

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 84

EFFECTIVE ~~APPROVED~~ FEBRUARY 17, 2008

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064771 dated March 31, 2005.

VIZ:

FOUNTAIN STREET, a portion of, running from Mathewson Street to the far edge of AP 25, Lot 422, shown as the cross-hatched area on accompanying plan and designated by the letters (A-B-C-D), having ceased to be useful to the public, is proposed to be abandoned as a Public Highway. Said Abandonment is specifically conditioned upon the following:

(1) The petitioner 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 petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(2) Petitioner 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.

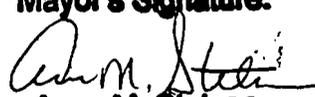
(3) Such other conditions as the Mayor or the Law Department shall see fit to impose.
And it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State.

IN CITY COUNCIL
FEB 17 2008
READ AND PASSED

PRES.

CLERK

Effective without the
Mayor's Signature:

Anna M. Stetson
City Clerk

IN CITY COUNCIL
MAR 17, 2005
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Ann M. Stebbins CLERK

From Clerk's Desk

THE COMMITTEE ON
Public Works
Recommends
Ann M. Stebbins
CLERK
8-16-05 Schedule
P. Hwy

THE COMMITTEE ON
Public Works
Public Hearing Held
Ann M. Stebbins
CLERK
9-14-05

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Ann M. Stebbins
Clerk
1-29-08

of Public Works
:enlarged to 11

Ann M. Stebbins

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 petition your honorable body

March 9, 2005

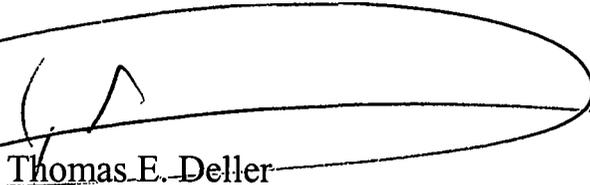
To the Honorable City Council:

The Department of Planning and Development, in an effort to improve traffic flow and parking and to encourage development, is redesigning the layout, traffic flow and parking configuration along Fountain Street and the surrounding area.

In order to facilitate this plan, this petition seeks to abandon a portion of Fountain Street as shown on the attached plan. Said area will be merged with the Fogarty Building site to create a more viable development parcel, while still improving traffic circulation and creating additional parking.

We respectfully thank the City Council for consideration in this important matter.

Respectfully submitted,


Thomas E. Deller

RECEIVED
CITY CLERK
MARCH 10 2005

RECEIVED
CITY CLERK
MARCH 10 2005

RECEIVED
CITY CLERK
MARCH 10 2005

IN CITY COUNCIL
MAR 17 2005
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael A. Clement
CLERK

From the Clerk's desk

THE COMMITTEE ON

Public Works
Recommends

Ann M. Stebbins
CLERK

8-16-05 - Schedule P. Hwy

THE COMMITTEE ON

Public Works
Public Hearing Held

Craig B. Burtner
CLERK

9/14/05

DEPT. OF CITY CLERK
PROVIDENCE, R.I.
2005 MAR - 8 P 12: 38

FILED



Department of Planning and Development

DAVID N. CICILLINE
Mayor

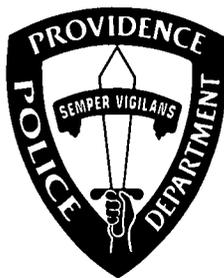
Date: March 9, 2005

To: Michael Clements

From: April H. Wolf

Subject: Council Petition

Attached please find a petition for a partial street abandonment for submission to the City Council.



Department of Public Safety, Police Department
"Building Pride in Providence"

August 2, 2005

Anna M. Stetson, Second Deputy City Clerk

Dear Anna:

The Police Department has no objections to the abandonment of that portion of Fountain St. outside of the Fogarty Building as proposed by the Department of Planning and Development.

Sincerely,


Capt. James T. Nolette

George S. Farrell
Fire Marshal

George D. Calise
Deputy Fire Marshal



David N. Cicilline
Mayor

David D. Costa
Chief of Department

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

June 15, 2005

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

Re: Request from the Department of Planning and Development to abandon a portion of Fountain Street.

Dear Ms. Stetson

The Providence Fire Department has no objection to the request from the Department of Planning and Development to abandon that portion of Fountain Street that is immediately adjacent to the Fogarty Building site as indicated on the attached copy of conceptual plan no. 2 Fountain Street.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony DiGiulio', written in a cursive style.

Captain Anthony DiGiulio, ADSFM
Providence Fire Prevention

Cc: Marshal George S. Farrell

JOHN D. NICKELSON, PE
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

April 5, 2005

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council – City Hall
Providence, RI 02903

RE: Proposed Abandonment of a Portion of Fountain Street

Dear Councilman Hassett:

This department has no objection to the proposed abandonment of a portion of Fountain Street in conjunction with the attached plan, entitled "Providence, R.I.-P.W. Dept. – Engineering Office, Street Line Section, Plan No. 06471-Date: 3-31-2005.

That portion of Fountain Street to be abandoned is shown as cross-hatched area on the accompanying plan designated as (A-B-C-D-A).

It is noted that there is a SEWER EASEMENT required for Fountain Street. Total square footage for this portion of abandonment is 3942+. Lot number(s) for aforementioned plan were taken from City of Providence Assessor's Plat # 25.

According to Informational Bulletin 2003.01 issued by Rhode Island State Board of Registration for Professional Land Surveyor, a road abandonment constitute a boundary change, and, as such, requires a Class 1 survey prepared by a Professional Land Surveyor, properly licensed by said board.

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

Very truly yours,

John D. Nickelson, PE
Director

Cc: M. Clement – City Clerk
BB, GF, SZ-DPW
A. Southgate, Esq. – Law Dept.
T. Deller; W. Floriani - Planning

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: March 21, 2005

TO: William Bombard, Traffic Engineer

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: I have been directed by Councilman Terrence M. Hassett, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

Please report back to this office as soon as practical.

**PETITION FROM THOMAS E. DELLER,
EXECUTIVE DIRECTOR, DEPARTMENT OF
PLANNING & DEVELOPMENT, REQUESTING
TO ABANDON A PORTION OF FOUNTAIN
STREET.**


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 petition your honorable body

March 9, 2005

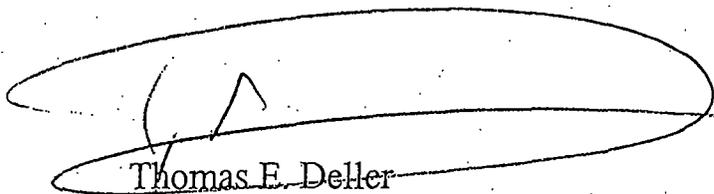
To the Honorable City Council:

The Department of Planning and Development, in an effort to improve traffic flow and parking and to encourage development, is redesigning the layout, traffic flow and parking configuration along Fountain Street and the surrounding area.

In order to facilitate this plan, this petition seeks to abandon a portion of Fountain Street as shown on the attached plan. Said area will be merged with the Fogarty Building site to create a more viable development parcel, while still improving traffic circulation and creating additional parking.

We respectfully thank the City Council for consideration in this important matter.

