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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS

Introduced By: Senators Ruggerio, Goodwin, Jabour, Perry, and Ciccone

Date Introduced: January 27, 2011

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-5 of the General Laws entitled "Department of Transportation"
2 is hereby amended by adding thereto the following section:

3 **37-5-8. Transfer of certain interstate route 195 property.** – (a) Findings. The state of
4 Rhode Island, in accordance with that certain United States Federal Highway Administration
5 Record of Decision entitled “Record of Decision, Improvements to Interstate Route 195,
6 Providence, Rhode Island, FHWA-RI-EIS-93-01-F, January 14, 1997” is relocating and
7 improving certain portions of interstate route 195 traversing through portions of the city of
8 Providence. In connection with such highway relocation, certain parcels of land within the city of
9 Providence will become available for beneficial reuse. It is found and declared that:

10 (1) The relocation of interstate route 195 within the city of Providence will result in the
11 creation of surplus parcels of land available for sale and commercial, institutional and residential
12 development and beneficial reuse, including without limitation to support or encourage workforce
13 development, education and training, and the growth of “knowledge based” jobs and industries
14 such as research and development, life sciences, media technologies, entrepreneurship and
15 business management, design, hospitality, software design and application, and a variety of other
16 uses consistent with a knowledge based economy;

17 (2) The city of Providence comprehensive plan and various other studies, plans and
18 reports that are a matter of public record support the use of portions of the city of Providence’s
19 jewelry district and portions of the surplus land created by the relocation of interstate route 195

1 for development that is benefited by close proximity to universities, hospitals, and medical
2 schools for the development with and by such institutions of facilities (including without
3 limitation a hotel and/or conference center and academic, medical, research and development,
4 commercial, residential, and parking facilities) to support the growth of a knowledge based
5 economy;

6 (3) The sale or lease of such surplus parcels of land at fair market value, and the re-use
7 and development of such parcels will be beneficial to the city of Providence and the state and
8 advantageous to the public interest; and

9 (4) The surplus parcels of land, together with all improvements thereon, that will be
10 created by the relocation of interstate route 195 are sometimes collectively referred to herein as
11 the “I-195 Surplus Land” which land is identified in the “Rhode Island Interstate 195 Relocation
12 Surplus Land: Redevelopment and Market Analysis” prepared by CKS Architecture & Urban
13 Design dated 2009,” and such term means those certain tracts or parcels of land situated in the
14 city of Providence, county of Providence, state of Rhode Island, delineated on that certain plan of
15 land captioned “Improvements to Interstate Route 195, Providence, Rhode Island, Proposed
16 Development Parcel Plans 1 through 10, Scale: 1”=20’, May 2010, Bryant Associates, Inc.,
17 Engineers-Surveyors-Construction Managers, Lincoln, RI., Maguire Group, Inc.,
18 Architects/Engineers/Planners, Providence, RI,” bounded and described as follows:

19 (i) Area I

20 That certain parcel of land, with all improvements thereon, situated easterly of
21 Interstate Route No. 95, southwesterly of Chestnut Street and northwesterly of Hoppin Street in
22 the City of Providence, County of Providence, State of Rhode Island, and more particularly
23 described as follows:

24 Beginning at a point on the southeasterly street line of Pine Street at the westerly corner
25 of land owned now or formerly by Johnson & Wales University;

26 Thence S 54° 21’ 39” E along the northwesterly State Freeway Line established by State
27 Highway Plat No. 1074A a distance of ninety-four and eighty-one one-hundredths (94.81) feet to
28 a point;

29 Thence S 54° 21’ 39” E along said State Freeway Line a distance of nineteen and twenty
30 one-hundredths (19.20) feet to a point, the two previous courses running along land owned now
31 or formerly by Johnson & Wales University;

32 Thence in a general northeasterly direction along a non-tangent curve deflecting to the
33 left, said curve having a radius of four-hundred twenty-three and zero one-hundredths (423.00)
34 feet, subtended by a central angle of 14° 38’ 19” for an arc length of one-hundred eight and seven

1 one-hundredths (108.07) feet, a chord bearing of N 53° 54' 03" E and a chord length of one-
2 hundred seven and seventy-eight one-hundredths (107.78) feet to a spiral curve,
3 Thence in a general northeasterly direction along said spiral curve having a radius of
4 four-hundred twenty-three and zero one-hundredths (423.00) feet, a Theta angle of 09° 50' 57"
5 for a spiral length of one-hundred forty-five and forty-three one-hundredths (145.43) feet to a
6 point of tangency; said spiral curve running along the northwesterly State Freeway Line
7 established by State Highway Plat No. 1233;
8 Thence N 36° 43' 57" E a distance of sixty-one and ninety one-hundredths (61.90) feet to
9 a point;
10 Thence N 54° 17' 18" W a distance of four and eighty-seven one-hundredths (4.87) feet
11 to a point;
12 Thence N 29° 26' 59" E a distance of two-hundred ninety-five and ninety-one one-
13 hundredths (295.91) feet to a point;
14 Thence N 59° 31' 58" W a distance of fifty-seven and zero one-hundredths (57.00) feet to
15 a point,
16 Thence N 56° 27' 36" E a distance of one-hundred eighty-six and fifty-seven one-
17 hundredths (186.57) feet to a point on the southwesterly street line of Chestnut Street, the three
18 previous courses running along the northwesterly State Freeway Line established by State
19 Highway Plat No. 900,
20 Thence S 59° 38' 32" E along said southwesterly street line of Chestnut Street a distance
21 of one-hundred ninety-seven and thirty-five one-hundredths (197.35) feet to a point;
22 Thence in a general southwesterly direction along a curve deflecting to the left, said
23 curve having a radius of five-hundred ninety and zero one-hundredths (590.00) feet, subtended by
24 a central angle of 14° 02' 58" for an arc length of one-hundred forty-four and sixty-seven one-
25 hundredths (144.67) feet, a chord bearing of S 47° 40' 44" W and a chord length of one-hundred
26 forty-four and thirty-one one-hundredths (144.31) feet to a point;
27 Thence S 32° 34' 31" W a distance of eighty and ninety-two one-hundredths (80.92) feet
28 to a point;
29 Thence S 55° 19' 41" E a distance of nineteen and fifty one-hundredths (19.50) feet to a
30 point;
31 Thence S 35° 27' 19" W a distance of one-hundred seventy-eight and fifty-two one-
32 hundredths (178.52) feet to a point on the southwesterly street line of Claverick Street;
33 Thence S 55° 19' 41" E along said southwesterly street line of Claverick Street a distance

1 of one-hundred thirty-five and fifty-seven one-hundredths (135.57) feet to a point on the
2 southeasterly street line of Clifford Street;

3 Thence S 35° 26' 28" W along said southeasterly street line of Clifford Street a distance
4 of fifty-six and seventy one-hundredths (56.70) feet to a point;

5 Thence S 29° 00' 35" W along land owned now or formerly by Eighty-Six Point Street,
6 LLC and Mad Realty Associates, partly by each, a distance of seventy-three and forty-seven
7 (73.47) feet to a point;

8 Thence S 54° 37' 34" E along land owned now or formerly by Mad River Realty
9 Associates a distance of zero and seventy-six one-hundredths (0.76') feet to a non-tangent curve;

10 Thence in a general southwesterly direction along said non-tangent curve deflecting to
11 the left, said curve having a radius of three-hundred twenty-seven and zero one-hundredths
12 (327.00) feet, subtended by a central angle of 29° 27' 51" for an arc length of one-hundred sixty-
13 eight and sixteen one-hundredths (168.16) feet, having a chord bearing of S 07° 49' 43" W and a
14 chord length of one-hundred sixty-six and thirty-one one-hundredths (166.31) feet to a point;

