

RESOLUTION OF THE CITY COUNCIL

No. 574

Approved November 21, 1973

RESOLVED, DECREED, AND ORDERED,

That that certain tract or parcel of Adelaide Avenue shown as cross-hatched area and designated by the letters A-B-C-D-E-F-G-A, on the accompanying plan entitled, "Providence, R. I., P. W. Dept., Engineering Office, Street Line Section, Plan No. 063780, Date: May 2, 1973," bounded and described as follows:

Beginning at the southeast intersection of Downing Street and Adelaide Avenue and point marked "A" on the accompanying plan; thence northerly along the projected easterly line of Downing Street, sixty (60.0') feet to the northerly line of Adelaide Avenue and point marked "B" on the accompanying plan; thence easterly along the northerly line of Adelaide Avenue, two hundred and thirty one and sixty six one hundredths (231.66') feet to the foot bridge, thence easterly along the northerly line of the foot bridge to the westerly line of Reservoir Avenue and point marked "D" on the accompanying Plan; thence southerly along the westerly line of Reservoir Avenue to point marked "E" on the accompanying plan; thence westerly along the southerly line of the foot bridge to point marked "F" on the accompanying plan; thence southerly to point marked "G" on the accompanying plan; thence westerly making an interior angle with last herein described line of $86^{\circ}-43'-06''$ and running along the southerly line of Adelaide Avenue, two hundred and thirty five and one tenth (235.10') feet to the easterly line of Downing Street and point marked "A" on the accompanying plan; said last line and first herein described line makes an interior angle of 90° , said point is also point and place of beginning.

Shaded area on the accompanying plan from the easterly line of Downing Street to the westerly line of Reservoir Avenue, is to be maintained and to be the full responsibility of this Petitioner. This area includes the foot bridge.

having ceased to be useful to the public and the same are abandoned as public highways, 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 highways, 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 highways which have been abandoned, who is known to reside within this State.

(Draft of Agreement and Easement Appended)

IN CITY COUNCIL

**NOV 15 1973
READ AND PASSED**

Robert J. Hyton
PRES.

Rose M. Mendonça
CLERK

APPROVED

MAYOR

Joseph A. Corley
NOV 21 1973

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

C F M CORPORATION, a Rhode Island corporation, having its principal place of business in the City of Providence, State of Rhode Island, and hereinafter called C F M and GORHAM, DIVISION OF TEXTRON, INC., a corporation doing business in Rhode Island and hereinafter called GORHAM brings this their petition and respectfully represent as follows:

FIRST: Your petitioners are the record owners of land abutting on that portion of Adelaide Avenue running from Downing Street to the N. Y., N. H. & H. Railroad Company property in said City of Providence which is outlined in orange on the sketch attached hereto. C F M bounds on the southerly side and GORHAM on the northerly side. Said sketch is a location plan of the pertinent section of said Adelaide Avenue referred to in this petition. The premises sought to be abandoned are bounded and described as follows:

Starting at the southeasterly corner of Downing Street at its intersection with Adelaide Avenue and running in a generally easterly direction along property now or formerly of C F M, a distance of approximately 235.10 feet more or less to property now or formerly of the N. Y., N. H. & H. Railroad Company and thence turning in a northerly direction and running a distance of 60 feet along property now or formerly of said Railroad and thence turning and running in a generally westerly direction a distance of 235.10 feet more or less along property now or formerly of GORHAM thence turning and running in a generally southerly direction and running a distance of 60 feet to the point of the beginning.

SECOND: The section of Adelaide Avenue sought to be abandoned is of no use to the public as a highway.

THIRD: If that part of Adelaide Avenue be abandoned by order of this Honorable City Council, your petitioners will be able to use the aforesaid property.

FOURTH: That said Adelaide Avenue is a deadend street with no residents abutting the aforesaid section of Adelaide Avenue other than your petitioners, except for the aforesaid Railroad.

