

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

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IN RE:

NARRAGANSETT BAY COMMISSION

Docket No. \_\_\_\_\_

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**PETITION OF NARRAGANSETT BAY COMMISSION  
TO ESTABLISH RAILROAD CROSSING**

**INTRODUCTION**

Now comes the Petitioner, Narragansett Bay Commission (“**petitioner**” or “**NBC**”), and respectfully petitions this Honorable body for permission to cross Providence and Worcester Railroad Company’s (“**P&W**”) Harbor Junction Line in Providence, Rhode Island at Milepost +/- 2.07, which is where it crosses NBC’s private roadway connecting New York Avenue with Shipyard Street, Providence, Rhode Island via a permanent private at-grade crossing (the “**Crossing**”), as depicted on the aerial photograph attached hereto and incorporated by reference herein as Exhibit A (the “Aerial Photograph”).

As grounds for said Petition, Petitioner states as follows:

**I. PARTIES**

1. NBC is a quasi-public corporation having its principal place of business at One Service Road, Providence, Rhode Island.
2. P&W is the owner of the Harbor Junction Line.

## **II. FACTS**

### **A. Background Facts**

3. NBC owns and operates the largest sewer district in the State of Rhode Island and has a sewerage treatment facility at the Port of Providence, Rhode Island (the “**Port**”).
4. NBC owns land in fee simple in the City of Providence, State of Rhode Island, located on Shipyard Street at the Port, which land is more particularly known as Assessor’s Plat 56, Lot 329 (“**Lot 329**”).
5. Although NBC’s campus at the Port is presently open to public traffic, the site is closed at one end (the New York Avenue end) of Service Road<sup>1</sup> because of security issues raised by the Port of Providence after 9/11.
6. Vulnerability standards established by the wastewater industry for treatment facilities, such as NBC’s, encourage increasing campus security to prevent potential harm to the facilities. Tightening of security throughout the Port area has become a greater concern in recent years because of, among other things, increased offshore activities in the area and the requirements of the Marine Transportation Security Act of 2002.
7. As a result, NBC plans to close the other end (the Ernest Street end) of Service Road. Although necessary for security purposes, the closing will result in diminished access to other areas of the Port of Providence.
8. Further restricting access to the Port is the acquisition and closure to public traffic of a portion of Shipyard Street by an educational institution.
9. In order to mitigate this diminished access to areas of the Port that are not a high security concern, the NBC intends to allow access to the Port over and along its property, Lot 329.

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<sup>1</sup> Service Road is a private road owned by the NBC.

10. P&W owns and operates a regional freight railroad in Rhode Island and elsewhere and has an easement to operate a railroad spur track over a portion of NBC's Lot 329. The track in this area is known as the Harbor Junction Line (the "**Rail Line**").

11. Needed access to the Port cannot be accomplished without crossing the Rail Line, which runs across and along a portion of NBC's Lot 329. See the Aerial Photograph.

### **B. Operative Facts**

12. Although P&W has an easement to operate the Rail Line over NBC's Lot 329, said easement is subject to NBC's legal right to cross the Rail Line by virtue of the rights granted and appurtenant to Lot 329 pursuant to the deeds recorded in the Land Evidence Records for the City of Providence (the "**Land Evidence Records**") in Book 963, Page 284<sup>2</sup>, and in Book 966, Page 487<sup>3</sup>.

13. Together, the deeds provide the NBC with the right to cross the Rail Line, which is on its land, to wit, Lot 329.

14. The Deeds are valid and binding instruments of record.

15. In reasonable reliance upon the rights lawfully conferred pursuant to the Providence Deed of 1950 and the Barton Deed, the NBC undertook to have installed a road for alternate access to the Port. Said road crosses the Rail Line on NBC's Lot 329.

16. P&W supports this petition.

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<sup>2</sup> A copy of said deed is attached hereto as Exhibit B and incorporated herein by reference (the "**Providence Deed of 1950**")

<sup>3</sup> A copy of said deed is attached hereto as Exhibit C and incorporated by reference herein by reference (the "**Barton Deed**")

(a) On April 10, 2019, NBC and P&W entered into a Memorandum of Understanding (the “**MOU**”), which memorialized the parties’ understanding to enter into a Construction Agreement and a Grade Crossing License (collectively, the “**P&W Agreements**”). All P&W Agreements are subject to and conditioned upon obtaining approval from this Honorable body for the establishment of the Crossing.

(b) Should this Honorable body grant approval, the parties intend to enter into the Construction Agreement and the Grade Crossing License. The Construction Agreement provides that P&W will provide, or will procure, the labor, materials, equipment and services necessary to complete the Crossing in accordance with the Plans (hereinafter defined) and in accordance with P&W’s construction means, methods, techniques, sequences, specifications, scheduling and procedures, and at such time as not to interfere with the movement of P&W’s trains upon the Rail Line. The Grade Crossing License grants NBC use of the Crossing and contains the following provisions, among others:

- (i) Only NBC and its tenants, servants, employees, contractors, patrons, invitees, licensees and any agents or other persons having business with NBC or its tenants may use the Crossing, unless others are granted access by P&W. Two businesses located in the Port (i.e., ProvPort and SMM New England Corporation dba Sims Metal Management) also will utilize the Crossing with through truck traffic;
- (ii) NBC will pay annual maintenance fees to P&W to cover the costs of routine maintenance and inspection of the Crossing and will pay all costs and expenses related to other needed repairs and/or rehabilitation;

- (iii) The Crossing will include automatic warning devices, crossbuck signs, stop signs and other safety features as depicted on the plans and scope of work attached hereto and incorporated by reference herein as Exhibit D (the “**Plans**”);
- (iv) Use of the Crossing will be limited to a use the same or substantially similar to NBC’s current and intended use as a road; and
- (v) NBC will maintain P&W’s property in the vicinity of the Crossing in order to keep it free and clear of any and all vegetation, undergrowth and debris, so as not to obscure approaching trains from the view of vehicles approaching the Crossing.

18. The City of Providence supports this Petition. See City of Providence’s letter of support which is attached hereto and incorporated by reference herein as Exhibit E.

