

2009 -- H 5078

LC00049

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HIGHWAYS

Introduced By: Representatives Gemma, Ferri, and Trillo

Date Introduced: January 13, 2009

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-6-1 of the General Laws in Chapter 24-6 entitled "Abandonment
2 By Towns" is hereby amended to read as follows:
3 24-6-1. Order of abandonment -- Reversion of title -- Notice. -- (a) Whenever, by the
4 judgment of the town council of any town, a highway or driftway in the town, or any part of
5 either, has ceased to be useful to the public the town council of the town is authorized so to
6 declare it by an order or decree which shall be final and conclusive; and thereupon the title of the
7 land upon which the highway or driftway or part thereof existed shall revert to its owner, and the
8 town shall be no longer liable to repair the highway or driftway; provided, however, that the town
9 council shall cause a sign to be placed at each end of the highway or driftway, having thereon the
10 words "Not a public highway", and after the entry of the order or decree shall also cause a notice
11 thereof to be published in a newspaper of general circulation, printed in English at least once each
12 week for three (3) successive weeks in a newspaper circulated within the city or town and a
13 further and personal notice shall be served upon every owner of land abutting upon that part of
14 the highway or driftway which has been abandoned who is known to reside within this state but
15 nothing contained in this chapter shall in any manner affect any private right-of-way over the land
16 so adjudged to be useless as a highway or driftway, if the right had been acquired before the
17 taking of the land for a highway or driftway. Provided, however, that the town of Coventry and
18 any community with a population of not less than one hundred thousand (100,000), receiving a
19 request for the abandonment of a highway or driftway from an abutting property owner, may sell

1 the highway or driftway to the abutting owner at fair market value; and provided, further, that the
2 town of North Providence, upon receiving a request for the abandonment of a highway or
3 driftway from an abutting property owner may sell the highway or driftway to the abutting owner
4 at fair market value; and provided further, that the town of New Shoreham, upon receiving a
5 request for the abandonment of a highway or driftway from an abutting property owner may sell
6 the highway or driftway to the abutting owner at fair market value; and provided, further, that the
7 city of Cranston, upon receipt of a request for abandonment of a highway or driftway within the
8 city of Cranston, where the sale of the highway or driftway to an abutting owner would result in
9 the creation of a new lot which would be in compliance with the minimum area requirement for
10 construction of a building which is a permitted use, may sell the highway or driftway to the
11 abutting owner at fair market value; ~~and provided, further, that the city of Warwick, upon~~
12 ~~receiving a request for the abandonment of a highway or driftway from an abutting property~~
13 ~~owner may sell the highway or driftway to the abutting owner at fair market value.~~

14 (b) Provided further that nothing in this section shall apply to private ways regardless of
15 their use or maintenance thereof by any municipal corporation.

16 SECTION 2. This act shall take effect upon passage.

LC00049

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PCO-42-09

CHAPTER 1
GENERAL PROVISIONS

No. 0-10-2 Date 2/9/2010
Approved *Tim Ambrose* Mayor

Be it ordained by the City of Warwick:

Section I. Chapter I of the Code of Ordinances of the City of Warwick is hereby amended to add the following:

Sec. 1-13. Street abandonments and sale of same to abutting owner.

Pursuant to Rhode Island General Laws 24-6-1, when the City of Warwick receives a request for the abandonment of a highway or driftway, the City of Warwick may sell the highway or driftway to the abutting owner at fair market value. The fair market value shall be determined by subtracting the fair market value of the abutting owner's land, without the abandoned portion of the highway or driftway, from the fair market value of the abutting owner's land, with the abandoned portion of the highway or driftway included. The following procedures shall apply in processing a request for abandonment:

(a) The abutting owner shall submit the abandonment request to the Planning Department for review and recommendation to the City Council. At a minimum, said submission shall include:

(1) A legal description of the property to be abandoned, certified by a Rhode Island Registered Professional Land Surveyor or a Rhode Island Registered Professional Engineer;

(2) A map/plan of the property to be abandoned, which map or plan is drawn to scale;

(3) A list of property owners who directly abut the property to be abandoned.

(b) Upon receipt of the abandonment request, the Planning Department shall request an appraisal of the fair market value of the portion of the highway or driftway sought to be abandoned.

(c) The appraisal shall be performed by an appraiser licensed in the State of Rhode Island and whose name is on the list of approved appraisers developed and maintained by the Planning Department.

(d) All costs of the appraisal shall be paid by the applicant. The initial amount to be paid shall be based upon an estimate of the appraisal cost made by the Planning Department at the time that abandonment request is filed with the Department. If the initial amount is more than the actual appraisal cost, the excess funds shall be refunded to the applicant. Any deficiency between the initial estimate and the actual appraisal cost must be paid by the applicant requesting the abandonment before the matter may proceed to hearing.

(e) The appraisal of the fair market value of the portion of the highway or driftway to be abandoned shall be transmitted to the City Clerk's office with the recommendation of the Planning Department to the City Council regarding the requested abandonment.