FIFTH: If this Honorable City Counsel grants the abandonment of the aforesaid highway GORHAM will grant to the public a walkway for access to the bridge crossing the Railroad Property at Reservoir Avenue from Downing Street which walkway shall continue so long as the bridge remains in use and shall run from Downing Street approximately 235.10 feet more or less to the bridge across the Railroad property to Reservoir Avenue. The walkway will be established along the present property line of GORHAM from Downing Street to the aforesaid bridge. Further, if the aforesaid abandonment is granted and the walkway is established, your petitioners will at all times maintain the said walkway and keep said walkway in good repair and condition.

WHEREFORE, your petitioners file this petition and pray that this Honorable City Counsel, pursuant to the authority vested in it, declare the property to have ceased to be useful to the public and enter an order abandoning the same as a public highway.

DEPARTMENT OF CITY CLERK
RECEIVED

APR 18 1973

PROVIDENCE, R. I.

Vincent Vespia

CITY CLERK OF PROVIDENCE

Pd by Ck #4277

Stephen T. Linder

C F M CORPORATION

By their Attorney,

Joseph J. Smith

GORHAM, DIVISION OF TEXTRON, INC.

By *Richard O. Smith*
Assistant Secretary

IN CITY COUNCIL

APR 24 1973

FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

V. Mont Wesper
CLERK

*Council President Hopton
and Councilman Payne, by request*

THE COMMITTEE ON

Public Works

Recommends

Be Continued

V. Mont Wesper
CLERK

July 11, 1973

THE COMMITTEE ON
PUBLIC WORKS

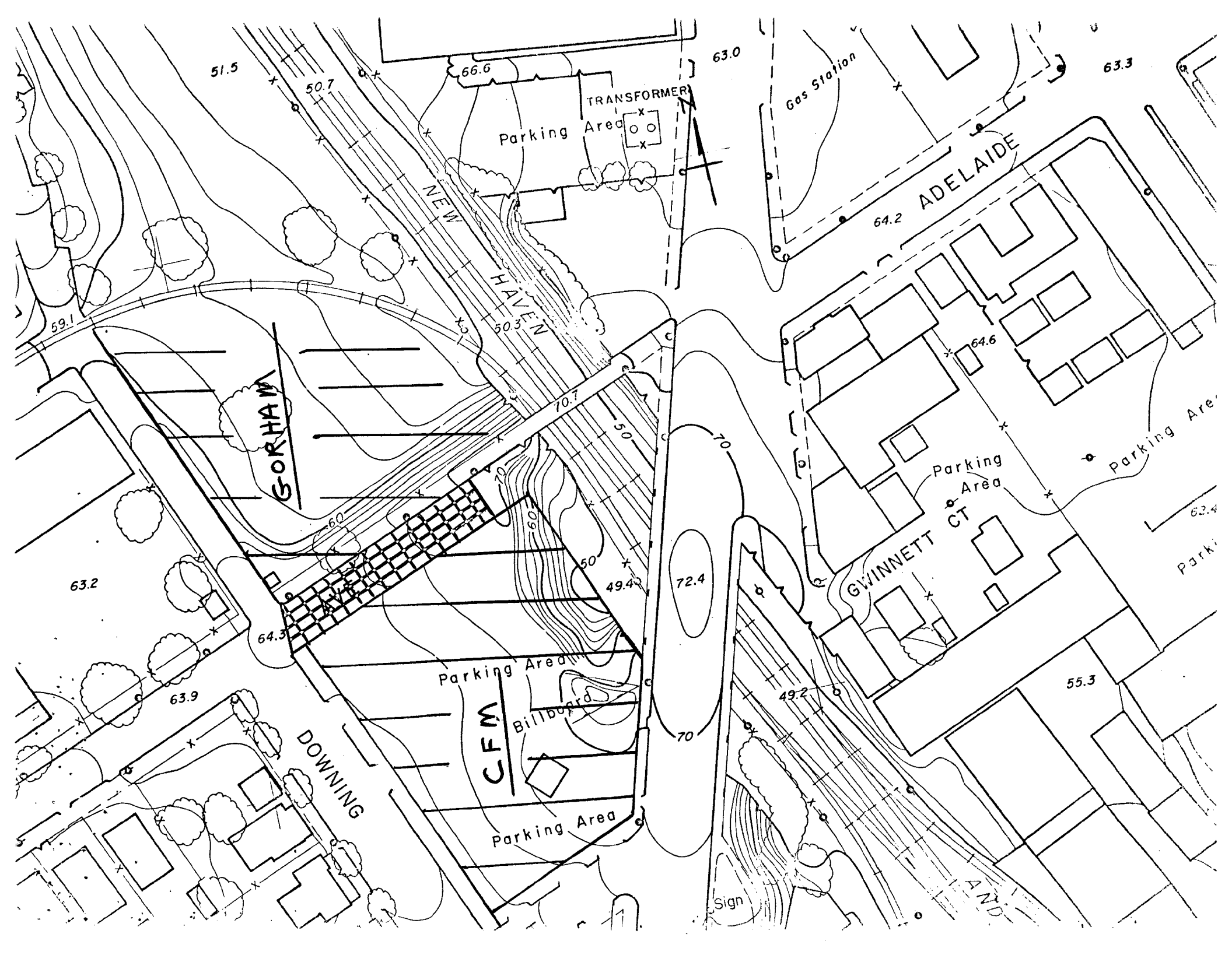
Recommends

Approval

Rose M. Mendonca
CLERK

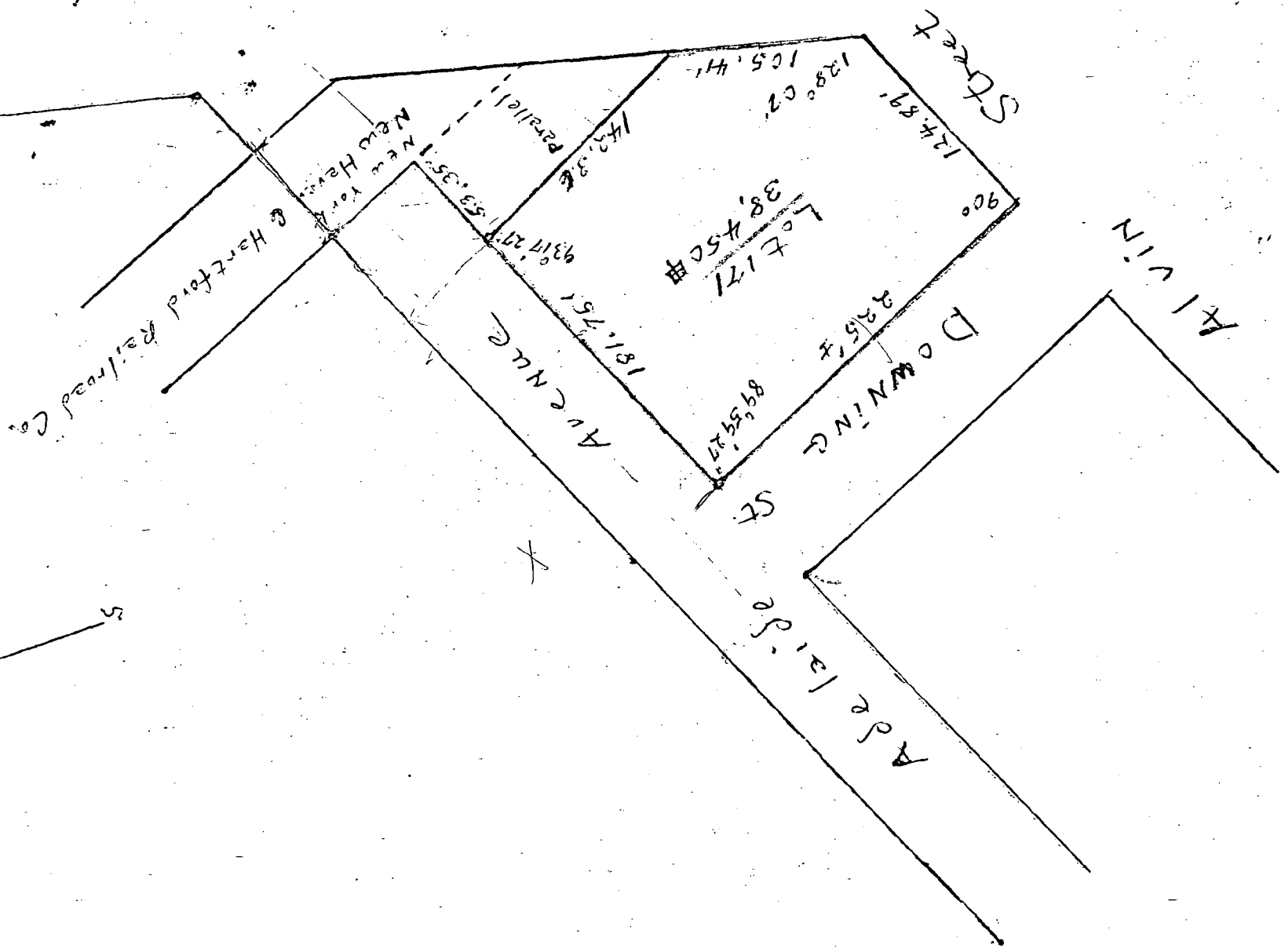
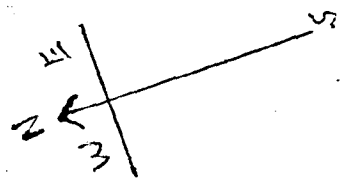
Nov. 5, 1973