19. NBC submits that the grant of this Petition is in the public interest and in accordance with law and regulatory policy. Should this Honorable body deny this Petition, NBC will terminate the MOU with P&W, as all of NBC’s obligations thereunder are contingent upon this Honorable body’s grant of this Petition.

20. If permission is granted by this Honorable body and NBC thereafter constructs the Crossing, NBC shall construct the Crossing in accordance with the Plans and the P&W Agreements.

WHEREFORE, your Petitioner, NBC, prays that this Honorable Body grants Petitioner and P&W permission to construct a permanent private at-grade Crossing of the Rail Line and to construct thereon certain improvements necessary to cross the Rail Line, as well as other improvements incidental thereto, all in the form and manner depicted on the Plans and in the general location described herein.

Petitioner,  
NARRAGANSETT BAY COMMISSION,  
By its attorney,

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Anthony J. Bucci, Jr. (#2599)  
155 South Main St., Suite 405  
Providence, RI 02903  
Tel: (401) 831-4200 x217  
Fax: (866) 340-1865  
Email: abucci@buccilaw.com

Dated: April 16, 2019

## CERTIFICATION

I hereby certify that on the 16<sup>th</sup> day of April 2019, I sent a copy of the within petition to the following persons by prepaid Federal Express.

RI Office of Attorney General  
Attn: Christy Hetherington, Esq.  
150 South Main Street  
Providence, RI 02903

RI Department of Transportation  
Office of Legal Counsel  
Attn: Chief Special Counsel  
Two Capital Hill, Rm. 250  
Providence, RI 02903

Adrienne G. Southgate, Esq.  
Deputy City Solicitor  
City of Providence  
444 Westminster Street, Suite 220  
Providence, RI 02903

Providence and Worcester Railroad Company  
Attn: Alfred Q. Ricotta, Esq.  
Deputy General Counsel  
Genesee & Wyoming Railroad Services, Inc.  
20 West Avenue  
Darien, CT 06820

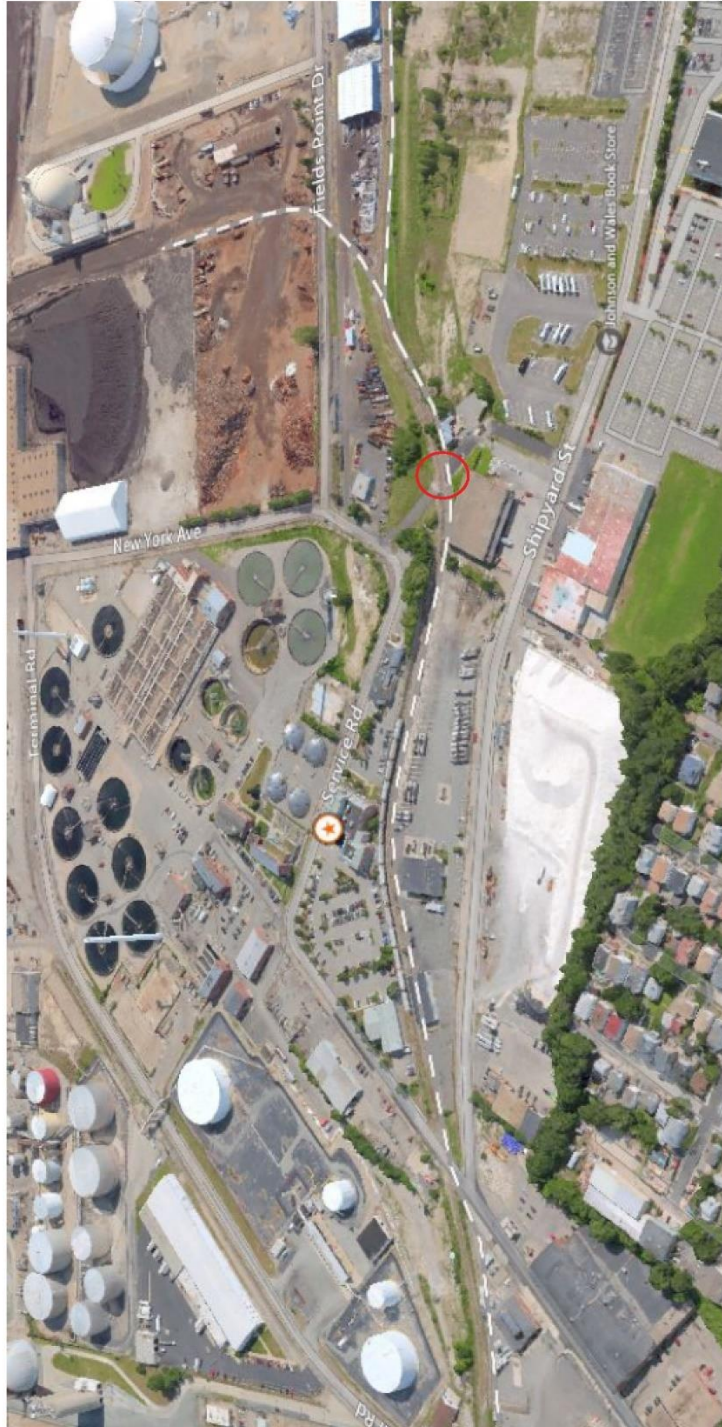
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Anthony J. Bucci, Jr





EXHIBIT A





That portion of said Area "B" which is situated within the City of Providence comprises the major portion of the first mentioned strip and the entire second and third mentioned strips, and is bounded and described as follows:

For instructions, refer to the enclosed  
new pilot book No. 47 Page 3



Beginning at a point in the southerly line of New York Avenue, one thousand three hundred ninety-six and ten one hundredths (1396.10) feet easterly from the southeasterly corner of New York Avenue and Harragansett Boulevard, thence easterly along the said southerly line of New York Avenue, sixty (60) feet, thence making an interior angle of 90 degrees and running southerly along the easterly line of the second mentioned strip, five hundred sixty-three and ninety-four one hundredths (563.94) feet to the northerly tangent point of a curve, thence continuing southerly in the arc of said curve with a radius of three hundred twenty-eight and sixty-two one hundredths (328.62) feet and a central angle of 21 degrees - 43', one-hundred twenty-four and fifty-six one hundredths (124.56) feet to the southerly tangent point of said curve, thence continuing southerly along the easterly line of the second mentioned strip, one thousand one hundred thirty-five and eighty-one one hundredths (1135.81) feet to the northerly tangent point of a curve, thence in a general southeasterly direction along the arc of said curve with a radius of one hundred (100) feet and a central angle of 123 degrees - 01' - 30", two hundred fourteen and seventy-two one hundredths (214.72) feet to the easterly tangent point of said curve in the northerly line of the first mentioned strip, thence easterly along the said northerly line of the first mentioned strip, one thousand five hundred and twenty-seven and eighty-four one hundredths (1527.84) feet to land of City of Providence, thence southerly, making an interior angle of 107 degrees - 05' and bounding easterly on land of City of Providence (to be dedicated for highway purposes) sixty-two and seventy-seven one hundredths (62.77) feet to the southerly line of the first mentioned strip, thence making an interior angle of 72 degrees - 55' and running westerly along the said southerly line of the first mentioned strip, one thousand seven hundred eighty-five and fifty-four one hundredths (1785.54) feet to the City line, thence making an interior angle of 157 degrees - 40' - 20" and running westerly along the City line, one hundred fifty-seven and ninety-three one hundredths (157.93) feet to the northerly line of the first mentioned strip, thence making an interior angle of 22 degrees - 19' - 40" and running easterly along the said northerly line of the first mentioned strip, seventy-nine and eighty one hundredths (79.80) feet to the westerly tangent point of a curve, thence in a general northeasterly direction along the arc of said curve with a radius of ninety-one and sixty-two one hundredths (91.62) feet and a central angle of 56 degrees - 58' - 30", ninety-one and eleven one hundredths (91.11) feet to the northerly tangent point of said curve in the westerly line of the second mentioned strip, thence northerly along the said westerly line of the second mentioned strip, eight hundred seven and eighty-one one hundredths (807.81) feet to the southerly tangent point of a curve, thence in a general northwesterly direction along the arc of said curve with a radius of fifty (50) feet and a central angle of 111 degrees - 43', ninety-seven and forty-nine one hundredths (97.49) feet to the westerly tangent point of said curve in the southerly line of the third mentioned strip, thence westerly along the said southerly line of the third mentioned strip (said southerly line being the range of

the southerly line of Washington Avenue), two-hundred ninety and thirty-five one hundredths (290.35) feet to the easterly tangent point of a curve,

thence in a general southwesterly direction along the arc of said curve with a radius of fifty (50) feet and a central angle of 65 degrees - 40' - 52", fifty-seven and thirty-two one hundredths (57.32) feet to the southerly tangent point of said curve in the easterly line of Michigan Avenue,

thence northerly along the said easterly line of Michigan Avenue, two hundred forty and fifty-one one hundredths (240.51) feet to an angle,

thence southerly, making an interior angle of 24 degrees 18' - 38" and bounding easterly on other land of United States of America, ninety-one and seventy-eight one hundredths (91.78) feet to the northerly tangent point of a curve,

thence in a general southeasterly direction along the arc of said curve with a radius of fifty (50) feet and a central angle of 90 degrees - 00' - 30", seventy-eight and fifty-five one hundredths (78.55) feet to the easterly tangent point of said curve in the northerly line of the third mentioned strip,

thence easterly along the said northerly line of the third mentioned strip (said line being the range of the northerly line of Washington Avenue) two hundred forty-seven and ninety-eight one hundredths (247.98) feet to the westerly tangent point of a curve,

thence in a general northeasterly direction along the arc of said curve with a radius of forty-five and seventy-six one hundredths (45.76) feet and a central angle of 66 degrees 17' - , fifty-four and fifty-four one hundredths (54.54) feet to the northerly tangent point of said curve in the westerly line of the second mentioned strip,

thence northerly along the said westerly line of the second mentioned strip, three hundred forty-five and twelve one hundredths (345.12) feet to the southerly tangent point of a curve,

thence continuing northerly along the arc of said curve with a radius of two hundred sixty-eight and sixty-two one hundredths (268.62) feet and a central angle of 21 degrees - 43', one hundred one and eighty-two one hundredths (101.82) feet to the northerly tangent point of said curve,

thence continuing northerly along the westerly line of the second mentioned strip, five hundred sixty-three and ninety-four one hundredths (563.94) feet to the southerly line of New York Avenue and the point and place of beginning.

That portion of said Area "B" which is situated within the City of Cranston comprises a portion of the first mentioned strip, sixty (60) feet in width, extends easterly from the center line of Palace Street (as said Palace Street existed previous to the land condemnation in the proceeding hereinabove mentioned), and is bounded and described as follows:

Beginning at the intersection of the range of the southerly line of Northup Street and the former center line of Palace Street, before mentioned,

thence northerly along the former center line of Palace Street, sixty (60) feet,

thence making an interior angle of 90 degrees - 03' - 10" and running easterly along the northerly line of the first men-



thence strip, sixteen and sixteen-four one hundredths (16.34) feet to the westerly tangent point of a curve, thence continuing easterly along the arc of said curve with a radius of eight hundred seventy-five and eighty-eight one hundredths (875.88) feet and a central angle of 22 degrees - 16' - 30", three hundred forty and fifty-two one hundredths (340.52) feet to the easterly tangent point of said curve, thence continuing easterly along the northerly line of the first mentioned strip, two hundred forty-five and fifteen one hundredths (245.15) feet to the City line, thence making an interior angle of 157 degrees 40' - 20" and running easterly along the City line, one hundred fifty-seven and ninety-three one hundredths (157.93) feet to the southerly line of the first mentioned strip, thence making an interior angle of 22 degrees 19' - 40" and running westerly along the said southerly line of the first mentioned strip, three hundred ninety-one and twenty-four one hundredths (391.24) feet to the easterly tangent point of a curve, thence continuing westerly in the arc of said curve with a radius of nine hundred thirty-five and eighty-eight one hundredths (935.88) feet and a central angle of 22 degrees 16' - 30", three hundred sixty-three and eighty-five one hundredths (363.85) feet to the westerly tangent point of said curve (said tangent point being the intersection of the easterly line of Palace Street and the range of the southerly line of Northup Street), thence continuing westerly along the range of the said southerly line of Northup Street twenty (20) feet to the point and place of beginning.

