

# RESOLUTION OF THE CITY COUNCIL

*No.* 549

*Approved* DECEMBER 17, 2007

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. 064804 dated June 4, 2007.

VIZ:

FOSTER STREET, a portion of, running from Pine Street to the far edge of AP 24, Lot 605, 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 agrees to tender the amount of one-hundred eighty-three thousand five hundred twenty dollars (\$183,520.00) in legal tender U.S. currency to the City of Providence.

(2) The petitioner shall convey a full-width utility easement acceptable to Providence Water Supply Board 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 the petitioner may opt to remove the six-inch cast iron water main, assuming all costs for severing the main south of Pine Street.

(3) Petitioner shall grant an easement in favor of National Grid, d/b/a Narragansett Electric Company, permitting the retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

(4) Petitioner shall grant an easement in favor of National Grid, permitting the retention and maintenance of its gas facilities, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

IN CITY COUNCIL  
DEC 21 2006  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS  
Clerk M. Stettin CLERK

From The Clerk's Desk

THE COMMITTEE ON  
Public Works  
Recommends  
Clerk M. Stettin  
9-18-07. CLERK  
4+ - 10-17-07. P. Hryk held

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution  
Clerk M. Stettin  
11-28-07  
Clerk

(5) 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.

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

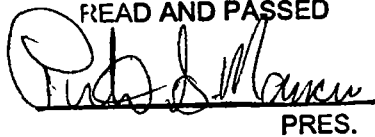
And it is further

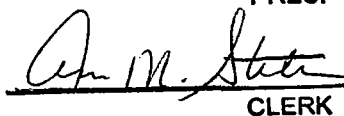
ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner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

ORDERED, That the Traffic Engineer 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

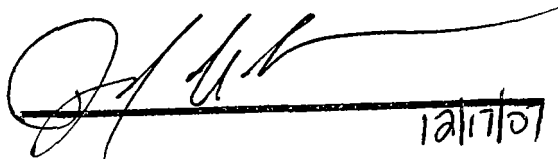
ORDERED, Petitioner shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.

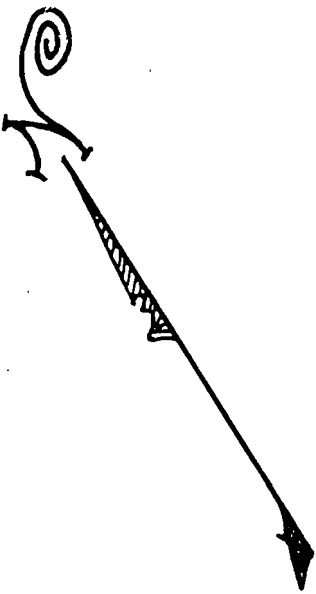
IN CITY COUNCIL  
DEC 6 2007  
READ AND PASSED

  
PRES.

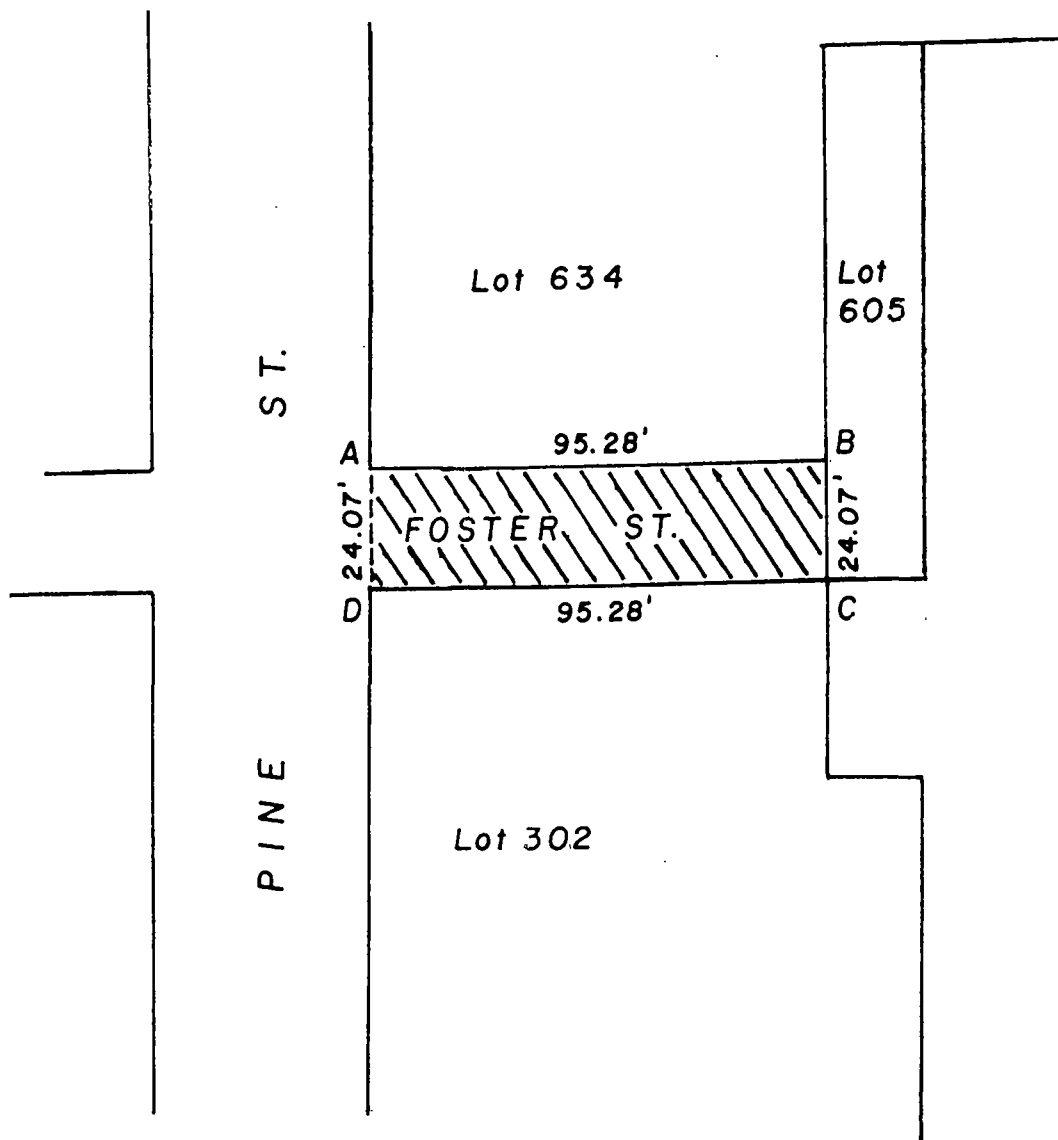
  
CLERK

**APPROVED**

  
12/17/07  
**MAYOR**



PROVIDENCE, R. I.  
DEPT. : ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064804  
Date June 4, 2007



NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.  
No sewer easement required.  
Total square footage = 2,294 ±

CITY OF PROVIDENCE, R. I.  
Public Works Dept. & Engineering Office  
Showing proposed abandonment of a  
portion of Foster St.  
by A. Zislades Checked by \_\_\_\_\_  
Scale: 1" = 40' Date \_\_\_\_\_  
Correct \_\_\_\_\_ Associate Engr.  
Approved William C. Hambar  
CHIEF ENGINEER

Lot numbers taken from A.P. 24.