15 Thence S 54° 37' 34" E a distance of twenty-three and nine one-hundredths (23.09) feet
16 to a point, the previous two courses running along land owned now or formerly by Claverick
17 Realty Company;

18 Thence S 35° 22' 26" W a distance of twenty and fifty-three one-hundredths (20.53) feet
19 to a non-tangent curve on the northeasterly street line of Hoppin Street;

20 Thence in a general southeasterly direction along said non-tangent curve deflecting to the
21 left, said curve having a radius of three-hundred twenty-five and zero one-hundredths (325.00)
22 feet, subtended by a central angle of 16° 20' 47" for an arc length of ninety-two and seventy-two
23 one-hundredths (92.72) feet, having a chord bearing of S 20° 09' 55" E and a chord distance of
24 ninety-two and forty-one one-hundredths (92.41) feet to a point;

25 Thence S 28° 20' 18" E a distance of fifteen and twenty-five one-hundredths (15.25) feet
26 to a point of curvature;

27 Thence in a general southeasterly direction along a curve deflecting to the left, said curve
28 having a radius of thirteen and fifty-eight one-hundredths (13.58) feet, subtended by a central
29 angle of 116° 31' 28" for an arc length of twenty-seven and sixty-one (27.61) feet, having a chord
30 bearing of S 86° 36' 02" E and a chord length of twenty-three and nine one-hundredths (23.09)
31 feet to a point on the northwesterly street line of Bassett Street;

32 Thence S 35° 22' 26" W along said northwesterly street line of Bassett Street a distance
33 of seventy-one and fifty-two one-hundredths (71.52) feet to a point on the southwesterly street

1 line of Hoppin Street;

2 Thence S 28° 19' 27" E along said southwesterly street line of Hoppin Street a distance
3 of three-hundred eighty-nine and forty one-hundredths (389.40) feet to a point on the
4 northeasterly street line of Proposed East Franklin Street;

5 Thence N 53° 39' 21" W along said northeasterly street line of Proposed East Franklin
6 Street a distance of one-thousand two-hundred two and fourteen one-hundredths (1202.14) feet to
7 a point;

8 Thence N 35° 43' 17" E a distance of fifteen and ninety-two one-hundredths (15.92) feet
9 to a point;

10 Thence N 35° 43' 17" E a distance of thirty-nine and twenty-one one-hundredths (39.21)
11 feet to a point;

12 Thence S 65° 00' 33" E a distance of five and twenty-six one-hundredths (5.26) feet to a
13 point;

14 Thence N 36° 11' 07" E a distance of forty-eight and sixty-eight one-hundredths (48.68)
15 feet to a point;

16 Thence S 54° 02' 43" E a distance of one-hundred twenty-six and ninety-four one-
17 hundredths feet to a point on the northwesterly street line of Pine Street, the previous four courses
18 running along land owned now or formerly by The Housing Authority of the City of Providence;

19 Thence S 54° 02' 43" E a distance of forty and twelve one-hundredths (40.12) feet to a
20 point on the southeasterly street line of Pine Street;

21 Thence N 35° 38' 21" E along said southeasterly street line of Pine Street a distance of
22 seventy-four and forty-eight one hundredths (74.48) feet to the point and place of beginning;

23 The above described parcel contains three hundred ninety-five thousand two hundred
24 eighty-two (395,282) square feet or 9.07 acres, more or less.

25 (ii) Area II

26 That certain parcel of land, with all improvements thereon, situated southwesterly of
27 Richmond Street, northeasterly of Ship Street, northwesterly of Chestnut Street and southeasterly
28 of Friendship Street in the City of Providence, County of Providence, State of Rhode Island, and
29 more particularly described as follows:

30 Beginning at a point at the intersection of the southeasterly street line of Friendship Street
31 and the northeasterly street line of Chestnut Street;

32 Thence N 35° 26' 25" E along the southeasterly street line of Friendship Street a distance
33 of two-hundred seventy and eighty-two one-hundredths (270.82) feet to a point;

1 Thence S 53° 56' 39" E along the State Freeway Line established by Amended State
2 Highway Plat No. 900 a distance of forty-five and two one-hundredths (45.02) feet to a point;
3 Thence N 64° 30' 09" E along said State Freeway Line a distance of two-hundred eight
4 and forty-six one-hundredths (208.46) feet to a point on the southwesterly street line of Richmond
5 Street, the two previous courses running along land owned now or formerly by Stephen R. &
6 Francine Beranbaum;
7 Thence S 53° 56' 39" E along said southwesterly street line of Richmond Street a
8 distance of two-hundred twenty and fifty-nine one-hundredths (220.59) feet to a point;
9 Thence S 35° 26' 57" W along the State Freeway Line established by Amended Plat No.
10 900 a distance of one-hundred twenty and ninety-seven one-hundredths (120.97) feet to a point;
11 Thence N 55° 40' 21" W along said State Freeway Line a distance of fifteen and one-
12 one-hundredth (15.01) feet to a point
13 Thence S 60° 41' 45" W along said State Freeway Line a distance of ninety-seven and
14 ninety-two one-hundredths (97.92) feet to a point;
15 Thence S 67° 47' 39" W along said State Freeway Line a distance of fifty and ninety-
16 three one-hundredths (50.93) feet to a point, the previous three courses running along land owned
17 now or formerly by Ship Street Parking Associates, LLC;
18 Thence N 41° 01' 46" E a distance of zero and fifty-five one-hundredths (0.55) feet to a
19 point;
20 Thence N 61° 40' 21" W a distance of twenty-six and forty-nine one-hundredths (26.49)
21 feet to a point;
22 Thence N 54° 43' 25" W a distance of twenty-five and thirty-two one-hundredths (25.32)
23 feet to a point;
24 Thence S 35° 23' 19" W a distance of zero and sixty-two one-hundredths (0.62) feet to a
25 point, the previous four courses running along the State Highway Line established by Plat No.
26 2492;
27 Thence N 54° 36' 41" W along the State Freeway Line established by Plat No. 900 a
28 distance of zero and forty five one-hundredths (0.45) feet to a point;
29 Thence S 35° 23' 19" W along the State Highway Line established by Plat No. 2728 a
30 distance of one-hundred one and two one-hundredths (101.02) feet to a point on the northerly
31 street line of Ship Street;
32 Thence S 88° 00' 16" W a distance of fifty and forty-nine one-hundredths (50.49) feet to
33 a point;

1 Thence S 88° 00' 16" W a distance of eighty-four and thirty-six one-hundredths (84.36)
2 feet to a point, the two previous courses running along the northerly street line of Ship Street;

3 Thence N 59° 38' 32" W along the northeasterly street line of Chestnut Street a distance
4 of one-hundred twenty-four and thirty one-hundredths (124.30) feet to the point and place of
5 beginning;

6 The above described parcel contains one hundred five thousand seventy-six (105,076)
7 square feet or 2.41 acres, more or less.