Respectfully submitted,



Thomas E. Deller

RECEIVED
CITY OF PROVIDENCE
MARCH 10 2005

**Description of
Proposed Abandonment of a
Portion of Fountain Street
Providence, Rhode Island
03/28/05**

That certain parcel of land in Providence, Rhode Island, in the County of Providence and the State of Rhode Island and Providence Plantations bounded and described as follows:

Beginning at a point at the intersection of the northerly line of Fountain Street to be abandoned and the westerly side of Mathewson Street. Said point also being the southeasterly corner of Assessor's Plat 25 Lot 422 as shown on that exhibit entitled "Street Abandonment of a Portion of Fountain Street Providence, Rhode Island; March 2005; Scale: 1"=30'; Exhibit A; by Vanasse Hangen Brustlin, Inc. 530 Broadway Providence, Rhode Island.

Thence: in the new easterly line of Fountain Street as shown on the aforementioned exhibit, S50°11'38"E a distance of twenty four and 14/100 feet (24.14') to a point.

Thence: in the new northerly line of Fountain Street as shown on the aforementioned exhibit, S33°35'56"W a distance of one hundred sixty four and 25/100 feet (164.25') to a point.

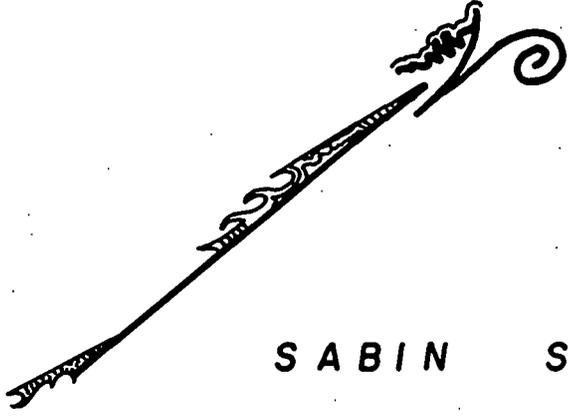
Thence: in the new westerly line of Fountain Street as shown on the aforementioned exhibit, N50°12'14"W a distance of twenty four and 14/100 feet (24.14') to a point in the northerly line of Fountain Street to be abandoned.

Thence: in the northerly line of Fountain Street to be abandoned as shown on the aforementioned exhibit, N33°35'56"E a distance of one hundred sixty four and 25/100 feet (164.25') to the point of beginning.

Parcel contains 0.09049 acres or 3,942 square feet more or less.

Meaning and intending to be that portion of Fountain Street to be abandoned as shown on the aforementioned exhibit.

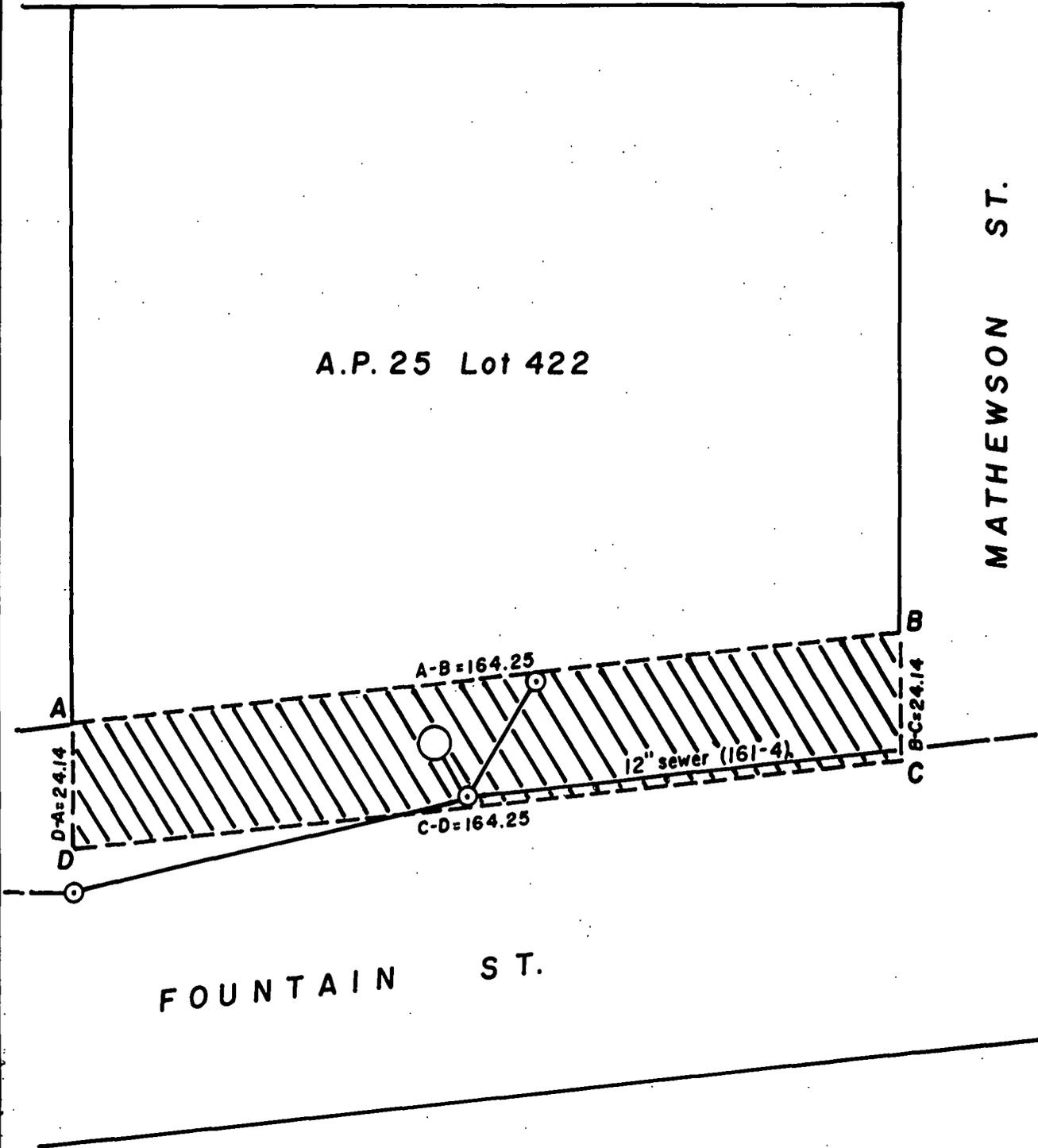
PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064771
 Date March 31, 2005



SABIN ST.

A.P. 25 Lot 422

MATHEWSON ST.