12/12/2006 10:00 AM

\\cadd\cadd\6208\survey\6208\_aban1.dwg

PINE (PUBLIC-40.12' WIDE) STREET

GRANITE CURB

POINT OF BEGINNING

N35°28'47"E

24.07'

N35°28'47"E

124.64'

TOTAL AREA OF FOSTER STREET TO  
BE ABANDONED=2,294±SQUARE FEET

NOW OR FORMERLY  
JOHNSON & WALES UNIVERSITY  
ASSESSORS PLAT NO. 24  
PARCEL NO. 302  
BOOK 3701; PAGE 053

2 STORY BRICK  
"ROLO BUILDING"

N65°10'33"W

65.28'

GRANITE CURB

FOSTER STREET  
(PUBLIC-24.07' WIDE)

GRANITE CURB

S35°10'33"E

65.28'

24.07'

S35°28'47"W

NOW OR FORMERLY  
JOHNSON & WALES UNIVERSITY  
ASSESSORS PLAT NO. 24  
PARCEL NO. 606  
BOOK 3701; PAGE 063

NOW OR FORMERLY  
JOHNSON & WALES UNIVERSITY  
ASSESSORS PLAT NO. 24  
PARCEL NO. 605  
BOOK 3701; PAGE 053

NOW OR FORMERLY  
JOHNSON & WALES UNIVERSITY  
ASSESSORS PLAT NO. 24  
PARCEL NO. 634

  
Nitsch Engineering

www.nitscheng.com  
186 Lincoln Street, Suite 200  
Boston, MA 02111-2403  
T: (617) 338-0063  
F: (617) 338-6472

- Civil Engineering
- Land Surveying
- Transportation Engineering
- Planning
- GIS Services

JOHNSON & WALES UNIVERSITY  
PORTION OF FOSTER STREET TO BE ABANDONED  
PROVIDENCE, RHODE ISLAND

PREPARED FOR:  
JOHNSON & WALES UNIVERSITY  
8 ABBOTT PARK PLACE, PROVIDENCE, RI

PROJECT # 6208

FILE: 6208\_ABAN1.dwg

SCALE: 1"=20'

DATE: 12/04/06

DES./COMP: PRL

FIELD BOOK:

DRAFTED BY: PRL

CHECKED BY: PSL

SHEET:

OF REV.



JOHNSON & WALES

UNIVERSITY

ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

CITIZENS TRUST COMPANY  
PROVIDENCE, RHODE ISLAND

57-12  
115

No 185633

DATE 30-NOV-07 CHECK NO. 185633 AMOUNT \*\*\*\*\*183,520.00

One Hundred Eighty-Three Thousand Five Hundred Twenty Dollars And  
00 Cents\*\*\*\*\*

PAY  
TO THE  
ORDER OF

CITY OF PROVIDENCE  
CITY HALL  
DEPT OF ADMINISTRATION  
25 DORRANCE ST  
PROVIDENCE, RI 02903

VOID AFTER 180 DAYS

*John J. He*

AUTHORIZED SIGNATURE

Security features. Details on back.

⑈185633⑈ ⑆011500120⑆ 006 528 5⑈

GAEBE & KEZIRIAN  
ATTORNEYS AT LAW  
128 DORRANCE STREET  
PROVIDENCE, RHODE ISLAND 02903

(401) 331-0800

FAX (401) 861-2260

DANA H. GAEBE  
WAYNE M. KEZIRIAN  
ALLISON ROCK

December 12, 2006

Anna M. Stetson, City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

**Re:    *Johnson & Wales University –  
Request for Abandonment of a portion of Foster Street***

Dear Ms. Stetson:

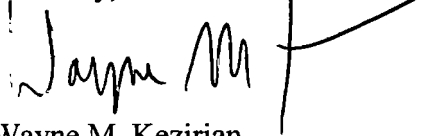
I have enclosed my client's petition requesting abandonment of that portion of Foster Street that lies generally to the south and to the west of Pine Street and which terminates at land owned by Johnson & Wales University. I have also enclosed this firm's check in the amount of \$75.00 in payment of the filing fee for this petition.

I have attached as Exhibit A a plan showing the area of Foster Street which my client seeks to have abandoned. I have also attached as Exhibit B a metes and bound description of the area my client seeks to have abandoned. In addition, I have attached as Exhibit C a plan that details the ownership information for the abutting properties. As you will see, all abutting property is owned by my client.

I will be representing Johnson & Wales University as this matter proceeds and would appreciate it if you would forward copies of any correspondence related to this matter to me as well as to my client.

I appreciate your assistance.

Sincerely,



Wayne M. Kezirian

WMK/lp  
Enclosures

cc:    *Barbara L. Bennett, Esq. (w/attachments)*  
      *Merlin A. DeConti, Jr., PE (w/attachments)*

FILED

2006 DEC 13 A 9:54

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

IN CITY COUNCIL  
DEC 21 2006  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS  
Ann M. Stettin CLERK

From the Clerk's Desk

THE COMMITTEE ON  
Public Works  
Recommends  
Ann M. Stettin

CLERK  
9-18-07 - Schedule P Hrg  
10-17-07 - Public Hearing



**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:

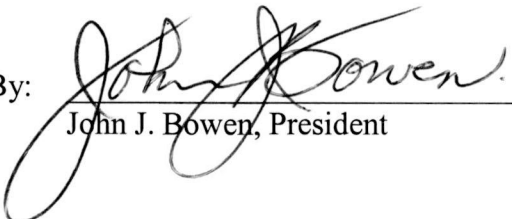
*The undersigned respectfully petitions your honorable body for the abandonment, pursuant to RIGL 24-6-1, of that portion of Foster Street containing approximately 2,294 square feet of land that extends in a generally southeasterly direction from the southeasterly edge of Pine Street to its point of termination as shown on Exhibit A, attached hereto. Exhibit B, attached hereto, is a metes and bounds description of said parcel of land.*

*In support of this Petition, the undersigned respectfully represents to this Honorable City Council that the said portion of Foster Street has ceased to be useful to the public. As shown on Exhibit C, attached hereto, the area in question is entirely surrounded, except at the location where it intersects with Pine Street, by land that is owned by the undersigned.*

Respectfully Submitted,

JOHNSON & WALES UNIVERSITY

By:

  
John J. Bowen, President

December 11, 2006

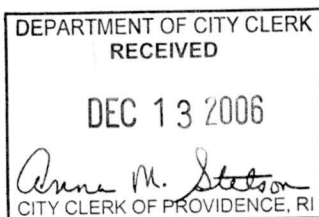
Mailing Address of Petitioner:

Johnson & Wales University  
8 Abbott Park Place  
Providence, RI 02903  
Attention: Merlin A. DeConti, Jr., Sr. V.P.

