

**COASTAL RESOURCES MANAGEMENT COUNCIL
REPORT AND RECOMMENDATION
TO THE RIGHTS-OF-WAY SUBCOMMITTEE**

**Proposed Right-of-Way: Public Street, east of Allen’s Avenue to the Providence River
 In the City of Providence**

I. Introduction

I have examined the title to Public Street in connection with a review as to the street’s suitability for designation as a public right-of-way to the tidal waters of the State of Rhode Island. A review of the relevant records, as well as consultation with City of Providence officials and the Department of the Attorney General support the designation of Public Street, from the intersection with Allen’s Avenue easterly to the shoreline of the Providence River, as a designated public right-of-way to the tidal waters of the State of Rhode Island.

II. Facts

On January 17, 1876, the Providence Board of Aldermen adopted a resolution to lay out Public Street “from Eddy Street to the harbor line, and fifty feet wide.” It is clear from the resolution, attached hereto as Exhibit A, that the eastern terminus of Public Street is the shore of the Providence River.

A review of the relevant deeds to abutting property owners east of Allen’s Avenue reference Public Street as a boundary. The property to the immediate north of Public Street (and east of Allen’s Avenue), Assessor’s Plat 46, Lot 489, is owned by the Narragansett Electric Company, d/b/a National Grid. The deed into the Narragansett Electric Company, dated February 17, 2012, lists the southerly boundary of the property as five hundred thirty-five and 90/100 (535.90’) feet along the northerly line of Public Street. A copy of this deed is attached as Exhibit B.

There are three properties that border the southerly line of Public Street. The first, bounding on Allen's Avenue and Public Street, is Assessor's Plat 46, Lot 630. The owner, SMM New England Corporation, obtained title to the property on September 27, 2017, with the deed being recorded in Book 11837, Page 318. This parcel of land comprises the southerly boundary of Public Street from the intersection of Allen's Avenue easterly by one hundred ninety-one and 94/100 (191.94') feet. A copy of the deed is attached hereto as Exhibit C.

The next property to the east is Assessor's Plat 46, Lot 323, owned by Pete's Tire Barn of RI LLC. The deed into present owner of this property was a Receiver's Deed, dated March 20, 2002, and recorded in Book 5095, Page 309. This property continues the southerly boundary of Public Street, from the SMM New England Corporation parcel, easterly by one hundred seven and 16/100 (107.16') feet. A copy of this deed is attached hereto as Exhibit D.

The easternmost parcel that completes the southerly boundary of Public Street is Assessor's Plat 46, Lot 325. The owner, Airway Leasing LLC, obtained title to the parcel on November 7, 2019, in Book 12541, Page 20. Unlike the two other properties to the west, the description for the Airway Leasing lot begins at the center line of Public Street. That conforms to the current mapping for Public Street, but please note that there is a scrivener's error in the deed into Airway Leasing. The northern boundary for the lot is given as the "northerly line of the (sic) Public Street..." This is clearly an error; the reference to the northerly line of Public Street does not comport with the dimensions given in the deed or the depiction of the lot on the City of Providence Tax Assessor's Plat Maps. A copy of this deed is attached hereto as Exhibit E.

III. Conclusion

Given the 1876 dedication of Public Street by the Providence Board of Aldermen, and the fact that Public Street is used as bound to describe the abutting lots, it is clear that Public Street, as a City of Providence right-of-way, is a public right-of-way to the title waters of the State of Rhode Island. The width is fifty (50') feet from Allen's Avenue, extending easterly to the western point of the Airway Leasing lot. From that point easterly to the shore of the Providence River the width is twenty-five (25') feet. The recommendation from legal counsel is to designate Public Street as a CRMC right-of-way to the tidal waters of the State of Rhode Island, that being the shore of the Providence River.

/s/ Anthony DeSisto
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