

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 776

Approved October 10, 1975

RESOLVED, DECREED AND ORDERED:

That the following named highway shown as shaded area on the accompanying plan entitled "Providence, Rhode Island, Department of Public Works-Engineering Office, Street Line Section Map no. 063925, dated June 2, 1975",

viz:

Cortez Street (portion) from the southerly extension of the westerly lot line of Lot 273 on Assessor's Plat 34 to the easterly extension of the northerly lot line of lot 286 on Assessor's Plat 34, the same being a distance of 681 feet, more or less, measured along the northerly and westerly side of Cortez Street as shown in Area (A-B-C-D-E-F-A), having ceased to be useful to the public and the same are abandoned as public highway and the damage to the abutters is appraised at nothing and so awarded, and it is further

ORDERED, that the Director of Public Works, be and he is hereby directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words "Not a Public Highway", and it is further

ORDERED, that after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper published in the County of Providence at least once each 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 have been abandoned, who is known to reside within this State.

IN CITY COUNCIL

OCT 2 1975

READ AND PASSED

*Robert J. Hayton*  
PRES.  
*Vincent A. Rance*  
CLERK

*Approved  
October 10, 1975  
Vincent A. Rance  
Mayor*

THE COMMITTEE ON

Public Works

Approves Passage of  
The Within Resolution

Vincent Vespea

September 27, 1911 <sup>Chairman</sup> Chas

# PETITION TO THE CITY COUNCIL

*The undersigned respectfully petitions your honorable body*

BROOK FARM DEVELOPERS INC.

By:

PUCCI & GOLDIN  
624 Industrial Bank Building  
Providence, Rhode Island 02903

**THE COMMITTEE C.**

“TAY”

**1**

**750**

pd. ck no. 3474  
amt. \$35.00

Brook Farm Developers Inc.

FILED  
MAY 12 5 28 PM '75  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

**IN CITY COUNCIL**

**MAY 15 1975**

**FIRST READING**

**REFERRED TO COMMITTEE ON PUBLIC WORKS**

*Commissar Vespa*

**THE COMMITTEE ON**

**PUBLIC WORKS**

**SEP 15 1975**

**Recommends**

*To Be Continued*

**Clerk**

*From the Clerk's Desk*

PUCCI & GOLDIN

COUNSELLORS AT LAW

TELEPHONE  
AREA CODE 401  
861-7400

THOMAS D. PUCCI  
EDWARD S. GOLDIN  
SAMUEL A. OLEVSON  
JOSEPH R. TUTALO

624 INDUSTRIAL BANK BUILDING  
III WESTMINSTER STREET  
PROVIDENCE, RHODE ISLAND 02903

May 8, 1975

The Honorable Vincent ~~X~~. Vespia  
City Clerk  
City of Providence  
Providence City Hall  
Providence, Rhode Island 02903

Re: Brook Farm Developers, Inc.  
Petition to The Honorable City Council for Abandonment of  
a portion of Cortez Street

Dear Vin:

Enclosed herewith please find Petitions in duplicate for  
the abandonment of Cortez Street by the owners, Brook Farm  
Developers, Inc. Also enclosed is our check for \$35.00 to  
cover filing fee thereof.


Would you kindly acknowledge receipt of the foregoing by  
file-marking the enclosed extra copy of the Petition and re-  
turning in the envelope provided.

Many thanks.

With personal regards,

Sincerely,

PUCCI & GOLDIN



Edward S. Goldin

ESG:lp  
Encs.

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 16, 1975

TO: •

SUBJECT: CORTEZ STREET (ABANDONMENT PORTION)

CONSIDERED BY: Committee on Public Works

DISPOSITION: Attached is copy of Petition on above Subject  
for Study and Report.