8 (iii) Area III

9 That certain parcel of land, with all improvements thereon, situated westerly of
10 Dyer Street, northeasterly of Richmond Street, southeasterly of Clifford Street and southwesterly
11 of Dorrance Street in the City of Providence, County of Providence, State of Rhode Island, and
12 more particularly described as follows:

13 Beginning at a point at the intersection of the northeasterly street line of Richmond Street
14 and the southeasterly street line of Clifford Street;

15 Thence N 35° 27' 30" E along the southeasterly street line of Clifford Street a distance of
16 one-hundred forty-seven and twenty-six one-hundredths (147.26) feet to a point;

17 Thence S 54° 32' 30" E a distance of fifteen and zero one-hundredths (15.00) feet to a
18 point;

19 Thence N 62° 01' 24" E a distance of eighty-nine and forty-four one-hundredths (89.44)
20 feet to a point;

21 Thence S 54° 32' 30" E a distance of forty and twenty one-hundredths (40.20) feet to a
22 point;

23 Thence N 35° 27' 30" E a distance of one-hundred fifty-two and eighty-nine one-
24 hundredths (152.89) feet to a point on the southwesterly street line of Eddy Street;

25 Thence N 61° 53' 05" E a distance of forty and fourteen one-hundredth (40.14) feet to a
26 point on the northeasterly street line of Eddy Street, the previous six courses running along the
27 State Freeway Line established by Amended Plat No. 900;

28 Thence N 28° 06' 55" W along the northeasterly street line of Eddy Street a distance of
29 fifteen and fifty-two one-hundredths (15.52) feet to a point;

30 Thence N 24° 40' 40" E a distance of one-hundred thirty-six and seventy one-hundredths
31 (136.70) feet to a point;

32 Thence N 54° 32' 30" W a distance of seventy-three and sixty one-hundredths (73.60)
33 feet to a point on the southeasterly street line of Clifford Street, the two previous courses running

1 along the State Freeway Line established by Plat No. 1385;
2 Thence N 35° 27' 30" E along the State Highway Line established by Amended Plat No.
3 900 a distance of one-hundred fifty-two and four one-hundredths (152.04) feet to a point;
4 Thence N 35° 27' 30" E along the State Freeway Line established by Amended Plat No.
5 900 a distance of thirty-nine and three one-hundredths (39.03) feet to a point;
6 Thence N 35° 27' 30" E along said State Freeway Line a distance of one-hundred
7 seventy-five and seventy one-hundredths (175.70) feet to a point, the three previous courses
8 running along the southeasterly street line of Clifford Street;
9 Thence S 51° 30' 57" E a distance of eighteen and thirty-seven one-hundredths (18.37)
10 feet to a point on the westerly street line of Dyer Street;
11 Thence S 04° 06' 53" E a distance of twenty-three and twenty-three one-hundredths
12 (23.23) feet to a point, the two previous courses running along the State Freeway Line established
13 by Amended Plat No. 900;
14 Thence S 04° 06' 53" E along the State Highway Line established by Amended Plat No.
15 900 a distance of fifty-eight and eighty-eight one-hundredths (58.88) feet to a point;
16 Thence S 04° 06' 53" E along the State Freeway Line established by Amended Plat No.
17 900 a distance of seventy and seventy-two one-hundredths (70.72) feet to a point;
18 Thence S 04° 06' 53" E along the State Highway Line established by Amended Plat No.
19 900 a distance of seventy and ninety-nine one-hundredths (70.99) feet to a point;
20 Thence S 04° 06' 53" E along the State Freeway Line established by Amended Plat No.
21 900 a distance of seven-hundred eighty-eight and seventy-three one-hundredths (788.73) feet to a
22 point on the northeasterly street line of Eddy street, the previous five courses running along the
23 westerly street line of Dyer Street;
24 Thence N 28° 06' 55" W along the northeasterly street line of Eddy Street a distance of
25 one-hundred eighty-two and eighty-four one-hundredths (182.84) feet to a point;
26 Thence N 07° 47' 27" W a distance of one-hundred fifteen and sixteen one-hundredths
27 (115.16) feet to a point;
28 Thence S 57° 36' 31" W a distance of forty and eleven one-hundredths (40.11) feet to a
29 point on the northeasterly street line of Eddy Street, the two previous courses running along land
30 owned now or formerly by One Ship Street, LLC;
31 Thence N 28° 06' 55" W along said northeasterly street line of Eddy Street a distance of
32 two and ninety-nine one-hundredths (2.99) feet to a point;
33 Thence S 61 53' 35" W a distance of forty and nineteen one-hundredths (40.19) feet to a

1 point on the southwesterly street line of Eddy Street;

2 Thence S 63° 22' 30" W a distance of forty-eight and seventy-four one-hundredths
3 (48.74) feet to a point;

4 Thence S 64° 11' 22" W a distance of fifty-nine and thirty-nine one-hundredths (59.39)
5 feet to a point, the two previous courses running along land owned now or formerly by One Ship
6 St. LLC;

7 Thence N 17° 07' 51" W along land owned now or formerly by 196 Richmond Street
8 Associates II a distance of six and twenty-six one-hundredths (6.26) feet to a point;

9 Thence S 37° 21' 21" W along said 196 Richmond Street Associates II land a distance of
10 one-hundred forty-eight and sixteen one-hundredths (148.16) feet to a point on the northeasterly
11 street line of Richmond Street, the four previous courses running along the State Freeway Line
12 established by Amended Plat No. 900;

13 Thence N 53° 56' 59" W along the northeasterly street line of Richmond Street a distance
14 of three-hundred twenty-three and eighty-three one-hundredths (323.83) feet to the point and
15 place of beginning;

16 The above described parcel contains two hundred fifty-six thousand four hundred five
17 (256,405) square feet or 5.89 acres, more or less.

18 (iv) Area IV

19 That certain parcel of land, with all improvements thereon, situated easterly of
20 Dyer Street and southwesterly of the Providence River in the City of Providence, County of
21 Providence, State of Rhode Island, and more particularly described as follows:

22 Beginning at a point at the intersection of the northeasterly street line of Eddy Street and
23 the easterly street line of Dyer Street;

24 Thence N 04° 06' 53" W along the easterly street line of Dyer Street a distance of seven-
25 hundred forty-nine and zero one-hundredths (749.00) feet to the intersection with the
26 southwesterly street line of Dorrance Street;

27 Thence S 49° 33' 48" E along said southwesterly street line of Dorrance Street a distance
28 of one-hundred thirteen and twenty-three one-hundredths (113.23) feet to a point;

29 Thence N 40° 26' 12" E a distance of two-hundred twenty and forty-nine one-hundredths
30 (220.49) feet to a point;

31 Thence N 21° 16' 31" W a distance of seventy-nine and seventy-four one-hundredths
32 (79.74) feet to a point;

33 Thence N 51° 28' 13" W a distance of twenty-three and fifty one-hundredths (23.50) feet

1 to a point;

2 Thence N 38° 31' 47" E a distance of thirty-nine and seventy-seven one-hundredths
3 (39.77) feet to a point;

4 Thence N 00° 58' 39" W a distance of ninety-two and three one-hundredths (92.03) feet
5 to a non-tangent curve;

6 Thence in a general southeasterly direction along said non-tangent curve deflecting to the
7 right, said curve having a radius of one-hundred twenty and zero one-hundredths (120.00) feet,
8 subtended by a central angle of 30° 43' 53" for an arc length of sixty-four and thirty-six one-
9 hundredths (64.36) feet, having a chord bearing of S 38° 51' 16" E and a chord length of sixty-
10 three and fifty-nine one-hundredths (63.59) feet to a point;

11 Thence S 23° 29' 19" E a distance of one-hundred four and zero one-hundredths (104.00)
12 feet to a point;

13 Thence N 88° 49' 02" W a distance of sixty-four and eighty-eight one-hundredths (64.88)
14 feet to a point on the southwesterly Harbor Line of the Providence River;

15 Thence S 24° 02' 21" E along said Providence River Harbor Line a distance of five-
16 hundred sixty-eight and forty-nine one-hundredths (568.49) feet to a non-tangent curve;

17 Thence in a general southwesterly direction along said non-tangent curve deflecting to
18 the right, said curve having a radius of eighty-seven and zero one-hundredths (87.00) feet,
19 subtended by a central angle of 35° 36' 29" for an arc length of fifty-four and seven one-
20 hundredths (54.07) feet, having a chord bearing of S 55° 25' 21" W and a chord length of fifty-
21 three and twenty one-hundredths (53.20) feet to a point;

22 Thence S 73° 13' 36" W a distance of ninety-five and zero one-hundredths (95.00) feet to
23 a point;

24 Thence S 16° 46' 24" E a distance of fifty-five and zero one-hundredths (55.00) feet to a
25 point on the former southerly street line of Ship Street;

26 Thence S 73° 13' 36" W along said former southerly street line of Ship Street a distance
27 of three-hundred eighty and zero one-hundredths (380.00) feet to a point;

28 Thence 15° 11' 47" W a distance of one-hundred seventy-seven and three one-hundredths
29 (177.03) feet to the point and place of beginning;

30 The above described parcel contains two hundred ninety thousand three hundred forty-
31 one (290,341) square feet or 6.665 acres, more or less.

