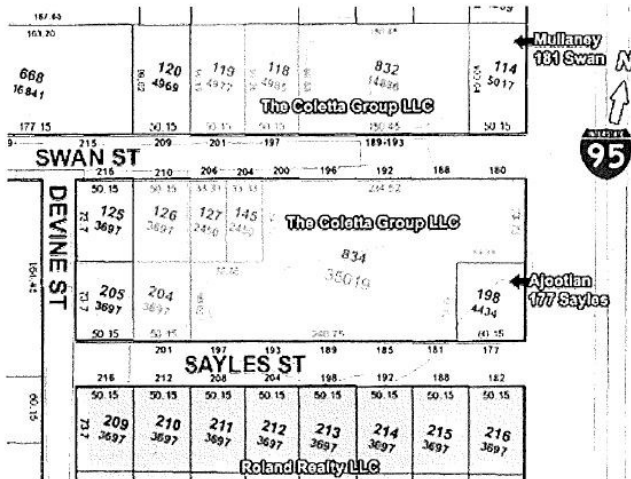


Providence City Plan Commission June 15, 2021



AGENDA ITEM 2 ■ ABANDONMENT OF SWAN STREET



Proposed abandonment area



Aerial view of the site

OVERVIEW

PETITIONER:	The Coletta Group LLC	PROJECT DESCRIPTION:	Abandonment of Swan Street
CASE NO./ PROJECT TYPE:	REFERRAL 3492 Abandonment of Swan Street		
PROJECT LOCATION:	Swan Street abutting AP 47 lots 114, 118, 119, 120, 127, 145, 832 and 834	RECOMMENDATION:	Recommendation of approval subject to the noted findings of fact
NEIGHBORHOOD:	Lower South Providence	PROJECT PLANNER:	Choyon Manjrekar

OVERVIEW

The petitioner is requesting that the City abandon Swan Street, which runs west to east from Devine Street and terminates in a dead end at a non-accessible portion of I-95. It is located between AP 47 lots 114, 118, 119, 120 and 832 to the north and 126, 127, 145 and 834 to the south. Except for lots 120 and 114, all the lots abutting the proposed abandonment area are owned by the petitioner.

FINDINGS OF FACT

The *City Plan Commission Handbook* Policy No. 1: “Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment,” states that six standards should be met before the Commission recommends approval of an abandonment request. Below are the standards, including staff comments for each:

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 portion of Swan Street proposed for abandonment terminates in a dead end and except for lot 120 and 114, all lots abutting it are owned by the applicant. The applicant intends to acquire lot 120, but has not completed the purchase. Lot 114 is occupied by a billboard. The proposed abandonment area appears to be mostly used for accessing property owned by the applicant. If an access easement for lots 114 and 120 were provided, the DPD would not object to the abandonment as it would not have an adverse impact on the public interest.

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

If easements to lots 114 and 120 are provided, no negative impacts are anticipated as it is not apparent that the abandonment will affect future plans for development or existing land use. No negative impact to the health and welfare of the surrounding community is expected as the street is not essential to provide access to other parts of the City.

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

The DPD is unaware of any objections from the owners of lots 114 and 120. The applicant should demonstrate that abutting property owners agree to the abandonment.

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

If easements or similar measures are provided to the owners of lots 120 and 114 to access their lots, it does not appear that any physical or legal access will be denied.

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 unknown whether public services or facilities need to be protected, provided or maintained. The petitioner would need to grant any necessary easements.

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.

RECOMMENDATION

Based on the foregoing discussion, the City Plan Commission should advise the Committee on Public Works that the proposed abandonment be approved subject to the following conditions:

1. All abutters shall agree to the abandonment with no property access being denied.
2. The applicant shall grant easements or similar measures to the owners of lots 114 and 120 to access their property.
3. The petitioner shall apply for an administrative subdivision to merge the abandoned street with their respective property should the abandonment be approved.
4. The petitioners shall grant any necessary easements for access to property, utility access and maintenance.

City of Providence

REFERRAL

3493



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 10, 2021

TO: Choyon Manjrekar, City Plan Commission.
Planning & Development

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Sheri A. Petronio, First Deputy City Clerk

DISPOSITION: I have been directed by Councilman Michael J. Correia, 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 JOHN J. GARRAHY, JOHN J. GARRAHY LAW, LLC, 2088 BROAD STREET, CRANSTON, RHODE ISLAND 02905, REQUESTING TO ABANDON A PORTION OF SWAN STREET.

~~RECEIVED
MAY 04 2021
BY: _____~~

RECEIVED
JUN 01 2021
BY: cm

Sheri A. Petronio
First Deputy 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:

THAT, the undersigned respectfully petitions your honorable body for the abandonment pursuant to R.I.G.L. 24-6-1 of that portion of Swan Street located in the City that is identified on Exhibit A and attached hereto and incorporated herein ("Street"). Said Street abuts the following lots on Assessor's Plat 47: 114, 118, 119, 120, 127, 145, 832 and 834.

In support of this Petition, the undersigned respectfully represents to this Honorable City Council that the Street has ceased to be useful to the public as it has never been improved for travel and has its terminus on a non-accessible portion of Interstate Route 95. In the event that there are any rights in the Street, other than those of the Petitioners herein, such rights shall be preserved by means of an easement on, over or across such Street, including without limitation, an easement for access to the owner of Lot 114 on Plat 47.

In the event the undersigned acquires title to the Street as petitioned, the undersigned agrees to pay to the City as consideration for the abandonment the fair market value of the Street and agrees that the final calculation of the area of the Street from which said fair market value will be calculated shall be determined by means of a Class I survey that complies with the requirements of this honorable body and which shall be provided to this honorable body at the expense of the undersigned. However, if it is determined by this honorable body that fair market value of the Street exceeds an amount which, in the judgment of the Petitioners, exceeds the value of the Street that it is willing to pay, the undersigned reserves the right to withdraw this Petition prior to its final passage.

Respectfully Submitted,

THE COLETTA GROUP, LLC

By: Anthony J. Coletta
Anthony Coletta, Manager

April 26, 2021

The Petitioner is represented in this matter by:

John J. Garrahy, Esquire
John J. Garrahy Law, LLC
2088 Broad Street
Cranston, Rhode Island 02905

EXHIBIT A

