# State of Rhode Island Coastal Resources Management Council Oliver H. Stedman Government Center 4808 Tower Hill Road, Suite 3 Wakefield, RI 02879-1900

(401) 783-3370 Fax (401) 783-2069

# **NOTICE OF PUBLIC HEARING**

<b>CRMC File No.:</b>	2020-07-103	Date:	June 7, 2021	

In accordance with and pursuant to the provisions of the "Administrative Procedures Act", (Chapter 42-35 et. seq. of the General Laws of Rhode Island), and the Rules and Regulations of the Coastal Resources Management Council, a hearing will be held to receive comments and evidence from interested parties concerning possible designation of public rights of ways to the tidal waters of the State relative to Title 46, Chapter 23, of Section 6E, of the Rhode Island General Laws of 1956, as amended.

Said Right-of-Way is described as follows:

• Public Street east of Allens Avenue extending to its terminus at the waterfront.

The hearing will be held at 5:30 p.m. on Tuesday, June 29, 2021 utilizing Zoom Webinar platform (see below).

Parties interested in/or concerned with the above mentioned matter are invited to be present and/or represented by counsel at the above mentioned time and place. This meeting place is accessible to individuals with disabilities. The meeting location is accessible to handicapped persons. Any individual requiring a reasonable accommodation in order to participate in this meeting should contact CRMC offices at 401-783-3370 at least 72 hours prior to the meeting.

Documentation on the subject activity received to date may be requested through the Coastal Resources Management Council, Oliver H. Stedman Gov't Center, 4808 Tower Hill Road, Wakefield, Rhode Island, Monday through Friday – 401-783-3370 or <a href="mailto:cstaff1@crmc.ri.gov">cstaff1@crmc.ri.gov</a> or at CRMC.ri.gov.

Oral statements will be heard and recorded and statements may be submitted to the hearing officers at the time of hearing.

Signed this 7th day of June, 2021.

Jeffrey M. Willis, Executive Director Coastal Resources Management Council

Please click the link below to join the webinar:

https://us02web.zoom.us/j/85429393513?pwd=U3dlNlNEOGdDc0l2TjO0OTJZYTFIdz09

Webinar ID: 854 2939 3513

Passcode: 237074

Or Telephone: Dial (for higher quality, dial a number based on your current location):

888-788 0099 (Toll Free) or 833-548 0276 (Toll Free) or 833-548 0282 (Toll Free) or 877-853 5247

(Toll Free)

Webinar ID: 854 2939 3513

Passcode: 237074

# **Lisa Turner**

From: Gregory Schultz <gSchultz@riag.ri.gov>
Sent: Tuesday, October 20, 2020 4:06 PM
To: Kevin Cute; krcute56@gmail.com

Cc:tony@adlawllc.net; Tricia Jedele; Alison HoffmanSubject:Public Street Public ROW - Port of Providence

Attachments: Tax Plat 46.pdf; PublicStreet\_Waterfront\_AerialMap\_v1 (005).pdf;

PublicStreet\_Waterfront\_Map\_v1 (006).pdf; PUBLIC STREET.pdf

#### Kevin:

Pursuant to our recent conversation, below is a brief summary of the title research that I have done regarding the properties abutting Public Street, from Allens Avenue to the shore of Narragansett Bay. Although I have not conducted a full title review, the review that I have done clearly supports the initiation of CRMC review.

A review of the City Tax Assessor maps shows Public Street east of Allens Avenue as a City street and not a private lot. The street is not taxed as a private lot. Title documents to properties abutting Public Street east of Allens Avenue, with one exception discussed below, identify the lots as being bounded by Public Street (see attached deeds to Assessor's Plat 46, Lots 630, 325, 323, and 489). Additionally, a 2007 recorded plan by National Grid for Lot 489 shows Public Street as a City street. Historical aerial photographs and public use of this area (especially for fishing) all also support a determination that this area of Public Street is a public ROW (see maps and photos attached).

The only title document that gave question as to whether a portion of Public Street east of Allens Avenue is private is the legal description to Tax Assessor's Plat 46, Lot 325, which is located south of Public Street. Lot 325 was sold in 2007 by DEM to Gail Conley with what appears to be an incorrect metes-and-bounds boundary description that stated that the northern boundary of Lot 325 was the <u>north</u> side of Public Street. However, the metes-and-bounds description as written in the deeds must be incorrect, as the description does not enclose the parcel with the <u>north</u> reference (i.e., you don't end up where you started). Additionally, the size of the lot as stated in the deed (33,188.4 sq. ft.) is only achieved if the northern lot boundary was the south side of Public Street. Finally, the legal description also states that said lot is f/k/a Tax Assessor's "Plat 46, Lot 325." We have asked DEM to review its records on the 2007 sale to confirm the incorrect legal description.

The weight of evidence clearly supports a finding that Public Street is a public ROW and definitely supports a request to CRMC to begin the administrative review process.

Happy to discuss.

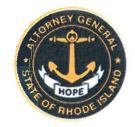
Greg

Gregory S. Schultz | Environmental Unit, Civil Division Special Assistant Attorney General The State of Rhode Island | Office of the Attorney General 150 South Main Street | Providence, RI - 02903

Office: (401) 274 4400 | Ext: 2400

Cell: (401) 480-0812

gschultz@riag.ri.gov www.riag.ri.gov



City of Providence

Tax Map # 046-0630-0000

Parcel Id 65871

200 Allens Ave, Providence

SMM NEW ENGLAND CORPORATION Since Sep 2017

242 ALLENS AVE

**PROVIDENCE RI 02905** 

Class 07 Industrial **Roll Section** 1 Taxable 4 Industrial 2254 2254 **Property Type** Nbhd W3 W-3 W3 W-3 Zoning2 Zoning Zoning3 W3 W-3 District No. 5 Living Units Tax Code R01 R01 2020 FΥ

Parcel Info.

Subdivision

Effective Year 2006

Inactive Year 9999

Legal

Owner (Current)
SMM NEW ENGLAND CORPORATION 242 ALLENS AVE PROVIDENCE RI 02905

# Owner (Previous)

City Tire Company 123 Dyer St Providence, RI 02903-3907

Petes Tire Barn of RI LLC 80 PUBLIC ST PROVIDENCE, RI 02903-4917

Sedona Associates LLC 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1000

Rhode Island State Pier Properties LLC 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1208