32 (v) Area V

33 That certain parcel of land, with all improvements thereon, situated southeasterly of

1 Crawford Street, southwesterly of South Water Street and South Main Street and east of the
2 Providence River in the City of Providence, County of Providence, State of Rhode Island, and
3 more particularly described as follows:

4 Beginning at a point at the intersection of the southeasterly street line of Crawford Street
5 and the southwesterly street line of South Water Street;

6 Thence S 28° 33' 15" E a distance of three-hundred seventy and ninety-nine one-
7 hundredths (370.99) feet to a point;

8 Thence S 36° 49' 15" E a distance of six-hundred sixty-four and ninety-nine one-
9 hundredths (664.99) feet to a point;

10 Thence S 35° 04' 38" E a distance of four-hundred twenty-six and forty-one one-
11 hundredths (426.41) feet to a point;

12 Thence S 33° 47' 46" E a distance of one-hundred fifteen and twenty-one one-hundredths
13 (115.21) feet to a point on the southeasterly street line of James Street, the four previous courses
14 running along the southwesterly street line of South Water Street;

15 Thence N 55° 45' 24" E along the southerly street line of James Street a distance of
16 twenty-three and ninety-one one-hundredths (23.91) feet to a point;

17 Thence S 77° 20' 45" E along land owned now or formerly by the State of Rhode Island
18 a distance of ninety-five and eighty-seven one-hundredths (95.87) to a point;

19 Thence S 34° 14' 36" E a distance of forty-five and ninety one-hundredths (45.90) feet to
20 a point;

21 Thence N 80° 29' 31" E a distance of thirty-nine and twenty-nine one-hundredths (39.29)
22 feet to a point;

23 Thence N 55° 04' 40" E a distance of twenty-two and ninety-one one-hundredths (22.91)
24 feet to a point on the State Freeway Line established by Plat No. 900B, the three previous courses
25 bounded by land owned now or formerly by Dolphin House LTD and running along the State
26 Freeway Line established by Plat No. 900;

27 Thence S 39° 02' 00" E a distance of one-hundred seventeen and fifty-one one-
28 hundredths (117.51) feet to a point;

29 Thence S 53° 16' 17" E a distance of thirty-nine and thirty-one one-hundredths (39.31)
30 feet to a point on the southwesterly street line of South Main Street, the two previous courses
31 running along the State Freeway Line established by Plat No. 900B;

32 Thence S 51° 47' 17" E along the southwesterly street line of South Main Street a
33 distance of two-hundred thirty-six and thirty-three one-hundredths (236.33) feet to a point;

1 Thence S 54° 40' 07" E a distance of four-hundred twenty-five and sixty-two one-
2 hundredths (425.62) feet to a point on the northerly street line of Bridge Street;
3 Thence N 57° 21' 51" E a distance of eighty-two and seventy one hundredths (82.70) feet
4 to a point on the northwesterly street line of Wickenden Street;
5 Thence S 17° 13' 13" E a distance of forty-four and thirty-seven one-hundreds (44.37)
6 feet to a point;
7 Thence N 72° 46' 47" E a distance of seventy-two and zero one-hundredths (72.00) feet
8 to a point;
9 Thence S 31° 08' 51" E a distance of fifty-two and eighty-five one-hundredths (52.85)
10 feet to a point at the intersection of the southeasterly street line of Wickenden Street and the
11 southwesterly street line of Benefit Street;
12 Thence S 55° 53' 32" W a distance of three-hundred thirteen and forty one-hundredths
13 (313.40) feet to a point;
14 Thence S 75° 42' 33" W a distance of forty-four and eighty-three one-hundredths (44.83)
15 feet to a point on the northwesterly street line of South Main Street, the two previous courses
16 running along the southeasterly street line of Bridge Street;
17 Thence S 34° 11' 30" E along the northwesterly street line of South Main Street a
18 distance of sixty-seven and ninety-eight one-hundredths (67.98) feet to a point;
19 Thence N 70° 31' 58" W a distance of forty-nine and ninety-seven one-hundredths
20 (49.97) feet to a point;
21 Thence S 39° 28' 14" W a distance of fifty-two and forty-four one-hundredths (52.44)
22 feet to a point;
23 Thence N 50° 42' 37" W a distance of twelve and zero one-hundredths (12.00) feet to a
24 point;
25 Thence S 71° 46' 00" W a distance of one-hundred one and twelve one-hundredths
26 (101.12) feet to a point on the northeasterly street line of South Water Street, the four previous
27 courses running along the State Freeway Line established by Plat No. 900;
28 Thence N 18° 33' 00" W along the northeasterly street line of South Water Street a
29 distance of forty-nine and five one-hundredths (49.05) feet to a point on the southwesterly street
30 line of Bridge Street;
31 Thence S 86° 43' 46" W a distance of forty-five and ninety-four one-hundredths (45.94)
32 feet to a point at the intersection of the southwesterly street line of South Water Street and the
33 southwesterly street line of Bridge Street;

1 Thence S 88° 50' 14" W along the southwesterly street line of Bridge Street a distance of
2 ninety-five and seventy-one one-hundredths (95.71) feet to a point on the southeasterly street line
3 of Point Street;

4 Thence N 32° 08' 16" W along the northeasterly Harbor Line of the Providence River a
5 distance of sixty and fourteen one-hundredths (60.14) feet to a point on the northeasterly street
6 line of Point Street;

7 Thence N 32° 08' 16" W a distance of one-hundred ninety-one and forty one-hundredths
8 (191.40) feet to a point;

9 Thence N 32° 42' 55" W a distance of three-hundred fifty-eight and five one-hundredths
10 (358.05) feet to a point;

11 Thence N 34° 20' 00" W a distance of seven-hundred twenty and fifty-six one-
12 hundredths (720.56) feet to a point;

13 Thence N 34° 58' 15" W a distance of three-hundred twenty-one and eighty-one one-
14 hundredths (321.81) feet to a point;

15 Thence N 32° 36' 26" W a distance of two-hundred twenty-three and forty-seven one-
16 hundredths (223.47) feet to a point;

17 Thence N 28° 01' 57" W a distance of three-hundred forty and twenty-seven one-
18 hundredths (340.27) feet to a point;

19 Thence N 26° 39' 33" W a distance of one-hundred twelve and thirty-eight one-
20 hundredths (112.38) feet to a point;

21 Thence N 25° 26' 55" W a distance of one-hundred forty-eight and thirty-nine one-
22 hundredths (148.39) feet to a point on the southeasterly street line of Crawford Street, the eight
23 previous courses running along the northeasterly Harbor Line of the Providence River;

24 Thence N 63° 39' 29" E along the southeasterly street line of Crawford Street a distance
25 of twenty-three and eighty-three one-hundredths (23.83) feet to the point and place of beginning;

26 The above described parcel contains four hundred seventy-eight thousand two hundred
27 thirteen (478,213) square feet or 10.98 acres, more or less.

