 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 to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

Enclosed is our typical easement agreement. Please redline any proposed changes to the agreement and provide an Exhibit A – metes and bounds description or surveyor's drawing indicating the location of the easements. Return the documents to Tom Gavula and I will have our Legal Department review any proposed changes and create a final document(s) for signatures and recording.

If you have any questions please do not hesitate to contact Tom Gavula at 401-525-5521.

A handwritten signature in cursive script that reads "Tom Gavula".

Tom Gavula

Lead Supervisor, GIS/Records & Drafting

cc: Albert Marsocci

## GRANT OF EASEMENT

\_\_\_\_\_ of \_\_\_\_\_  
(hereinafter referred to as "Grantor"), for consideration of One Dollar (\$1.00), and other valuable considerations paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants, with Quitclaim Covenants, to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation, having an address at 100 Weybosset Street, Providence, Rhode Island 02903 (hereinafter referred to as "Grantee"), for Grantee and its lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the "Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land").

**Section 1 – Description of the Easement.** The "Easement" granted by the Grantor to the Grantee consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at its pleasure, abandon or remove underground gas distribution facilities including a line or lines of pipe, valves, fittings, handholes, manholes, conduit, vaults, housings, connectors, pedestals, closures, markers, cables, connections to aboveground facilities, braces, fittings, foundations, anchors, lateral service lines, and other fixtures and appurtenances (collectively, the "Facilities"), which the Grantee shall require now and from time to time, for the transmission and distribution of natural and manufactured gas for public or private use, in, upon, over, under, and across that portion of the Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefor, clear and keep cleared, by physical, chemical, or other means, the Easement Area of any and all trees, vegetation, roots, aboveground or belowground structures, improvements, or other obstructions and trim and/or remove other trees, roots and vegetation adjacent to the Easement Area that, in the opinion of the Grantee, may interfere with the construction, operation, and maintenance of the Facilities. The first clearing may be for less than the full width and may be widened from time to time to the full width;

c. Excavate or change the grade of the Grantor's Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantee will, upon completion of its work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor's Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent the Easement.

**Section 2 – Description of Grantor’s Land.** The “Grantor’s Land” is located in the City/Town of \_\_\_\_\_, County of \_\_\_\_\_, State of Rhode Island and is described in a certain Deed recorded in the \_\_\_\_\_ Land Evidence Records in Book \_\_\_\_\_, Page \_\_\_\_\_ and designated as Tax Assessor’s Plat No. \_\_\_\_\_, Lot No. \_\_\_\_\_.

**Section 3 – Location of the Easement Area.** The “Easement Area” shall consist of a portion of the Grantor’s Land \_\_\_\_\_ feet in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled “\_\_\_\_\_”, which sketch is attached hereto as Exhibit A and recorded herewith, copies of which are in the possession of the Grantor and the Grantee. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantee in substantial compliance with Exhibit A hereto.

**Section 4 – Facilities Ownership.** It is agreed that the Facilities shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns shall pay all taxes assessed thereon.

*[Include if appropriate given knowledge of the environmental condition of the site:*  
**Section 5 – Grantor’s Representations and Warranties Regarding Existing Environmental Conditions.** Grantor represents and warrants that as of the date on which this Grant of Easement is executed by Grantor, the Easement Area complies in all material respects with any applicable federal or state environmental laws and regulations, and that Grantor has not (and has no knowledge of any other person or entity which has) caused any production, use, release, threatened release, or disposal of any hazardous materials at the Easement Area in any material quantity, and that the Grantor has no notice or knowledge of any actual, pending, or threatened environmental claims against the Easement Area.]

**Section 5 – Grantor Covenants; Warranty of Title.** The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantee that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantee, it being the intent that the Easement herein conveyed is intended to prohibit the longitudinal or parallel use or occupancy of said Easement Area by surface or subsurface activities or structures which might damage or interfere with the Facilities; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantee’s prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling; the Grantee shall quietly enjoy the Grantor’s Land; and the Grantor will forever warrant title to the Grantor’s Land.

**Section 6 – Exclusiveness of Easement.** The Easement, rights, and privileges granted by this conveyance are exclusive, and Grantor covenants not to convey any other easement or conflicting rights in the Easement Area covered by this grant.



**Complete for ALL Grantors:**

Please print name and address of Grantor(s) (If Grantor is other than an individual(s), print name and address of Company and include name and title of signer):

Name(s): \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Company: \_\_\_\_\_ City/Village/Town: \_\_\_\_\_

Title: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**RECORD AND RETURN TO:**

Anne Connor, Senior Paralegal  
The Narragansett Electric Company  
100 Weybosset Street  
Providence, RI 02903