Rhode Island State Pier Properties 180 Allens Ave Providence, RI 02903

Sedona Associates 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1000

Sedona Associates 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1000

Rhode Island State Pier Properties 180 Allens Ave Providence, RI 02903

200 Allens Ave LLC c/o Mr Joseph Ruggiero One Nyatt Point Ct Barrington RI 02806

Rhode Island State Pier Properties 180 Allens Ave Providence, RI 02903

City of Providence Tax Map # 046-0630-0000

Parcel Id 65871

200 Allens Ave, Providence

SMM NEW ENGLAND CORPORATION Since Sep 2017

**242 ALLENS AVE** 

**PROVIDENCE RI 02905** 

Class Property Type Zoning Zoning3 Living Units FY	07 Industrial 4 Industrial W3 W-3 W3 W-3 0 2020	•			Roll Section Nbhd Zoning2 District No. Tax Code		1 Taxable 2254 2254 W3 W-3 5 R01 R01
RE Assessm	nent						
		CURRE	<u>NT YEAR IN</u>	<b>VFO</b>	<u> 2020</u>		
Land Value \$390,800		Improvements \$1,408,700	Total V \$1,799		Tax Rate	True Taxes \$66,041.68	Total Taxes \$66,041.68
		PRIOF	R YEAR INF	O 20	019		
Land Value \$390,800	-	Improvements \$1,408,700	Total V \$1,799	alue			Total Taxes \$66,041.68
Sales Inform	nation						
	Book/Page 11837/318 nce Piers LLC	Instrument QUIT CLAIM DEED	Doc.No.	UV	Adj. Reason	Sale Price \$1,779,000	Subj. Price \$1,779,000
10/16/2006 ee Memo of Lease	8339/232	REDEMPTION DEED	Sole Owner	UV		\$0	\$0
	8288/107 Providence Piers l	MEMO LEASE LC to 200 Allens Ave LLC 9/15/06	Sole Owner to 12/31/2025	UV		\$0	\$0
ft							
	8289/347 to Galway Realty R	TAX SALE HIGP	Sole Owner	υV		\$0	\$0
3/10/2005	7143/240	WARRANTY DEED	Sole Owner	U V		\$0 \$0	\$0 \$0
, _ ,	7772/254 ship for Creative Inc	LEASE dustrial Space Inc	Sole Owner	UI		φu	<b>\$</b> 0

# Doc No: 00181998

# OUITCLAIM DEED

THE PROVIDENCE PIERS, LLC, a Rhode Island limited liability company with a mailing address of 1445 Wampanoag Trail, Suite 203, East Providence, RI 02915 ("Grantor"), for consideration paid of \$1,778,700.00, grants to SMM NEW ENGLAND CORPORATION, a Delaware corporation with an address of 242 Allens Avenue, Providence, Rhode Island 02905 ("Grantee")

WITH QUITCLAIM COVENANTS, the land, buildings and improvements in Providence, Rhode Island, situated and described as follows:

See EXHIBIT A attached hereto and incorporated herein by reference.

This deed constitutes a transfer or sale of a major part of the value of the Grantor's assets in the State of Rhode Island, and a Letter of Good Standing of the Rhode Island Division of Taxation has been provided to Grantee.

Grantor is exempt from R.I.G.L. §44-30-71.3 withholding, as all of its members are Rhode Island residents, as evidenced by affidavits of the members.

Witness my hand and seal this Zald day of August, 2017.

Grantor:

THE PROVIDENCE PIERS, LLC

Name: Patrick T. Conley

Its: Manager

STATE OF RHODE ISLAND COUNTY OF PROVIDENCE

In the City of Providence, in said County, on the day of August, 2017, before me personally appeared Patrick T. Conley as Manager of The Providence Piers, LLC, to me known, and known by me to be the person so executing the foregoing instrument on behalf of said limited liability company and he acknowledged said instrument, by him so executed, to be his free act and deed in said capacity and the free act and deed of said limited liability company.

Notary Public:

Printed Name: Anna MARIA Loiselle

My Commission Expires: 11 /24/18

# Doc Not 00181998 319 5

# **EXHIBIT A**

# LEGAL DESCRIPTION

Beginning at the intersection of the easterly line of Allens Avenue and the southerly line of Public Street;

thence running easterly bounding northerly on said Public Street one hundred ninety-one and 94/100 (191.94) feet to the northwesterly corner of land now or formerly of Pete's Tire Barn of Rhode Island, LLC.;

thence turning an interior angle of 89°-39'-39" and running southerly bounding easterly on said land now or formerly of Pete's Tire Barn of Rhode Island, LLC sixty-four and 15/100 (64.15) feet a point;

thence turning an interior angle of 270°- 00'- 00" and running easterly bounding northerly on said land now or formerly of Pete's Tire Barn of Rhode Island, LLC eight and no/100 (8.00) feet to a point;

thence turning an interior angle of 90°- 20'- 21" and running southerly bounding easterly on said land now or formerly of Pete's Tire Barn of Rhode Island, LLC sixty-eight and 77/100 (68.77) feet to land now or formerly of State of Rhode Island;

thence turning an interior angle of 90°-00'-00" and running westerly bounding southerly on said land now or formerly of State of Rhode Island one hundred ninety-nine and 89/100 (199.89) feet to the easterly line of said Allens Avenue;

thence turning an interior angle of 89°-51'-31" and running northerly bounding westerly on said Allens Avenue one hundred thirty-two and 97/100 (132.97) feet to the point and place of beginning making an interior angle of 90°-08'-29" with the first described course.

Contains 26,055 square feet of land.

Said parcel is further designated as Lot 630 on Assessor's Plat 46, having an address of 200 Allens Avenue, Providence, RI.

Said conveyance is subject to the following:

- 1. Settlement Agreement and Covenant Not to Sue recorded in Book 5095 at Page 276;
- 2. Environmental Land Usage Restriction recorded in Book 5095 at Page 286; and
- 3. Restriction that no business for the sale of tires shall be operated on the premises, said restriction set forth in the deed recorded in Proph 5535 at Page 13.

Frovidence Frovidence Received for Record
Sep 27,2017 at 12:55p Document Num: 00181998
John A Murphy
Recorder of Deeds

Summary Record Card generated on 3/3/2020 11:30:42 AM by Lauren Garzone

City of Providence

Tax Map # 046-0325-0000

Parcel Id 16563

70 Public St, Providence

Airway Leasing LLC Since Nov 2019

**Effective Year** 

1967

Inactive Year

9999

Legal

1 Franklin Sq

Providence RI 02903

Class 3 Commercial Property Type Zoning W3 W-3 W3 W-3 Zoning3 Living Units Size Total 0.76 Acres

2020

14 CI Vacant Land **Roll Section** Nbhd Zoning2 District No. Tax Code

1 Taxable 2254 2254 W3 W-3 RX RX

Parcel Info.

Subdivision

FY

Owner (Current)

Airway Leasing LLC 1 Franklin Sq Providence RI 02903

Owner (Previous)
State of Rhode Island 2 EXCHANGE Ter PROVIDENCE RI 02908-5899

Patrick Conley 1445 Wampanoag Trl Ste Riverside, RI 02915-1000

Providence Piers LLC 200 Allens Ave Providence, RI 02903

Patrick T Conley 1445 Wampanoag Trl Unit 203 Riverside, RI 02915-1019

Gail C Conley One Bristol Point Rd Bristol, RI 02809

Gail C Conley One Bristol Point Rd Bristol, RI 02809

Gail C Conley One Bristol Point Rd Bristol, RI 02809

Gail C Conley 1445 Wampanoag Trl Ste 203 Riverside RI 02915

Gail C Conley 1445 Wampanoag Trl Ste 203 Riverside RI 02915

GCC LLC 1445 Wampanoa Trl Ste 203 Providence RI 02915

Summary Record Card generated on 3/3/2020 11:30:43 AM by Lauren Garzone

Providence RI 02903

City of Providence Tax Map # 046-0325-0000 Parcel Id 16563 70 Public St, Providence Airway Leasing LLC Since Nov 2019 1 Franklin Sq

Class	14 CI Vacant Land	Roll Section	1 Taxable
Property Type	3 Commercial	Nbhd	2254 2254
Zoning	W3 W-3	Zoning2	W3 W-3
Zoning3	W3 W-3	District No.	5
Living Units	0	Tax Code	RX RX
Size Total	0.76 Acres		
FY	2020		