FILED
APR 18 9 59 AM '73
DEPT. OF CITY CLERK
PROVIDENCE, R.I.



LEGEND
 Lot 171 on Assessors Plat 51

151.75 -



Reservoir Avenue

Street

Addison

Downing

St

Avenue

Lot 171
 38,450 sq ft

New York & Hartford Railroad Co
 New Haven

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 25, 1973

TO: Mayor Doorley, Director McGarry, Director Pallozzi,
Traffic Engineer Tibaldi, and Chief Engineer Rogers

SUBJECT: ADELAIDE AVENUE-PORITION-ABANDONMENT

CONSIDERED BY: Committee on Public Works

DISPOSITION: Attached is Petition of C.F.M. Corporation and Gorham
on the above subject for study and report.

Vincent Vespi

City Clerk

JOHN A. DOHERTY, CHAIRMAN
EARL H. ASHLEY
UGO RICCIO
JOHN J. TIERNEY
RAYMOND COLA
THOMAS L. PAYNE
VINCENT T. IZZO, EX-OFFICIO

WATER SUPPLY BOARD
CITY OF PROVIDENCE, R. I. 02908
552 ACADEMY AVENUE

JOHN E. ROGERS
CHIEF ENGINEER
JAMES P. RYAN
DEPUTY CHIEF ENGINEER
JOHN T. WALSH
LEGAL ADVISDR
AUSTIN B. McMANUS
SECRETARY

May 1, 1973

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

Dear Councilman Payne:

On April 26, 1973, we received a memorandum from the City Clerk's Office with regard to a petition requesting the abandonment of Adelaide Avenue starting at the southeasterly corner of Downing Street.

We have reviewed our distribution plans and find that we do not have facilities in this area of the proposed abandonment. We, therefore, offer no objection to the petition.

Very truly yours,



John E. Rogers
Chief Engineer

JER/ms

Francis B. Brown

~~XXXXXXXXXXXX~~

COMMISSIONER



LEONARD W. REILLY

ADMINISTRATIVE

ASSISTANT

COMMISSIONER OF PUBLIC SAFETY
209 FOUNTAIN ST., PROVIDENCE, RHODE ISLAND 02903

April 27, 1973


The Honorable City Council
City Hall
Providence, Rhode Island

Att: Committee on Public
Works

Gentlemen:

This office does not have any objection to the
abandonment of a portion of Adelaide Avenue as a
public highway as outlined in the petition of C F M
Corporation and Gorham, Division of Textron, Inc..