- Acting Commissioner of Public Safety Cianci
- Acting Director of Public Works Healy
- Deputy Director of Department of Urban Development,
- ✓ Mr. Stanley Bernstein
- ✓ Traffic Engineer Tibaldi
- ✓ Chief Engineer Water Supply Board Rogers

City Clerk

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

DATE: May 16, 1975

TO: •

SUBJECT: CORTEZ STREET (ABANDONMENT PORTION)

CONSIDERED BY: Committee on Public Works

DISPOSITION: Attached is copy of Petition on above Subject  
for Study and Report.

- Acting Commissioner of Public Safety Cianci  
Acting Director of Public Works Healy  
✓ Deputy Director of Department of Urban Development,  
Mr. Stanley Bernstein  
Traffic Engineer Tibaldi  
Chief Engineer Water Supply Board Rogers

City Clerk

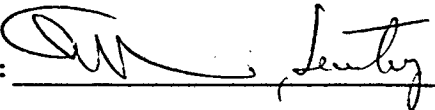
## PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

*The undersigned respectfully petitions your honorable body*

to abandon as a public highway that portion of Cortez Street from the southerly extension of the westerly lot line of Lot 273 on Assessor's Plat 34 to the easterly extension of the northerly lot line of lot 286 on Assessor's Plat 34, the same being a distance of 681 feet, more or less, measured along the northerly and westerly side of Cortez Street.

BROOK FARM DEVELOPERS INC.

By:  \_\_\_\_\_

Attorneys for Brook Farm Developers Inc.:

PUCCI & GOLDIN  
624 Industrial Bank Building  
Providence, Rhode Island 02903



JOHN A. DOHERTY, *Chairman*  
EARL H. ASHLEY  
UGO RICCIO  
ROBERT F. HOWARD  
RAYMOND COLA  
VINCENT J. CIRELLI  
VINCENT T. IZZO, *Ex-Officio*

## WATER SUPPLY BOARD

CITY OF PROVIDENCE, R. I. 02908  
552 ACADEMY AVENUE

JOHN E. ROGERS P.E.  
*Chief Engineer*  
JOHN H. SEITES P.E.  
*Deputy Chief Engineer*  
ROBERT J. PACI  
*Legal Advisor*  
AUSTIN B. McMANUS  
*Secretary*

May 20, 1975

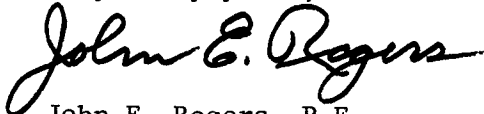
Chairman  
Committee on Public Works  
City Clerk's Office, City Hall  
Providence, Rhode Island

Dear Mr. Chairman:

We received a memorandum from the City Clerk dated May 16, 1975 concerning a petition by Brook Farm Developers, Inc. for the abandonment of a portion of Cortez Street.

A review of our distribution system indicates that we do not have any facilities in that section, therefore, have no objection to the petition.

Very truly yours,



John E. Rogers, P.E.  
Chief Engineer

ms

FRANK A. TIBALDI  
TRAFFIC ENGINEER  
JAMES J. D'AGOSTINO  
ASSISTANT TRAFFIC ENGINEER



VINCENT A. CIANCI, JR.  
MAYOR

## TRAFFIC ENGINEERING DEPARTMENT

60 ERNEST ST.

PROVIDENCE, R. I. 02905

781 - 4044

May 22, 1975

The Honorable City Council  
Committee on Public Works  
City Hall  
Providence, Rhode Island

Gentlemen:

The Traffic Engineering Department has received the following petition from your Committee and has taken the subsequent action:

Request: To abandon as a public highway that portion of Cortez Street from the southerly extension of the westerly lot line of Lot 273 on Assessor's Plat 34 to the easterly extension of the northerly lot line of lot 286 on Assessor's Plat 34, the same being a distance of 681 feet, more or less, measured along the northerly and westerly side of Cortez Street.

Disposition: No objection to said abandonment.