Reserving, however, unto the UNITED STATES OF AMERICA, its successors and assigns, easements in, over and above the land above described for any and all existing service facilities and utilities, including, but not exclusively, easements for existing storm and sanitary sewers, water distribution lines, electric and power lines, steam heat distribution lines, telephone and communication lines, and railroad spur tracks and sidings.

Being a part of the property acquired by the United States of America in the said condemnation proceeding in the District Court of the United States for the District of Rhode Island, entitled "United States of America, Petitioner, vs. Certain Lands in the City of Providence and the City of Cranston, Rhode Island, Walter A. Watts et al., Defendants, Misc. No. 155".

Also a perpetual easement or right of way sixteen (16) feet in width, for the construction, maintenance and operation of a railroad spur track, said easement or right of way being shown shaded on the plan hereinbefore mentioned and extending southeasterly over and across that portion of the grantor's land designated as Area "A" on the said plan, from the southerly line of New York Avenue to land of the grantee. The center line of said easement or right of way begins at the southerly

line of New York Avenue, one hundred twenty-six (126) feet westerly from the northeasterly corner of the grantor's land, thence runs southeasterly in a continuation of the arc of a curve with a radius of four hundred fifty-nine and twenty-seven one hundredths (459.27) feet to the tangent point of said curve, and thence continues southeasterly in a straight line to a point in the westerly boundary of land of the grantee, three hundred sixty-four (364) feet southerly from the northeasterly corner of said land of the grantor.

Reserving, however, unto the UNITED STATES OF AMERICA, its successors and assigns, the right to cross the said railroad spur track, and the said easement or right of way is hereby granted subject to the right and easement in favor of the UNITED STATES OF AMERICA, its successors and assigns, for existing overhead and underground electric power lines over, under and across the said lands.

All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such



material has been separated as such from the area in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

Said land was duly declared surplus and was assigned to GENERAL SERVICES ADMINISTRATOR for disposal, acting pursuant to the provisions of the above-mentioned Acts and the regulations and orders promulgated thereunder.

TO HAVE AND TO HOLD the said Land first hereinabove described, with all the rights, privileges and appurtenances thereto belonging, unto and to the use of the said CITY OF PROVIDENCE, its successors and assigns forever, for the special purpose of being used and improved as PUBLIC HIGHWAYS.

This quitclaim deed is executed and delivered to the said CITY OF PROVIDENCE, its successors and assigns, without warranty of warranty, either express or implied.

AND, the said CITY OF PROVIDENCE, has certified and by the acceptance of this quitclaim deed agrees for itself, its successors and assigns, as follows:

First: That the land first hereinabove described and shown as Area "B" on the plan hereinbefore mentioned, as well as the lands of the CITY OF PROVIDENCE shown as Area "C" on



said plan, will be dedicated and used for public highway purposes and

Second: That any subsequent transfer or conveyance of the said lands shown as Area "B" and "C" on the said plan, or any portion thereof, will be made subject to all of the covenants, conditions and limitations herein contained.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA, acting by and through the GENERAL SERVICES ADMINISTRATOR, has caused these presents to be executed in its name and behalf this 9th day of February, 1950.

Witnesses:

UNITED STATES OF AMERICA,  
acting by and through the  
GENERAL SERVICES ADMINISTRATOR

Paul Birrell

By Walter F. Downey  
Regional Director  
General Services Administration  
Liquidation Service, New York

Morice A. Albert

STATE OF NEW YORK ) SS  
COUNTY OF NEW YORK)

In New York, in said County and State, on this 9th day of February, 1950, before me personally appeared WALTER F. DOWNEY, Regional Director, General Services Administration, Liquidation Service, New York, to me known and known by me to be the party executing the foregoing instrument and acknowledged said instrument, by him duly executed, to be the free act of the UNITED STATES OF AMERICA, as his free act and deed individually and in his capacity as Regional Director

Leon P. Calafura

IN CITY COUNCIL

MAR 2 - 1950

APPROVED:

D. Everett Whelan  
CLERK

LEON P. CALAFURA  
Attorney & Counselor-at-Law, State of New York  
Office Address: 401 Broadway, New York, N. Y.  
Residing in Kings Co., N. Y., Reg. No. A-492-C-0  
Cert. filed in N. Y. Co. No. 30, Reg. No. A-790-C-0  
Cert. filed in Essex Co., N. Y.; Reg. No. 270-0-0  
Contributor: Capital Budget 30, 1950

UNITED STATES OF AMERICA  
General Services Administration

C E R T I F I C A T E


**Liquidation Service**  
I, John J. Hurley, Certifying Attorney, ~~Washington~~, General Services Administration, in my official capacity as such Certifying Attorney, and duly authorized in the Amendment dated December 1, 1949 to the DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING AND CONVEYANCING dated June 7, 1949, to make the following certification, do hereby certify:

1. That Walter F. Downey is the  
Regional Director

**Liquidation Service**  
~~Washington~~, General Services Administration, duly appointed, authorized and acting in such capacity at the time of the execution of the attached instrument.

2. That the attached DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING AND CONVEYANCING and the amendment thereto are true and correct copies of the originals of said Delegation of Authority and Amendment dated June 7, 1949 and December 1, 1949, respectively.

Given under my hand this 9th day of February, ~~194~~ 1950.

  
JOHN J. HURLEY **Liquidation Service**  
Certifying Attorney, ~~Washington~~  
GENERAL SERVICES ADMINISTRATION



(NOTICE)

DELEGATION OF AUTHORITY NO. 34

DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING, AND CONVEYANCING OF  
SURPLUS REAL PROPERTY AND PERSONAL PROPERTY ASSIGNED FOR DISPOSAL THEREWITH.