28 (vi) Area VI

29 That certain parcel of land, with all improvements thereon, situated southeasterly of
30 Bridge Street and Wickenden Street, northeasterly of South Main Street, southwesterly of Brook
31 Street and northwesterly of Tockwotten Street in the City of Providence, County of Providence,
32 State of Rhode Island, and more particularly described as follows:

33 Beginning at a point at the intersection of the southwesterly street line of Benefit Street

1 and the southeasterly street line of Bridge Street;
2 Thence S 28° 38' 50" E a distance of forty-seven and seventy-eight one-hundredths
3 (47.78) feet to a point;
4 Thence S 34° 12' 58" E a distance of one-hundred sixty-three and two one-hundredths
5 (163.02) feet to a point, the two previous courses running along the southwesterly street line of
6 Benefit Street;
7 Thence N 55° 47' 02" E a distance of fifty and fifteen one-hundredths (50.15) feet to a
8 point on the northeasterly street line of Benefit Street;
9 Thence S 34° 12' 58" E along land owned now or formerly by Church of Our Lady of the
10 Rosary a distance of ninety and zero one-hundredths (90.00) to a point on the northwesterly street
11 line of Alves Way;
12 Thence N 55° 46' 46" E along the northwesterly street line of Alves Way a distance of
13 one-hundred fifty and thirty-six one-hundredths (150.36) feet to a point on the southwesterly
14 street line of Traverse Street;
15 Thence S 34° 13' 56" E along the southwesterly street line of Traverse Street a distance
16 of eighty and nine one-hundredths (80.09) feet to a point;
17 Thence N 80° 05' 06" E a distance of fifty-four and eighty-six one-hundredths (54.86)
18 feet to a point on the northeasterly street line of Traverse Street, the two previous courses running
19 along the State Freeway Line established by Plat No. 900;
20 Thence N 80° 05' 06" E along the northerly street line of George M. Cohan Boulevard a
21 distance of two-hundred seventy-five and forty-five one-hundredths (275.45) feet to a point on
22 the southwesterly street line of Brook Street;
23 Thence S 34° 11' 12" E a distance of seventy-four and eighty-six one-hundredths (74.86)
24 feet to a point on the southerly street line of George M. Cohan Boulevard;
25 Thence S 44° 23' 33" W a distance of three-hundred seven and zero one-hundredths
26 (307.00) feet to a point on the northwesterly street line of Tockwotten Street;
27 Thence S 55° 48' 33" W along the northwesterly street line of Tockwotten Street a
28 distance of three-hundred fifty-one and sixty one-hundredths (351.60) feet to a point;
29 Thence N 34° 11' 30" W a distance of two-hundred nineteen and six one-hundredths
30 (219.06) feet to a point;
31 Thence S 55° 46' 46" W a distance of thirty-four and thirty-five one-hundredths (34.35)
32 feet to a point, the two previous courses running along land owned now or formerly by A & C
33 Tockwotten Realty, Inc;

1 Thence 34° 12' 51" W a distance of fifty-seven and twenty-seven one-hundredths (57.27)
2 feet to a point;

3 Thence N 72° 52' 44" W a distance of thirty-one and eighty-two one-hundredths (31.82)
4 feet to a point on the southeasterly street line of Pike Street (Alves Way); the two previous
5 courses running along land owned now or formerly by Cynthia A. Simmons;

6 Thence N 72° 52' 44" W a distance of sixty-four and twenty-two one-hundredths (64.22)
7 feet to a point on the northwesterly street line of Pike Street (Alves Way);

8 Thence S 55° 46' 46" W along said Pike Street northwesterly street line a distance of
9 fifty-five and sixty-one one-hundredths (55.61) feet to a point on the northeasterly street line of
10 South Main Street;

11 Thence N 34° 11' 30" W along the northeasterly street line of South Main Street a
12 distance of three-hundred one and seventeen one-hundredths (301.17) feet to a point on the
13 southeasterly street line of Bridge Street;

14 Thence N 55° 53' 32" E along the southeasterly street line of Bridge Street a distance of
15 three-hundred five and forty one-hundredths (305.40) feet to the point and place of beginning;

16 The above described parcel contains two hundred seventy-seven thousand five hundred
17 sixty-six (277,566) square feet or 6.37 acres, more or less.

18 (b) Authorization. The director of the Rhode Island department of transportation, with the
19 approval of the state properties committee, is hereby directed, authorized and empowered to sell,
20 transfer and convey, in fee simple, by lease or otherwise, in the name of and for the state of
21 Rhode Island, any or all right, title and interest of the state in the I-195 Surplus Land, in one or
22 more sale or lease transactions, and in such assemblages of parcels of such land, in such manner
23 and upon such terms and conditions as may be most advantageous to the public interest. The
24 director of the Rhode Island department of transportation, with the expressed approval of the
25 general assembly, may be further directed, authorized and empowered to sell, transfer and
26 convey, in fee simple, by lease or otherwise, to the Rhode Island economic development
27 corporation, in the name of and for the state of Rhode Island, any or all right, title and interest of
28 the state in the I195 Surplus Land, in one or more sale or lease transactions, and in such
29 assemblages of parcels of such land, in such manner and upon such terms and conditions as such
30 director shall determine to be most advantageous to the public interest. In the event that any or all
31 of the I-195 Surplus Land is sold, transferred or conveyed to the Rhode Island economic
32 development corporation, the executive director of the Rhode Island economic development
33 corporation shall be authorized to exercise the specific powers granted to the director of the
34 Rhode Island department of transportation described in subsections (c) and (d) of this section.

1 (c) Title and survey adjustments. The director of the Rhode Island department of
2 transportation is authorized, in the exercise of his or her discretion, to adjust boundary lines,
3 survey lines and property descriptions of the parcels of land comprising the I-195 Surplus Land as
4 may be necessary or appropriate to facilitate or enhance project design plans and for the location
5 and/or relocation of city streets, utility corridors, easements and rights of way.

6 (d) Payments to the city. Without limiting the authorization set forth in subsection (b)
7 above, the director of the Rhode Island department of transportation , is directed to make as a
8 condition to the sale or lease of any parcel of I-195 Surplus Land to any not-for-profit or tax-
9 exempt organization or institution, that he purchaser or lessee, as applicable, shall make
10 payments to the city relating to any parcel to be purchased or leased by such not-for-profit or tax-
11 exempt organization or institution. If no such agreement has been reached with the city of
12 Providence, the director is authorized to complete the sale; however, in consideration for the
13 purchase or lease of any parcel of the I-195 Surplus Land, the not-for-profit or tax-exempt
14 organization or institution shall make payments to the city of Providence equivalent to those that
15 would be paid by a taxable institution with regard to the subject parcel including, but not limited
16 to, any improvements constructed thereon by the purchaser or lessee; provided, however, that the
17 obligation to make such payments shall cease in the event all or any portion of or any
18 improvement on the subject parcel(s) is subject to any tax, whether in the nature of a real estate
19 tax, ad valorem tax, user fee, or otherwise (regardless of the basis on which such tax or fee is
20 calculated) or any other obligation that has the effect of such tax.