#### **RE Assessment CURRENT YEAR INFO 2020** Land Value Improvements **Total Value** Tax Rate **True Taxes Total Taxes** \$365,100 \$13,399.20 \$13,399.20 \$365,100 \$0 **PRIOR YEAR INFO 2019 Land Value** Improvements **Total Value Total Taxes** \$365,100 \$365,100 \$13,399.20 \$0 Sales Information Date Book/Page Doc.No. Adj. Reason Sale Price Subj. Price Instrument UV 12541/20 WARRANTY DEED 11/4/2019 \$275,000 \$275,000 6/13/2019 12385/144 QUIT CLAIM DEED UV \$0 \$0 REDEMPTION DEED UV 3/5/2019 12296/121 \$0 \$0 Red Book 11770 Page 34 REDEMPTION DEED 2/11/2019 12280/23 UV \$0 \$0 Red deed tax sale bk 11445/113 left 7/13/2017 11770/34 TAX SALE UV \$0 \$0 Tax sale to City of Providence 7/8/2016 11445/113 TAX SALE UV \$0 \$0 Tax sale to Providence Piers LLC left 8/31/2010 9805/043 QUIT CLAIM DEED UV \$0 \$0 9/29/2009 9536/345 QUIT CLAIM DEED Sole Owner UV \$0 \$0 QUIT CLAIM DEED Sole Owner \$0 7/2/2009 9465/342 UV \$0 QUIT CLAIM DEED 6/24/2009 9453/131 Sole Owner UV \$0 \$0

#### WARRANTY DEED

GCC, LLC, a Rhode Island Limited Liability Company, having a principal mailing address of 1445 Wampanoag Trail, East Providence, RI 02914, for consideration in the amount of \$275,000.00 (Two Hundred Seventy-Five Thousand and 00/100 Dollars) paid grants to AIRWAY LEASING, LLC, a Rhode Island Limited Liability Company, having a principal mailing address of One Franklin Square, Providence, RI 02903

#### with WARRANTY COVENANTS

# SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

This transfer is such that no RIGL 44-30-71.3 withholding is required as Seller is a Rhode Island Limited Liability Company and its sole member is a resident of the State of Rhode Island, as evidenced by Affidavit.

This transfer does not represent a major portion of the LLC's assets and is conducted in the ordinary course of business. yM Witness my hand this day of November, 2019. By: PATRICK T. CONLEY Authorized

Manager

STATE OF RHODE ISLAND COUNTY OF BrishL

day of November, 2019, before me personally appeared \_\_\_\_, on this Patrick T. Conley, Authorized Manager, to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed to be his free act and deed in his said capacity and the free act and deed of GCC, LLC.

> Notary Public Toms Shekmuli My Commission exps:

> > JOHN E. SHEKARCHI

Notary Public-State of Rhode Island

My Commission Expires

July 30, 2021

**Property Address:** 

70 Public Street Providence, RI 02905 AP 46 Lot 325

grante Adress

That certain parcel of land situated on the southerly side of Public Street in the City of Providence, County of Providence, State of Rhode Island, bounded and described as follows:

Beginning at a point on or about the center line of Public Street at the corner of State property approximately two hundred ninety-sight and 89/100 (298.69) feet from the easterly line of Allens Avenue; thence running easterly on the northerly line of the Public Street a distance of two hundred ten and 00/100 (210.00) feet, thence turning southerly at an interior angle of ninety (90) degrees to the last described line, a distance of one hundred fifty-sight and 4/100 (158.04) feet; thence westerly at an interior angle of ninety (90) degrees, a distance of iwo hundred ten and 00/100 (210.00) feet, thence northerly at an interior angle of ninety (90) degrees, a distance of one hundred fifty-eight and 4/100 (158.04) feet to the point and place of beginning.

Said parcel is further designated as Lot 325 on Assessor's Plat 46, containing 33,188.4+/- equare feet of land, having an address of 70 Public Street, Providence, RI.

- Subject to Your for Cally

RECEIVED:

Providence Received for Record Nov 07:2019 at 12:10P Document Num: 00241473 John A Murphy Recorder of Deeds

Property Address: 70 Public Street Providence, RI 02905 AP 46 Lot 325

City of Providence

Tax Map # 046-0489-0000

Parcel Id 67016

186 Allens Ave, Providence

Narragansett Electric Co Since Feb 2012

40 Sylvan Rd

Waltham, MA 02451-2286

Class	14 Cl Vacant Land	Roll Section	1 Taxable
Book No	0/0 0/0	Property Type	3 Commercial
Nbhd	2254 2254	Zoning	W3 W-3
Zoning2	W3 W-3	Zoning3	W3 W-3
District No.	5	Living Units	0
Tax Code	R01 R01	Size Total	2.02 Acres
FY	2020		

# Parcel Info.

Subdivision

Effective Year 2006

Inactive Year 9999 Legal

Owner (Current)
Narragansett Electric Co
40 Sylvan Rd

Waltham, MA 02451-2286

# Owner (Previous)

Greene Company Po Box 5044 PO Box 5044 Greene, RI 02827-0044

Rhode Island State Pier Properties LLC 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1208

Sedona Associates 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1000

Galway Realty RIGP 1445 Wampanoag Trl East Providence, RI 02915

Rhode Island State Pier Properties 180 Allens Ave Providence, RI 02903

Rhode Island State Pier Properties LLC 1445 WAMPANOAG TRL RIVERSIDE, RI 02915-1208

#### **RE Assessment**

Land Value

\$700,400

CURRENT Y	EAR I	INFO	2020
-----------	-------	------	------

Land Value \$700,400 Improvements \$21,000 Total Value \$721,400 Tax Rate

True Taxes \$26,475.40 Total Taxes \$26,475.40

PRIOR

\$721,400

**PRIOR YEAR INFO 2019** 

Improvements \$21,000 Total Value \$721,400 Total Taxes \$26,475.40 City of Providence

Tax Map # 046-0489-0000

Parcel Id 67016

186 Allens Ave, Providence

Narragansett Electric Co Since Feb 2012

40 Sylvan Rd

Waltham, MA 02451-2286

Class Book No Nbhd Zoning2 District No. Tax Code FY	14 CI Vacant L 0/0 0/0 2254 2254 W3 W-3 5 R01 R01 2020	and		Roll Section Property Type Zoning Zoning3 Living Units Size Total		1 Taxable 3 Commercial W3 W-3 W3 W-3 0 2.02 Acres
Sales Info	rmation					
Date	Book/Page	Instrument	Doc.No.	Adj. Reason	Sale Price	Subj. Price
2/17/2012	10197/201	QUIT CLAIM DEED		UV	\$0	\$0
2/17/2012	10197/188	REDEMPTION DEED		υV	\$0	\$0
REDS tax sale db	7671/114					
left 6/29/2007	8747/233	QUIT CLAIM DEED	Sole Owner	uv	\$0	\$0
7/26/2007	8289/339	REDEMPTION DEED	Sole Owner	ŭv	\$0 \$0	\$0
8/9/2007	8784/298	QUIT CLAIM DEED	Sole Owner	ŭv	\$0	\$0
REDS tax sale 82		Q011 02 1111 D222			,	·
	•					
left					**	**
7/26/2007	8784/300	REDEMPTION DEED	Sole Owner	UV	\$0 *0	\$0 \$0
9/18/2006	8289/339	TAX SALE	Sole Owner	υV	\$0	ΦU

RHODE ISLAND STATE PIER PROPERTIES, LLC, a Rhode Island Limited Liability Company (the "Grantor") with a mailing address of 200 Allens Avenue, Providence, Rhode Island 02903

for consideration paid in the sum of \$4,000,000.00 grants to THE NARRAGANSETT ELECTRIC COMPANY, d/b/a NATIONAL GRID (the "Grantee") with a mailing address of 40 Sylvan Road, Waltham, Massachusetts 02451

with QUITCLAIM COVENANTS

The following described property:

#### FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Subject to any easements or restrictions of record, and together with any and all appurtenant rights to the extent the same are in full force and effect.