The Director, Industrial Real Estate Disposal Division, the Director, General Real Estate Disposal Division, and the General Counsel, War Assets Administration; the Regional Director and the Associate Regional Director, in each and every War Assets Administration Regional Office; and any person or persons designated to act, and acting, in any of the foregoing capacities, are hereby authorized, individually (1) to execute, acknowledge and deliver any deed, lease, permit, contract, receipt, bill of sale, or other instruments in writing in connection with the care, handling and disposal of surplus real property, or personal property assigned for disposition with real property, located within the United States, its territories and possessions, (2) to accept any notes, bonds, mortgages, deeds of trust or other security instruments taken as consideration in whole or in part for the disposition of such surplus real or personal property, and to do all acts necessary or proper to release and discharge any such instrument or any lien created by such instrument or otherwise created, and (3) to do or perform any other act necessary to effect the transfer of title to any such surplus real or personal property located as above provided; all pursuant to the provisions of law, including the Surplus Property Act of 1944, as amended (55 Stat. 765; 50 U.S.C. App. Supp. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U.S.C. App. Supp. 1614 a, 1614 b); Reorganization Plan 1 of 1947 (12 P.R. 4534); Public Law 289, 80th Cong. (61 Stat. 678); Public Law 829, 80th Cong.; Public Law 883, 80th Cong.; Public Law 516, 80th Cong.; War Assets Administration Appropriation Acts; and War Assets Administration Regulation No. 1 (12 P. R. 8861), as amended.

The Regional Director in each and every War Assets Administration Regional Office is hereby authorized to redelegate to such person or persons as he may designate the authority delegated to him by this instrument.

L. S. Wright, the Secretary of The General Board War Assets Administration, is hereby authorized to certify true copies of this Delegation and provide such further certification as may be necessary to effectuate the intent of this Delegation in form for recording in any jurisdiction, as may be required.

This Delegation shall be effective as of the opening of business on June 7, 1949.

This authority is in addition to delegations of authority previously granted under dates of May 17, 1946; May 29, 1946; July 30, 1946; September 16, 1946; October 31, 1946; November 22, 1946; January 13, 1947; June 6, 1947; December 1, 1947; April 9, 1948; July 1, 1948; and April 1, 1949; but shall not in any manner supersede provisions of said delegations as do not conflict with the provisions of this Delegation.

  
PAUL L. MATHER  
Administrator

Dated: JUN 7 1949, 1949.

## GENERAL SERVICES ADMINISTRATION

(NOTICE)

## AMENDMENT OF WAR ASSETS ADMINISTRATION

DELEGATION OF AUTHORITY DATED JUNE 7, 1949

Pursuant to the authority vested in me as Liquidator of War Assets by Administrator's Temporary Regulation No. 1, dated July 1, 1949, and the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and in order to terminate as of the close of business November 30, 1949, the authority granted to L. S. Wright, Secretary of the General Board, War Assets Administration in War Assets Administration Delegation of Authority dated June 7, 1949, entitled "Delegation of Authority Incident to the Care, Handling and Conveyancing of Surplus Real Property and Personal Property Assigned for Disposal Therewith" to certify true copies of said Delegation, and to provide for such certification by another person, said Delegation of Authority dated June 7, 1949 is hereby amended by deleting the following from the third paragraph thereof: "L. S. Wright, the Secretary of The General Board War Assets Administration", and substituting in lieu thereof the following: "John J. Hurley, Certifying Attorney, War Assets, General Services Administration". Said Delegation of Authority shall in all other respects remain the same and in full force and effect.

This amendment shall be effective as of the opening of business on December 1, 1949.

  
Liquidator of War Assets

Dated Dec. 1, 1949

821-40 05-41-1  
3-13-50 at 1:28





QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the UNITED STATES OF AMERICA, acting by and through the GENERAL SERVICES ADMINISTRATOR, under and pursuant to the powers and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949 and the Surplus Property Act of 1944 (58 Stat. 765), as amended thereby, and the regulations and orders promulgated thereunder, in consideration of the sum of FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000.00), paid by BARTON TRADING CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Rhode Island and having its principal place of business in Providence, Rhode Island, of which EIGHTY TWO THOUSAND DOLLARS (\$82,000.00) has been paid in cash, the receipt whereof is hereby acknowledged, and the balance of said purchase price being evidenced by the promissory note of the grantee, secured by a mortgage on the real estate hereinafter described of even delivery herewith, does hereby remise, release and forever quitclaim unto the said BARTON TRADING CORPORATION, its successors and assigns, forever, all the right, title, interest, property, claim and demand which it now has or of right ought to have, or claim, in and to the following described property, together with all the installations, structures, buildings and improvements thereon or connected therewith, situate in the County of Providence, State of Rhode Island, to-wit:

PARCEL A and A-1

All that certain tract or parcel of land lying partly in the City of Providence and partly in the City of Cranston and being bounded and described as follows:

Commencing at a point in the southerly line of New York Avenue which point is north 76° 00' 38" east a distance of 160 feet from the southeasterly corner of the intersection of New York Avenue and Michigan Avenue; thence running along said southerly line of New York Avenue, now or formerly, north 76° 00' 38" east 875.04 feet; thence

	S 42° 23' 00" E	2818.069 feet
thence	N 89° 21' 24" W	420.04 "
"	S 00° 38' 36" W	1629.68 "
"	N 89° 21' 24" W	1369.72 "
"	N 25° 17' 58" W	712.966 "

Restrictions

thence	S	87°	01'	31"	W	128.73	feet
"	N	2°	58'	29"	W	140.00	"
"	S	87°	01'	31"	W	315.50	"
"	N	2°	58'	29"	W	160.00	"
"	N	87°	01'	31"	E	231.00	"
"	N	2°	58'	29"	W	320.00	"
"	S	87°	01'	31"	W	528.00	"
"	N	2°	58'	29"	W	16.00	"
"	S	87°	01'	31"	W	99.00	"
"	N	2°	58'	29"	W	284.00	"
"	S	87°	01'	31"	W	51.88	"
"	N	13°	59'	22"	W	252.64	"
"	N	76°	00'	38"	E	120.00	"
"	S	13°	59'	22"	E	20.00	"
"	N	76°	00'	38"	E	484.00	"
"	N	13°	59'	22"	W	100.00	"
"	N	76°	00'	38"	E	4.00	"
"	N	13°	59'	22"	W	166.09	"

to the beginning of a curve, the center of the curve located by turning a 90° angle at the beginning of the curve on a 370 foot radius, bearing a little northeasterly 156.967 feet measured on the arc of said curve; thence

