

**THE CITY OF WARWICK
STATE OF RHODE ISLAND**

RESOLUTION OF THE CITY COUNCIL

NO. _____ **DATE** _____

APPROVED _____ **MAYOR**

**A RESOLUTION DEDICATING DAWLEY FARM (ASSESSOR’S PLAT 231, LOT 1) AS
A MUNICIPAL PUBLIC TRUST PURSUANT TO R.I.G.L. § 45-36.1-1 ET SEQ.
AND AS HAVING CONSERVATION RESTRICTIONS PURSUANT TO
R.I.G.L. § 34-39-1 ET SEQ.**

Resolved that,

WHEREAS, the health, safety and welfare of the citizens of the City of Warwick are matters of paramount importance to the City Council; and

WHEREAS, the City Council is interested in preserving open space with the City of Warwick; and

WHEREAS, the City of Warwick purchased approximately 63.176 acres of land known as Dawley Farm and located on the southerly side of Cowesett Road in Warwick, Rhode Island (Assessor’s Plat 231, Lot 1) for open space preservation; and

WHEREAS, the Rhode Island Constitution Article 1, Section 17 states the people “shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.”; and

WHEREAS, the Rhode Island Constitution Article 13, Section 2 states: “Every city and town shall have the power at any time to adopt a charter, amend its charter, enact and amend local laws relating to its property, affairs and government not inconsistent with this Constitution and laws enacted by the general assembly in conformity with the powers reserved to the general assembly.”; and

WHEREAS, Rhode Island General Laws § 45-36.1-1 et seq. empowers a city or town to dedicate conservation land it owns as a public trust land in perpetuity in order to ensure preservation of the natural environment and public access to the land for outdoor recreation and to

1 ensure that the land is not converted to a use other than the use for which it was originally obtained
2 and remains predominately undeveloped and continues to provide open space; and
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4 WHEREAS, Rhode Island General Laws § 34-39-1 et seq. grants a special legal status to
5 conservation restrictions so that landowners wishing to protect and preserve real properties may
6 do so without uncertainty as to the legal effect and enforceability of those restrictions; and
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8 WHEREAS, the City of Warwick depends on public confidence that the properties
9 conserved are held in public trust for conservation purposes consistent with the state constitution
10 and city charter and will remain permanently protected; and
11

12 WHEREAS, the Warwick City Council desires to protect the public interest by
13 permanently conserving Dawley Farm (Assessor's Plat 231, Lot 1) as a municipal public trust.
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15 NOW THEREFORE, BE IT RESOLVED, that the Warwick City Council hereby dedicates
16 Dawley Farm (Assessor's Plat 231, Lot 1), as further described in Exhibit A which is attached
17 hereto and incorporated herein, to be held in the public trust, pursuant to R.I.G.L. § 45-36.1-1 et
18 seq., for the preservation, regeneration and restoration of the natural environment of the City of
19 Warwick; and
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21 BE IT FURTHER, RESOLVED, that the City of Warwick hereby deems Assessor's Plat
22 231, Lot 1 as having Conservation Restrictions as defined by R.I.G.L. 34-39-1 et seq.
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24 The City Clerk is hereby directed to forward a copy of this Resolution to the Mayor, City
25 Solicitor, and Director of Planning, and to record this Resolution in the municipal land evidence
26 records.
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28 This Resolution shall take effect upon passage.
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30 SPONSORED BY: COUNCILMAN GEBHART
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32 COMMITTEE: PUBLIC PROPERTIES
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