Amended
PCO-8-16
Sub A

No._____ Approved _____

Date _____

ORDER ON THE ABANDONMENT OF A PORTION OF HALLENE ROAD
MARLEY REALTY, LLC, PETITIONERS

In the matter of the abandonment of a portion of Hallene Road described on Exhibit A attached hereto, it appearing that due notice by advertisement and as described below, has been made in accordance with the provisions of Chapter 6 of Title 24, General Laws 1956 and all amendments and additions thereto, and after giving opportunity to the owners of land abutting upon the hereinafter described portion of Hallene Road to speak for or against such abandonment and as to the damage, if any, they shall sustain thereby, and after due consideration thereof, it is hereby

ORDERED

1. That the portion of Hallene Road described on Exhibit A attached hereto be abandoned for the reason that said premises have ceased to be useful to the public as a highway or driftway. All rights of the City in the aforementioned portion of Hallene Road are abandoned to the abutting property owned by Marley Realty, Inc.

2. That it is the judgment of the City Council of Warwick that no owner of land abutting on that portion of Hallene Road has suffered any damage because of such abandonment, and for this reason the City Council awards no compensation to said abutting owners.

3. That signs shall be placed at each end of that portion of Hallene Road having thereon the words "NOT A PUBLIC HIGHWAY".

4. That notice of this order shall be advertised in a newspaper of general circulation, printed in English, and further that personal notice of same shall be served upon every owner of land abutting upon that portion of Hallene Road as herein described who is known to reside in this State.

5. That the City Clerk be and she is hereby authorized and directed to cause notice to be given in accordance with the provisions hereof, and the Highway Department is hereby authorized and directed to erect and place signs referred to herein.

6. The City of Warwick hereby reserves for itself, its successors and assigns, a perpetual easement over and under the abandoned portions of Hallene Road for the purpose of constructing, installing, repairing and replacing of utilities, sewers, drains and for any other purposes.

7. Petitioner shall prepare and record an administrative subdivision that conforms to the standards set forth in the City's Plan Review Regulations for City Assessor's Plat 311, Lot 251 and Assessor's Plat 321, Lot 001. The Plan must be recorded prior to Final Approval by the City Planning Board. The proposed improvements shall require all applicable local and state permits.

8. Pursuant to R.I.G.L. 24-6-1 and Sec. 1-13 of the Code of Ordinances, an appraisal of the fair market value of the abandoned roadway was conducted and based upon that appraisal the Petitioner shall pay $3,700.00 to the City of Warwick. The City has the option to have its own appraisal conducted at its expense prior to final passage of this Order of Abandonment. Petitioner agrees to pay any difference in fair market value in excess of the amount in the first appraisal.

Entered as an Order of the City Council this 11th day of April, 2016.

SPONSORED BY: COUNCILWOMAN VELLA-WILKINSON

COMMITTEE: LAND USE

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION OF A PORTION OF HALLENE ROAD TO BE ABANDONED

Beginning at a point on the westerly line of Evergreen Avenue said point being 266.66 feet when measured at a bearing of N 03° 48' 40" E from the intersection made with the said westerly line of Evergreen Avenue and the most northerly line of Airport Road. Said point and place of beginning being the most northeasterly corner of Lot 1 as shown on the City of Warwick Assessors Plat 321 now or formerly owned by the State of Rhode Island and also being the most southeasterly corner of the parcel herein described.

THENCE S75° 41' 40"W running along the northerly line of said State of Rhode Island land a distance of 73.04 feet to an angle in said street line.

THENCE S87° 38'10"W running along the northerly line of said State of Rhode Island land a distance of 256.80 feet to the most southwesterly corner of the portion of Hallene Road to be abandoned.

THENCE N02° 21' 50"W crossing Hallene Road a distance of 50.00 feet to Lot 251 as shown on assessors plat 311 and also being land now or formerly owned by Marley Realty Inc.

THENCE N87° 38' 10"E running along the southerly line of said Marley Realty Inc. land a distance of 251.77 feet to an angle in said street line.

THENCE N75° 41' 40"E running along the southerly line of said Marley Realty Inc. land a distance of 84.17 feet to the said westerly line of Evergreen Avenue at the most northeasterly corner of the parcel herein described.

THENCE S03° 48' 40"W running along the said westerly line of Evergreen Avenue a distance of 52.61 feet to the point and place of beginning.

CONTAINING 16,649 SF
0.3822 ACRES