The Petitioner is represented in this matter by:

Wayne M. Kezirian, Esq.  
Gaebe & Kezirian  
128 Dorrance St.  
Providence, RI 02903

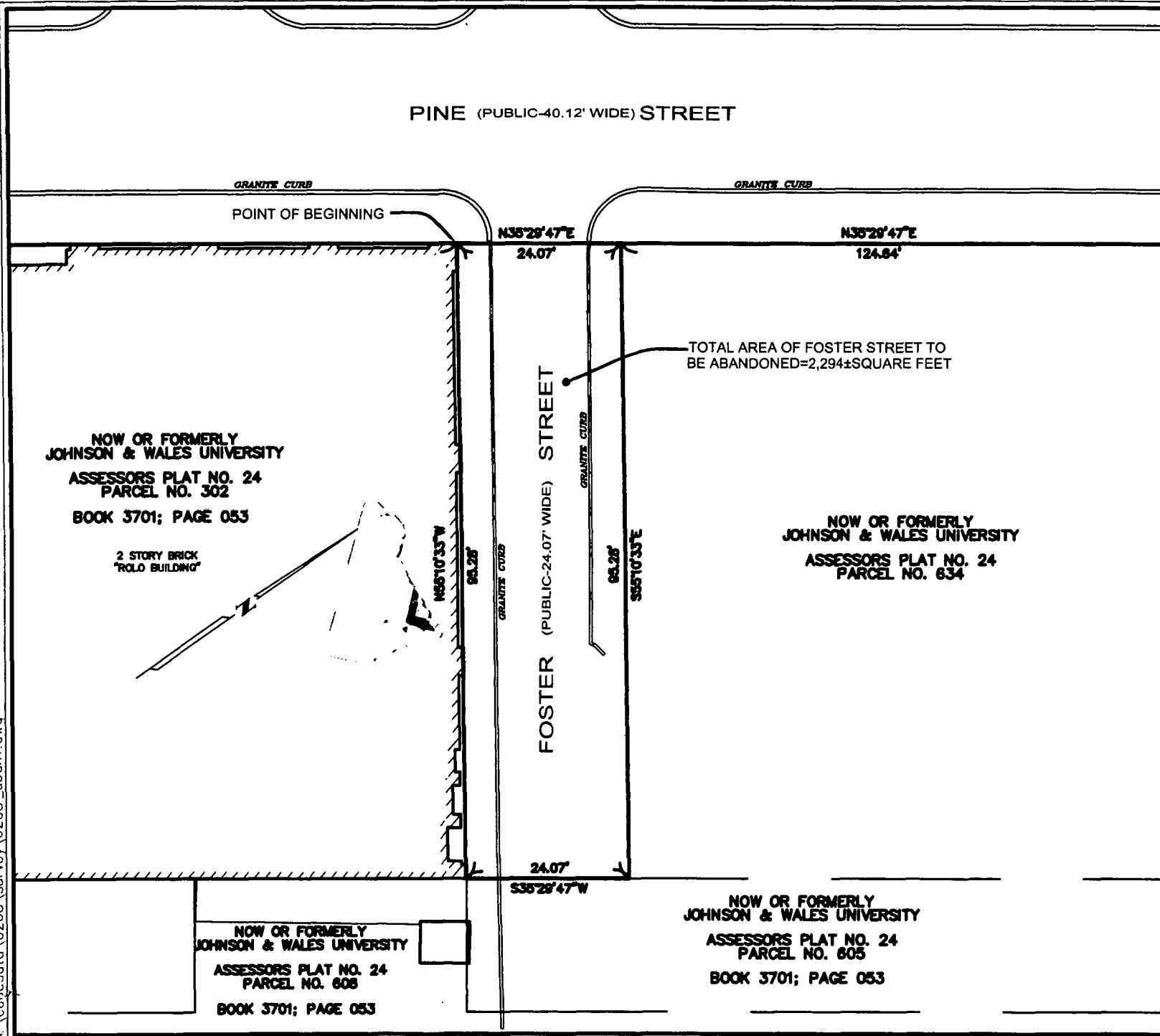
**Petition to abandon a portion of Foster Street**  
**Gaebe & Kezirian**  
**Citizens Bank**  
**Check # 11628**  
**\$75.00**



# EXHIBIT A TO ABANDONMENT PETITION

12/12/2006 10:00 AM

k:\candtu\6208\survey\6208\_aban1.dwg



**www.nitscheng.com**  
 186 Lincoln Street, Suite 200  
 Boston, MA 02111-2403  
 T: (617) 338-0083  
 F: (617) 338-6472

- Civil Engineering
- Land Surveying
- Transportation Engineering
- Planning
- GIS Services

**JOHNSON & WALES UNIVERSITY**  
 PORTION OF FOSTER STREET TO BE ABANDONED  
 PROVIDENCE, RHODE ISLAND

PREPARED FOR:  
**JOHNSON & WALES UNIVERSITY**  
 8 ABBOTT PARK PLACE, PROVIDENCE, RI

PROJECT # **6208**  
 FILE: **6208\_ABAN1.dwg**  
 SCALE: **1"=20'**  
 DATE: **12/04/06**  
 DES./COMP: **PRL**  
 FIELD BOOK:  
 DRAFTED BY: **PRL**  
 CHECKED BY: **PSL**

SHEET:

OF

REV.

## **EXHIBIT B TO ABANDONMENT PETITION**

### **BOUNDARY DESCRIPTION:**

A CERTAIN PARCEL OF LAND KNOWN AS A PORTION OF FOSTER STREET, BEING SITUATED IN THE CITY OF PROVIDENCE, COUNTY OF PROVIDENCE, AND THE STATE OF RHODE ISLAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHEASTERLY SIDELINE OF PINE STREET AND THE SOUTHWESTERLY SIDELINE OF FOSTER STREET, THENCE RUNNING N35°29'47"E, BY SAID SOUTHEASTERLY SIDELINE OF PINE STREET, A DISTANCE OF 24.07 FEET TO A POINT ON THE NORTHEASTERLY SIDELINE OF FOSTER STREET;