(f) An Administrative Subdivision shall be recorded in the City of Warwick land evidence records as a condition of the abandonment.

Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.

SPONSORED BY: COUNCILMAN MEROLLA

COMMITTEE: ORDINANCE

Sample Petition

PETITION FOR ABANDONMENT

STATE OF RHODE ISLAND
KENT

CITY OF WARWICK

PETITION FOR ABANDONMENT OF A PORTION OF SAVINGS STREET

TO THE HONORABLE CITY COUNCIL OF THE CITY OF WARWICK

Raymond A. Brooks, is a Rhode Island resident having a principal place of business in the City of Warwick, State of Rhode Island, brings this petition and respectfully represents as follows:

FIRST: Your petitioner is the record owner of land abutting upon the northerly lines of that portion of Savings Street in said City of Warwick which is outlined in red on the sketch hereto attached.

Legal description of a portion of Savings Street outlined in red on attached sketch prepared for Raymond A. Brooks by Philip Mancini Jr. P.E., P.L.S.

That certain parcel of land, with all improvements thereon, to be decded for purposes of abandonment, being that portion of Savings Street situated westerly of Warwick Avenue and easterly of Call Street in the City of Warwick County of Kent, State of Rhode Island, is bounded and described as follows:

Plat No. 340

Lot(s) No. 302-308, 309, 376

Ward No. 3

Beginning at a point, said point being the intersection of the westerly line of Warwick Avenue, as shown on R.I. Highway Plat #2286, with the southerly line of Savings Street and said point also being the southeasterly corner of the herein described parcel thence turning and running generally westerly along the southerly line of Savings Street bounded southerly in part by land of Greatrex Corp and in part by land of the City of Warwick, in all a distance of 167.0 feet to a corner thence turning an interior angle of 90 and running northerly crossing Savings Street a distance of 40.0 feet to a corner, thence turning an interior angle of 90 and running generally easterly along the northerly line of Savings Street bounded northerly by land of Raymond A. Brooks a distance of 160.0 feet to a corner, in the westerly line of Warwick Avenue, as shown on R.I. Highway Plat #774, thence turning and running generally southerly to the point and place of beginning, and said parcel contains approximately 6,540 square feet of land.

SECOND: The Premises are of no use to the public as a highway or drift way.

WHEREFORE your petitioner files this petition and prays that this Honorable Council, Pursuant to authority vested in it by Chapter 24-6 of the General Laws of Rhode Island, 1956, as amended, declare the Premises to have ceased to be useful to the public and enter an order abandoning the same as a public highway or drift way.

Raymond A. Brooks



SAMPLE - PETITION FOR ABANDONMENT

STATE OF RHODE ISLAND
KENT

CITY OF WARWICK

PETITION FOR ABANDONMENT OF A PORTION OF DORINE AVENUE

TO THE HONORABLE CITY COUNCIL OF THE CITY OF WARWICK:

MULTI FABRICS CORPORATION, a Rhode Island Corporation having a principal place of business in the City of Warwick, State of Rhode Island, brings this petition and respectfully represents as follows:

FIRST: Your petitioner is the record owner of land abutting upon the northerly and southerly lines of that portion of Dorine Avenue in said City of Warwick which is outlined in red on the sketch hereto attached, which sketch is a copy of a portion of that plat entitled "Lauderdale - Plat 1, Hillsgrove, Warwick, R.I. Belonging to Peter Laudati by J.A. Latham & Son, June 1925, which plat is recorded in the office of the City Clerk of the City of Warwick, in Plat Book 8, Page 13, and on Plat Card 320 (hereinafter called the "Lauderdale Plat"), said portion of Dorine Avenue to be abandoned being hereinafter referred to as the "Premises". The Premises are bounded and described as follows:

Plat No. _____

Lot(s) No. _____

Ward No. _____

Beginning at a point in the southerly line of Dorine Avenue, one hundred seventy (170) feet westerly from the westerly line of Lauderdale Boulevard, said point of beginning being also twenty (20) feet westerly from the northeasterly corner of Lot No 81 on the Lauderdale Plat, and thence running westerly bounding southerly on land of your petitioner seventy and 45/100 (70.45) feet, more or less, to land now or lately of Penn Central Company (formerly New York, New Haven & Hartford Railroad Company); thence turning and running northerly bounding westerly on said Penn Central Company Land to a stake marking the southwesterly corner of Lot No. 84 on the Lauderdale Plat; thence running easterly bounding northerly on other land of your petitioner seventy seven and 43/100 (77.43) feet, more or less; thence running southerly forty (40) feet to the point and place of beginning.

SECOND: The Premises are of no use to the public as a highway or driftway.

THIRD: If the Premises be abandoned by order of this Honorable City Council, your petitioner will be able to effect, if it should prove economically desirable for it to effect, expansion of its plant situated on the lot abutting the Premises on the northerly side thereof.