Very truly yours,

A handwritten signature in cursive script that reads "Frank A. Tibaldi".  
Frank A. Tibaldi  
Traffic Engineer

FAT/it

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 16, 1975

TO: \*

SUBJECT: CORTEZ STREET (ABANDONMENT PORTION)

CONSIDERED BY: Committee on Public Works

DISPOSITION: Attached is copy of Petition on above Subject  
for Study and Report.

- ✓ Acting Commissioner of Public Safety Cianci  
Acting Director of Public Works Healy  
Deputy Director of Department of Urban Development,  
Mr. Stanley Bernstein  
Traffic Engineer Tibaldi  
Chief Engineer Water Supply Board Rogers

City Clerk

CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

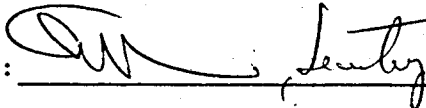
PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

*The undersigned respectfully petitions your honorable body*

to abandon as a public highway that portion of Cortez Street from the southerly extension of the westerly lot line of Lot 273 on Assessor's Plat 34 to the easterly extension of the northerly lot line of lot 286 on Assessor's Plat 34, the same being a distance of 681 feet, more or less, measured along the northerly and westerly side of Cortez Street.

BROOK FARM DEVELOPERS INC.

By: 

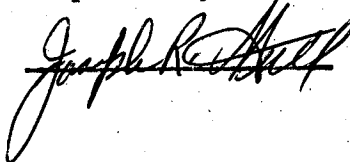
Attorneys for Brook Farm Developers Inc.:

PUCCI & GOLDIN  
624 Industrial Bank Building  
Providence, Rhode Island 02903

From : Batt. Chief Joseph R. Hull  
To: Chief of Department

Upon investigation this application should present no problems to the Providence Fire Dept.

Respectfully submitted,



JUN. 2 1975

APPROVED:

  
Chief of Department



VINCENT A. CIANCI, JR.  
MAYOR

**DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT**  
40 FOUNTAIN ST. • PROVIDENCE, R. I. 02903 • TEL. 401-831-6550

June 20, 1975

Committee on Public Works  
City Hall  
Providence, R. I. 02903

SUBJECT: Referral No. 1927 - ABANDONMENT PORTION CORTEZ STREET

Gentlemen:

This referral from the Committee on Public Works is a petition for the abandonment of a portion of Cortez St. delineated from the southerly extension of the westerly lot line of Lot 273 on Assessor's Plat 34 to the easterly extension of Lot 286 on Plat 34 for an included distance of 681 ft. The petition is submitted by the Brook Farm Developers Inc. The land adjoining the proposed abandonment is zoned C-2 (General Commercial).

Inspection revealed that the portion of Cortez St. indicated is not a passable highway and exists only on paper. The adjoining land is vacant and undeveloped. On the portion of Cortez St. proposed for abandonment the existing grade varies from a high on the northern end, to a total drop of 44 ft. at the southern boundary. The average elevation of the area in question is 60 ft. above the adjacent portion of Manton Ave. The earth material in the area is predominantly shale with outcroppings of rock ledge.

Attention is directed to a request by the same petitioner to the ZBR in November of 1973. At that time, plans were revealed for the construction of a 10-story 108 unit apartment building for the elderly. A request was made for a special exception under Section 27-7 of the Zoning Ordinance allowing for special conditions in the construction of "group housing". The exception was granted by the ZBR on 12/20/73, but the proposed construction has not been implemented.

Geological conditions at the site in question make ordinary development difficult, therefore, a reasonable proposal for use of this land should be encouraged. No objection to the proposal is offered by this department.

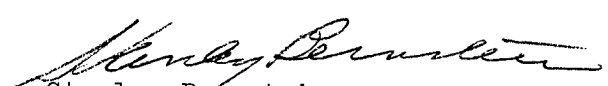
Upon motion of Mr. Crowley seconded by Mr. Flynn

The Commission

VOTED: To offer no objection to the proposed abandonment.