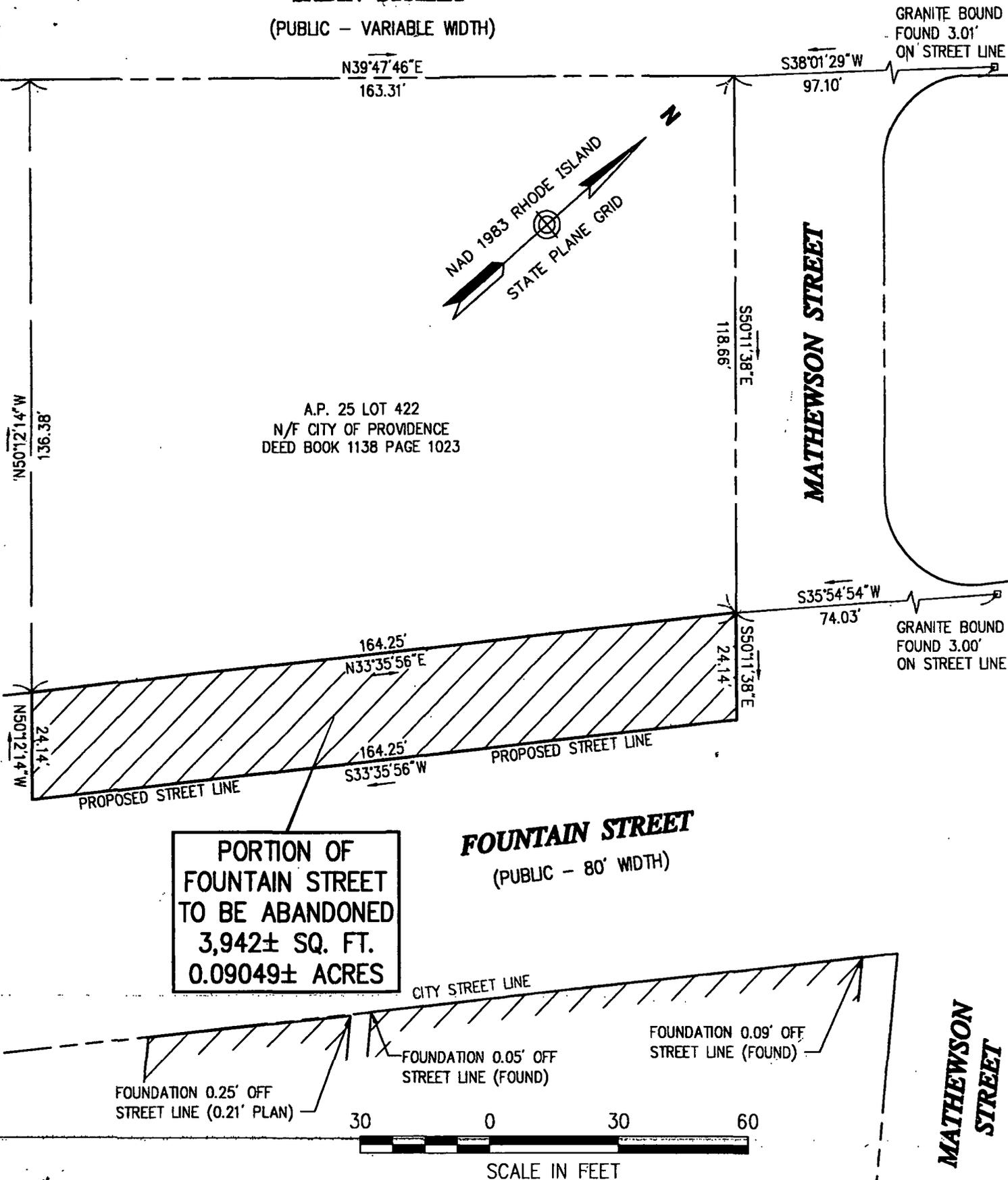


NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.
 Full sewer easement required.
 Total square footage = 3,942'±

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed abandonment of a portion of Fountain St.
 Drawn by A. Zisides Checked by _____
 Scale 1" = 30' Date 3-31-2005
 Correct James A. Morris Associate Engr.
 Approved William C. Bonbard
 CHIEF ENGINEER

SABIN STREET

(PUBLIC - VARIABLE WIDTH)



Street Abandonment of a
Portion of Fountain Street
Providence, Rhode Island
March 2005

Scale: 1"=30'

J:\71202.01\cad\sr\7120201EHA.dwg

VHIB

Vanasse Hangen Brustlin, Inc.

Transportation Land Development Environmental Services
530 Broadway Providence, Rhode Island 02909
401 272 8100 • FAX 401 273 9694

EXHIBIT A

ANDREW K. MOFFIT
Chairman
JOSEPH D. CATALDI
Vice Chairman
ALEXANDER D. PRIGNANO
Ex-Officio
CARISSA R. RICHARD
Secretary
FERNANDO S. CUNHA, ESQ.
Legal Advisor



DAVID N. CICILLINE
Mayor
BOYCE SPINELLI
Acting General Manager
JOSEPH DE LUCA
City Councilman
PATRICK K. BUTLER
City Councilman
ANNE T. QUINTERNO
Member
EVERETT BIANCO
Member

September 19, 2005

Councilman Terrence M. Hassett, Chairman
Committee on Public Works
City Hall
25 Dorrance Street
Providence, RI 02903

SUBJECT: Petition for Street Abandonment
Fountain Street (Portion of)
Providence, Rhode Island

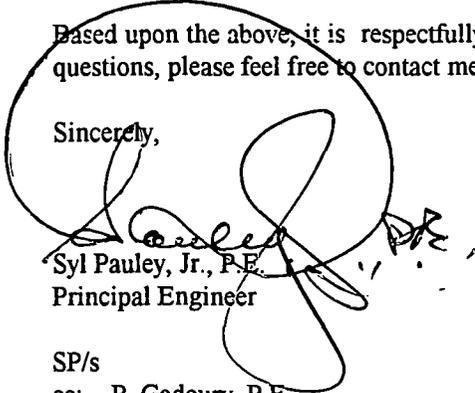
Dear Councilman Hassett:

The referenced Petition to the City Council was originally received by Providence Water in March 2005. A review of water distribution system maps at that time revealed the presence of a water main in or very close to the area of the proposed street abandonment—it was too close to call based upon available map references. Accordingly, a telephone call was made to the Department of Planning and Development requesting that detailed land surveying information be provided "on the ground" so a determination could be made on whether or not the water main is within the area of proposed abandonment. The undersigned was advised that an engineer was preparing a site/utility plan with land surveying information for the proposed abandonment area, which would be helpful in our review. This plan has yet to be submitted to Providence Water.

At this time it cannot be ascertained whether or not a water main easement will be required within the abandonment from the diagram supplied with the Petition. As soon as the previously requested information is received from the Department of Planning and Development, a determination will be made.

Based upon the above, it is respectfully requested that this Petition not be acted upon at this time. If you have any questions, please feel free to contact me at (401) 521-6300 EXT 7241.

Sincerely,



Syl Pauley, Jr., P.E.
Principal Engineer

SP/s

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

ABNLTR99.WPD

WWW.PROVWATER.COM

552 ACADEMY AVENUE ◊ PROVIDENCE, RHODE ISLAND ◊ 02908 ◊ (401) 521-6300 ◊ FAX (401) 331-5081 ◊ TDD (401) 751-0203

ALIX R. OGDEN
Superintendent of Parks



DAVID N. CICILLINE
Mayor

Department of Public Parks

"Building Pride In Providence"

July 22, 2005

Anna M. Stetson, Second Deputy City Clerk
Department of City Clerk
City of Providence
City Hall
Providence, RI

RE: Abandonment of portion of Fountain St.

The Department of Public Parks has no objection to the proposed abandonment of a portion of Fountain Street.

Sincerely Yours

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

John A. Izzo

Supervisor of Engineering & Planning

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 

CC: John D. Nickelson, PE, Director of DPW
Councilman Leon F. Tejada, Chairman, Committee on Public Work

DATE: January 31, 2008

SUBJECT: Petition from Thomas E. Deller, Executive Director, Department of Planning & Development, requesting to abandon a portion of Fountain Street.

The DPW - Division of Traffic Engineering has reviewed this request and approves the abandonment of a portion of Fountain Street.



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

September 26, 2007

Mr. John Gelati
Tax Assessor
City of Providence
25 Dorrance street
Providence, Rhode Island 02903

RE: Proposed Partial Abandonment of Fountain Street

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Fountain Street, otherwise designated as a partial abandonment on Assessor's Plat 25 as it intersects with Mathewson and Fountain Streets in the downtown neighborhood.