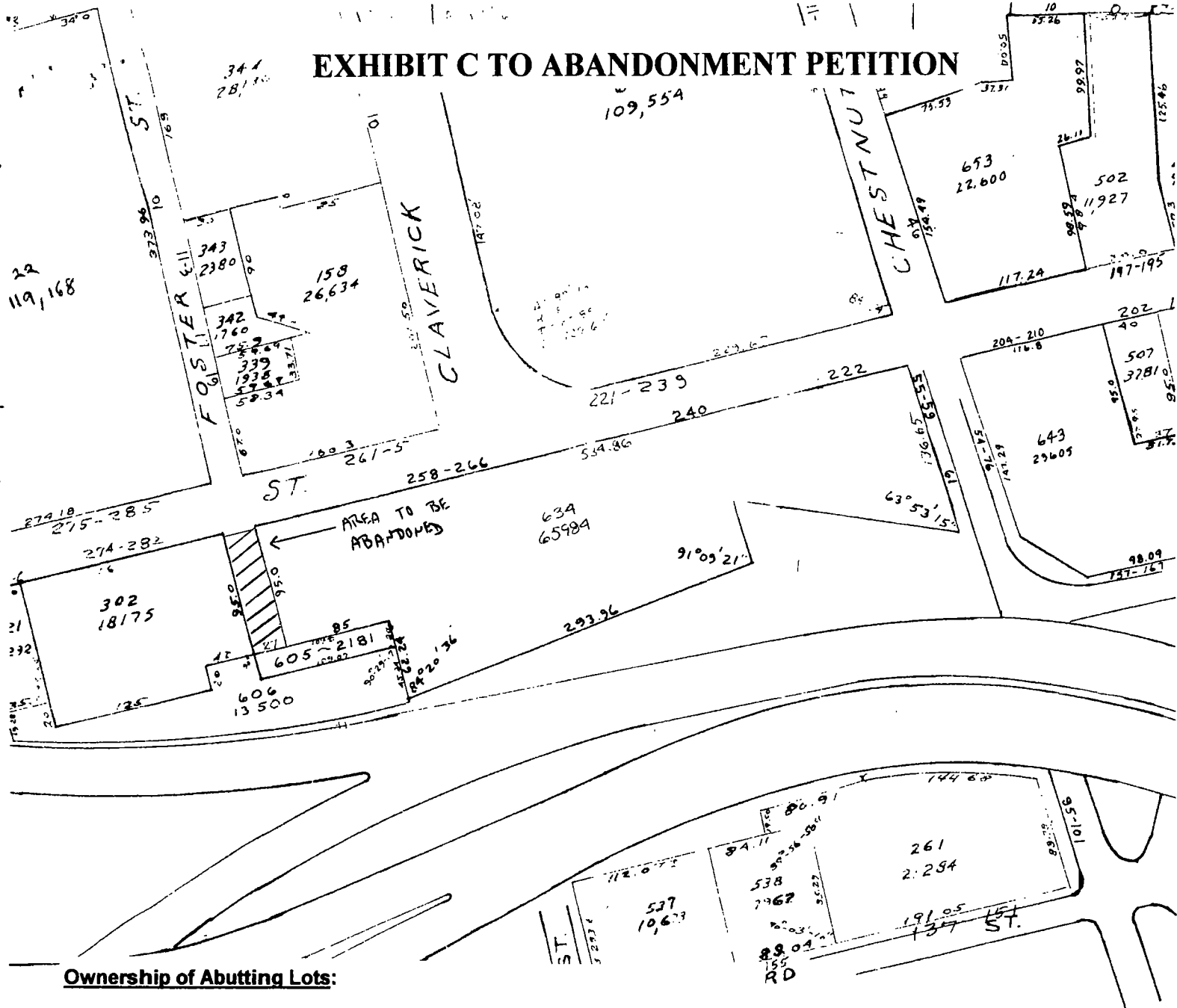
THENCE S55°10'33"E, BY SAID NORTHEASTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 95.28 FEET TO A POINT ON THE SOUTHEASTERLY SIDELINE OF FOSTER STREET;

THENCE S35°29'47"W, BY SAID SOUTHEASTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 24.07 FEET TO A POINT ON THE SOUTHWESTERLY SIDELINE OF FOSTER STREET;

THENCE N55°10'33"W, BY SAID SOUTHWESTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 95.28 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 2,294 SQUARE FEET OF LAND.

# EXHIBIT C TO ABANDONMENT PETITION



## Ownership of Abutting Lots:

- |                   |   |
|-------------------|---|
| A.P. 24, Lot 302: | Johnson & Wales University (Petitioner) |
| A.P. 24, Lot 605: | Johnson & Wales University (Petitioner) |
| A.P. 24, Lot 606: | Johnson & Wales University (Petitioner) |
| A.P. 24, Lot 634: | Johnson & Wales University (Petitioner) |

## Ownership of Lots on other side of Pine Street:

- |                   |   |
|-------------------|---|
| A.P. 24, Lot 22:  | City of Providence – Housing Authority (Dexter Manor) |
| A.P. 24, Lot 158: | Johnson & Wales University (Petitioner)               |

PLAT 24

PROVIDENCE, R.I.

**GAEBE & KEZIRIAN**  
**ATTORNEYS AT LAW**  
128 DORRANCE STREET  
PROVIDENCE, RI 02903

REMITTANCE ADVICE

57-12/115

11628

PAY SEVENTY FIVE AND 70/100

DOLLARS

CHECK  
AMOUNT



Security  
Features  
Include  
Microprint  
Background

0206831420001

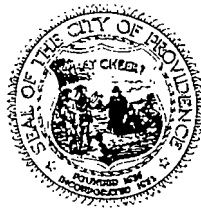
DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.
12/12/06	CITY OF PROVIDENCE	FOSTER STREET APARTMENT	11628

\$ 75.-

 **Citizens Bank**  
Rhode Island

*Wayne M. [Signature]*

⑈011628⑈ ⑆011500120⑆ 315 866 7⑈



**Department of Public Works**  
*"Building Pride in Providence"*

June 4, 2007

Honorable Leon F. Tejada  
Chairman of the Public Works Committee  
Providence City Council-City Hall  
Providence, R.I. 02903

**RE: Proposed Abandonment of a Portion of Foster St.**

Dear Councilman Tejada:

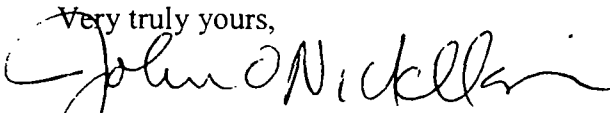
This department has no objection to the proposed abandonment of a portion of Foster St. in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept- Engineering Office, Street Line Section, Plan No. 064804. Area of abandonment is designated as (A-B-C-D-A) on the accompanying plan.

Total square footage equals 2,294 square feet. (+)  
See accompanying plan for plat and lot numbers.

According to Informational Bulletin 2003.01 issued by Rhode Island Board of Registration for Professional Land Surveyors, road abandonment constitutes 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 you in this regard, please advise.