	N	10°	18'	33"	E	338.75	feet
thence	N	14°	00'	05"	W	122.47	"
"	N	40°	33'	22"	W	139.55	"
"	N	76°	00'	04"	E	50.36	"
"	N	13°	59'	01"	W	24.00	"
"	N	76°	00'	04"	E	10.00	"
"	N	13°	59'	01"	W	74.00	"
"	S	76°	00'	04"	W	10.00	"
"	N	13°	59'	01"	W	525.99	"

to the point or place of beginning.

#### PARCEL B

All that certain tract or parcel of land lying within the City of Providence in said State of Rhode Island and being bounded and described as follows:

Commencing at a point in the southerly line of New York Avenue which point is north 76° 00' 38" east a distance of 160 feet from the southeasterly corner of the intersection of New York Avenue and Michigan Avenue, thence running north 13° 59' 01" west a distance of 60 feet to the true point or place of beginning; thence from said true point or place of beginning the following courses and distances running

	S	76°	00'	38"	W	13.29	feet
thence	N	13°	59'	22"	W	168.00	"
"	N	76°	00'	38"	E	200.00	"
"	S	13°	59'	22"	E	168.00	"
"	S	76°	00'	38"	W	186.71	"

to the true point or place of beginning.

#### PARCEL C

All that certain tract or parcel of land lying within said City of Providence bounded and described as follows:

Beginning at a point in the southerly line of New York Avenue, said point being north 76° 00' 38" east a distance of 160 feet from the southeasterly corner of the intersection of New York Avenue and Michigan Avenue; thence running



thence N 13° 59' 01" W 60.00 feet  
 " S 76° 00' 38" W 13.29 "  
 " N 13° 59' 22" W 208.00 "

to the true point or place of beginning, thence from said true point or place of beginning continuing

thence N 13° 59' 22" W 168.00 feet  
 " N 76° 00' 38" E 200.00 "  
 " S 13° 59' 22" E 168.00 "  
 " S 76° 00' 38" W 200.00 "

to the true point or place of beginning.

#### PARCEL D

All that certain tract or parcel of land lying within said City of Providence and being bounded and described as follows:

Commencing at a point in the southerly line of New York Avenue which point is north 76° 00' 38" east a distance of 160 feet from the southeasterly corner of the intersection of New York Avenue and Michigan Avenue; thence running

thence N 13° 59' 01" W 60.00 feet  
 " S 76° 00' 38" W 13.29 "  
 " N 13° 59' 22" W 416.00 "

to the true point or place of beginning; thence continuing

thence N 13° 59' 22" W 168.21 feet  
 " N 76° 00' 38" E 200.00 "  
 " S 13° 59' 22" E 168.21 "  
 " S 76° 00' 38" W 200.00 "

to the true point or place of beginning.

#### PARCEL E

All that certain tract or parcel of land lying within said City of Providence and being bounded and described as follows:

Commencing at a point in the southerly line of New York Avenue which point is north 76° 00' 38" east a distance of 160 feet from the southeast corner of the intersection of New York Avenue and Michigan Avenue; thence running

thence N 13° 59' 01" W 60.00 feet  
 thence S 76° 00' 38" W 13.29 "  
 " N 13° 59' 22" W 624.21 "

to the true point or place of beginning; thence from the said true point or place of beginning the following courses and distances:

thence S 76° 00' 38" W 80.00 feet  
 " N 13° 59' 22" W 80.00 "  
 " N 76° 00' 38" E 40.00 "  
 " N 13° 59' 22" W 80.00 "  
 " N 76° 00' 38" E 240.00 "  
 " S 13° 59' 22" E 160.00 "  
 " S 76° 00' 38" W 200.00 "

to the true point or place of beginning.

#### PARCEL F

All that certain tract or parcel of land lying within said City of Providence and being bounded and described as follows:



Commencing at a point in the southerly line of New York Avenue which point is north  $76^{\circ} 00' 38''$  east a distance of 160 feet from the southeast corner of the intersection of New York Avenue and Michigan Avenue; thence running

	N $13^{\circ} 59' 01''$ W	60.00	feet
thence	S $76^{\circ} 00' 38''$ W	13.29	"
"	N $13^{\circ} 59' 22''$ W	624.21	"
"	S $76^{\circ} 00' 38''$ W	86.00	"
"	N $13^{\circ} 59' 22''$ W	200.00	"
to the true point or place of beginning; thence running from said true point or place of beginning continuing			
	N $13^{\circ} 59' 22''$ W	74.18	feet
thence	N $76^{\circ} 00' 38''$ E	187.00	"
"	S $89^{\circ} 58' 48''$ E	95.85	"
"	S $13^{\circ} 59' 22''$ E	50.977	"
"	S $76^{\circ} 00' 38''$ W	280.00	"
to the true point or place of beginning.			

Subject, however, to exceptions, reservations and easements, if any, of record, insofar as the same, or any of them, are now in force or applicable.

For title of the United States of America, reference is made to the condemnation proceeding in the United States District Court for the District of Rhode Island entitled "United States of America, Petitioner v. Certain Lands in the City of Providence and City of Cranston, State of Rhode Island, Walter A. Watts et al; Misc. No. 155".

Together with the right and easement jointly to use, operate and maintain existing storm sewers, water pipes, and electric conduits now located on the premises of the United States of America, herein-after described and excepted from this conveyance, and used in connection with the sewer system, water supply system, and electric distribution system of the above-described premises, with the right to cross and recross on said land of the United States of America, herein-after described and excepted, for the purpose of maintaining and repairing said sewers, water pipes, and electric conduits, and with the further expressed right to open up the land above said sewers, water pipes, and electric conduits so far as is necessary for the purpose of making repairs and then to replace the said land to former condition so far as practicable.