I, Patrick T. Conley, Authorized Member of Rhode Island State Pier Properties, LLC do hereby covenant that no RIGL 44-30-71.3 withholding is required as all members are Rhode Island residents and the LLC is organized and exists under the Laws of the State of Rhode Island, as evidenced by the Grantor's Residency Affidavit delivered by Grantor to Grantee as of the date hereof.

This transaction is hereby exempt from R.I.G.L. Sec. 23-28.35-1 et seq. Smoke Detector and Carbon Monoxide Law because the property contains no residential dwellings.

In Witness Whereof, Grantor has caused this Quitclaim Deed to be executed as of the 17th day of February, 2012, by its proper officer duly authorized.

Rhode Island State Pier Properties, LLC

Patrick T. Conley, Authorized Member

STATE OF RHODE ISLAND **COUNTY OF PROVIDENCE** 

In <u>Fast Providence</u> on the <u>17th</u> day of February, 2012, before me personally appeared Patrick T. Conley, Authorized Member of Rhode Island State Pier on the 17th day of February, 2012, before me Properties, LLC, to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed to be his free act and deed individually and in his capacity aforesaid, and the free act and deed of the said Rhode Island State Pier Properties, LLC.

> Osma Morra Box Que Notary Public, Anno Morrio Isise lle My commission expires: 11-84-14

**GRANTEE'S ADDRESS:** 

40 Sylvan Road Waltham, Massachusetts 02451 Attn: Patricia Wong, Esq.

# Doc No: 00030308 Book:10197 Fase:

AP 46, Lot 481

A certain piece of land together with all buildings and improvements located thereon being shown and designated as: "Parcel 1 Assessor's Plat 46, Lot 481 RHODE ISLAND STATE PIER PROPERTIES,

LLC AREA: 305,345 SQ. FT. OR 7.010 ACRES LAND: 109,577 SQ. FT. (TO M.H.W. LINE) WATER: 195,768 SQ FT." and that certain wharf, dock and/or pier being shown as "WOOD PLANK PIER" and "BRICK PAVING" all as shown on a certain map or survey entitled: "SURVEY OF PROPERTY PARCELS 1 2 3 4 5 6 7 Allens Avenue & Public Street Providence, Rhode Island Prepared for: RHODE ISLAND STATE PIER PROPERTIES, LLC APRIL 3, 2006 Revised August 4, 2006: New "as built" surface elevations and contours on parcels North of Public Street Revised July 7, 2007:: Survey Certification added for Parcel 1 and Parcel 2, SCALE 1" - 40 FEET Gilbert & Maloney Engineers & Land Surveyors 170 Rhodes Street Providence, RI 02903 3907M3.dwg", which map or plan was recorded on August 7, 2007 at 1:20 p.m. in the Office of Recorder of Deeds in the City of Providence, Rhode Island, and to which reference may be had in Plan Book 76, Page 54.

Said premises are more particularly bounded and described as follows:

Beginning at a point in the easterly line of Allens Avenue at the southwesterly corner of land now or formerly of C.H. Sprague & Son Company;

Thence running N. 66° 02' 21" E along land now or formerly of C.H. Sprague & Son Company one thousand one hundred nine and 78/100 (1,109.78) feet to a point;

Thence turning an interior angle of 90°00'00" and running S. 23° 57' 39" E. along the former Providence Harbor Line three hundred thirty-three and 82/100 (333.82) feet to a point in the northeasterly corner of land now or formerly of Pearl Trust, Patrick T. Conley Trustee;

Thence turning an interior angle of 85° 50' 34" and running S. 70° 11' 47" W along said land now or formerly of Pearl Trust, Patrick T. Conley, Trustee and in part on other land now or formerly of Rhode Island State Pier Properties, LLC one thousand one hundred thirty seven and 70/100 (1,137.70) feet to the easterly line of said Allens Avenue;

Thence turning an interior angle of 88° 29' 39" and running N. 18° 17' 52" W. along said Allens Avenue twenty-five and 01/100 (25.01) feet to the southwesterly corner of land now or formerly of Cargil Incorporated;

Thence turning an interior angle of 91° 30' 21" and running N. 70° 11' 47" E. along land now or formerly of Cargil Incorporated three hundred thirty-six and 01/100 (336.01) feet to the southeasterly corner of said land now or formerly of Cargil Incorporated;

Thence turning an exterior angle of 91° 30' 21" and running N. 18° 17' 52" W. a distance of sixty nine and 99/100 (69.99) feet to the northeasterly corner of said land now or formerly of Cargil Incorporated;

Thence turning an exterior angle of 88° 29' 39" and running S. 70° 11' 47" W a distance of three hundred and thirty-six and 01/100 (336.01) feet to a point;

Thence turning an interior angle of 88° 29' 39" and running N. 18° 17' 52" W a distance of one hundred fifty-seven and 57/100 (157.57) feet to the point and place of beginning, making an interior angle of 95° 39' 47" with the first described course.

Together with the right of access for all purposes in common with others over under and across the "wood Plan Pier" and "Brick Paving" (collectively the "Pier") as shown and referenced on the map set forth in this Exhibit A and the exclusive right to use, own, repair, maintain and operate the Pier for all purposes allowed by applicable law.

**Property Address:** 

164 and 170 Allens Avenue and/or 180 Allens Avenue Providence, RI Plat 46, Lot 481

202

A certain piece of land together with all buildings and improvements located thereon being shown and designated as: "Parcel 3 Assessor's Plat 46, Lot 489 RHODE ISLAND STATE PIER PROPERTIES, LLC LAND: 75,952 SQ. FT. (TO M.H.W. LINE) WATER: 11,775 SQ. FT." on a certain map or survey entitled:: "SURVEY OF PROPERTY PARCELS 1 2 3 4 5 6 7 Allens Avenue & Public Street Providence, Rhode Island Prepared for: RHODE ISLAND STATE PIER PROPERTIES, LLC APRIL 3, 2006 Revised August 4, 2006: New "as built" surface elevations and contours on parcels North of Public Street Revised July 7, 2007:: Survey Certification added for Parcel 1 and Parcel 2, SCALE 1" – 40 FEET Gilbert & Maloney Engineers & Land Surveyors 170 Rhodes Street Providence, RI 02903 3907M3.dwg", which map or plan was recorded on August 7, 2007 at 1:20 p.m. in the Office of Recorder of Deeds in the City of Providence, Rhode Island, and to which reference may be had in Plan Book 76, Page 54.