21 (e) Development plan. Development of the parcels of I-195 Surplus Land shall be in
22 accordance with the findings set forth in subsection (a) above, the terms and conditions
23 contemplated by subsection (b) above and the development or master plans proposed by one or
24 more purchasers and/or lessees of specific parcels of the I-195 Surplus Land to be developed, as
25 the same may be approved in accordance with applicable ordinances, as amended from time to
26 time, by departments and agencies of the city of Providence having jurisdiction thereover.

27 (f) Use of proceeds. Upon the conveyance or lease of any parcel of I-195 Surplus Land as
28 set forth in this section, the proceeds of such sale or lease shall be used by the state of Rhode
29 Island department of transportation, to the extent required by the United States Department of
30 Transportation Federal Highway Administration, to satisfy the obligations of the State department
31 of transportation to the United States Department of Transportation Federal Highway
32 Administration or as otherwise directed by the director of the Rhode Island department of
33 transportation.

34 (g) The provisions of sections 3, 4, 5 and 9 of chapter 7 of this title, shall not be

1 applicable to the transactions authorized by this section 37-5-8 which have been or hereafter may
2 be effected by the director of the Rhode Island department of transportation in the name of and
3 for the state of Rhode Island under the provisions of this section. Notwithstanding the provisions
4 of any general or special law to the contrary, other than approval of the state properties committee
5 as elsewhere specifically required in this section, no restriction shall apply to and no further
6 approval, determination or action of any kind shall be required to effect any conveyance of any
7 real property identified in this section by the director of the Rhode Island department of
8 transportation in the name of and for the state of Rhode Island.

9 (h) Nothing herein shall be construed to limit or modify the applicability of section 37-7-
10 6 to any or all of the I-195 Surplus Land.

11 (i) Title 37, Chapter 22, known as "The I-195 Redevelopment Act of 2002," is hereby
12 repealed.

13 SECTION 2. Chapter 37-22 of the General Laws entitled "The I-195 Redevelopment Act
14 of 2002" is hereby repealed in its entirety.

15 ~~CHAPTER 37-22~~

16 ~~THE I-195 REDEVELOPMENT ACT OF 2002~~

17 ~~**37-22-1. Short title.** -- This chapter shall be known as "The I-195 Redevelopment Act of~~
18 ~~2002".~~

19 ~~**37-22-2. Legislative findings.** -- The general assembly finds that:~~

20 ~~-(1) The realignment of Interstate Route 195 through the City of Providence provides a~~
21 ~~unique opportunity to advance public purposes by transforming a major transportation project~~
22 ~~into an important economic and civic development opportunity;~~

23 ~~-(2) This opportunity arises, in large part, from certain land to be made available for~~
24 ~~redevelopment due to the relocation of Interstate Route 195 and its access roads;~~

25 ~~-(3) The clearance of highway structures, replatting, redevelopment and improvement of~~
26 ~~such land shall spur economic development and, as such, is in the public interest;~~

27 ~~-(4) In addition, this unique opportunity can be utilized to advance the state's ability to~~
28 ~~improve public education, public services and infrastructure, thus, furthering an even more~~
29 ~~critical public purpose;~~

30 ~~-(5) The state would greatly benefit from the participation of private institutions in the~~
31 ~~improvement of public education, public services and infrastructure.~~

32 ~~**37-22-3. Declaration of purpose.** -- It is declared that there exist certain state-owned~~
33 ~~properties which shall become available by relocation of Interstate Route 195 and its on and off~~
34 ~~ramps. The abandonment of these properties shall create substandard areas for appropriate urban~~

1 ~~planning and development purposes. This urban planning and development shall be consistent~~
2 ~~with and subject to the City of Providence comprehensive plan, pursuant to section 45-22-2-1 et~~
3 ~~seq., City of Providence Zoning Ordinance, pursuant to section 45-24-27 et seq. and the I-195~~
4 ~~Old Harbor Plan (October 1992). As consistent with those plans, these properties can then be~~
5 ~~utilized for the expansion of institutional use. The clearance of highway structures, replatting,~~
6 ~~redevelopment and improvement of this land in recognition of the I-195 Old Harbor Plan~~
7 ~~(October 1992) shall spur the economic development and the improvement of public education,~~
8 ~~public services and infrastructure. Thus, this clearance of highway structures, replanning,~~
9 ~~redevelopment and improvement is hereby declared a public purpose. Therefore, the general~~
10 ~~assembly hereby establishes the I-195 redevelopment board to be responsible to supervise the~~
11 ~~replanning, replatting, redevelopment and improvement of this land through the solicitation,~~
12 ~~negotiation, execution and enforcement of comprehensive agreements for the redevelopment of~~
13 ~~this state owned property through privately funded qualifying projects. The board is hereby~~
14 ~~further authorized and directed to take advantage of private sector efficiencies in designing,~~
15 ~~developing and constructing qualifying institutional projects, which include components that~~
16 ~~specifically improve public education, public services and infrastructure. The board is hereby~~
17 ~~further authorized and directed to ensure that the state and its agencies permit and approve~~
18 ~~qualifying projects in an expedited fashion. In turn, the board shall exercise its authority in~~
19 ~~recognition of the plan objectives set forth in the I-195 Old Harbor Plan (October 1992).~~

20 **37-22-4. Definitions.** ~~As used in this chapter, the following words and terms shall have~~
21 ~~the following meaning:~~

22 ~~(1) "Acquiring authority" means an acquiring authority as defined in Chapter 7 of this~~
23 ~~Title.~~

24 ~~(2) "Board" means the I-195 Redevelopment Board.~~

25 ~~(3) "Comprehensive agreement" means a comprehensive agreement between the board~~
26 ~~and those persons obligated to undertake a qualifying project as set forth in section 37-22-7.~~

27 ~~(4) "Material default" means any default by the private entity in the performance of its~~
28 ~~duties under a comprehensive agreement of section 37-22-10 of this chapter that jeopardizes~~
29 ~~adequate service to the public from a qualifying project and remains unremedied after the board~~
30 ~~has provided notice to the private entity and a reasonable cure period has elapsed.~~

31 ~~(5) "Permits and approvals" means all permits, licenses, variances and/or approvals to be~~
32 ~~issued by state and/or local agencies as necessary for the development, construction and/or~~
33 ~~operation of a qualifying project.~~

34 ~~(6) "Plan" means the I-195 Old Harbor Plan (October 1992) adopted by the State of~~

1 ~~Rhode Island, City of Providence and Providence Foundation, a nonbusiness corporation.~~

2 ~~-(7) "Private entity" means any person, institution and/or entity proposing to undertake a~~
3 ~~qualifying project and to enter into a comprehensive agreement for the development, construction~~
4 ~~and/or operation of a qualifying project.~~

5 ~~-(8) "Project area" means that area which is bounded by Pine Street, Chestnut Street,~~
6 ~~Clifford and Foster Streets.~~

7 ~~-(9) "Public-private partnerships" means prearrangements between the public and private~~
8 ~~sectors for the delivery by the private sector of certain sector of certain public infrastructure~~
9 ~~and/or public services, which traditionally would have been provided by the public sector and~~
10 ~~funded by property taxes.~~

11 ~~-(10) "Qualifying project" means the privately funded redevelopment, construction and~~
12 ~~operation of a project within the project area and in furtherance of the plans planning principals as~~
13 ~~provided in the Old Harbor Plan (October 1992). Qualifying projects shall include, but not be~~
14 ~~limited to, institutional uses.~~

15 ~~-(11) "State-owned property" means property to which title is vested in the State of~~
16 ~~Rhode Island and located in the project area.~~

