

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 51
PLANNING AND DEVELOPMENT

ARTICLE III
WARWICK LAND TRUST

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 18 of the Code of Ordinances of the City of Warwick is hereby amended to add the following:

Sec. 51-51. - Establishment.

Pursuant to Public Laws Chapter 2000-060, the City of Warwick (hereafter called the city) is hereby authorized to establish and amend by ordinance the Warwick Land Trust (hereafter called the Trust), a body politic and corporate and a public instrumentality. The trust shall have the authority to acquire, hold, and manage real property and interests therein, including development rights and easements, situated in the city consisting of open, residential, agricultural, recreational, historical and littoral property, including existing and future well fields and aquifer recharge areas, fresh water marshes, water bodies, and adjoining uplands, wildlife habitats, land or buildings providing access to or views of water bodies, or for bicycling and hiking paths, or for future public recreational use, and land for agricultural use or air space thereof. With the exception of property acquired for public historical preservation, research and/or educational, public access or recreational purposes, the trust shall hold all property or development rights solely as open space or for agricultural uses or for water protection purposes or for public access or to prevent the accelerated residential or commercial development thereof in perpetuity, as the trustees may determine.

Sec. 51-52. - Purpose.

The purpose of the trust shall be to preserve open space protect wetlands, water bodies, ground and surface water resources, farm lands, historical or cultural places of interest, scenic views, unusual, exceptional or exemplary natural habitats, provide opportunities for research and education on natural resources on land trust held properties and to secure for the city the goals and objectives established in the comprehensive plan.

Sec. 51-53. - Appointment.

1 The trust shall be administered by nine trustees to be appointed by the city council, with one
2 trustee to be from each ward in the city. The trustees who are first appointed shall be designated to
3 serve for terms of one one-year, two two-year, two three-year, two four-year and two five-year.
4 Thereafter, trustees shall be appointed as aforesaid for a term of office of five years, except that all
5 vacancies occurring during a term shall be filled for the unexpired term. The city council shall
6 appoint persons to serve on the land trust, who are resident electors, on a non-partisan basis. Said
7 members shall serve without compensation. The planning director or his or her designee and the
8 parks and recreation director or his or her designee shall serve as ex-officio nonvoting trustees. In
9 addition to the nine (9) Council appointed trustees, the Council appointed trustees may, by majority
10 vote, nominate a maximum of four (4) at large trustees for appointment by the City Council. Each
11 Ward is allowed a maximum of two (2) at large trustees to serve on the Land Trust.
12

13 At large trustees shall have the same voting and subcommittee rights and responsibilities as
14 the Council appointed trustees; however, at large trustees shall not serve as the Chairperson or Vice-
15 Chairperson and shall not vote to elect officers nor vote to nominate at large trustees. At large
16 trustees are appointed to a two (2) year term and are eligible for nomination and reappointment to the
17 Land Trust.
18

19 **Sec. 51-54. - Officers.**

20 The trustees shall annually elect a chairman and vice chairman from their members and shall
21 appoint a secretary who may either be a member or a non-member. At large trustees shall not
22 serve as the Chairperson or Vice-Chairperson and shall not vote to elect officers. Copies of all
23 meeting minutes shall be submitted to the mayor and city council and shall be filed with the city
24 clerk and become a permanent record of the city upon request.

25 **Sec. 51-55. - Rules and regulations; voting; budget.**

26 The Council appointed trustees shall adopt rules and regulations governing the conduct of
27 trust affairs, including the acquisition and management of its holdings, not inconsistent with the
28 provisions of this article. All rules and regulations of the trust are subject to the approval of the
29 city council. Decisions of the trustees shall be by majority of those present and voting, except in
30 decisions on the acquisition of land, easements, rights of way and other uses referred to in section
31 I of this trust, which must be by majority vote of all trustees. The trustees shall prepare an
32 operating budget to be sent to the mayor to be incorporated into the annual city budget for review
33 and consideration as provided in the city Charter. The operating budget shall include
34 administrative expenses such as appraisals and environmental assessments as well as capital
35 expenditures such as land purchases.

36 The funds authorized in this budget will be paid by the city treasurer in accordance with the
37 accepted accounting procedures that are in place in the city at that time.

38 All funds that are expended for land acquisition referred to in this article, can only be
39 expended after approval by resolution of the city council and the approval of the mayor.