Very truly yours,

  
John D. Nickelson, PE  
Director

cc: Ann Stetson-City Clerk  
BB, AZ-DPW  
A. Southgate, Esq.- Law Dept.  
T. Deller- Planning  
J. Gelati- Tax Assessors

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

DATE: January 5, 2007

TO: John Nickelson, Director of Public Works

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, 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 possible in order that the committee can meet in a timely fashion relative to this matter.

**PETITION FROM WAYNE M. KEZIRIAN, GAEBE & KEZIRIAN, 128 DORRANCE STREET, PROVIDENCE, RHODE ISLAND 02903 ON BEHALF OF JOHNSON & WALES UNIVERSITY, REQUESTING TO ABANDON A PORTION OF FOSTER STREET.**

A handwritten signature in cursive script, appearing to read "Anna M. Stetson".  
City Clerk

GAEBE & KEZIRIAN  
ATTORNEYS AT LAW  
128 DORRANCE STREET  
PROVIDENCE, RHODE ISLAND 02903

(401) 331-0800

FAX (401) 861-2260

DANA H. GAEBE

WAYNE M. KEZIRIAN

ALLISON ROCK

December 12, 2006

Anna M. Stetson, City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

*Re: Johnson & Wales University –  
Request for Abandonment of a portion of Foster Street*

Dear Ms. Stetson:

I have enclosed my client's petition requesting abandonment of that portion of Foster Street that lies generally to the south and to the west of Pine Street and which terminates at land owned by Johnson & Wales University. I have also enclosed this firm's check in the amount of \$75.00 in payment of the filing fee for this petition.

I have attached as Exhibit A a plan showing the area of Foster Street which my client seeks to have abandoned. I have also attached as Exhibit B a metes and bound description of the area my client seeks to have abandoned. In addition, I have attached as Exhibit C a plan that details the ownership information for the abutting properties. As you will see, all abutting property is owned by my client.

I will be representing Johnson & Wales University as this matter proceeds and would appreciate it if you would forward copies of any correspondence related to this matter to me as well as to my client.

I appreciate your assistance.

Sincerely,

  
Wayne M. Kezirian

WMK/lp  
Enclosures

cc: Barbara L. Bennett, Esq. (w/attachments)  
Merlin A. DeConti, Jr., PE (w/attachments)



**CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**PETITION TO THE CITY COUNCIL**

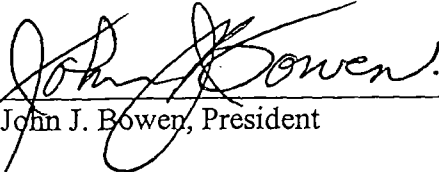
TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

*The undersigned respectfully petitions your honorable body for the abandonment, pursuant to RIGL 24-6-1, of that portion of Foster Street containing approximately 2,294 square feet of land that extends in a generally southeasterly direction from the southeasterly edge of Pine Street to its point of termination as shown on Exhibit A, attached hereto. Exhibit B, attached hereto, is a metes and bounds description of said parcel of land.*

*In support of this Petition, the undersigned respectfully represents to this Honorable City Council that the said portion of Foster Street has ceased to be useful to the public. As shown on Exhibit C, attached hereto, the area in question is entirely surrounded, except at the location where it intersects with Pine Street, by land that is owned by the undersigned.*

Respectfully Submitted,

JOHNSON & WALES UNIVERSITY

By:   
John J. Bowen, President

December 11, 2006

Mailing Address of Petitioner:

Johnson & Wales University  
8 Abbott Park Place  
Providence, RI 02903  
Attention: Merlin A. DeConti, Jr., Sr. V.P.

The Petitioner is represented in this matter by:

Wayne M. Kezirian, Esq.  
Gaebe & Kezirian  
128 Dorrance St.  
Providence, RI 02903

Petition to abandon a portion of Foster Street  
Gaebe & Kezirian  
Citizens Bank  
Check # 11628  
\$75.00

# EXHIBIT B TO ABANDONMENT PETITION

## BOUNDARY DESCRIPTION:

A CERTAIN PARCEL OF LAND KNOWN AS A PORTION OF FOSTER STREET, BEING SITUATED IN THE CITY OF PROVIDENCE, COUNTY OF PROVIDENCE, AND THE STATE OF RHODE ISLAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHEASTERLY SIDELINE OF PINE STREET AND THE SOUTHWESTERLY SIDELINE OF FOSTER STREET, THENCE RUNNING N35°29'47"E, BY SAID SOUTHEASTERLY SIDELINE OF PINE STREET, A DISTANCE OF 24.07 FEET TO A POINT ON THE NORTHEASTERLY SIDELINE OF FOSTER STREET;