17 ~~**37-22-5. Board.** (a) There is hereby established a board to take custody, control and~~
18 ~~supervision over certain real property, title to which is vested in the State of Rhode Island, to~~
19 ~~review applications for qualifying projects, to approve or reject said applications, to negotiate and~~
20 ~~enter into comprehensive agreements, to assist in expediting all permits and approvals pursuant to~~
21 ~~the comprehensive agreements, to administer and enforce comprehensive agreements, and to~~
22 ~~exercise the authority necessary to accomplish the purposes of this chapter. However, no real~~
23 ~~property currently within the freeway line of the interstate shall be transferred to the board for~~
24 ~~sale, lease, or utilization pursuant to a public-private partnership, until the project area becomes~~
25 ~~available for redevelopment pursuant to the plan.~~

26 ~~-(b) The board shall consist of nine (9) members as follows: two (2) public members to be~~
27 ~~appointed by the speaker of the house for a term of four (4) years; two (2) public members to be~~
28 ~~appointed by the majority leader of the senate for a term of four (4) years; two (2) members to be~~
29 ~~appointed by the Governor of the State of Rhode Island, one member being a public member and~~
30 ~~the other member being the director of the Rhode Island department of transportation, for a term~~
31 ~~of four (4) years; two (2) public members to be appointed by the Mayor of the City of~~
32 ~~Providence, one member being the City of Providence's director of planning, for a term of four~~
33 ~~(4) years; and one public member to be appointed by the Providence Foundation, a nonbusiness~~
34 ~~corporation for a term of four (4) years. All members shall serve until successors are appointed. A~~

1 ~~member shall be eligible to succeed himself or herself.~~

2 ~~-(c) Board members shall select a chairperson and vice chairperson. A quorum necessary~~
3 ~~to conduct business shall consist of five (5) members of the board. A majority vote of the quorum~~
4 ~~present shall be required for action.~~

5 ~~-(d) The members of the board shall not receive any compensation. The members of the~~
6 ~~board shall be reimbursed for their actual expenses necessarily incurred in the performance of~~
7 ~~their duties. The board may engage professionals and consultants as it deems necessary.~~

8 ~~-(e) The board shall promulgate rules and regulations pursuant to the Rhode Island~~
9 ~~Administrative Procedures Act, section 42-35-1 et seq. The general assembly shall provide~~
10 ~~meeting space for the board.~~

11 ~~-(f) The board shall be authorized to establish reasonable application fees. These fees~~
12 ~~shall cover the estimated expenses of reviewing the applications and the execution of the~~
13 ~~comprehensive agreements.~~

14 ~~**37-22-6. Powers and duties of the board.** -- (a) The board is hereby authorized and~~
15 ~~directed to entertain, solicit, evaluate, negotiate, execute, administer and enforce comprehensive~~
16 ~~agreements for the redevelopment of the project area by and through privately funded qualifying~~
17 ~~projects in recognition of and consistent with the plan. The state department of transportation~~
18 ~~shall develop a legal description of this property for the board. Upon completion of the legal~~
19 ~~description, custody, control and supervision of the underlying property shall be transferred to the~~
20 ~~board and a certificate shall be filed with the secretary of state notwithstanding the requirements~~
21 ~~of sections 37-7-6 and 37-7-7. The board shall then be authorized to sell, lease and/or enter into~~
22 ~~public-private initiative agreements with regard to this property notwithstanding the requirements~~
23 ~~of section 37-7-1 et seq.~~

24 ~~-(b) If comprehensive agreements are entered into pursuant to the provisions of this~~
25 ~~chapter, the board is hereby authorized and directed to expedite the consideration and issuance of~~
26 ~~permits and approvals necessary for development, construction, and operation of qualifying~~
27 ~~projects.~~

28 ~~-(c) The board is hereby authorized and directed to administer and enforce all~~
29 ~~comprehensive agreements entered into pursuant to the provisions of this chapter.~~

30 ~~-(d) The board shall annually submit a written report of all its activities to the Governor,~~
31 ~~the General Assembly, and the Mayor and City Council of Providence.~~

32 ~~**37-22-7. Comprehensive agreement.** -- (a) Prior to developing, improving, constructing,~~
33 ~~maintaining, and/or operating a qualifying project, the private entity shall enter into a~~
34 ~~comprehensive agreement with the board. The comprehensive agreement shall establish:~~

1 ~~-(1) A specific narrative and description of the qualifying project, including consistency~~
2 ~~with the plan and identification of those components of the project which result in the direct~~
3 ~~improvement to public education, public services and infrastructure;~~

4 ~~-(2) The terms of sale, lease, or public private initiative. A public private initiative shall~~
5 ~~establish user fees. User fees shall be set at a level that takes into account: (i) fair market rental~~
6 ~~value of the real property; (ii) the improvements of or the benefits directly resulting to public~~
7 ~~education, public services and infrastructure from the qualifying project; (iii) payments in lieu of~~
8 ~~taxes and/or payments under the host community agreement subject to approval by the~~
9 ~~Providence City Council; and (iv) the services to be provided by and through the board. All such~~
10 ~~revenues shall be deposited in the Intermodal Surface Transportation Fund, as defined in section~~
11 ~~35-4-11, to be used for activities eligible for funding under title 23 (Highways) — United States~~
12 ~~Code;~~

13 ~~-(3) The comprehensive agreement shall address payment in lieu of taxes, or a host~~
14 ~~community agreement subject to approval by the City Council of the City of Providence. All such~~
15 ~~revenues may be pledged by the City of Providence pursuant to section 45-33.2-1 et seq.;~~

16 ~~-(4) Reimbursement to be paid to the board for expenses incurred and services provided~~
17 ~~by the board;~~

18 ~~-(5) With regard to a public private initiative, the comprehensive agreement shall also~~
19 ~~address:~~

20 ~~-(i) The duties of the private entity under this chapter and may contain any other terms~~
21 ~~and conditions consistent with this chapter. Without limitation, the comprehensive agreement~~
22 ~~may contain provisions under which the board agrees to collateral assignment provisions, notice~~
23 ~~of default provisions, and cure rights for the benefit of the private entity and the persons specified~~
24 ~~therein as providing financing for the qualifying project;~~

25 ~~-(ii) The schedule for completion of the qualifying project;~~

26 ~~-(iii) Delivery of performance and payment bonds in connection with the construction of,~~
27 ~~or improvements to, the qualifying project, in the forms and amounts satisfactory to the board;~~

28 ~~-(iv) The review of plans and specifications for the qualifying project;~~

29 ~~-(v) The inspection of construction of, or improvements to, the qualifying project to~~
30 ~~ensure conformance with the approved engineering standards;~~

31 ~~-(vi) The maintenance of a policy or policies of public liability insurance (copies of which~~
32 ~~shall be filed with the board accompanied by proofs of coverage), self insurance, in form and~~
33 ~~amount satisfactory to the board and reasonably sufficient to insure coverage of tort liability to~~
34 ~~the public and to enable the continued operation of the qualifying project;~~

1 ~~-(vii) Monitoring of the maintenance practices of the private entity by the board and the~~
2 ~~taking of any actions that the board finds appropriate to ensure that the qualifying project is~~
3 ~~properly maintained;~~

4 ~~-(viii) Filing of appropriate financial statements on a periodic basis; and~~

5 ~~-(ix) The date of termination of the private entity's authority and duties under this chapter~~
6 ~~and dedication to the appropriate public entity.~~

7 ~~-(b) Any changes in the terms of the comprehensive agreement, as may be agreed upon~~
8 ~~by the parties from time to time, shall be added to the comprehensive agreement by written~~
9 ~~amendment.~~