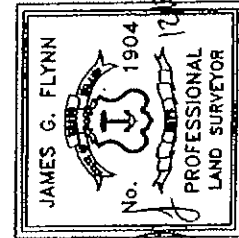
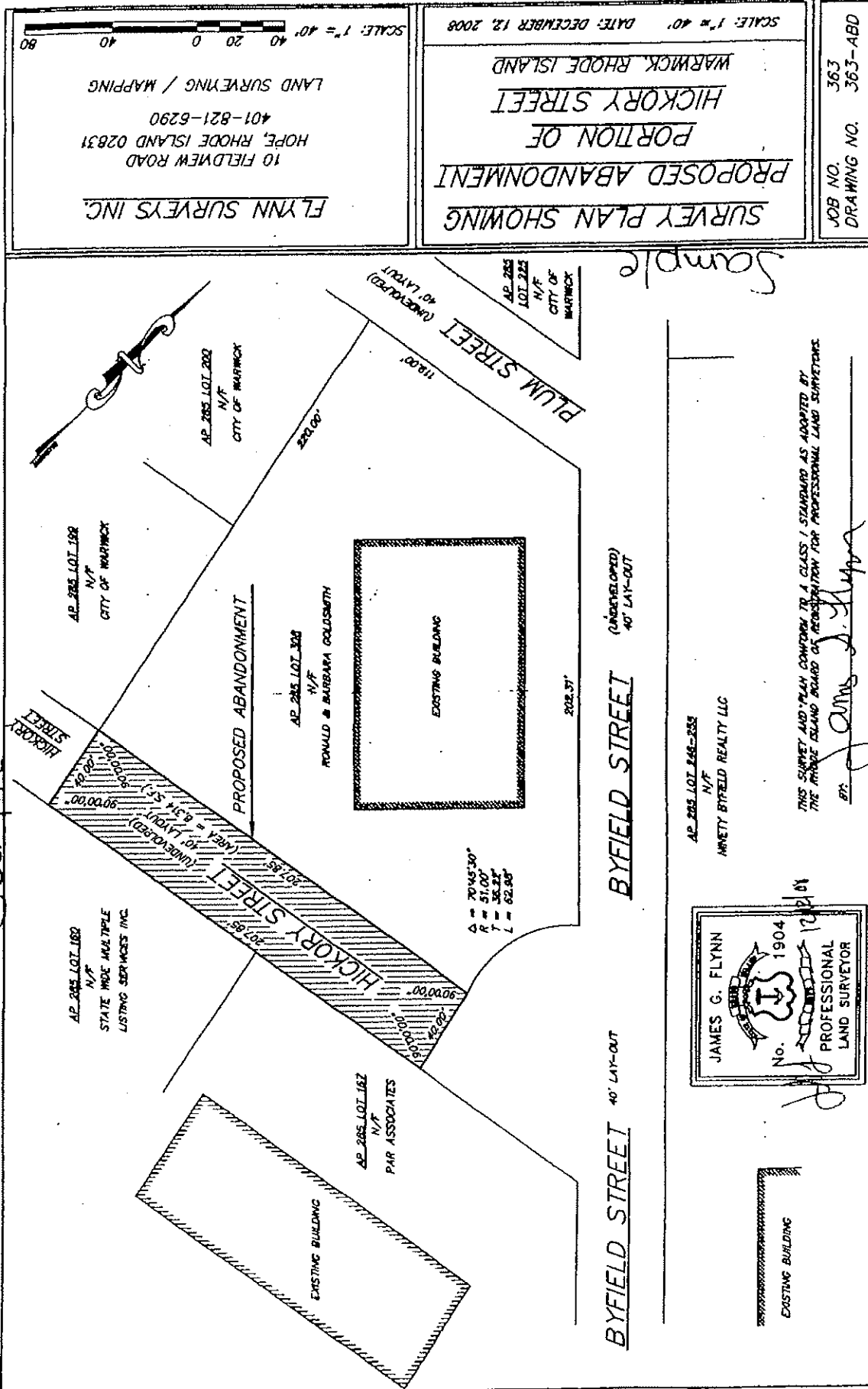
WHEREFORE your petitioner files this petition and prays that this Honorable Council, pursuant to authority vested in it by Chapter 24-8 of the General Laws of Rhode Island, 1956, as amended, declare the Premises to have ceased to be useful to the public and enter an order abandoning the same as a public highway or driftway

MULTI FABRICS CORPORATION

by its Attorneys in Fact

(affix signature here)

Sample



AP 205 LOT 248-255
N/F
NINETY BYFIELD REALTY LLC

THIS SURVEY AND PLAN CONFORM TO A CLASS 1 STANDARD AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

BY: *[Signature]*

SURVEY PLAN SHOWING
PROPOSED ABANDONMENT
PORTION OF
HICKORY STREET
WARRICK, RHODE ISLAND

SCALE: 1" = 40' DATE: DECEMBER 12, 2008

FLYNN SURVEYS INC.
10 FIELDVIEW ROAD
HOPE, RHODE ISLAND 02831
401-821-6290
LAND SURVEYING / MAPPING

JOB NO. 363
DRAWING NO. 363-ABD