There is excepted from this conveyance the following described parcel or tract of land, together with all the installations, structures, buildings and improvements thereon or connected therewith, title to which is retained by the United States of America:

All that certain tract or parcel of land situate, lying and being in the City of Cranston, County of Providence, State of Rhode Island, being a part of the former Walsh-Kaiser Shipyard, and more particularly described as follows:

Beginning at a point on the south side of the existing roadway, said point being distant 10 feet easterly on a course of N  $64^{\circ} 42' 02''$  E from the northeasterly corner of Outfitters' Office Building (designated as Building No. 36), thence running

	S $25^{\circ} 17' 58''$ E	75.00	feet
thence	S $64^{\circ} 42' 02''$ W	60.00	"
"	S $25^{\circ} 17' 58''$ E	850.	" more or less
"	N $89^{\circ} 21' 24''$ W	580.	" " "
"	N $25^{\circ} 17' 58''$ W	712.966	"
"	S $87^{\circ} 01' 31''$ W	128.73	"
"	N $2^{\circ} 58' 29''$ W	140.00	"
"	S $87^{\circ} 01' 31''$ W	315.50	"
"	N $2^{\circ} 58' 29''$ W	160.00	"
"	N $87^{\circ} 01' 31''$ E	231.00	"
"	N $2^{\circ} 58' 29''$ W	139.66	"
"	N $65^{\circ} 35' 40''$ E	771.54	"
S $25^{\circ} 17' 58''$ E, parallel with and distant 6 feet westerly from the west rail of Craneway No. 8, 564.62 feet;			

thence S 64°42'02" W. 46 feet;  
 thence S 24°50'38" E. through the center of a partition  
 wall in the Boiler House Building (designated as Building  
 No. 5) 121.11 feet;  
 thence S 64°42'02" W. 83.28 feet;  
 thence S 25° 17' 58" E. 45 feet to the point of beginning

EXCEPTING those tracts of land and easements conveyed by the United States of America to the City of Providence in that certain deed dated February 9, 1950 and recorded in the office of the Recorder of Deeds of the City of Providence in Deed Book 963 at page 284.

Said property was duly declared surplus and assigned to the GENERAL SERVICES ADMINISTRATOR for disposal, acting pursuant to the provisions of the above-mentioned Acts and regulations and orders promulgated thereunder.

All uranium, thorium, and all other materials determined pursuant to Section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States of America, together with the right of the United States, through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such material had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of



such material before removal from its place of deposit in nature.  
If the Commission does not require delivery of such material to it,  
the reservation hereby made shall be of no further force or effect.

TO HAVE AND TO HOLD the foregoing described premises, with all  
rights, privileges and appurtenances thereunto belonging, unto and  
to the use of the said BARTON TRADING CORPORATION, its successors  
and assigns forever.

This Deed is executed and delivered to the said BARTON TRADING  
CORPORATION without covenants of warranty, either express or  
implied.

AND the said BARTON TRADING CORPORATION has certified and by  
the acceptance of this deed agrees, for itself, its successors  
and assigns, as follows:

FIRST : That it is acquiring the said premises for its  
own use;

SECOND : That it is not purchasing the said premises  
for the purpose of reselling them; and

THIRD : That in no case will it resell the said premises  
within two years from the date of this instrument,  
or until payment in full of the promissory note  
and mortgage hereinbefore mentioned, whichever  
occurs later, without first obtaining the  
written authorization of the GENERAL SERVICES  
ADMINISTRATOR to such resale.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA, acting by  
and through the GENERAL SERVICES ADMINISTRATOR, has caused these  
presents to be executed in its name and behalf this 16<sup>th</sup> day of

May, 1950.

UNITED STATES OF AMERICA,  
acting by and through the  
GENERAL SERVICES ADMINISTRATOR

Witnesses:

J. J. [Signature]

Leon P. [Signature]

By [Signature]  
Regional Director  
General Services Administration  
Liquidation Service, New York

STATE OF NEW YORK }  
COUNTY OF NEW YORK } ss:

In New York, in said County and State, on this 16<sup>th</sup> day of May, 1950, before me personally appeared WALTER P. DOWNEY, Regional Director, General Services Administration, Liquidation Service, New York, to me known and known by me to be the party executing the foregoing instrument and acknowledged said instrument, by him duly executed, to be the free act of the UNITED STATES OF AMERICA, as his free act and deed individually and in his capacity as Regional Director.

*Leon P. Calafuria*

LEON P. CALAFURIA  
Notary Public, State of New York  
No. 21-5571300  
Qualified in New York County  
Certificates filed with  
Bronx, Kings, Queens County Clerks  
N. Y., Bronx, Kings, Queens Registers  
Term Expires March 30, 1952

State of New York }  
County of New York } ss:

I, ARCHIBALD R. WATSON, County Clerk and Clerk of the Supreme Court, New York County, a Court of Record having by law a seal, DO HEREBY CERTIFY that

No. 26293

*Leon P. Calafuria*

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or power, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that said name to law a commission, or a certificate of his official character, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and testify to the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments, to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public, or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

this 16<sup>th</sup> day of May, 1950.

FER PAID 254

*Archibald R. Watson*  
County Clerk and Clerk of the Supreme Court, New York County





UNITED STATES OF AMERICA  
General Services Administration

CERTIFICATE


I, John J. Hurley, Certifying Attorney, <sup>Liquidation Service</sup> ~~Massachusetts~~, General Services Administration, in my official capacity as such Certifying Attorney, and duly authorized in the Amendment dated December 1, 1949 to the DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING AND CONVEYANCING dated June 7, 1949, to make the following certification, do hereby certify:

1. That Walter F. Downey is the  
Regional Director

<sup>Liquidation Service</sup> ~~Massachusetts~~, General Services Administration, duly appointed, authorized and acting in such capacity at the time of the execution of the attached instrument.

2. That the attached DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING AND CONVEYANCING and the amendment thereto are true and correct copies of the originals of said Delegation of Authority and Amendment dated June 7, 1949 and December 1, 1949, respectively.