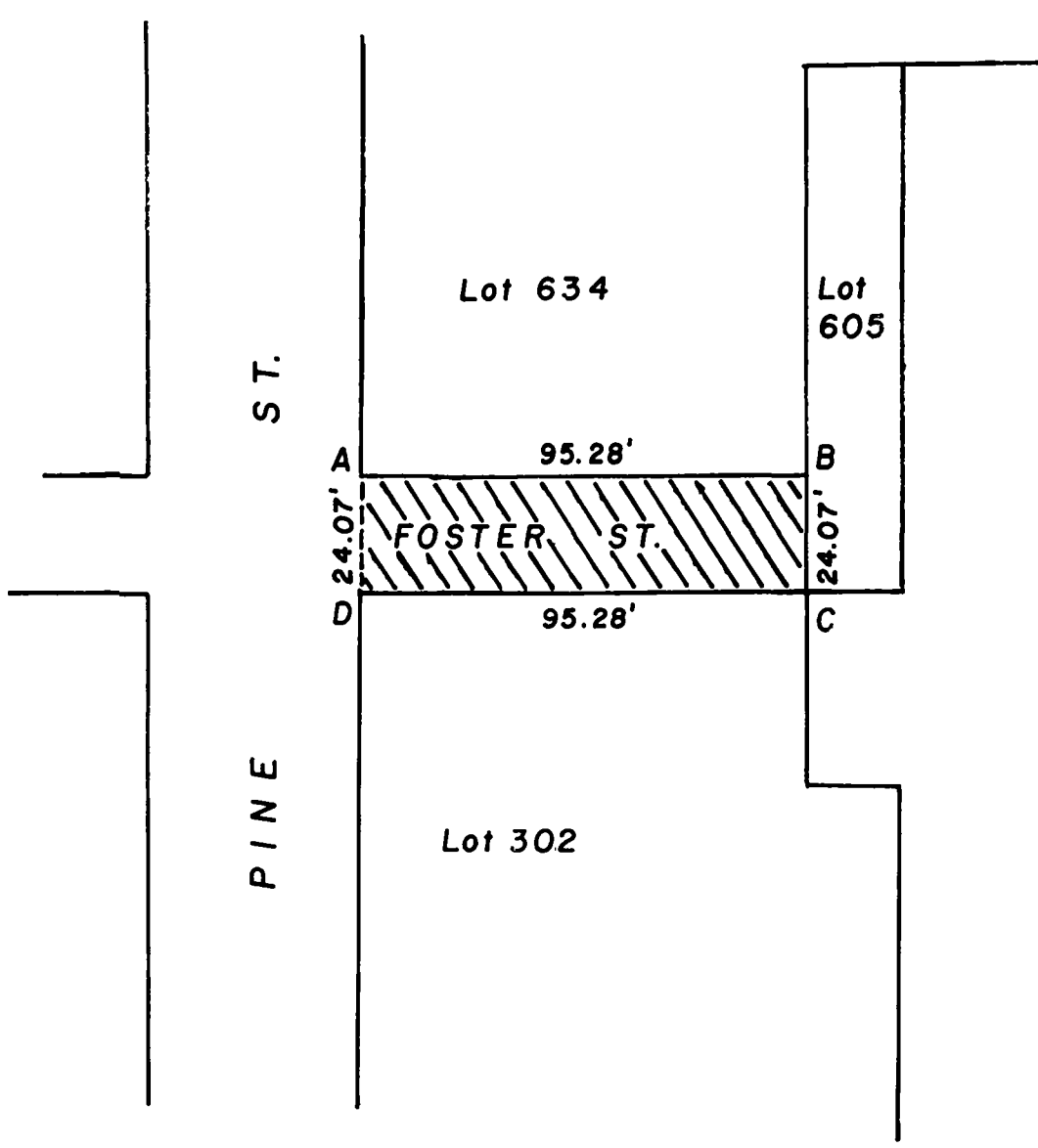
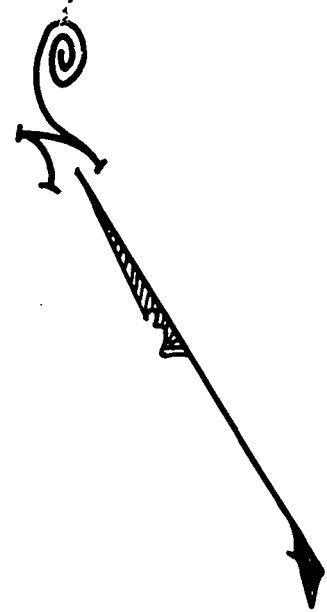
THENCE S55°10'33"E, BY SAID NORTHEASTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 95.28 FEET TO A POINT ON THE SOUTHEASTERLY SIDELINE OF FOSTER STREET;

THENCE S35°29'47"W, BY SAID SOUTHEASTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 24.07 FEET TO A POINT ON THE SOUTHWESTERLY SIDELINE OF FOSTER STREET;

THENCE N55°10'33"W, BY SAID SOUTHWESTERLY SIDELINE OF FOSTER STREET AND LAND NOW OR FORMERLY OF JOHNSON & WALES UNIVERSITY, A DISTANCE OF 95.28 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 2,294 SQUARE FEET OF LAND.

PROVIDENCE, R. I.  
 DEPT. of ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064804  
 Date June 4, 2007



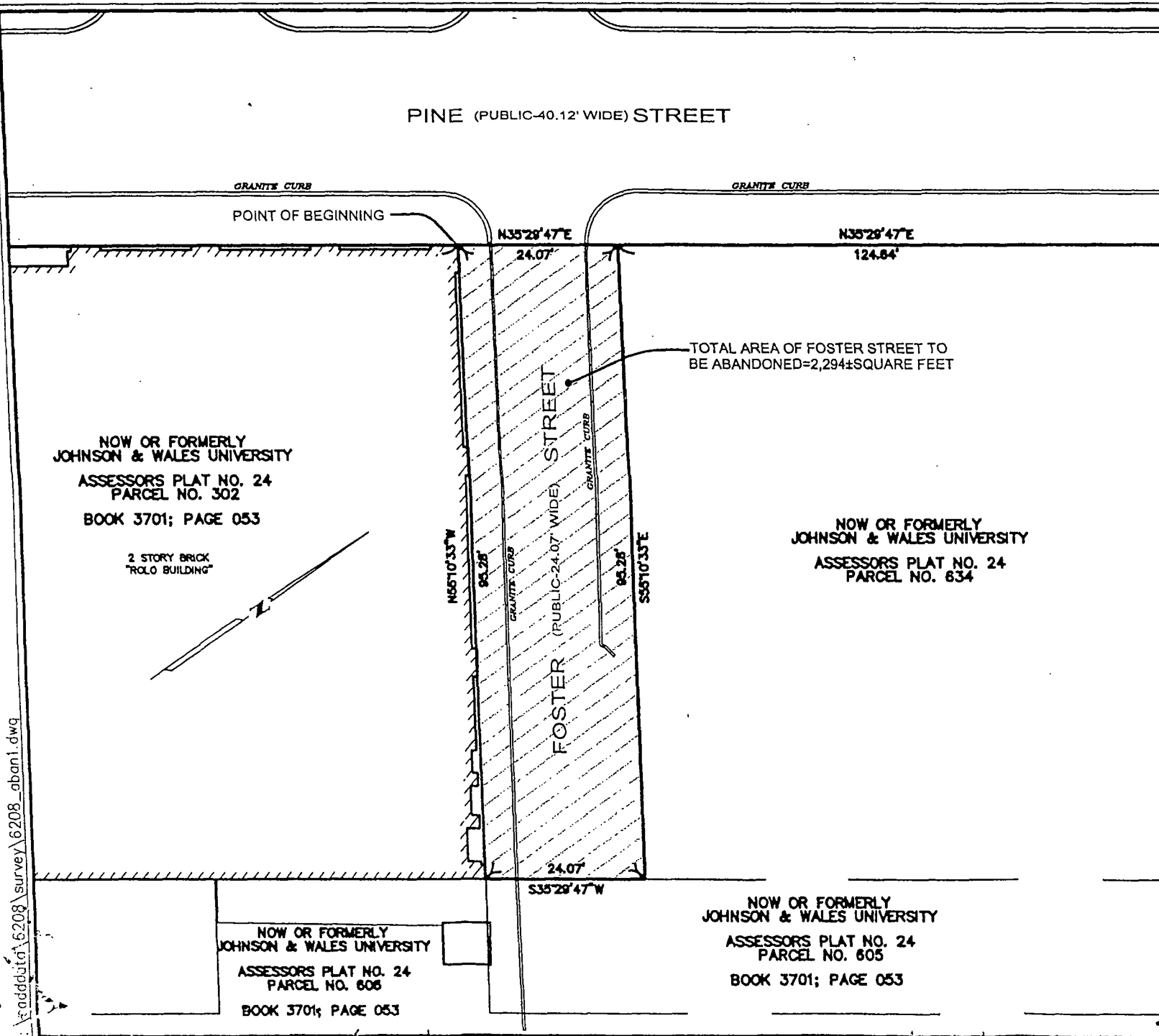
NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed abandonment.  
 No sewer easement required.  
 Total square footage = 2,294 ±

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. & Engineering Office  
 Showing proposed abandonment of a  
portion of Foster St.  
 by A. Zislaides Checked by \_\_\_\_\_  
 Date 1" = 40' Date \_\_\_\_\_  
 Corrected \_\_\_\_\_ Associate Engr.  
 Approved William C. Hamard CHIEF ENGINEER

Lot numbers taken from A.P. 24.