Very truly yours,

SB:ee

  
Stanley Bernstein  
Deputy Director

cc: Councilman Robert Haxton  
Councilman Laurence K. Flynn

PUCCI & GOLDIN

COUNSELLORS AT LAW

TELEPHONE  
AREA CODE 401  
861-7400

THOMAS D. PUCCI  
EDWARD S. GOLDIN  
SAMUEL A. OLEVSON  
JOSEPH R. TUTALO

624 INDUSTRIAL BANK BUILDING  
111 WESTMINSTER STREET  
PROVIDENCE, RHODE ISLAND 02903

July 14, 1975

The Honorable Vincent Vespia  
City Clerk  
City Hall  
Providence, Rhode Island

Re: Brook Farm Developers, Inc.  
Petition to the Honorable City Council  
Abandonment of a portion of Cortez Street

Dear Mr. Vespia:

On May 8, 1975, I delivered to you a petition for the above abandonment, together with our check for \$35.00 to cover the filing fee therefor. You were kind enough to acknowledge the same forthwith.

I note that petitions filed after that date have been advertised and this petition has not been advertised.

Can you advise the current status of the petition and the proposed advertising date and hearing thereon.

Many thanks.

Very truly yours,

*E. S. Goldin*

EDWARD S. GOLDIN

ESG-mr

7-15-75  
Telephoned  
to discuss same  
2

7-15-75  
Telephoned Councilman  
Flynn re same.

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: ABANDONMENT-CORTEZ STREET (PORTION) FROM THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 273 ON ASSESSOR'S PLAT 34 TO THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 286, THE SAME BEING A DISTANCE OF 681 FEET, MORE OR LESS, ALONG THE NORTHERLY AND WESTERLY SIDE OF CORTEZ STREET.

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
34	275	Isaac, Joseph, David and Julian Investment Company, Inc. 1313 Turks Head Building
34	279	Isaac, Joseph, David and Julian Investment Company, Inc. 1313 Turks Head Building
34	286	" " "
34	287	" " "
34	301	" " "

Date \_\_\_\_\_

Councilman Vincent J. Cirelli

Councilman Raymond Cola

This is to certify that I have caused a true copy of the attached Resolution to be served upon the above named persons, firms and/or corporations, as the case may be, by handing to each said person, firm and/or corporation, as the case may be, or by leaving at their last usual place of abode in this state, a true copy,

Date 9-4-75

Raymond Cola  
City Sergeant

PUCCI & GOLDIN

COUNSELLORS AT LAW

TELEPHONE  
AREA CODE 401  
861-7400

THOMAS D. PUCCI  
EDWARD S. GOLDIN  
SAMUEL A. OLEVSON  
JOSEPH R. TUTALO

624 INDUSTRIAL BANK BUILDING  
111 WESTMINSTER STREET  
PROVIDENCE, RHODE ISLAND 02903

September 17, 1975

Hon. Vincent ~~A.~~ Vespia  
City Clerk  
City Hall  
Providence, Rhode Island 02903

RE: Brook Farm Developers, Inc.  
Petition to the Honorable City Council for  
Abandonment of a Portion of Cortez Street

Dear Mr. Vespia:

The above matter was heard by the Committee on Public Works of the Honorable City Council on Monday, September 15, 1975 at 7:00 p.m. Our Joseph Tutalo was in attendance for the owners above as I was unable to attend because of the Jewish Holiday. The Chairman of the Committee questioned the ownership of the property, i.e., he advised that his records indicated that the Issac, Joseph David and Julian Investment Company were the record owners of the abutting property.

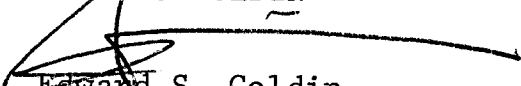
Mr. Tutalo advised that Brook Farm Developers, Inc., was the owner of all of the abutting property.

We enclose herewith a copy of deed dated January 10, 1975 of all of the property sold to Brook Farm Developers, Inc., by said Investment Company together with a map indicating the property conveyed (except for the said area which constitutes Cortez Street).