10 ~~-(c) Each comprehensive agreement may provide for state indemnification of the~~
11 ~~contracting party for design and construction liability where the state has approved relevant~~
12 ~~design and construction plans.~~

13 ~~**37-22-8. Application process.**~~ (a) ~~Persons may apply to the board for the development~~
14 ~~of privately funded qualifying projects within the project area. All applications shall be~~
15 ~~accompanied by the following material and information, unless waived by the board, with respect~~
16 ~~to the project that the private entity proposes to operate as a qualifying project:~~

17 ~~-(1) A topographic map (1:2,000 or other appropriate scale) indicating the location of the~~
18 ~~project;~~

19 ~~-(2) Description of the project, including the conceptual design of the project;~~

20 ~~-(3) A statement setting forth the specific improvements to public education, public~~
21 ~~services and infrastructure;~~

22 ~~-(4) The projected total life cycle cost of the project, tax payments, payments in lieu of~~
23 ~~taxes or including reimbursement for host public services and the proposed date for the beginning~~
24 ~~of and the planned completion date for the construction of, or improvements required by the~~
25 ~~project;~~

26 ~~-(5) A statement setting forth the method by which the private entity proposes to finance,~~
27 ~~develop and operate the project;~~

28 ~~-(6) A statement setting forth the private entity's general plans for financing and operating~~
29 ~~the project;~~

30 ~~-(7) The names and addresses of the persons who may be contacted for further~~
31 ~~information concerning the request; and~~

32 ~~-(8) Any additional material and information that the board may reasonably request.~~

33 ~~-(b) The board may grant approval of a qualifying project and enter into a comprehensive~~
34 ~~agreement, if the board determines that it is consistent with the plan's principles for the expansion~~

1 ~~of institutional use and said project includes component(s) that improve public education, public~~
2 ~~services and infrastructure. The board shall also consider fair market value as defined in 23~~
3 ~~U.S.C. section 156 and 23 CFR section 710.403. The director of the Rhode Island department of~~
4 ~~transportation as a member of the board shall issue a report to the board on this subject relative to~~
5 ~~each individual application.~~

6 ~~(c) The board may charge a reasonable fee to cover the costs of processing, reviewing~~
7 ~~and evaluating any application, including without limitation, reasonable attorneys' fees and fees~~
8 ~~for financial and other necessary advisors or consultants.~~

9 ~~(d) The board shall approve all comprehensive agreements with the private entities.~~

10 ~~(e) In connection with its approval, the board shall establish a date for the beginning of~~
11 ~~the qualifying project. The board may extend this date from time to time.~~

12 ~~**37-22-9. Permits and approvals for a qualifying project under a comprehensive**~~
13 ~~**agreement.** -- (a) The board shall, with the mandatory assistance of all applicable state and~~
14 ~~municipal agencies and departments, control the schedule for the processing and issuance of all~~
15 ~~necessary permits and approvals for qualifying projects under this chapter. The board shall seek~~
16 ~~the cooperation of all of these agencies to expedite all necessary permits and approvals for the~~
17 ~~qualifying projects; provided, however, that the comprehensive agreement shall provide for~~
18 ~~reimbursement for those accelerated services being rendered by any state or local agencies or~~
19 ~~departments. Qualifying projects shall remain subject to the I-195 Old Harbor Plan (October~~
20 ~~1992), the City of Providence's comprehensive plan, zoning ordinance, the plan and design~~
21 ~~review.~~

22 ~~(b) Within thirty (30) days of entry into a comprehensive agreement, the board shall~~
23 ~~require that all applicable state and local agencies and departments, meet with the board and~~
24 ~~establish an accelerated time frame for the consideration of and decision upon permits and~~
25 ~~approvals. The board shall have authority to approve and/or mandate an accelerated process,~~
26 ~~which may include the implementation of phased and/or fast track development, which is defined~~
27 ~~as the initiation of development prior to final issuance of all permits and approvals and/or the~~
28 ~~completion of final project design and construction plans.~~

29 ~~(c) All appeals timely filed with the Rhode Island superior court relative to permits and~~
30 ~~approvals shall be accelerated and given priority and advanced on the calendar of the Rhode~~
31 ~~Island superior court. Appeals shall be subject to de novo review.~~

32 ~~**37-22-10. Material default -- Remedies -- Public-private initiatives.** -- (a) Except upon~~
33 ~~agreement of the private entity and any other parties to the comprehensive agreement, providing~~
34 ~~for public-private initiatives, the board shall not exercise any of the remedies provided in this~~

1 ~~section, unless the Providence county superior court, after notice to the private entity and the~~
2 ~~secured parties (as may appear in the private entity's records) and an opportunity for hearing,~~
3 ~~shall first issue a declaratory judgment that a material default, as defined in section 37-22-4, has~~
4 ~~occurred and is continuing.~~

5 ~~-(b) Upon entry by the superior court of a declaratory judgment order pursuant to~~
6 ~~subsection (a) above, unless this order is stayed pending appeal to the Rhode Island supreme~~
7 ~~court, the board may exercise any or all of the following remedies:~~

8 ~~-(1) The board may solicit other private entities to take over a qualifying project and in~~
9 ~~this case it shall succeed to all of the right, title and interest in this project, subject to the secured~~
10 ~~interests of any person providing financing for it in accordance with the comprehensive~~
11 ~~agreement.~~

12 ~~-(2) The board may terminate the comprehensive agreement and exercise any other rights~~
13 ~~and remedies which may be available to it at law or in equity.~~

14 ~~-(3) The board may make or cause to be made any appropriate claims under the~~
15 ~~performance and/or payment bonds required by section 37-22-7(a)(6).~~

16 ~~**37-22-11. Sovereign immunity.** --- Nothing in this chapter shall be construed as or~~
17 ~~deemed a waiver of the sovereign immunity of the State of Rhode Island, any responsible public~~
18 ~~entity or any affected local jurisdiction or any officer or employee thereof with respect to the~~
19 ~~participation in, or approval of all or any part of the qualifying project. A city in which a~~
20 ~~qualifying project is located shall possess sovereign immunity with respect to its construction and~~
21 ~~operation.~~

22 ~~**37-22-12. Procurement.** --- The State Purchases Act, section 27-2-1 et seq., the~~
23 ~~Management and Disposal of Property Act, section 37-7-1 et seq., and the Municipal Award Act,~~
24 ~~section 45-55-1 et seq., shall not apply to this chapter. However, notwithstanding any provisions~~
25 ~~of this chapter, the sale, lease or agreement for any real property subject to control by the board~~
26 ~~shall secure an advisory opinion from the office of the attorney general.~~

27 ~~**37-22-13. Construction.** --- This chapter is deemed necessary for the welfare of the state~~
28 ~~and its inhabitants and shall be literally construed so as to effectuate its purposes. Insofar as the~~
29 ~~provisions of this chapter are inconsistent with the provisions of any law or ordinance, general,~~
30 ~~special or local, the provision of this chapter shall be controlling.~~

31 ~~**37-22-14. Severability.** --- If any clause, sentence, paragraph, section or part of this~~
32 ~~chapter shall be judged by any court or competent jurisdiction to be invalid, such judgment shall~~
33 ~~not affect, impair or invalidate the remainder thereof, but it shall be confined in its operation of~~
34 ~~the clause, sentence, paragraph, section or part directly involved in the controversy in which that~~

1 ~~judgment shall have been rendered.~~

2 SECTION 3. This act shall take effect upon passage.

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LC00144
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS

- 1 This act would authorize the director of the department of transportation to sell, transfer
2 and convey certain parcels of real property as may be most advantageous to the public interest.
3 This act would take effect upon passage.

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LC00144
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