Said premises are more particularly bounded and described as follows:

Beginning at the intersection of the easterly line of Allens Avenue and the northerly line of Public Street:

Thence running N. 18° 17' 52" W along on said Allens Avenue one hundred eighty-two and no/100 (182.00) feet to a point;

Thence turning an interior angle of 91° 30′ 21" and running N. 70° 11′ 47" E on other land now or formerly of the Rhode Island State Pier Properties, LLC three hundred thirty-six and 01/100 (336.01) feet to a point;

Thence turning an interior angle of 88° 29' 39" and running S 18° 17' 52" E on land now or formerly of Pearl Trust, Patrick T. Conley, Trustee sixty-five and no/100 (65.00) feet to a point;

Thence turning an exterior angle of 89° 08' 33" and running N. 70° 50' 41" E along said land now or formerly of Pearl Trust, Patrick T. Conley, Trustee two hundred and 02/100 (200.02) feet to a point;

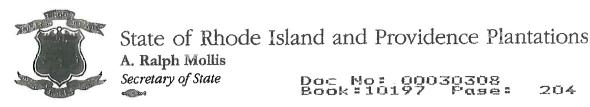
Thence turning an interior angle of 89° 08' 33" and running S 18° 17' 52" E on said land now or formerly of Pearl Trust, Patrick T. Conley Trustee one hundred twenty seven and 50/100 (127.50) feet to a point in the northerly line of said Public Street;

Thence turning an interior angle of 90° 08' 29" and running S. 71° 33' 39" W along said Public Street five hundred thirty five and 90/100 (535.90) feet to the point and place of beginning making an interior angle of 89° 51' 31" with the first described course.

Contains 87,727 square feet or 2.014 acres of land.

Property Address:

186 Allens Avenue Providence, RI Plat 46, Lot 489



Doc No: 00030308 Book:10197 Pase:

204

Certification Number: 12012380490

The office of the Secretary of State of the State of Rhode Island and Providence Plantations, HEREBY CERTIFIES, that

# Rhode Island State Pier Properties, LLC

a Rhode Island limited liability company, filed original articles of organization in this office on

April 05, 2004

Effective

April 05, 2004

IT IS FURTHER CERTIFIED that as of this date said limited liability company is duly organized and existing under and by virtue of the laws of the State of Rhode Island and is in good standing according to the records of this office.

SIGNED AND SEALED ON

Friday, January 20, 2012

Secretary of State

Authorized Agent

RECEIVED:

Providence Received for Record Feb 17,2012 at 01:05:00P Providence John A Murphy Recorder of Deeds



City of Providence

Tax Map # 046-0323-0000

Parcel Id 16562

80 Public St, Providence

Petes Tire Barn of RI LLC Since Apr 2002

80 PUBLIC ST

**PROVIDENCE, RI 02903-4917** 

1 Taxable Class 05 Commercial I Roll Section 2254 2254 3 Commercial Nbhd **Property Type** W3 W-3 Zoning2 Zoning W3 W-3 5 W3 W-3 District No. Zoning3 R01 R01 Tax Code Living Units 0 0.31 Acres Size Total 2020 FY

Parcel Info.

Subdivision

**Effective Year** 1967

**Inactive Year** 9999

Legal

**Owner (Current)** Petes Tire Barn of RI LLC 80 PUBLIC ST

PROVIDENCE, RI 02903-4917

Owner (Previous)

City Tire Company 123 Dyer St Providence, RI 02903-3907

**RE Assessment** 

**CURRENT YEAR INFO 2020** 

Improvements **Land Value** \$150,700

\$498,900

Total Value \$649,600 Tax Rate

**True Taxes** \$23,840.32 **Total Taxes** \$23,840.32

**PRIOR YEAR INFO 2019** Land Value Improvements

\$498,900

**Total Value** 

**Total Taxes** 

\$150,700

\$649,600

\$23,840.32

Sales Information

Book/Page Date 4/5/2002 5095/309

Instrument

REDEMPTION DEED

Doc.No. Sole Owner Adj. Reason

Sale Price \$150,000

Subj. Price \$150,000

### 8K5095PG0309

#### RECEIVER'S DEED

I, Allan M. Shine, in my capacity as the duly appointed and qualified Permanent Receiver of City Tire Co., by the power conferred by Order of the Providence County Superior Court of the State of Rhode Island entered in the Receivership proceedings pending before that Court, docketed as P.M. No. 96-1542, on the 7th day of March, 2001, and by every other power thereunto me enabling, in consideration of \$150,000 paid by Pete's Tire Barn of Rhode Island, L.L.C., the receipt whereof is hereby acknowledged, do hereby grant unto Pete's Tire Barn of Rhode Island, L.L.C., free and clear of all liens and encumbrances, but subject to all municipal ordinances, federal and state laws and regulations and all restrictions of record, all of my right, title and interest as said Permanent Receiver in and to those certain parcels of real estate located at 80 Public Street and 230 Allens Avenue, Providence, Rhode Island, Tax Assessor's Plat 46, Lot 323 and Plat 46, Lot 319, as more particularly described in Exhibit A annexed hereto and hereby incorporated herein, with all buildings and improvements situated thereon, together with all fixtures affixed thereto, forming a part thereof or used in connection therewith, including but not limited to, all heating fixtures, lighting fixtures (including but not limited to all parking light fixtures), water and sewer pipes, plumbing fixtures, air conditioning fixtures, ventilation ducts, and all other fixtures affixed to the said real estate (the "Real Estate").

This conveyance is made "as is" and "where is" and without any representations or warranties of any kind whatsoever, including but not limited to, any representations or warranties concerning quantity, quality, durability, condition, merchantability, fitness for any purpose, or any other aspect of said Real Estate.

This conveyance is made by a Receiver appointed by the Providence County Superior Court of the State of Rhode Island, and no withholding tax is required under Rhode Island Gen. Laws 1956 [1988 Reenactment] \$44-30-71.3.

# BK5095PG0310

Notwithstanding anything herein to the contrary, the Receiver's execution of this instrument in his capacity as Receiver shall not render him personally liable.

This is a conveyance of commercial real estate which is exempt from the smoke detector requirements as provided in R.I.G.L. \$23-28.35-14.

WITNESS my hand this 20 day of March, 2002.

Allan M. Shine, as and only as Permanent Receiver of City Tire Co., and not individually

STATE OF RHODE ISLAND COUNTY OF PROVIDENCE

In Providence, in said County on the day of March, 2002, before me personally appeared Allan M. Shine, Permanent Receiver of City Tire Co. to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument by him executed to be his free act and deed and his free act and deed as and only as Permanent, Receiver of City Tire Co., and not individually.

Notary Public Coulling Retailable

RIIODE ISLAND RAL ESTATE CONVEYANCE TAX RECORDER PONTONICE

# BK5095PG0311

# ACKNOWLEDGEMENT OF RECEIPT OF RECEIVER'S DEED

The undersigned hereby acknowledges receipt of the executed original foregoing Receiver's Deed and the real estate and all buildings and improvements thereon and all fixtures affixed thereto, and the undersigned acknowledges that the Receiver has foregoing Receiver's Deed.

Pete's Tire Barn of Rhode Island, L.L.C.

BK5095PG0312

# EXHIBIT: A.

LEGAL DESCRIPTION

Darbere a. Irone Action By Herker of Deeds

RECEIVED FOR RECORD

230 Allens Avenue, Providence, Rhode Island

2002 APR -5 A IO: 11

That certain tract or parcel of land situate in the ACITADLE Providence, County of Providence, State of Rhode Island Companded CO and described as follows:

Beginning at a point in the easterly side of Allens Avenue 61.18 feet southerly from the southeasterly corner of said Allens Avenue and Public Street, thence easterly bounded northerly by land belonging to the Gold-Smith Realty Co., a Rhode Island corporation, 144.40 feet, thence southerly bounded easterly by said company land 72.04 feet more or less; thence westerly bounded southerly by land belonging to the State of Phode Island and brought as the State Of Phode Island and brought as the State Phode Island and brought as the State Of 72.04 feet more or less; thence westerly bounded southerly by land belonging to the State of Rhode Island and known as the State Pier Property 145.70 feet to said Allens avenue; and thence turning an interior angle of 89°51' and running northerly along said Allens Avenue 72.04 feet more or less to the point and place of beginning, forming with the first mentioned bound an interior angle of 90°08'.