40 **Sec. 51-56. - Powers and duties.**

41 The trust shall have the responsibility to recommend to the city council to:

- 1 (1)Purchase, receive by gift, or otherwise acquire fee simple or lesser interests in real property,
2 including development rights as defined in Section 42-82-2 of the General Laws, or any
3 interest in real property consistent with the purposes of this Act, including other
4 development rights or easements of any kind whatsoever;
- 5 (2)Accept gifts, grants or loans of funds or resources or services from any source, public or
6 private, and comply, subject to the provisions of this article, with any terms and conditions
7 thereof;
- 8 (3)Accept from state and/or federal agencies, loans or grants or resources for use in carrying out
9 the trust's purposes and enter into agreement with such agencies respecting any such loans
10 or grants;
- 11 (4)Recommend possible uses for significant parcels of open space land owned or to be owned
12 by the city, including but not limited to: Hunts River, Chipewanoxet, Dawley Farm, Barton
13 Farm, and Confreda Farm; and review and comment on proposals by other departments,
14 boards and commissions for such proposals;
- 15 (5)Employ counsel, auditors, engineers, surveyors, appraisers, private consultants, advisors,
16 secretaries or other personnel needed to perform its duties; provided, however, that
17 expenditures authorized in the land trust budget which are less than \$2,500.00 may be made
18 in conformity with municipal and state purchasing laws and with the advice and consent of
19 the planning director;
- 20 (6)Administer and manage land and interests in land held by it in a manner which allows public
21 use and enjoyment consistent with the natural and scenic resources thereof, including
22 conveyance of any such land or interests in land to, and contracts with, nonprofit
23 organizations, provided such land shall continue to be used in a manner consistent with the
24 purposes of this article and with the terms of any grant or devise by which such land was
25 acquired by the trust;
- 26 (7)Dispose of all or any portion of its real property or interests therein held by it, whenever in
27 the opinion of the trustees said lands or properties have become unsuitable or have ceased
28 to be used for the purpose set forth in this article. Such disposition shall be made only by a
29 vote of the trustees in which at least four members vote in favor of such a disposition.
30 Nothing in this subsection shall be construed to authorize the sale, lease or conveyance of
31 lands or improvements held by the trust as part of a charitable trust or acquired by gift or
32 devise for the public use, whether or not such gift of devise is subject to a condition
33 subsequent or reverter;
- 34 (8)Otherwise do all things necessary for the performance of its duties, the fulfillment of its
35 obligations and the conduct of its business.

36 **Sec. 51-57. - Funding.**

37 All funds shall be authorized by the city council through the city's bonding authority or
38 through appropriation to the land trust from the annual city budget for the purpose of financing
39 the activities of the trust under this article. Additional monies or other liquid assets received as
40 voluntary contributions, grants or loans, or proceeds from disposal of real property or interests
41 shall also be available for the purpose of financing the activities of the trust. All operating
42 expenses lawfully incurred by the trust in carrying out the provisions of this Act shall be

1 evidenced by proper vouchers and shall be paid by the treasurer of the city only upon submission
2 of invoices approved by the trust, by the finance director and by the city council in accordance
3 with municipal and state purchasing laws. The treasurer of the city shall prudently invest
4 available assets of the funds, and all income thereon shall accrue to the fund.

5 Private non-profit land trusts in the city, which were in existence at the time that this
6 ordinance was enacted, shall also be eligible to receive city funds, whether by appropriation or
7 from city bonds.

8 Dissolution of the trust shall require a public hearing by the city council. At the conclusion
9 of the public hearing the city council shall vote on the matter. Dissolution shall be by enactment
10 of an ordinance, shall require the two-thirds vote of the city council in the affirmative for passage
11 and shall be subject to the veto provisions of the city charter.

12 Upon termination or dissolution of the trust, the title of all funds and other properties owned
13 by the trust which remain after payment or making provision for payment of all bonds, notes and
14 other obligations of the trust shall vest in the city.

15 **Sec. 51-58. - Tax exemption.**

16 The trust and all its revenues, income, and real and personal property used by the trust for
17 furtherance of its public purposes shall be exempt from taxation and special assessments, and the
18 trust shall not be required to pay any tax, excise or assessment to the state or any of its political
19 subdivisions.

20 **Sec. 51-59. - Severability.**

21 The provisions of the Enabling Act and any ordinance adopted thereunder are severable, and
22 if any provision thereof shall be held invalid in any circumstances such invalidity shall not affect
23 any other provisions or circumstances. This Act and any ordinance thereunder shall be construed
24 in all respects so as to meet all constitutional requirements. In carrying out the purposes and
25 provisions of Enabling Act and any ordinance thereunder, all steps shall be taken which are
26 necessary to meet constitutional requirements whether or not such steps are required by statute.

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28 Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.
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31 SPONSORED BY: COUNCILMAN MEROLLA

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33 COMMITTEE: ORDINANCE