The proposed abandonment contains approximately 3,942 square feet. The area in general measures 24.14 feet by 164.25 feet in length along the center line of Fountain Street. The City's Department of Public Works has no objection to this request; however, they are requiring a Class 1 Survey for recording. The parcel is zoned D1-100.

We have taken into account a number of factors in arriving at the fee simple market value of the site. There are plans to construct a large commercial retail building on an adjacent site. While the petitioner will gain partial use of the site for commercial use, there will also be a full sewer easement required by the Department of Public Works. As such, the petitioner will gain partial use of the site.

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. John Gelati
Page 2
September 26, 2007

The highest and best use of the parcel would be commercial given its location along the Fountain Street corridor and given its proximity to Sabin Street and the Rhode Island Convention Center.

Based upon an analysis of comparable land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a fee value of \$120.00 per square foot is hereby estimated. However, the fee value is offset by the City's continued use of the subsurface area for sewer line purposes.

Therefore, 3,942 square feet x \$120.00 per square foot = \$473,040 x .50 = \$236,520.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.

William G. Floriani (fwd)

William G. Floriani
Certified Residential Appraiser

Thomas S. Andolfo, MAI

Thomas S. Andolfo, MAI
Certified General Appraiser

WGF:TSA/fad



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

April 29, 2005

Honorable Terrence M. Hassett, Chair
Committee on Public Works
City Hall
Providence, RI 02903

Attn: Anna Stetson, Second Deputy City Clerk

Re: CPC REFERRAL NO. 3241: Proposed Abandonment of a portion of Fountain Street

Dear Councilman Hassett:

The City Plan Commission at its regular meeting on Tuesday, April 19, 2005 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of a portion of Fountain Street, as petitioned by Thomas E. Deller, Director of the Department of Planning and Development.

The Commission made the following findings of fact as required by the *City Plan Commission Handbook* Policy No. 1: "Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment":

1. *A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

The partial abandonment of the street is in the public interest as it will further the development of the adjacent parcel of land at 133 Fountain Street while improving traffic circulation and creating additional parking. As the portion of right-of-way in question is a narrow strip of Fountain Street, there will be no adverse impact on traffic patterns.

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

No negative impacts from this abandonment are anticipated.

3. *All abutting landowners agree to the proposed abandonment.*

The City of Providence is the only abutter to this portion of right-of-way.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

No access will be denied to surrounding areas.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The City would need to grant easements if necessary.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that the petition should be approved with the following conditions:

1. The sidewalk along the portion of Fountain Street proposed for abandonment shall be a minimum of twelve (12) feet in width.
2. The proposed abandonment shall be reviewed by the City's Department of Traffic and Engineering.
3. The City shall grant any easements that may be necessary.

Sincerely,



Christopher J. Ise
Administrative Officer

c: Thomas E. Deller, Director, Department of Planning and Development

Narragansett Electric

A National Grid Company



March 29, 2005

Anna M. Stetson
City Clerk's Office
Providence City Hall
Providence, RI 02903

Re: Petition to Abandon a portion of Fountain Street

Dear Ms. Stetson:

Please be advised that after review, it has been determined that Narragansett Electric Company (NECO) has underground 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)

Right Of Way



March 25, 2005

85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 728-7680

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

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF FOUNTAIN STREET

Upon investigation by our in house Engineer-Paul Troia it has been determined that Verizon has underground facilities in the portion of Fountain Street to be abandoned.

These facilities include underground cables and manholes as shown on attached sketch 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,

A handwritten signature in cursive script that reads "Mary C. Hanley".

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



March 29, 2005

New England Gas Company 

Councilman Terrence M. Hassett
Chairman - Committee on Public Works
City of Providence
Providence, RI 02903

RE: Public Works Committee
Proposed Abandonment of a Portion of Fountain St.

Dear Councilman Hassett:

New England Gas Company has no objection to the proposed abandonment of a portion of Fountain Street in the vicinity of the Fogarty Building site. However, there is the potential for the proposed work to negatively impact our existing gas facilities in some locations. Please make certain that our Engineering Department receives a full set of plans for the proposed work. They will identify areas of potential conflict between the work and our gas facilities and communicate how such conflicts could be addressed.

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

Sincerely,



Thomas Gavula
Manager - GIS, Drafting & Cathodic Protection

cc: Mike DeCristoforo

THE CITY OF PROVIDENCE

CITY SERGEANT'S OFFICE

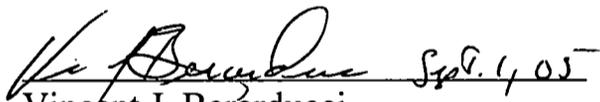
THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

PETITION TO ABANDON A PORTION OF FOUNTAIN STREET

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
25	422	Thomas E. Deller Department of Planning & Development 400 Westminster Street Providence, RI 02903

PETITIONER

Thomas E. Deller
Department of Planning & Development
400 Westminster Street
Providence, RI 02903


Vincent J. Berarducci
City Sergeant

Council President John J. Lombardi
Ward 13

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 84

EFFECTIVE ~~XXXXXX~~ **Approved** FEBRUARY 17, 2008

RESOLVED, DECREED AND ORDERED:

That the following named street shown as cross-hatched area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064771 dated March 31, 2005.

VIZ:

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(1) The petitioner 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 petitioner that any such facilities need be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(2) Petitioner 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.

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

And it is further

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IN CITY COUNCIL
FEB 17 2008
READ AND PASSED

PRES.

CLERK

Effective without the Mayor's Signature.

Anna M. Stetson
City Clerk
A true copy
Attest:

Anna M. Stetson
City Clerk



ARDOLFO 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

September 26, 2007

Mr. John Gelati
Tax Assessor
City of Providence
25 Dorrance street
Providence, Rhode Island 02903

RE: Proposed Partial Abandonment of Fountain Street

Dear Mr. Gelati:

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The proposed abandonment contains approximately 3,942 square feet. The area in general measures 24.14 feet by 164.25 feet in length along the center line of Fountain Street. The City's Department of Public Works has no objection to this request; however, they are requiring a Class 1 Survey for recording. The parcel is zoned D1-100.

We have taken into account a number of factors in arriving at the fee simple market value of the site. There are plans to construct a large commercial retail building on an adjacent site. While the petitioner will gain partial use of the site for commercial use, there will also be a full sewer easement required by the Department of Public Works. As such, the petitioner will gain partial use of the site.

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petition your honorab

RECEIVED IN COMMITTEE ON
FIRST READING
CITY COUNCIL

March 9, 2005

To the Honorable City Council:

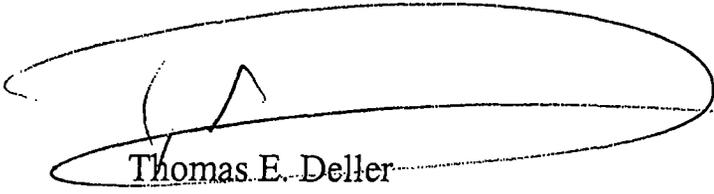
The Department of Planning and Development, in an effort to improve traffic flow and parking and to encourage development, is redesigning the layout, traffic flow and parking configuration along Fountain Street and the surrounding area.

In order to facilitate this plan, this petition seeks to abandon a portion of Fountain Street as shown on the attached plan. Said area will be merged with the Fogarty Building site to create a more viable development parcel, while still improving traffic circulation and creating additional parking.

We respectfully thank the City Council for consideration in this important matter.