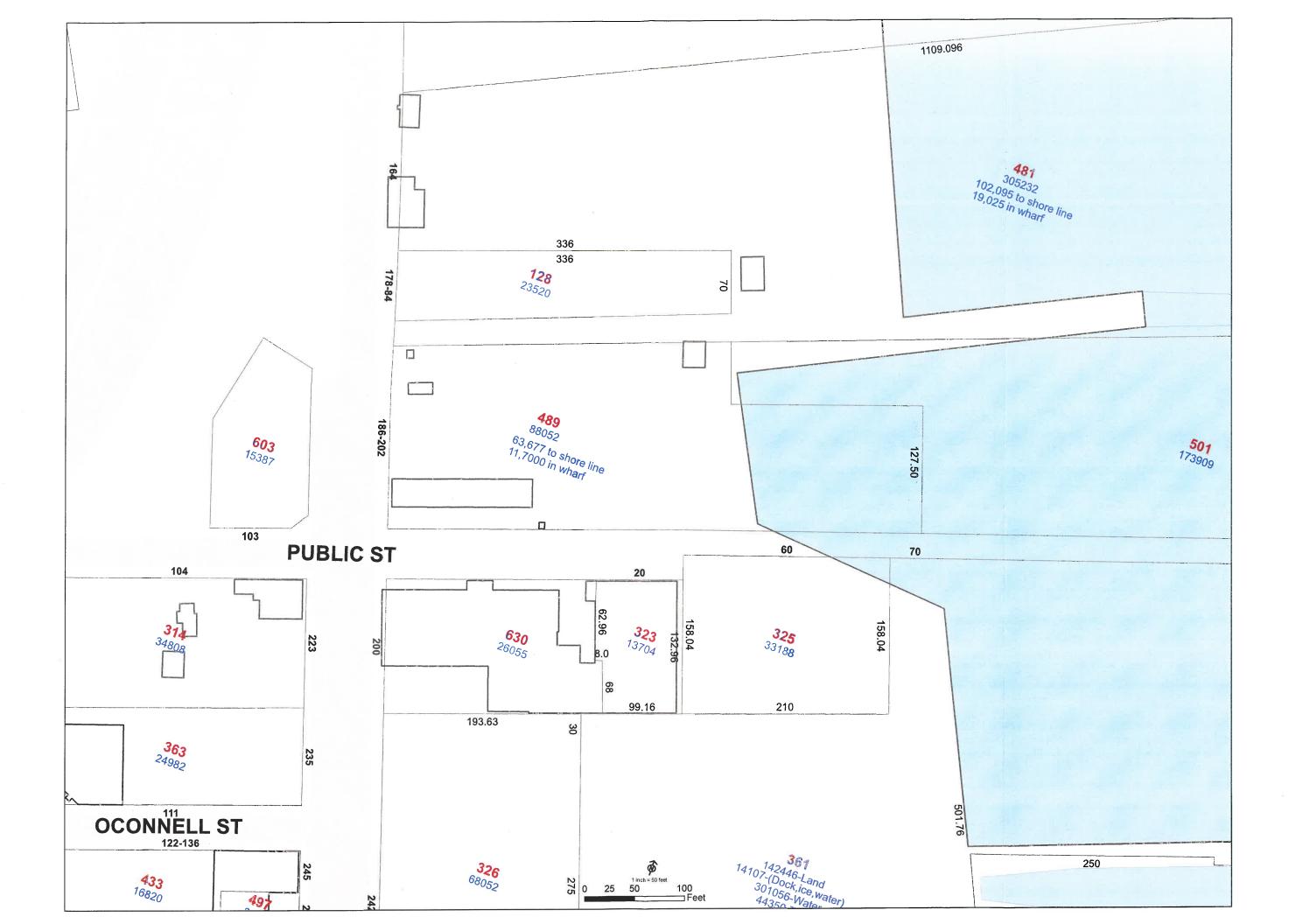
# 80 Public Street, Providence, Rhode Island

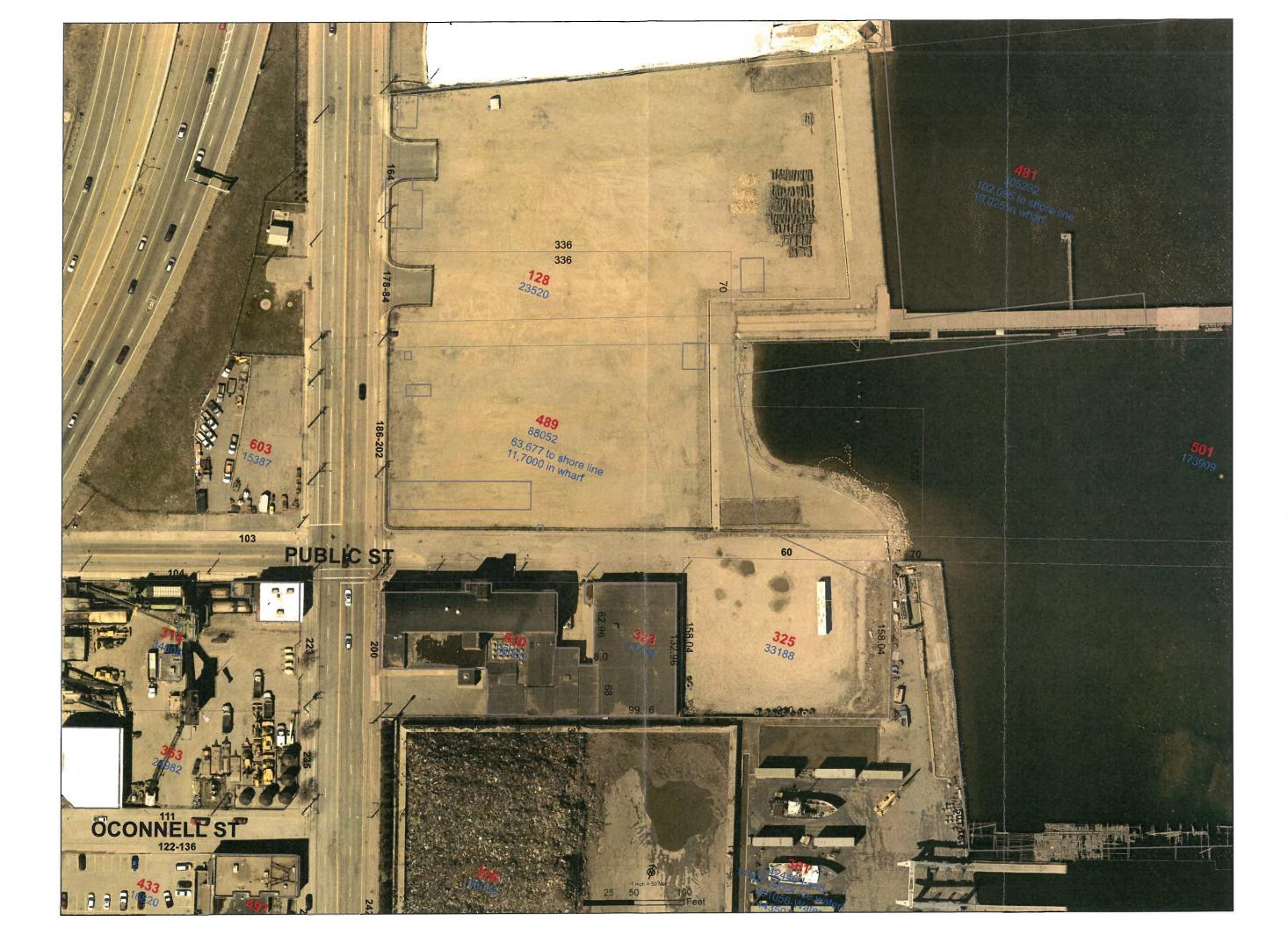
That certain lot or parcel of land with all the buildings and other improvements thereon located on the southeasterly side of the portion of Public Street which is northeast of Allens Avenue in the City of Providence, County of Providence, State of Rhode Island, bounded and described as follows:

Beginning at a point on the southeasterly side of said portion of Public Street, said point being fifteen feet (15') northeast from the northeasterly corner of a masonry building owned by Gold-Smith Realty Company (which said building fronts on Allens Avenue and the northwesterly side of which faces said portion of Public Street, though many northeasterly along the southeasterly line and the northwesterly side of which faces said portion of Public Street); thence running northeasterly along the southeasterly line of said Public Street a distance of one hundred seven and 16/100 (107.16) feet to land now or formerly of the State of Rhode Island; thence turning and running southeasterly bounding northeasterly on said State of Rhode Island land a distance of one hundred thirty-two and 96/100 (132.96) feet; thence turning and running southwesterly bounding southeasterly on other land now or formerly of the State of Rhode Island a distance of ninety-six and formerly of the State of Rhode Island a distance of ninety-six and 16/100 (96.16) feet; thence turning an interior angle of ninety (90°) degrees and running northwesterly bounding southwesterly on other land of Gold-Smith Realty Company a distance of sixty-eight (68) feet to a corner; thence turning an interior angle of ninety (90°) degrees and running southwesterly bounding southeasterly on said land of Gold-Smith Realty Company a distance of eight (8) feet; thence turning an interior angle of ninety (90°) degrees and running northwesterly bounding southwesterly on a driveway (fifteen feet in width) a distance of sixty-four and 96/100 (64.96) feet to the point and place of beginning. the point and place of beginning.

PL 46 Kots 319 8 323









# STATE OF RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903 (401) 274-4400 • www.riag.ri.gov

> Peter F. Neronha Attorney General

November 9, 2020

Via Regular Mail Airway, Leasing, LLC c/o Richard W. Nicholson, Esq. Registered Agent 9 Thurber Blvd., Suite D Smithfield, RI 02917

Re: Notice of Encroachment - Public Street Right-of-Way, Providence, Rhode Island

Dear Attorney Nicholson:

This letter is to provide notice to Airway Leasing, LLC, the owner of Lots 325 and 323 on Tax Assessor's Plat 46, that certain structures associated with these lots, including a fence, are unlawfully encroaching on the Public Street public right-of-way and are interfering with the public's rights to use of the right-of-way. Attached is a copy of the Tax Assessor's Plat map showing the relevant portion of the Public Street right-of-way and photos showing the subject fence.

The subject fence and other structures located within the Public Street right-of-way must be removed within forty-five (45) days, or no later than Monday, December 21, 2020. If the fence and other structures are not removed by that date the Attorney General may take any or all actions necessary to remove these obstructions, including but not limited to filing an action in Superior Court.

We are hopeful that this matter can be resolved amicably, but removal of these structures unlawfully placed in the right-of-way must be completed as soon as possible so that public access through this area is no longer impeded.

If you wish to discuss this matter, please feel free to contact me at (401) 274-4400, Ext. 2400.

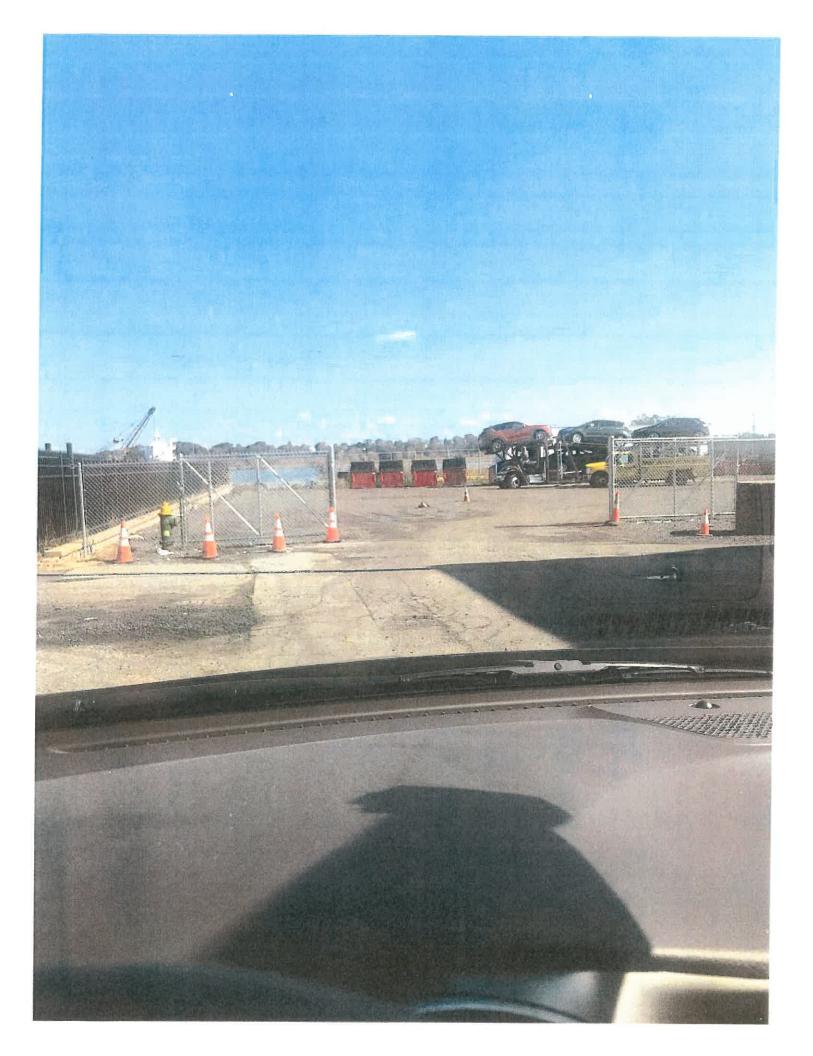
Letter to Airway, Leasing, LLC from G. Schultz Page 2 of 2 November 9, 2020

Sincerely,

Special Assistant Attorney General

eu/CC: Jennifer Cervenka, Esq., CRMC Council Chairwoman Anthony DeSisto, Esq. CRMC Legal Counsel Kevin R. Cute, CRMC Marine Resources Specialist David Everett, Principal Planner, City of Providence





## Lisa Turner

From:	kevin cute <krcute56@gmail.com></krcute56@gmail.com>
Sent:	Wednesday, October 21, 2020 12:23 PM
To:	Anthony Desisto
Subject:	Re: Public Street Public ROW - Port of Providence

Tony,

Good to hear from you and thanks for weighing in on this matter. Designating Public Street as a CRMC ROW could pave the road for the designation of Oxford Street, also off Allens Avenue. Designating Oxford Street would be a critical part of a possible salt marsh restoration project I've discussed with Caitlin Chaffee. Though she's no longer at CRMC she's probably in an even stronger position to be influential in such a project, which in my opinion would provide a very significant public benefit to the perpetually underserved community in South Providence.