The confusion was apparently caused by the use of the December 31, 1974 Tax Assessor's records which will not be up-dated to show the new owner until December 31, 1975.

I would appreciate your transmitting a copy of this letter and the enclosures to the Chairman and the Honorable Committee to dissipate any ambiguity as to the owners of the abutting properties.

Very truly yours,  
PUCCI & GOLDIN

  
Edward S. Goldin

ESG:mrp  
Enclosures



corporation organized, established and existing under the laws of the State of Rhode Island,

for consideration paid, grant to BROOK FARM DEVELOPERS, INC. a corporation organ-

ized, established and existing under the laws of the State of Rhode Island,

with WARRANTY COVENANTS

PARCEL I:

Those ten (10) certain lots or parcels of land with all the buildings and improvements thereon, situated on the southerly side of Leander Street in the City and County of Providence, State of Rhode Island, laid out and designated as Lots No. 41 (forty-one) to 50 (fifty), both inclusive, on that plat entitled, "VIOLET HILL PLAT OF HOUSE LOTS IN PROV. BELONGING TO A C ANDREWS SURVEYED & PLATTED BY W. C. BOURNE MAY 1887 REPLATTED MAY 1889" which plat is recorded in the office of the Recorder of Deeds in the City of Providence in Plat Book 18 at page 53 and (copy) on Plat Card 608.

PARCEL II:

Those thirty-five (35) certain lots or parcels of land with all the buildings and improvements thereon, situated on Cortez Street in the City and County of Providence, State of Rhode Island, laid out and designated as Lot No. 2 (two) and Lots No. 5 (five) to 38 (thirty-eight), both inclusive, on that plat entitled, "DYERVILLE PLAT NO. 2 PROVIDENCE R.I. APRIL 1901 R H TINGLEY ENG'R" which plat is recorded in the office of the Recorder of Deeds in the City of Providence on Plat Card 880.

The above described premises are executed subject to taxes assessed as of December 31, 1974, not yet due and payable.

Witness this 10<sup>th</sup> day of January, 1975  
said corporation has caused these Presents to be executed and its corporate seal to be hereunto affixed by its Officer(s) duly authorized.

ISAAC, JOSEPH DAVID & JULIAN INVESTMENT COMPANY, INC.

BY: ..... Joseph D'Elia, Jr. Pres.

State of Rhode Island, Etc.  
COUNTY OF Providence

In Providence on the 10<sup>th</sup> day of January 1975  
before me personally appeared Joseph D'Elia, Jr. Pres.

of ISAAC, JOSEPH DAVID & JULIAN INVESTMENT COMPANY, INC.  
to me known and known by  
me to be the part of executing the foregoing instrument for and on behalf of said corporation, and he  
acknowledged said instrument, by him executed, to be his free act and deed, in his said  
capacity and the free act and deed of said corporation.

Charles A. Dwyer  
Notary Public

PLAT 129

CHALKSTONE

MANTON

AVE.

MANTON

DYERVILLE

POND

JOHNSTON

PLAT 34

EXHIBIT "A"

STREET

ST.

PERRIN

ST.

LEANDER

ST.

BALTIMORE

BALTIMORE

CORTEZ

AVE.

PLAT 95

PLAT 96

OF

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

DATE: September 18, 1975

TO: Members of the Committee on Public Works

SUBJECT: CORTEZ STREET - ABANDONMENT

CONSIDERED BY: City Clerk, Vincent Vespia

DISPOSITION: Attached is copy of communication from Mr. Edward S. Goldin, Esquire, dated September 17, 1975, relative to the Subject.

The same apparently clarifies the question raised after the Public Hearing of September 15, 1975, and is sent to you as suggested.