RECEIVED IN COMMITTEE ON
CITY COUNCIL

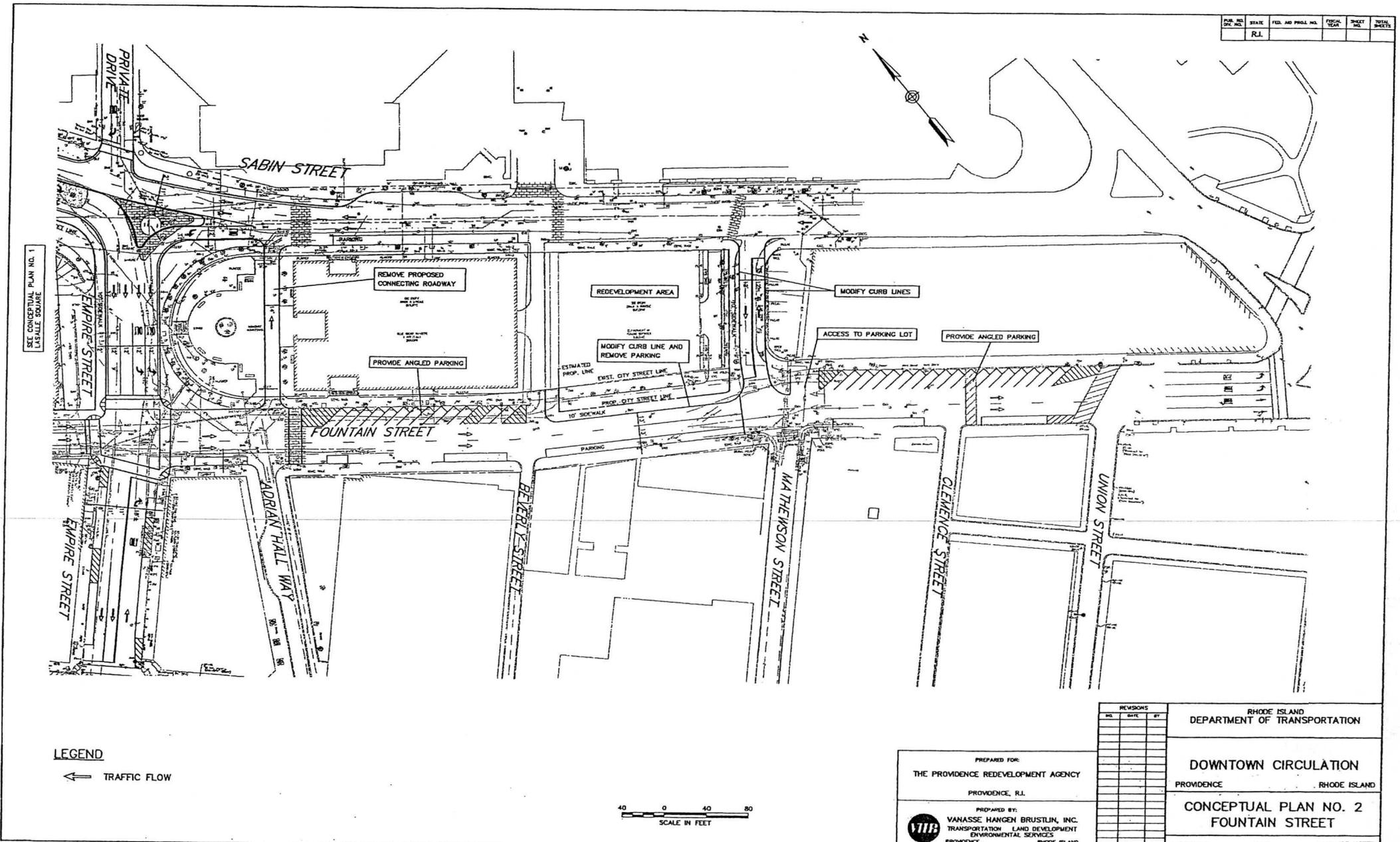
Respectfully submitted,



Thomas E. Deller

RECEIVED IN COMMITTEE ON
CITY COUNCIL

PLAN NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
RI.1	RI.				



SEE CONCEPTUAL PLAN NO. 1
LASALLE SQUARE

Doc No: 00005968
Book: 9034 Page: 89

LEGEND
 TRAFFIC FLOW

40 0 40 80
SCALE IN FEET

REVISIONS		
NO.	DATE	BY

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION

DOWNTOWN CIRCULATION
PROVIDENCE, RHODE ISLAND

CONCEPTUAL PLAN NO. 2
FOUNTAIN STREET

CHECKED BY _____ DATE _____ SCALE AS NOTED

PREPARED FOR:
THE PROVIDENCE REDEVELOPMENT AGENCY
PROVIDENCE, R.I.

PREPARED BY:
VANASSE HANGEN BRUSTLIN, INC.
TRANSPORTATION LAND DEVELOPMENT
ENVIRONMENTAL SERVICES
PROVIDENCE, RHODE ISLAND



Department of Planning and Development

DAVID N. CICILLINE
Mayor

Date: March 9, 2005

To: Michael Clements

From: April H. Wolf

Subject: Council Petition

Attached please find a petition for a partial street abandonment for submission to the City Council.



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

April 29, 2005

Honorable Terrence M. Hassett, Chair
Committee on Public Works
City Hall
Providence, RI 02903

Attn: Anna Stetson, Second Deputy City Clerk

Re: CPC REFERRAL NO. 3241: Proposed Abandonment of a portion of Fountain Street

Dear Councilman Hassett:

The City Plan Commission at its regular meeting on Tuesday, April 19, 2005 reviewed and evaluated the request of the Committee on Public Works that the Commission review and make a recommendation regarding the proposed abandonment of a portion of Fountain Street, as petitioned by Thomas E. Deller, Director of the Department of Planning and Development.

The Commission made the following findings of fact as required by the *City Plan Commission Handbook* Policy No. 1: "Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment":

1. *A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

The partial abandonment of the street is in the public interest as it will further the development of the adjacent parcel of land at 133 Fountain Street while improving traffic circulation and creating additional parking. As the portion of right-of-way in question is a narrow strip of Fountain Street, there will be no adverse impact on traffic patterns.

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

Page 2

No negative impacts from this abandonment are anticipated.

3. *All abutting landowners agree to the proposed abandonment.*

The City of Providence is the only abutter to this portion of right-of-way.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

No access will be denied to surrounding areas.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is not known whether public services or facilities need to be protected, provided, or maintained within the rights-of-way. The City would need to grant easements if necessary.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan have been provided. This proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

The Commission voted to recommend to the Committee on Public Works that the petition should be approved with the following conditions:

1. The sidewalk along the portion of Fountain Street proposed for abandonment shall be a minimum of twelve (12) feet in width.
2. The proposed abandonment shall be reviewed by the City's Department of Traffic and Engineering.
3. The City shall grant any easements that may be necessary.

Sincerely,



Christopher J. Ise
Administrative Officer

c: Thomas E. Deller, Director, Department of Planning and Development



Department of Public Safety, Police Department
"Building Pride in Providence"

August 2, 2005

Anna M. Stetson, Second Deputy City Clerk

Dear Anna:

The Police Department has no objections to the abandonment of that portion of Fountain St. outside of the Fogarty Building as proposed by the Department of Planning and Development.

Sincerely,


Capt. James T. Nolette

George S. Farrell
Fire Marshal

George D. Calise
Deputy Fire Marshal



Report No: 00005968
Page: 9034 Page: 94

David N. Cicilline
Mayor

David D. Costa
Chief of Department

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

June 15, 2005

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

Re: Request from the Department of Planning and Development to abandon a portion of Fountain Street.

