

THE CITY OF WARWICK
STATE OF RHODE ISLAND

RESOLUTION OF THE CITY COUNCIL

NO. _____ DATE _____

APPROVED _____ MAYOR

A RESOLUTION DEDICATING CHEPIWANOXET POINT 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.
ASSESSOR’S PLAT 221, LOT 94
25 JOHN WICKES AVE

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 was conveyed approximately 10.02 acres of land known as Chepiwanoxet Point and located 25 John Wickes Ave (Assessor’s Plat 221, Lot 94) 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

1 preservation of the natural environment and public access to the land for outdoor recreation and to
2 ensure that the land is not converted to a use other than the use for which it was originally obtained
3 and remains predominately undeveloped and continues to provide open space; and
4

5 WHEREAS, Rhode Island General Laws § 34-39-1 et seq. grants a special legal status to
6 conservation restrictions so that landowners wishing to protect and preserve real properties may
7 do so without uncertainty as to the legal effect and enforceability of those restrictions; and
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9 WHEREAS, the City of Warwick depends on public confidence that the properties
10 conserved are held in public trust for conservation purposes consistent with the state constitution
11 and city charter and will remain permanently protected; and
12

13 WHEREAS, the Warwick City Council desires to protect the public interest by
14 permanently conserving Chepiwanoxet Point (Assessor's Plat 221, Lot 94) as a municipal public
15 trust.
16

17 NOW THEREFORE, BE IT RESOLVED, that the Warwick City Council hereby dedicates
18 Chepiwanoxet Point (Assessor's Plat 221, Lot 94), as further described in Exhibit A which is
19 attached hereto and incorporated herein, to be held in the public trust, pursuant to R.I.G.L. § 45-
20 36.1-1 et seq., for the preservation, regeneration and restoration of the natural environment of the
21 City of Warwick; and
22

23 BE IT FURTHER, RESOLVED, that the City of Warwick hereby deems Assessor's Plat
24 221, Lot 94 as having Conservation Restrictions as defined by R.I.G.L. 34-39-1 et seq.
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26 The City Clerk is hereby directed to forward a copy of this Resolution to the Mayor, City
27 Solicitor, and Director of Planning, and to record this Resolution in the municipal land evidence
28 records.
29

30 This Resolution shall take effect upon passage.
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33 SPONSORED BY: COUNCILMAN GEBHART
34

35 COMMITTEE: PUBLIC PROPERTIES