*Vincent Vespia*

City Clerk

PUCCI & GOLDIN

COUNSELLORS AT LAW

TELEPHONE  
AREA CODE 401  
861-7400

THOMAS D. PUCCI  
EDWARD S. GOLDIN  
SAMUEL A. OLEVSON  
JOSEPH R. TUTALO

624 INDUSTRIAL BANK BUILDING  
III WESTMINSTER STREET  
PROVIDENCE, RHODE ISLAND 02903

September 17, 1975

Hon. Vincent ~~A.~~ Vespia  
City Clerk  
City Hall  
Providence, Rhode Island 02903

RE: Brook Farm Developers, Inc.  
Petition to the Honorable City Council for  
Abandonment of a Portion of Cortez Street

Dear Mr. Vespia:

The above matter was heard by the Committee on Public Works of the Honorable City Council on Monday, September 15, 1975 at 7:00 p.m. Our Joseph Tutalo was in attendance for the owners above as I was unable to attend because of the Jewish Holiday. The Chairman of the Committee questioned the ownership of the property, i.e., he advised that his records indicated that the Issac, Joseph David and Julian Investment Company were the record owners of the abutting property.

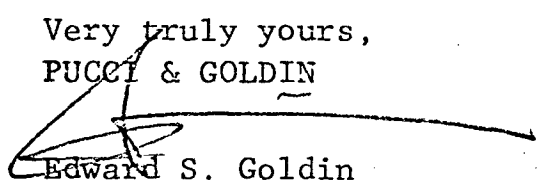
Mr. Tutalo advised that Brook Farm Developers, Inc., was the owner of all of the abutting property.

We enclose herewith a copy of deed dated January 10, 1975 of all of the property sold to Brook Farm Developers, Inc., by said Investment Company together with a map indicating the property conveyed (except for the said area which constitutes Cortez Street).

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I would appreciate your transmitting a copy of this letter and the enclosures to the Chairman and the Honorable Committee to dissipate any ambiguity as to the owners of the abutting properties.

Very truly yours,  
PUCCI & GOLDIN

  
Edward S. Goldin

ESG:mrp  
Enclosures

corporation organized, established and existing under the laws of the State of Rhode Island,  
for consideration paid, grant to BROOK FARM DEVELOPERS, INC. a corporation organized, established and existing under the laws of the State of Rhode Island,

with WARRANTY COVENANTS

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The above described premises are executed subject to taxes assessed as of December 31, 1974, not yet due and payable.

Witness this 10<sup>th</sup> day of January, 1975  
said corporation has caused these Presents to be executed and its corporate seal to be hereunto affixed by its Officer(s) duly authorized.

ISAAC, JOSEPH DAVID & JULIAN INVESTMENT COMPANY, INC.

BY: .....

State of Rhode Island, Etc.  
COUNTY OF Providence

In Providence on the 10<sup>th</sup> day of January 1975  
before me personally appeared Joseph D'Elia, Jr. Pres.  
of ISAAC, JOSEPH DAVID & JULIAN INVESTMENT COMPANY, INC. to me known and known by  
me to be the part y executing the foregoing instrument for and on behalf of said corporation, and he  
acknowledged said instrument, by him executed, to be his free act and deed, in his said  
capacit y and the free act and deed of said corporation.