Take care,

Kevin

On Tue, Oct 20, 2020 at 4:26 PM Anthony Desisto < tony@adlawllc.net > wrote: Greg:

Thank you for this email; it provides background for the letter sent to CRMC by the Attorney General. Do you know if the City of Providence maintains an official map of streets as set forth in RIGL § 45-23.1-1? If the City does maintain such a map (this is common, but I don't have any experience with the Providence map), it is significant probative evidence for matters of this nature.

Tony

On Tue, Oct 20, 2020 at 4:06 PM Gregory Schultz <gSchultz@riag.ri.gov> wrote:

Kevin:

Pursuant to our recent conversation, below is a brief summary of the title research that I have done regarding the properties abutting Public Street, from Allens Avenue to the shore of Narragansett Bay. Although I have not conducted a full title review, the review that I have done clearly supports the initiation of CRMC review.

A review of the City Tax Assessor maps shows Public Street east of Allens Avenue as a City street and not a private lot. The street is not taxed as a private lot. Title documents to properties abutting Public Street east of Allens Avenue, with one exception discussed below, identify the lots as being bounded by Public Street (see attached deeds to Assessor's Plat 46, Lots 630, 325, 323, and 489). Additionally, a 2007 recorded plan by National Grid for Lot 489 shows Public Street as a City street. Historical aerial photographs and public use of

this area (especially for fishing) all also support a determination that this area of Public Street is a public ROW (see maps and photos attached).

The only title document that gave question as to whether a portion of Public Street east of Allens Avenue is private is the legal description to Tax Assessor's Plat 46, Lot 325, which is located south of Public Street. Lot 325 was sold in 2007 by DEM to Gail Conley with what appears to be an incorrect metes-and-bounds boundary description that stated that the northern boundary of Lot 325 was the <u>north</u> side of Public Street. However, the metes-and-bounds description as written in the deeds must be incorrect, as the description does not enclose the parcel with the <u>north</u> reference (i.e., you don't end up where you started). Additionally, the size of the lot as stated in the deed (33,188.4 sq. ft.) is only achieved if the northern lot boundary was the south side of Public Street. Finally, the legal description also states that said lot is f/k/a Tax Assessor's "Plat 46, Lot 325." We have asked DEM to review its records on the 2007 sale to confirm the incorrect legal description.

The weight of evidence clearly supports a finding that Public Street is a public ROW and definitely supports a request to CRMC to begin the administrative review process.

Happy to discuss.

Greg

# Gregory S. Schultz | Environmental Unit, Civil Division

Special Assistant Attorney General

The State of Rhode Island | Office of the Attorney General 150 South Main Street | Providence, RI - 02903 Office: (401) 274 4400 | Ext: 2400

Cell: (401) 480-0812

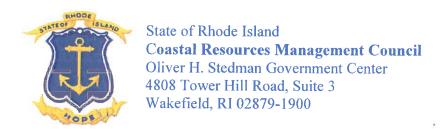
gschultz@riag.ri.gov | www.riag.ri.gov |



--

Anthony DeSisto Anthony DeSisto Law Associates, LLC 450 Veterans Memorial Parkway, Suite 103 East Providence, Rhode Island 02914

Tel.: (401) 421-0170 Fax: (401) 270-4878 tony@adlawllc.net



(401) 783-3370 Fax (401) 783-2069

19 August 2020

The Honorable Pedro Espinal, Member, Providence City Council Councilman, Ward 10 Providence City Hall, Room 310 Providence, RI 02903

Dear Councilman Espinal:

I write in response to your July 29, 2020 letter supporting the Coastal Resources Management Council (CRMC) designating the segment of Public Street in Providence east of Allens Avenue and terminating at the waterfront, as a public right-of-way to the shore (ROW). The CRMC has received similar supportive correspondence from Mayor Elorza, The South Providence Neighborhood Association, The Washington Park Association, and Save The Bay.

Legal documentation has also been provided by David Everett, Principal Planner, Department of Planning and Development, in which the segment of Public Street described therein appears to be property of the City of Providence. Having completed a preliminary review of the evidence, I am recommending that Public Street be further investigated by CRMC legal counsel. Legal counsel will then determine whether to recommend that the CRMC ROW Subcommittee hold a public hearing to receive testimony and other evidence regarding the potential designation of Public Street as a ROW.

Finally, in response to your mentioning Oxford Street as a potential ROW, I am very interested in working with you to determine whether it's a good candidate for designation. Though a preliminary examination of current plat maps didn't clearly show Oxford Street to be city property, providing legal public access to a rare stretch of urban salt marsh habitat at this location is in my opinion, a goal well worth pursuing. Please don't hesitate to contact me should you wish to further discuss this possibility.

I'll keep you informed on CRMC's next steps regarding the potential designation of Public Street as a legal public right of way to the shore, and I invite your input as we proceed.

Sincerely,

Kevin R. Cute

**CRMC Marine Resources Specialist** 

cc: Jeffrey M. Willis, CRMC Acting Executive Director Anthony DeSisto, Esq., CRMC Legal Counsel Laura Dwyer, CRMC Public Educator and Information Coordinator



AUG 11 2020
COASTAL RESOURCES
MANAGEMENT COUNCIL

July 29, 2020

Kevin R. Cute, Marine Resources Specialist Coastal Resources Management Council Stedman Government Center 4808 Tower Hill Rd. Wakefield, RI 02879

Dear Mr. Cute,

I am writing to express support for Coastal Resources Management Council designation of the segment of Public Street in Providence east of Allens Avenue extending to its terminus at the waterfront as a State recognized public right-of-way. The adjacent South Providence and Washington Park neighborhoods currently have extremely limited access to the waterfront. This official designation would enable residents of this frontline community to enjoy open space, waterfront land, and a water view that is otherwise cut off by the industrial waterfront. The site has long been neglected and the right-of-way has been effectively privatized over time, most recently with the erection of a fence obstructing access to the eastern end of the right-of-way.

As the Councilman for Ward 10 I work daily to improve the lives of those in my community. This past year, I worked with community partners to stop an industrial waste collector from opening in the Port of Providence. Further, I introduced a resolution, which passed allowing for no new waste or incinerator facilities to open in our City. Like other community organizations I believe that my neighbors value inclusiveness, sustainability, awareness, investment, and active involvement in South Providence and where carefully planned social, economic, and physical development promotes a safe, multi-cultural, diverse, vibrant, and prosperous neighborhood.

I strongly encourage you to designate Public Street between Allens Avenue and the waterfront as a CRMC right-of-way to the waterfront. We also encourage CRMC to work with the City to establish a similar public access point to the waterfront near Oxford Street, east of Allens Avenue. I am adding my voice to the Washington Park Association (WPA), the South Providence Neighborhood Association (SPNA), and Save the Bay who have been advocating for this public waterfront access.

Sincerely,

Pedro Espinal Providence City Council

Councilman - Ward 10

√CC:

Jeffrey M. Willis, Acting Executive Director, Costal Re David Everett, Principal Planner, City of Providence

PROVIDENCE CITY COUNCIL - COUNCIL PROV