Respectfully submitted,


Commissioner of
Public Safety

lr



CITY OF PROVIDENCE, RHODE ISLAND
MAYOR JOSEPH A. DOORLEY, JR.

DEPARTMENT OF PUBLIC WORKS . 700 ALLENS AVENUE . 02905

Lawrence P. McGarry, Director

Joseph J. Campo, Deputy Director

June 27, 1973

Mr. Michael Kelley, Chairman
Committee on Public Works
City Hall - Prov., R.I. 02903

Re: Adelaide Avenue
From Downing Street to the N.Y., N.H. & H.
Railroad Company Property

Dear Sir:

The Department of Public Works does not recommend the abandonment of Adelaide Avenue at this time, until a study of the liability for passage over the railroad bridge is completed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence P. McGarry", is written over the typed name.

LAWRENCE P. MCGARRY
Director of Public Works

LPMCG:jl c

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 OF THAT PORTION OF ADELAIDE AVENUE
RUNNING FROM DOWNING STREET TO THE N.Y.,
N.H.&H. RAILROAD COMPANY PROPERTY.

<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
51	171	C F M Corporation 635 Elmwood Ave.
"	170	Textron Inc. 40 Westminster St.
"	7	Willord Wirtz, Trustees Railroad

Date _____

This is to certify that I have caused a true copy of attached Resolution of the City Council No. _____ Approved _____ to be served upon the above person, firms, and/or corporation, as the case may be, by handing to each of said person, firm, and/or corporation, as the case may be, or by leaving said copy at their last usual place of abode or business located in the State of Rhode Island.

Date _____

THE CITY OF PROVIDENCE

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Date _____

THE CITY OF PROVIDENCE

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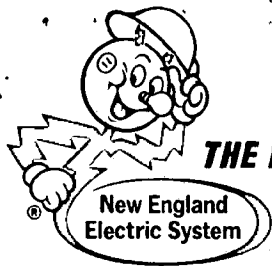
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RUNNING FROM DOWNING STREET TO THE N.Y.,
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<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
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"	7	Willord Wirtz, Trustees Railroad

Date _____

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Date _____



THE NARRAGANSETT ELECTRIC COMPANY 280 Melrose Street, Providence, Rhode Island 02901

July 6, 1973

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

Re: Petition for the abandonment of that portion of Adelaide Avenue from the easterly line of Downing Street to land now or formerly of the Penn Central Transportation Company

Gentlemen:

The Narragansett Electric Company presently has overhead electrical facilities consisting of a pole line with the necessary cables, wires and appurtenances located in said portion of Adelaide Avenue. The facilities are used to service customers of the Narragansett within the general area. Any relocation of this line would be both difficult and costly. However, The Narragansett Electric Company will not object to the granting of said petition, provided that in the event that the petition is granted, an easement acceptable to The Narragansett Electric Company will be conveyed which will permit retention of our facilities in existing locations in said Adelaide Avenue, together with the right to inspect, maintain, operate and replace the same.

Very truly yours,

THE NARRAGANSETT ELECTRIC COMPANY

By

Edward J. Hayes, Jr.
Subscribed & Signed Agent

RPD:1

h

EDWARD D. FELDSTEIN
ATTORNEY AT LAW

S & WILLEY
INCORPORATED

WEYS AT LAW

PROVIDENCE, RHODE ISLAND 02903 · 401-521-7000

ROBERTS & WILLEY
INCORPORATED
10 DORRANCE STREET
PROVIDENCE, R.I.

401-521-7000

Handwritten: record

Handwritten: Ave.

