

# RESOLUTION OF THE CITY COUNCIL

No. 215

Approved March 31, 2003

RESOLVED, DECREED, AND ORDERED:

That the following-named street shown on a cross-hatched area on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064677 dated October 9, 2001."

VIZ: Brook Street (portion of) as described in Exhibit "A" and shown as a cross-hatched area on the accompanying plan and designated by the letters A-B-C-D-A, having ceased to be useful to the public, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned precedent upon the following:

1. No monies shall be required since the realty will be used for the relocation of Interstate I-195.

2. The petitioner shall convey an easement acceptable to the Narragansett Bay Commission 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.

3. The Petitioner shall convey an easement acceptable to Providence Gas Company 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;

4. The City of Providence shall retain for itself, its heirs, successors and assigns full sewer easements in and on Brook Street 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;

5. The City of Providence, for itself, its heirs, successors and assigns, and the Providence Water Supply Board, reserves a full water services easement in and on Brook Street 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. Additionally, Petitioner shall construct no structures across said Brook Street.

6. The Petitioner shall meet the conditions to which reference is made in that communication from the Providence City Plan Commission dated October 17, 2001, a copy of which is attached hereto as Exhibit "B."

7. Additionally, the abandonment contained herein is conditioned upon the following:

- (a) This realty transferred hereby shall be utilized for the relocation of I-195 and no other purposes;
- (b) The State of Rhode Island and the Department of Transportation shall adhere to the language contained in the Record Decision and the Environmental Impact Study (copies attached hereto as Exhibits "C" and "D," respectively);
- (c) The State of Rhode Island and the Department of Transportation shall use all reasonable efforts to identify any parcels earlier acquired from the City of Providence for the initial construction of I-195, inform the City of the results of these efforts so that the City may make an informed decision with respect to reacquiring the same.
- (d) By undertaking any act arising from this Resolution and any subsequent agreement, the Department of Transportation and the State of Rhode Island agree that all documents submitted and testimony comments made to various municipal boards, agencies and committees are, by reference hereto, binding upon the parties as if the same were set out in full.

8. Petitioner shall comply with all conditions contained herein 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.

CITY COUNCIL  
MAR 20 2003  
READ AND PASSED

PRES.

CLERK

**APPROVED**

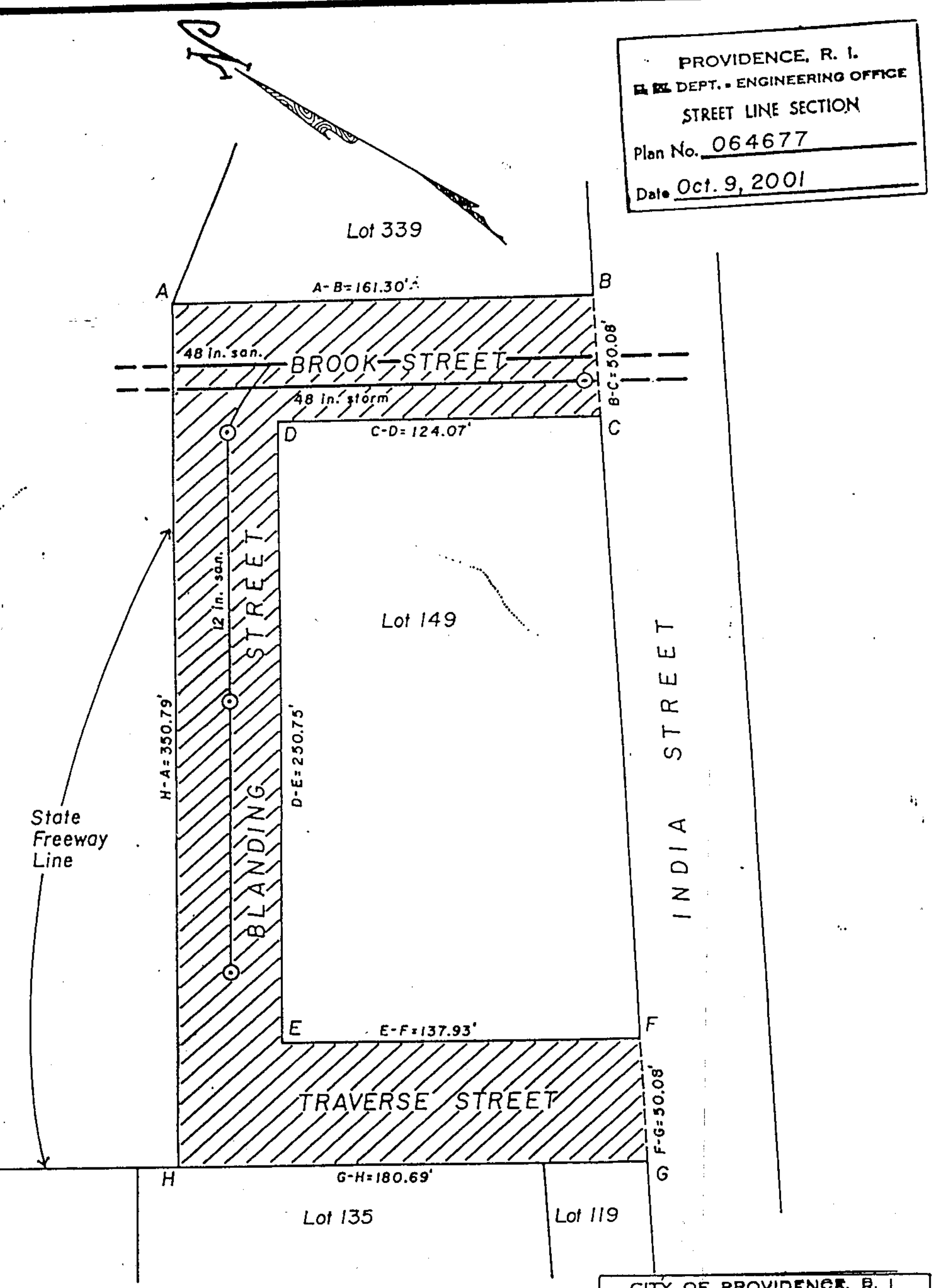
**MAYOR**

3/31/03

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, 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.

PROVIDENCE, R. I.  
 DEPT. - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064677  
 Date Oct. 9, 2001



NOTES: Cross-hatched area (A-B-C-D-E-F-G-H-A) indicates proposed abandonments.  
 Full sewer easement required.  
 Total square footage = 27,036.  
 Lot numbers taken from A.P. 18.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing proposed abandonments of portions of Blanding, Brook & Traverse Sts.  
 Drawn by A. Zislades Checked by J.L.C.  
 Scale 1" = 50' Date 10-9-2001  
 Corrected by James A. Moore, Associate Engr.  
 Approved: *[Signature]* CHIEF ENGINEER