Dear Ms. Stetson

The Providence Fire Department has no objection to the request from the Department of Planning and Development to abandon that portion of Fountain Street that is immediately adjacent to the Fogarty Building site as indicated on the attached copy of conceptual plan no. 2 Fountain Street.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony DiGiulio".

Captain Anthony DiGiulio, ADSFM
Providence Fire Prevention

Cc: Marshal George S. Farrell



Department of Public Works

"Building Pride in Providence"

April 5, 2005

Honorable Terrence N. Hassett
Chairman of the Public Works Committee
Providence City Council – City Hall
Providence, RI 02903

RE: Proposed Abandonment of a Portion of Fountain Street

Dear Councilman Hassett:

This department has no objection to the proposed abandonment of a portion of Fountain Street in conjunction with the attached plan, entitled "Providence, R.I.-P.W. Dept. – Engineering Office, Street Line Section, Plan No. 06471-Date: 3-31-2005.

That portion of Fountain Street to be abandoned is shown as cross-hatched area on the accompanying plan designated as (A-B-C-D-A).

It is noted that there is a SEWER EASEMENT required for Fountain Street. Total square footage for this portion of abandonment is 3942±. Lot number(s) for aforementioned plan were taken from City of Providence Assessor's Plat # 25.

According to Informational Bulletin 2003.01 issued by Rhode Island State Board of Registration for Professional Land Surveyor, a road abandonment constitute a boundary change, and, as such, requires a Class 1 survey prepared by a Professional Land Surveyor, properly licensed by said board.

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

Very truly yours,

John D. Nickelson, PE
Director

Cc: M. Clement – City Clerk
BB, GF, SZ-DPW
A. Southgate, Esq. – Law Dept.
T. Deller; W. Floriani - Planning



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: March 21, 2005

TO: William Bombard, Traffic Engineer

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: I have been directed by Councilman Terrence M. Hassett, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

Please report back to this office as soon as practical.

**PETITION FROM THOMAS E. DELLER,
EXECUTIVE DIRECTOR, DEPARTMENT OF
PLANNING & DEVELOPMENT, REQUESTING
TO ABANDON A PORTION OF FOUNTAIN
STREET.**


City Clerk

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petition your honorable body

March 9, 2005

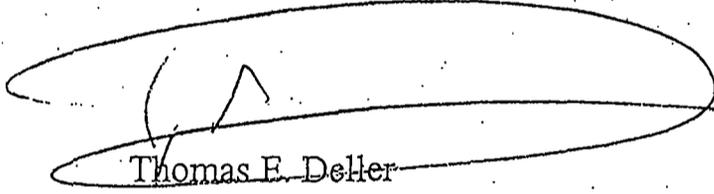
To the Honorable City Council:

The Department of Planning and Development, in an effort to improve traffic flow and parking and to encourage development, is redesigning the layout, traffic flow and parking configuration along Fountain Street and the surrounding area.

In order to facilitate this plan, this petition seeks to abandon a portion of Fountain Street as shown on the attached plan. Said area will be merged with the Fogarty Building site to create a more viable development parcel, while still improving traffic circulation and creating additional parking.

We respectfully thank the City Council for consideration in this important matter.

Respectfully submitted,



Thomas E. Deller

RECEIVED
CITY OF PROVIDENCE
MARCH 10 2005

**Description of
Proposed Abandonment of a
Portion of Fountain Street
Providence, Rhode Island
03/28/05**

That certain parcel of land in Providence, Rhode Island, in the County of Providence and the State of Rhode Island and Providence Plantations bounded and described as follows:

Beginning at a point at the intersection of the northerly line of Fountain Street to be abandoned and the westerly side of Mathewson Street. Said point also being the southeasterly corner of Assessor's Plat 25 Lot 422 as shown on that exhibit entitled "Street Abandonment of a Portion of Fountain Street Providence, Rhode Island; March 2005; Scale: 1"=30'; Exhibit A; by Vanasse Hangen Brustlin, Inc. 530 Broadway Providence, Rhode Island.

Thence: in the new easterly line of Fountain Street as shown on the aforementioned exhibit, S50°11'38"E a distance of twenty four and 14/100 feet (24.14') to a point.

Thence: in the new northerly line of Fountain Street as shown on the aforementioned exhibit, S33°35'56"W a distance of one hundred sixty four and 25/100 feet (164.25') to a point.

Thence: in the new westerly line of Fountain Street as shown on the aforementioned exhibit, N50°12'14"W a distance of twenty four and 14/100 feet (24.14') to a point in the northerly line of Fountain Street to be abandoned.

Thence: in the northerly line of Fountain Street to be abandoned as shown on the aforementioned exhibit, N33°35'56"E a distance of one hundred sixty four and 25/100 feet (164.25') to the point of beginning.

Parcel contains 0.09049 acres or 3,942 square feet more or less.

Meaning and intending to be that portion of Fountain Street to be abandoned as shown on the aforementioned exhibit.

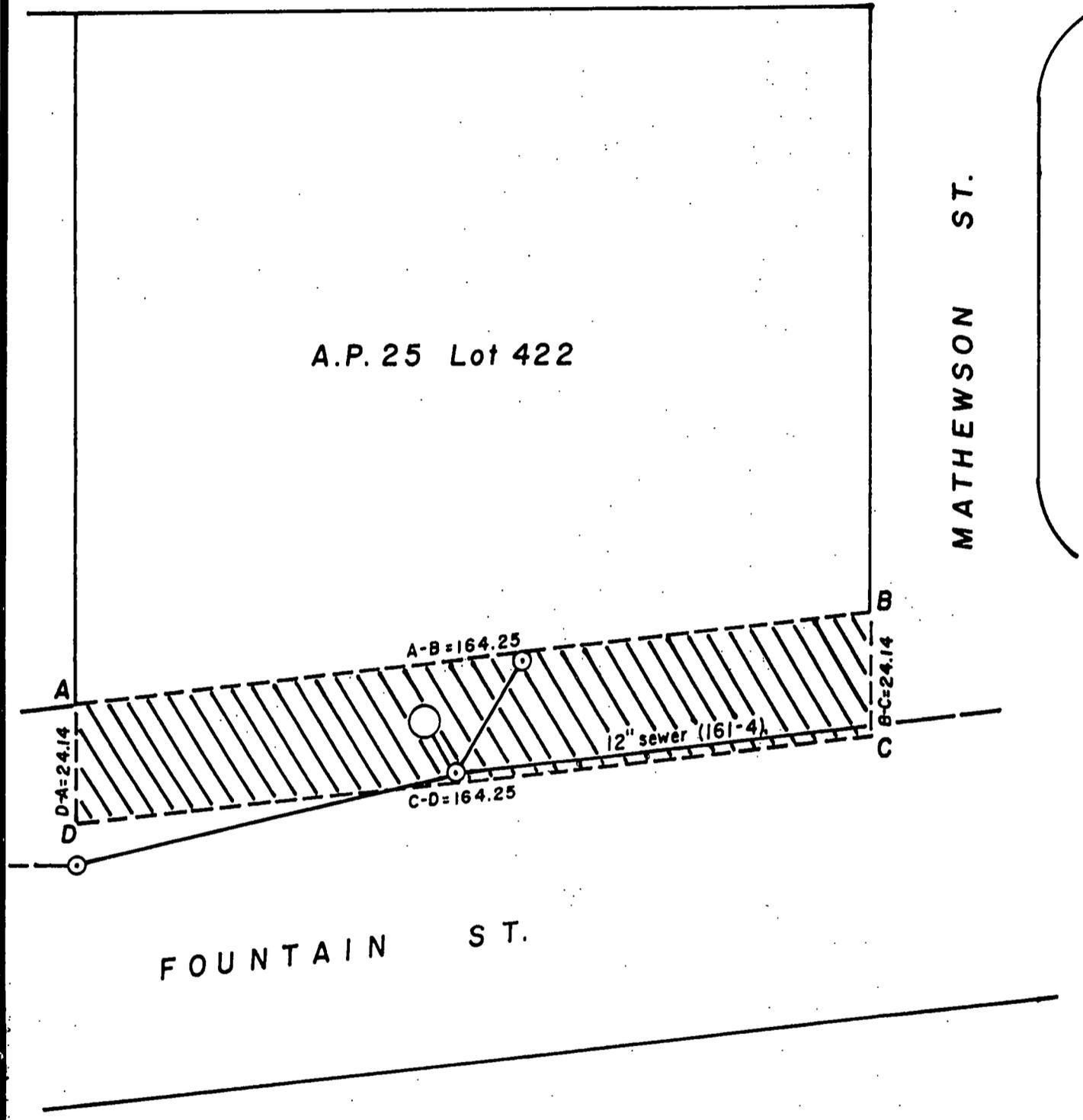
PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064771
 Date March 31, 2005