Handwritten: B

July 11, 1973

ks

Gentlemen:

As I mentioned to you at the just completed hearing in connection with the petition for abandonment of Adelaide Avenue, our office represents the Trustees of Penn Central Transportation Company, Debtor, successor to the Trustee of New York, New Haven and Hartford Railroad Company, owner of property located at the end of Adelaide Avenue. For various reasons, including the following, in behalf of our client we object to that petition.

1. By the terms of Order No. 1 of the Reorganization Court in Philadelphia, there is a prohibition against the taking of any property interest of our client without first obtaining that Court's consent pursuant to its procedures. In connection with this petition that consent has not yet been obtained.

2. By the terms of mortgages from our client to various mortgagees, we must object to the granting of this petition in its present posture.

3. Our client's real estate and operating departments are in the process of reviewing this peti-

Committee on Public Works
Page 2
July 11, 1973

tion, but since we received notice of the hearing only two days ago, their review has not yet been completed.

Therefore, at the present time it is requested that the pending petition for abandonment of Adelaide Avenue be denied.

Sincerely yours,

ROBERTS & WILLEY INCORPORATED

By


Edward D. Feldstein

EDF:kmf

Hand Delivery



CITY OF PROVIDENCE, RHODE ISLAND
MAYOR JOSEPH A. DOORLEY, JR.

DEPARTMENT OF PUBLIC WORKS . 700 ALLENS AVENUE . 02905

Lawrence P. McGarry, Director

Joseph J. Campo, Deputy Director

November 6, 1973

PROPOSED ABANDONMENT

That certain tract or parcel of Adelaide Avenue shown as cross-hatched area and designated by the letters A-B-C-D-E-F-G-A, on the accompanying plan entitled, "Providence, R.I., P.W. Dept, Engineering Office, Street Line Section, Plan No. 063780, Date: May 2, 1973," bounded and described as follows:

Beginning at the southeast intersection of Downing Street and Adelaide Avenue and point marked "A" on the accompanying plan; thence northerly along the projected easterly line of Downing Street, sixty (60.0') feet to the northerly line of Adelaide Avenue and point marked "B" on the accompanying plan; thence easterly along the northerly line of Adelaide Avenue, two hundred and thirty one and sixty six one hundredths (231.66') feet to the foot bridge, thence easterly along the northerly line of the foot bridge to the westerly line of Reservoir Avenue and point marked "D" on the accompanying plan; thence southerly along the westerly line of Reservoir Avenue to point marked "E" on the accompanying plan; thence westerly along the southerly line of the foot bridge to point marked "F" on the accompanying plan; thence southerly to point marked "G" on the accompanying plan; thence westerly making an interior angle with last herein described line of $86^{\circ}-43'-06''$ and running along the southerly line of Adelaide Avenue, two hundred and thirty five and one tenth (235.10') feet to the easterly line of Downing Street and point marked "A" on the accompanying plan; said last line and first herein described line makes an interior angle of 90° , said point is also point and place of beginning.

Shaded area on the accompanying plan from the easterly line of Downing Street to the westerly line of Reservoir Avenue, is to be maintained and to be the full responsibility of this Petitioner. This area includes the foot bridge.

Robert J. Quigley

Lot Numbers From Assessor's Plat 51

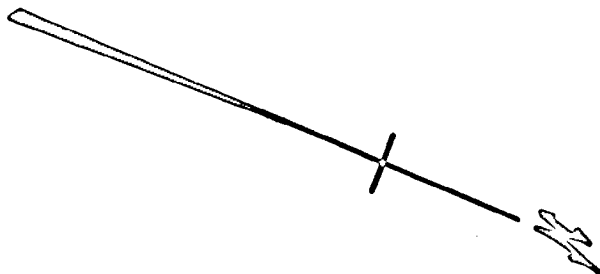
Pollitionor.

To Be The Responsibility Of The
Shaded Area To Be Maintained And

Abandonment.

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

Notes:



Torrion Inc.

