

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

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

I. Introduction

Public Street is a public street of the City of Providence; that part of the street, from the intersection with Allen’s Avenue easterly to the shoreline of the Providence River, has been reviewed for designation as a public right-of-way to the tidal waters of the State of Rhode Island.

II. Facts

The Rights-of-Way Subcommittee directed CRMC legal counsel to review the title to that portion of Public Street easterly from the intersection with, and running perpendicular to, Allen’s Avenue. Legal counsel was greatly assisted on this matter by City of Providence officials David Everett, Leo Perrotta and Craig Hochman, as well as Special Assistant Attorney General Gregory Schultz, Esq. From the records of the City of Providence, on January 17, 1876, the Providence Board of Alderman 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 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 A.

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 B.

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 C.

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 and 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 D.

A public hearing was held by the Rights-of-Way Subcommittee, utilizing the Zoom Webinar platform, on June 29, 2021, at which time the public was invited to give testimony. All who testified, except for an attorney for an abutter, spoke in favor of designating the subject portion of Public Street as a right-of-way to the shore. The attorney, Joshua Parks, Esq. did not oppose the designation on behalf of his client but did express a concern with the use of Public Street as a right-of-way for the public in light of the industrial uses in the immediate vicinity. He did not contest the right of the public to use Public Street to travel to the tidal waters of the State of Rhode Island.

It further appeared from the testimony of the public that Public Street has been used for this purpose for some time, including but not limited to fishing from the terminus of the right-of-way. The Honorable Pedro Espinal, the Providence City Council Member who represents that portion of Providence where Public Street is located, forwarded a letter with his strong support for the designation.

III. Conclusion

The 1876 dedication of Public Street by the Providence Board of Aldermen as a city street is corroborated by the fact that Public Street is used as a 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 the rights-of-way subcommittee to the full Council 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/
Ronald Gagnon, Acting Chair

/s/
Patricia Reynolds

/s/
Donald Gomez