12/12/2006 10:00 AM

EXHIBIT A TO ABANDONMENT PETITION



**Nitsch Engineering**

[www.nitscheng.com](http://www.nitscheng.com)

186 Lincoln Street, Suite 200  
 Boston, MA 02111-2403

T: (617) 338-0063  
 F: (617) 338-6472

- Civil Engineering
- Land Surveying
- Transportation Engineering
- Planning
- GIS Services

**JOHNSON & WALES UNIVERSITY**  
 PORTION OF FOSTER STREET TO BE ABANDONED  
 PROVIDENCE, RHODE ISLAND

PREPARED FOR:  
**JOHNSON & WALES UNIVERSITY**  
 8 ABBOTT PARK PLACE, PROVIDENCE, RI

PROJECT # 6208  
 FILE: 6208\_ABAN1.dwg  
 SCALE: 1"=20'  
 DATE: 12/04/06  
 DES/COMP: PRL  
 FIELD BOOK:  
 DRAFTED BY: PRL  
 CHECKED BY: PSL

SHEET:

OF 1 REV

THE CITY OF PROVIDENCE

CITY SERGEANT’S OFFICE

*THIS IS TO CERTIFY*, That I have cause 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 FOSTER STREET

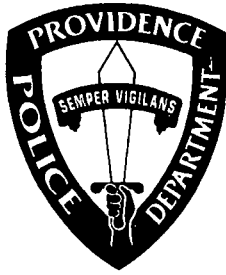
<u>PLAT</u>	<u>LOT</u>	<u>NAME AND ADDRESS</u>
24	302	Johnson & Wales University 8 Abbott Park Place Providence, RI 02903
24	605	Johnson & Wales University 8 Abbott Park Place Providence, RI 02903
24	634	Johnson & Wales University 8 Abbott Park Place Providence, RI 02903

PETITIONER

John J. Bowen, President  
Johnson & Wales University  
8 Abbott Park Place  
Providence, RI 02903

\_\_\_\_\_  
Vincent J. Berarducci  
City Sergeant

\_\_\_\_\_  
Councilwoman Balbina A. Young  
Ward 11



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

February 9, 2007

To: Anna M. Stetson, Second Deputy City Clerk

From: Capt. James T. Nolette

Subject: Petition from Johnson and Wales University

After looking at the petition and descriptions enclosed, the Police Department has no objections to proposed abandoning of that portion of Foster St. herein described.

Sincerely,

Capt. James T. Nolette

Anthony DiGiulio  
Fire Marshal

George D. Calise  
Deputy Fire Marshal



David N. Cicilline  
Mayor

George S. Farrell  
Chief of Department

Providence Fire Prevention Division  
*"Smoke Detectors Save Lives"*

July 3, 2007

Committee on Public Works  
C/O Ms. Anna M. Stetson, City Clerk  
Department of City Clerk  
Providence City Hall  
10 Dorrance Street  
Providence, RI 02903

Re: Petition to City Council by Johnson & Wales University to Abandon a Portion  
Of Foster Street as described in Exhibits "A", "B" and "C"

Dear Ms. Stetson:

I have received a copy of Johnson & Wales University's petition to City Council to abandon a portion of Foster Street as described in exhibits "A", "B" and "C". The Providence Fire Department has held meetings and reviewed drawings with J & W University concerning the redevelopment of this property, which abuts the "Rolo Building", and has no objection to the abandonment of this portion of Foster Street.

If I may be of further assistance, please feel free to call me.

Yours truly,

A handwritten signature in black ink, appearing to read "George D. Calise".  
George D. Calise  
Deputy Fire Marshal

cc: Mr. Merlin A. DeConti, Jr., Sr. V.P.  
Mr. Wayne M. Kezirian, Esq.

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*  
PAMELA M. MARCHAND, P.E.  
*Chief Engineer & General Manager*  
JOSEPH DE LUCA  
*City Councilman*  
PATRICK K. BUTLER  
*City Councilman*  
ANNE T. QUINTERNO  
*Member*  
EVERETT BIANCO  
*Member*

April 4, 2007

Councilwoman Balbina Young  
Committee on Public Works  
City Hall  
25 Dorrance Street  
Providence, RI 02903

SUBJECT: Petition for Street Abandonment  
Foster Street (Portion of street south of Pine Street)  
Providence, RI

Dear Councilwoman Young:

The referenced Petition to the City Council to abandon that portion of Foster Street (south of Pine Street to the termination of Foster Street) has been reviewed for impact upon the Providence Water water distribution system. Providence Water maps show a 6-inch cast iron water main along the entire length of the proposed abandonment and three separate water services along this section of main in Foster Street. The water services are currently inactive and serve the facilities owned by Johnson & Wales College, the apparant requesting party for the abandonment of the street. The water main and the portion of Foster Street proposed for abandonmnet are dead ends from Pine Street.

Providence Water would not oppose the removal of this portion of water main should the petitioner have reason to do so. However, all costs associated with Providence Water severing the main south of Pine Street shall be the responsibility of the Petitioner. There would be no need to relocate any of the assets attached to this main.

If the Petitioner chooses not to remove the main as described, then the Petitioner would be required to grant a full width utility easement to Providence Water to maintain, construct, repair, etc. the existing water main and appurtances in this portion of Foster Street and the Petitioner must agree that no permanent construction, whatsoever, shall be allowed within the easement. Actual wording and dimensions of the easement shall be subject to review by Providence Water as to the form and content of the easement.

Should there be any questions regarding this matter, please contact me at Providence Water, (401) 521-6300 extension 7261.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Healy", written over a horizontal line.

Frank Healy  
Manager, Records

cc: P. Gadoury, P.E.  
A. Stetson, City Clerk  
File.

[WWW.PROVWATER.COM](http://WWW.PROVWATER.COM)





## Department of Public Parks

*"Building Pride In Providence"*

January 17, 2007

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

RE: Abandonment of a portion of Foster Street

The Department of Public Parks has no objection to the abandonment of the above mentioned street.

Sincerely Yours

A handwritten signature in black ink, appearing to read "John A. Izzo", is written over the typed name.