Lot 170

C-B = 231.66

Property Line

B-A = 60.00

D-A = 235.10

Adelaide

Curb Line

Wood Barricade

Lot 7

D = 60.10

4' Steel Side
Railings & Wood
Deck

Penn Control

Foot Bridge

Ave.

Reservoir

C.F.M. Corp.

Lot 171

Downing St

Ave.

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Shooting Proposed Abandonment
Drawn by: E. J. ...
Scale: 1" = 50'
Date: 10/24/73

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 063730
Date: May 2, 1973

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: November 6, 1973

TO: City Solicitor Mascia

SUBJECT: RELATIVE TO ABANDONMENT OF A PORTION OF ADELAIDE AVENUE

CONSIDERED BY: Committee on Public Works

DISPOSITION: As this will be presented to the City Council at its meeting to be held on November 15, 1973, will you please prepare the necessary agreement to be executed along with this proposed abandonment; copies of which I am sending, attached.

Rose M. Mendonca
Acting City Clerk



CITY OF PROVIDENCE, RHODE ISLAND
MAYOR JOSEPH A. DOORLEY, JR.

DEPARTMENT OF PUBLIC WORKS . 700 ALLENS AVENUE . 02905

Lawrence P. McGarry, Director

Joseph J. Campo, Deputy Director

October 19, 1973

Chairman of the Public Works Committee
Providence City Council
City Hall - Prov., R.I.

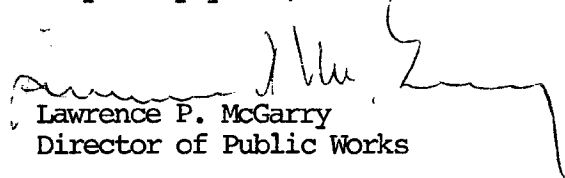
Dear Sir:

RE: Abandonment of Portion of Adelaide Ave.

The Department of Public Works has no objection to the abandonment of Adelaide Avenue from the easterly side of the foot-bridge across the N. H. Railroad to the easterly side of Downing Street, providing a paved easement from Downing Street to the westerly side of the bridge, in accordance with the accompanying plans, is maintained at the petitioners expense, along with the maintenance of the Adelaide Avenue foot-bridge also at his expense, in accordance with all Department of Public Works rules and regulations pertaining to same. Also, that the easement is maintained for public access and that all liability is borne by the petitioner, saving the City of Providence harmless of any liability.

It is requested that the City Solicitor draw the necessary agreement to effect such an abandonment.

Very truly yours,


Lawrence P. McGarry
Director of Public Works

LPMCG:jlc

FILED

OCT 23 1 50 PM '73

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

TEMKIN, MEROLLA & ZURIER

ATTORNEYS AT LAW

20TH FLOOR, 40 WESTMINSTER STREET

PROVIDENCE, R. I. 02903

MARTIN M. TEMKIN
AMEDEO C. MEROLLA
MELVIN L. ZURIER

NORBERT FESSEL
CHARLES C. DUPRE

(401) 521-2400

HARVEY S. REYNOLDS
(1925-1964)

November 8, 1973

Mr. M. Clements
Deputy City Clerk
City Hall
Providence, Rhode Island

Re: Abandonment of Adelaide Avenue -
Petition of CFM Corporation

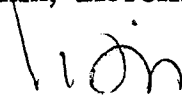
Dear Mike:

This is to confirm my several discussions with you and Mr. Payne, Chairman of the Committee of Public Works. I understand that the petition is scheduled on the agenda of the City Council on November 15th and that you foresee no problems in connection therewith. Please call me in the event that you have any questions at all. I would appreciate hearing from you early in the morning on the 16th regarding the disposition of the matter.

Thanking you for all your past courtesies and your prompt and efficient attention to this matter, I am,

Cordially yours,

Temkin, Merolla & Zurier



Martin M. Temkin

MMT:dr

cc: Mr. Thomas Payne

FILED

Nov 9 9 11 AM '73

DEPT. OF CITY CLERK
PROVIDENCE, R.I.