Doc No: 00005968
 Book: 9034 Page: 100

SABIN ST.

A.P. 25 Lot 422

MATHEWSON ST.



NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.
 Full sewer easement required.
 Total square footage = 3,942'±

CITY OF PROVIDENCE, R. I.
 Public Works Dept. • Engineering Office
 Showing proposed abandonment of a portion of Fountain St.
 Drawn by A. Zislades Checked by _____
 Scale 1" = 30' Date 3-31-2005
 Corrected by James A. Morris Associate Engr.
 Approved William C. Bombard
 CHIEF ENGINEER

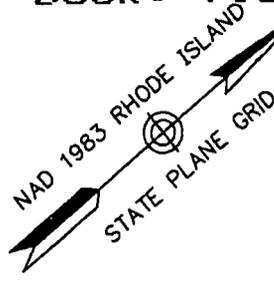
(PUBLIC - VARIABLE WIDTH)

GRANITE BOUND
FOUND 3.01'
ON STREET LINE

N39°47'46"E
163.31'

S38°01'29"W
97.10'

Doc No: 00045968
Book: 9034 Page: 101



MATHEWSON STREET

A.P. 25 LOT 422
N/F CITY OF PROVIDENCE
DEED BOOK 1138 PAGE 1023

N50°12'14"W
136.38'

S50°11'38"E
118.66'

S35°54'54"W
74.03'

GRANITE BOUND
FOUND 3.00'
ON STREET LINE

164.25'
N33°35'56"E

164.25'
S33°35'56"W

N50°12'14"W
24.14'

S50°11'38"E
24.14'

PROPOSED STREET LINE

PROPOSED STREET LINE

FOUNTAIN STREET
(PUBLIC - 80' WIDTH)

PORTION OF
FOUNTAIN STREET
TO BE ABANDONED
3,942± SQ. FT.
0.09049± ACRES

CITY STREET LINE

FOUNDATION 0.25' OFF
STREET LINE (0.21' PLAN)

FOUNDATION 0.05' OFF
STREET LINE (FOUND)

FOUNDATION 0.09' OFF
STREET LINE (FOUND)

30 0 30 60

SCALE IN FEET

MATHEWSON
STREET

Street Abandonment of a
Portion of Fountain Street
Providence, Rhode Island
March 2005

Scale: 1"=30'

J:\71202.01\cad\sr\7120201EHA.dwg

VHIB

Vanasse Hangen Brustlin, Inc.

Transportation Land Development Environmental Services
530 Broadway Providence, Rhode Island 02909
401 272 8100 • FAX 401 273 9694

EXHIBIT A

ANDREW K. MOFFIT
Chairman

JOSEPH D. CATALDI
Vice Chairman

ALEXANDER D. PRIGNANO
Ex-Officio

CARISSA R. RICHARD
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor



DAVID N. CICILLINE
Mayor

BOYCE SPINELLI
Acting General Manager

JOSEPH DE LUCA
City Councilman

PATRICK K. BUTLER
City Councilman

ANNE T. QUINTERNO
Member

EVERETT BIANCO
Member

September 19, 2005

Councilman Terrence M. Hassett, Chairman
Committee on Public Works
City Hall
25 Dorrance Street
Providence, RI 02903

SUBJECT: Petition for Street Abandonment
Fountain Street (Portion of)
Providence, Rhode Island

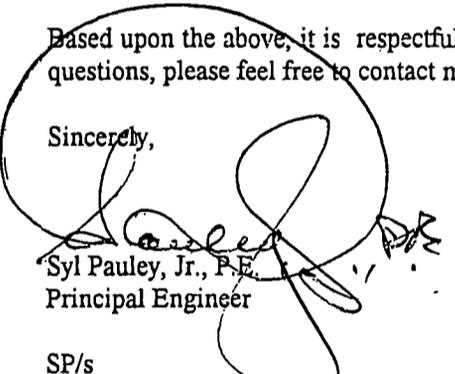
Dear Councilman Hassett:

The referenced Petition to the City Council was originally received by Providence Water in March 2005. A review of water distribution system maps at that time revealed the presence of a water main in or very close to the area of the proposed street abandonment—it was too close to call based upon available map references. Accordingly, a telephone call was made to the Department of Planning and Development requesting that detailed land surveying information be provided "on the ground" so a determination could be made on whether or not the water main is within the area of proposed abandonment. The undersigned was advised that an engineer was preparing a site/utility plan with land surveying information for the proposed abandonment area, which would be helpful in our review. This plan has yet to be submitted to Providence Water.

At this time it cannot be ascertained whether or not a water main easement will be required within the abandonment from the diagram supplied with the Petition. As soon as the previously requested information is received from the Department of Planning and Development, a determination will be made.

Based upon the above, it is respectfully requested that this Petition not be acted upon at this time. If you have any questions, please feel free to contact me at (401) 521-6300 EXT 7241.

Sincerely,



Syl Pauley, Jr., P.E.
Principal Engineer

SP/s

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

ABNLTR99.WPD

WWW.PROVWATER.COM

552 ACADEMY AVENUE • PROVIDENCE, RHODE ISLAND • 02908 • (401) 521-6300 • FAX (401) 331-5081 • TDD (401) 751-0203

ALIX R. OGDEN
Superintendent of Parks



Department of Public Parks

"Building Pride In Providence"

July 22, 2005

Anna M. Stetson, Second Deputy City Clerk
Department of City Clerk
City of Providence
City Hall
Providence, RI

RE: Abandonment of portion of Fountain St.

The Department of Public Parks has no objection to the proposed abandonment of a portion of Fountain Street.

Sincerely Yours

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

John A. Izzo

Supervisor of Engineering & Planning

JOHN D. NICKELSON, P. E.
Director



DAVID N. CICILLINE
Mayor

No: 00005968
9034 Page: 104

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 

CC: John D. Nickelson, PE, Director of DPW
Councilman Leon F. Tejada, Chairman, Committee on Public Work

DATE: January 31, 2008

SUBJECT: Petition from Thomas E. Deller, Executive Director, Department of Planning & Development, requesting to abandon a portion of Fountain Street.