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 Lebby, Traffic Engineer 

**CC:** John D. Nickelson, PE, Director of DPW  
Councilman Terrance M. Hassett, Chairman, Committee on Public Work

**DATE:** January 22, 2007

**SUBJECT:** Petition from Wayne M. Kezirian, Gaebe & Kezirian, 128 Dorrance Street, Providence, Rhode Island 02903 on behalf of Johnson & Wales University, requesting to abandon a portion of Foster Street.

---

The office of Traffic Engineering has reviewed this request and approve of the decision to abandon a portion of Foster 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**

February 19, 2007  
(Amended July 9, 2007)

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

Re: Proposed Abandonment of a Portion of Foster Street

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Foster Street, otherwise designated as a partial abandonment on Assessor's Plat 24 as it intersect with Pine Street. This subject is situated in the downtown district of the city.

The proposed abandonment contains approximately 2,294 square feet and measures 24.07 feet by 95.28 feet in length along the center line of Foster Street. The City's Department of Public Works has not made a decision on this request; however, they will require a Class 1 Survey for recording purposes should the abandonment be approved. The parcel is zoned D1-75.

We have taken into account a number of factors in arriving at the fair market value of the site. This abandonment will create the potential for a large commercial project as stated in the petitioner's request and they will gain full use of the site for commercial use. As of this date of this appraisal, there were no easements required by the City of Providence or the Department of Public Works.

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. John Gelati  
Page 2  
February 19, 2007  
(Amended July 9, 2007)

The highest and best use of the parcel would be commercial given its close proximity to the Weybosset Street commercial corridor and the downtown commercial district. It is within this context that the parcel is valued.

Based upon an analysis of comparable land sales as contained within the office files of Andolfo Appraisal Associates, Inc., a fee value of \$80.00 per square foot is hereby estimated.

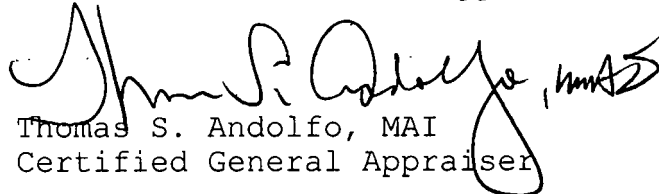
Therefore, 2,294 square feet x \$80.00 per square foot = \$183,520.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.



William G. Floriani  
Certified Residential Appraiser



Thomas S. Andolfo, MAI  
Certified General Appraiser

WGF:TSA/fad



## Providence City Plan Commission

DAVID N. CICILLINE.  
Mayor

December 5, 2007

Honorable Leon F. Tejada, Chair  
Committee on Public Works  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Dear Councilman Tejada:

**Re: CPC Referral No. 3296: Petition from Wayne M. Kezirian, Esq., for Johnson & Wales University, Requesting an Underground Easement below a portion of Pine Street**

Dear Councilman Tejada:

The City Plan Commission (CPC), at its regular meeting on Tuesday, November 20, 2007, reviewed and evaluated the Committee on Public Works request for the Commission's recommendation on the above-referenced matter.

The easement would have a total area of 571 square feet and would allow the installation and maintenance of underground conduit to be used for communications cabling. This will allow the University to connect its information system in order to service its properties on both sides of Pine Street and eventually to the 'Rolo Building' which is currently undergoing an extensive renovation.

The Commission determined that the proposed easement is consistent with the Comprehensive Plan and voted to recommend that the Committee on Public Works approve the easement with the condition that the applicant return the sidewalk and roadway affected by utility work to their original condition.

Sincerely,

Christopher J. Ise  
Administrative Officer

cc: Wayne M. Kezirian, Esq.  
Merlin A. DeConti, Jr.

January 19, 2007

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

Re: Petition to Abandon a portion of Foster Street

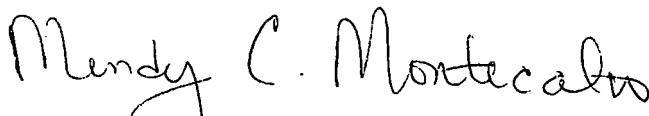
Dear Ms. Stetson:

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

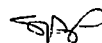
Therefore, NECO has no objection to the abandonment provided we are granted an easement for said equipment.

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



85 High Street  
Pawtucket, RI 02860

Phone 401 727-9555  
Fax 401 725-7680

May 3, 2007

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

Attn: Ms. Anna Stetson

RE: PETITION TO ABANDON A PORTION OF FOSTER STREET

Dear Ms. Stetson:

Upon investigation by our in house Engineer, Paul Troia, it has been determined that Verizon has no facilities on the portion of the street to be abandoned.

Very truly yours,

A handwritten signature in black ink that reads "Mary C. Hanley". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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



January 17, 2007

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

**RE: PETITION FROM WAYNE M. KEZIRIAN, GAEBE & KEZIRIAN, 128  
DORRANCE STREET, PROVIDENCE, RHODE ISLAND 02903 ON  
BEHALF OF JOHNSON & WALES UNIVERSITY, REQUESTING TO  
ABANDON A PORTION OF FOSTER STREET.**

Dear Ms. Stetson:

National Grid has existing gas facilities within the portion of Foster Street that is to be abandoned. As such, an easement must be granted permitting the retention of our facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

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

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

A handwritten signature in black ink that reads "Tom Gavula". The signature is fluid and cursive.

Tom Gavula  
Lead Supervisor, GIS/Records & Drafting

cc: Albert Marsocci



## GRANT OF EASEMENT

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

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

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

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

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

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

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

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

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

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

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

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

**Section 7 – Entire Agreement.** This Grant of Easement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Grant of Easement shall be of no force and effect.

**Section 8 – Character of Easement.** This easement is a commercial easement in gross for the benefit of Grantee, its successors and assigns.

**Section 9 – Assignability; Covenant Running with the Land; and Binding Effect.**  
The Grantee, its successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_(L.S.)  
Signature of Grantor

\_\_\_\_\_(L.S.)  
Signature of Grantor

STATE OF \_\_\_\_\_)  
ss.  
COUNTY OF \_\_\_\_\_)

In \_\_\_\_\_, on this \_\_\_\_ day of \_\_\_\_\_, 2006, before me personally appeared \_\_\_\_\_, to me known and known by me to be the person executing the foregoing instrument, and acknowledged said instrument and the execution thereof, to be his/her free act and deed.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Complete for ALL Grantors:**

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

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

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Company: \_\_\_\_\_

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

Title: \_\_\_\_\_

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

**RECORD AND RETURN TO:**

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

Vincent J. Mesolella  
Chairman

Paul Pinault, P.E.  
Executive Director



<http://www.narrabay.com>

Ms. Anna Stetson  
City Clerk  
Department of City Clerk  
City Hall  
25 Dorrance Street  
Providence, RI 02903

Dear Ms. Stetson:

The NBC does not have any facility on this street. Therefore, we do not have any objection to the abandonment of this portion of the street.

Sincerely,

John Zyba

## ~~Permits and Planning Manager~~

cc: Meg Goulet, NBC