Charles A. D'Elia  
Notary Public

**DYERVILLE**

PLAT  
129

JOHNSTON

**POND**

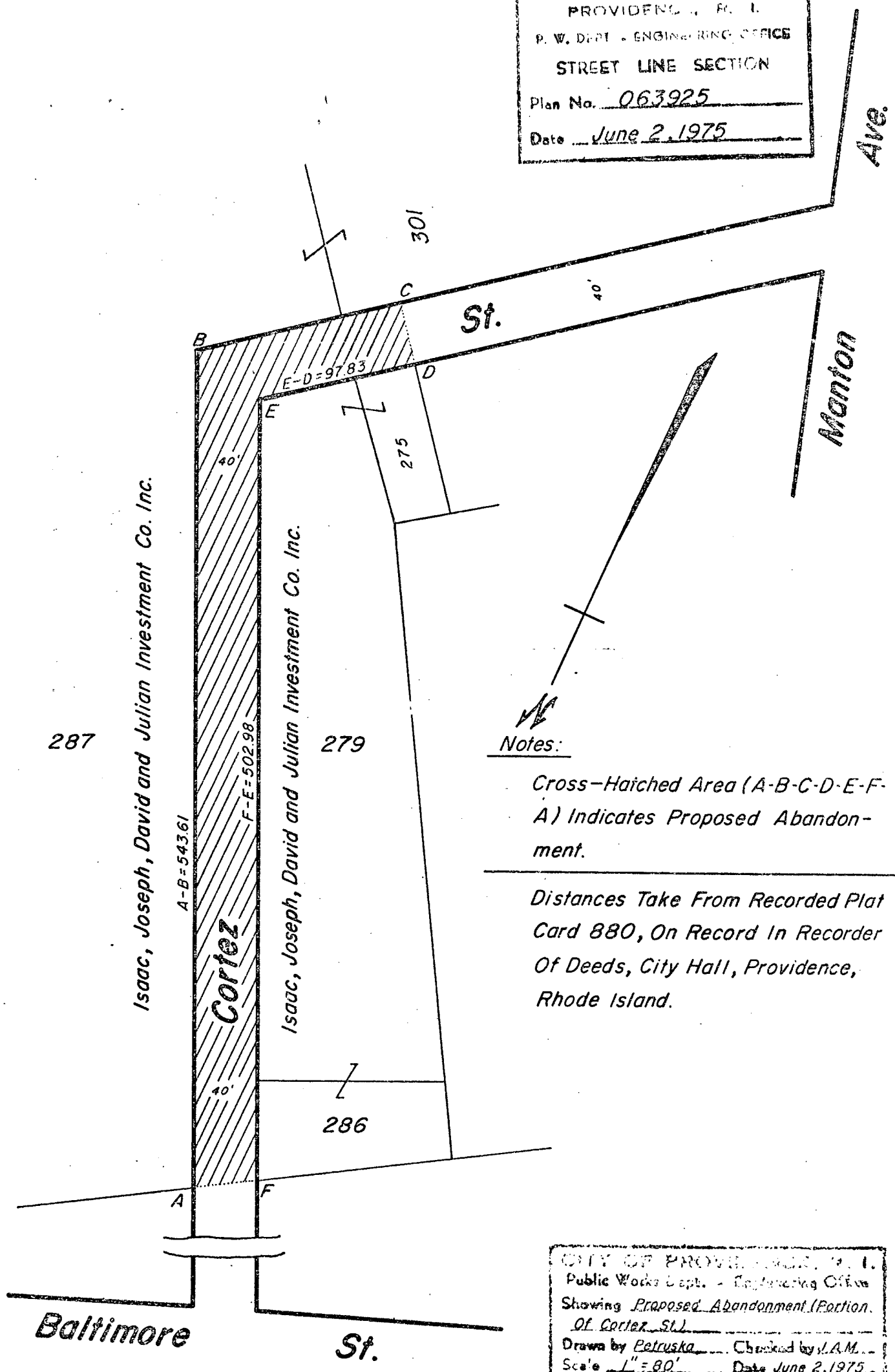
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PLA 7

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PLAT 95

PROVIDENCE, R. I.  
 P. W. DEPT. - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 063925  
 Date June 2, 1975



Notes:

Cross-Hatched Area (A-B-C-D-E-F-A) Indicates Proposed Abandonment.

Distances Take From Recorded Plat Card 880, On Record In Recorder Of Deeds, City Hall, Providence, Rhode Island.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing Proposed Abandonment (Portion Of Cortez St.)  
 Drawn by Petruska Checked by J.A.M.  
 Scale 1"=80' Date June 2, 1975  
 Corrected by J. J. Quigley Associates Inc.  
 Approved Joseph J. Camp  
 CHIEF ENGINEER

Lot Numbers From Assessor's Plat 34