The DPW - Division of Traffic Engineering has reviewed this request and approves the abandonment of a portion of Fountain Street.



Right Of Way

March 25, 2005

85 High Street
Pawtucket, RI 02860

Phone 401 727-9555
Fax 401 723-7680

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

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF FOUNTAIN STREET

Upon investigation by our in house Engineer-Paul Troia it has been determined that Verizon has underground facilities in the portion of Fountain Street to be abandoned.

These facilities include underground cables and manholes as shown on attached sketch 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.

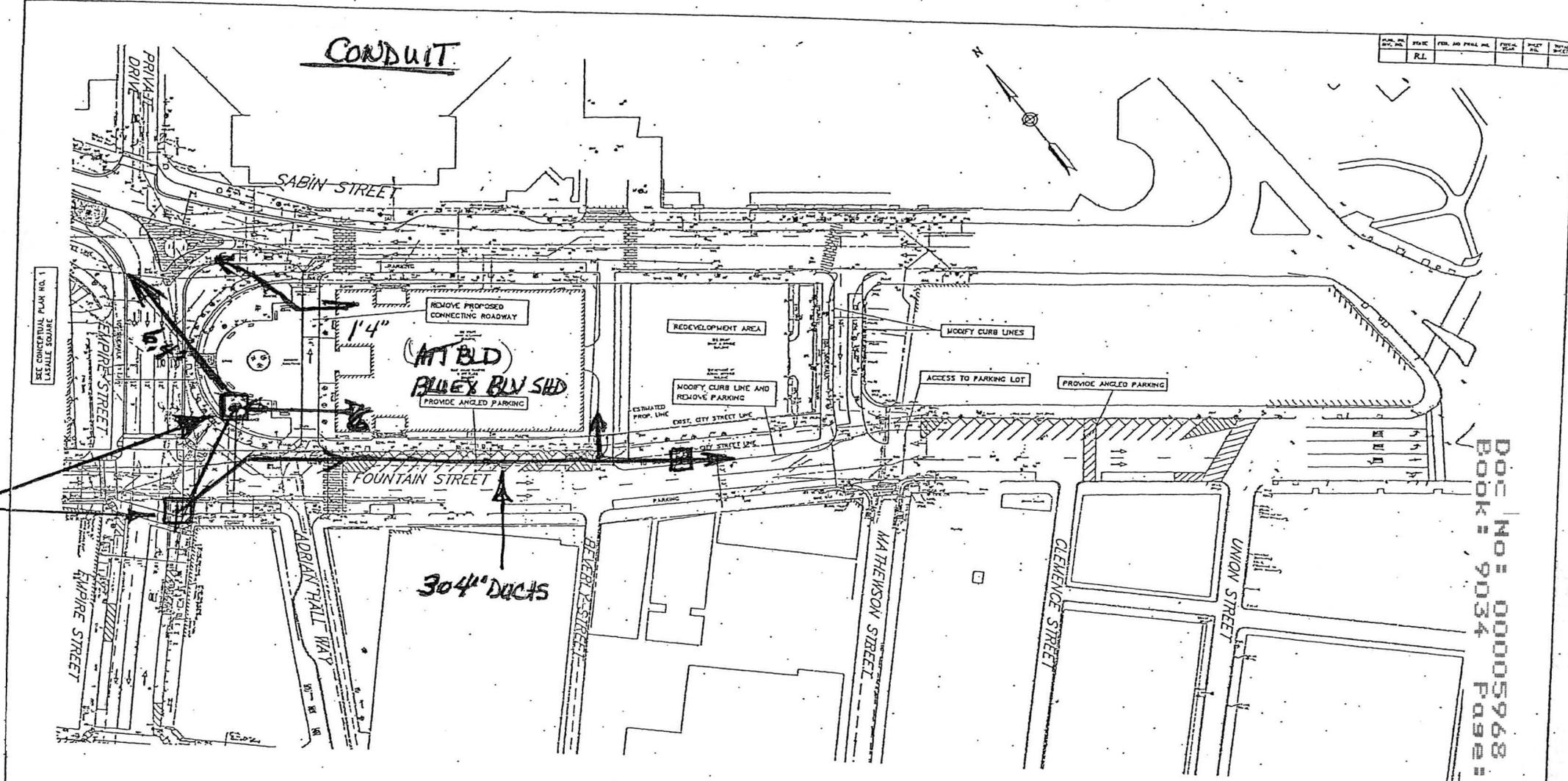
Very truly yours,

A handwritten signature in cursive script that reads "Mary C. Hanley".

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

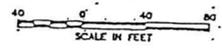
NO. OF SHEETS	DATE	PREP. BY	SCALE	PROJECT NO.	PROJECT NAME	DATE	SCALE	PROJECT NO.	PROJECT NAME
1		RL							

TALCO M/A



Doc No: 00005968
Book: 9034 Page: 108

LEGEND
← TRAFFIC FLOW



PREPARED FOR:
THE PROVIDENCE REDEVELOPMENT AGENCY
PROVIDENCE, R.I.

PREPARED BY:
VANASSE HANGEN BRUSTLIN, INC.
TRANSPORTATION LAND DEVELOPMENT
ENVIRONMENTAL SERVICES
PROVIDENCE, RHODE ISLAND

PROVIDENCE		RHODE ISLAND	
DEPARTMENT OF TRANSPORTATION		DEPARTMENT OF TRANSPORTATION	
DOWNTOWN CIRCULATION		DOWNTOWN CIRCULATION	
PROVIDENCE		PROVIDENCE	
CONCEPTUAL PLAN NO. 2		CONCEPTUAL PLAN NO. 2	
FOUNTAIN STREET		FOUNTAIN STREET	
CHECKED BY	DATE	SCALE	AS NOTED



March 29, 2005

New England Gas Company 

Councilman Terrence M. Hassett
Chairman - Committee on Public Works
City of Providence
Providence, RI 02903

RE: Public Works Committee
Proposed Abandonment of a Portion of Fountain St.

Dear Councilman Hassett:

New England Gas Company has no objection to the proposed abandonment of a portion of Fountain Street in the vicinity of the Fogarty Building site. However, there is the potential for the proposed work to negatively impact our existing gas facilities in some locations. Please make certain that our Engineering Department receives a full set of plans for the proposed work. They will identify areas of potential conflict between the work and our gas facilities and communicate how such conflicts could be addressed.

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

Sincerely,



Thomas Gavula
Manager - GIS, Drafting & Cathodic Protection

cc: Mike DeCristoforo

CITY SERGEANT'S OFFICE

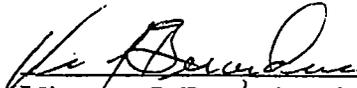
THIS IS TO CERTIFY, That I have caused the notice, of which a true copy is hereto annexed, to be served upon the following named persons, by handing to each of said persons, or by leaving at their last and usual place of abode in this State a true copy of said notice, to wit:

PETITION TO ABANDON A PORTION OF FOUNTAIN STREET

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
25	422	Thomas E. Deller Department of Planning & Development 400 Westminster Street Providence, RI 02903

PETITIONER

Thomas E. Deller
Department of Planning & Development
400 Westminster Street
Providence, RI 02903


Vincent J. Berarducci
City Sergeant

Council President John J. Lombardi
Ward 13

RECEIVED:

Providence
Received for Record
Mar 12, 2008 at 02:35:46P
Document Num: 00005968
John A Murphy
Recorder of Deeds