Given under my hand this 16th day of May, 1950., ~~xxx~~.

  
JOHN J. HURLEY  
Certifying Attorney, ~~Massachusetts~~  
GENERAL SERVICES ADMINISTRATION  
Liquidation Service

(NOTICE)

DELEGATION OF AUTHORITY NO. 83

DELEGATION OF AUTHORITY INCIDENT TO THE CARE, HANDLING, AND CONVEYANCING OF  
SURPLUS REAL PROPERTY AND PERSONAL PROPERTY ASSIGNED FOR DISPOSAL THEREWITH.

The Director, Industrial Real Estate Disposal Division, the Director, General Real Estate Disposal Division, and the General Counsel, War Assets Administration; the Regional Director and the Associate Regional Director, in each and every War Assets Administration Regional Office; and any person or persons designated to act, and acting, in any of the foregoing capacities, are hereby authorized, individually (1) to execute, acknowledge and deliver any deed, lease, permit, contract, receipt, bill of sale, or other instruments in writing in connection with the care, handling and disposal of surplus real property, or personal property assigned for disposition with real property, located within the United States, its territories and possessions, (2) to accept any notes, bonds, mortgages, deeds of trust or other security instruments taken as consideration in whole or in part for the disposition of such surplus real or personal property, and to do all acts necessary or proper to release and discharge any such instrument or any lien created by such instrument or otherwise created, and (3) to do or perform any other act necessary to effect the transfer of title to any such surplus real or personal property located as above provided; all pursuant to the provisions of law, including the Surplus Property Act of 1944, as amended (58 Stat. 765; 50 U.S.C. App. Supp. 1611); Public Law 161, 79th Cong. (59 Stat. 535; 50 U.S.C. App. Supp. 1614 a, 1614 b); Reorganization Plan 1 of 1947 (12 F.R. 4534); Public Law 289, 80th Cong. (61 Stat. 678); Public Law 325, 80th Cong.; Public Law 383, 80th Cong.; Public Law 616, 80th Cong.; War Assets Administration Appropriation Acts; and War Assets Administration Regulation No. 1 (12 F. R. 6661), as amended.

The Regional Director in each and every War Assets Administration Regional Office is hereby authorized to redelegate to such person or persons as he may designate the authority delegated to him by this instrument.

L. S. Wright, the Secretary of The General Board War Assets Administration, is hereby authorized to certify true copies of this Delegation and provide such further certification as may be necessary to effectuate the intent of this Delegation in form for recording in any jurisdiction, as may be required.

This Delegation shall be effective as of the opening of business on June 7, 1949.

This authority is in addition to delegations of authority previously granted under dates of May 17, 1946; May 29, 1946; July 30, 1946; September 16, 1946; October 31, 1946; November 22, 1946; January 15, 1947; June 6, 1947; December 1, 1947; April 9, 1948; July 1, 1948; and April 1, 1949; but shall not in any manner supersede provisions of said delegations as do not conflict with the provisions of this Delegation.

  
PAUL L. MATHER  
Administrator

Dated: JUN 7 1949, 1949.



## GENERAL SERVICES ADMINISTRATION

(NOTICE)

## AMENDMENT OF WAR ASSETS ADMINISTRATION

DELEGATION OF AUTHORITY DATED JUNE 7, 1949

Pursuant to the authority vested in me as Liquidator of War Assets by Administrator's Temporary Regulation No. 1, dated July 1, 1949, and the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and in order to terminate as of the close of business November 30, 1949, the authority granted to L. S. Wright, Secretary of the General Board, War Assets Administration in War Assets Administration Delegation of Authority dated June 7, 1949, entitled "Delegation of Authority Incident to the Care, Handling and Conveyancing of Surplus Real Property and Personal Property Assigned for Disposal Therewith" to certify true copies of said Delegation, and to provide for such certification by another person, said Delegation of Authority dated June 7, 1949 is hereby amended by deleting the following from the third paragraph thereof: "L. S. Wright, the Secretary of The General Board War Assets Administration", and substituting in lieu thereof the following: "John J. Hurley, Certifying Attorney, War Assets, General Services Administration". Said Delegation of Authority shall in all other respects remain the same and in full force and effect.

This amendment shall be effective as of the opening of business on December 1, 1949.

  
Liquidator of War Assets

Dated Dec. 1, 1949

5-26-1950 at 2:30

*P*  
Liqu

Dated *Dec. 1, 1949*

Recorded  
at 2.30

*May 26, 1950* } Witness:  
*P.M.* } *R*

*Edm*







## **EXHIBIT A**

### Scope of Work

The scope of work is as follows:

- ✦ Install new Grade Crossing Train detection devices and controls per current Providence and Worcester Railroad Spec.
- ✦ Install new signals with 12" LED flashers-two way flashers and gate assemblies.
- ✦ New signal system to include new direct burial signal cable, track circuit cable. And
- ✦ Provide new standby storage batteries for signals and controls.
- ✦ In service testing as required.
- ✦ Install 3 new 115 lb. insulated joint bars in 2 existing turnouts to accommodate signals.
- ✦ Install 1 new #8 insulated turnout to accommodate signals.
- ✦ Install new ballast, Pandrol pre-plated ties and 115# rail.
- ✦ Install new epxflex crossing surface.
- ✦ Drainage, paving, and cleanup as required
- ✦ Install new W10-1 advance warning signs.
- ✦ Pavement markings as required.

All track and signal work to be by Providence and Worcester Railroad; paving will be done by contractor.





**CITY OF PROVIDENCE**

Jorge O. Elorza, Mayor

April 25, 2018

Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: New York Avenue Railroad Crossing

Honorable Members of the Public Utilities Commission:

The City of Providence supports the Narragansett Bay Commission's petition for a grade crossing at New York Avenue, as proposed in NBC's proposed filing. It would be beneficial to have additional access to the eastern half of the Port of Providence.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adrienne G. Southgate".

Adrienne G. Southgate  
Deputy City Solicitor

Copies to: Laurie Horridge, Esq.  
William Bombard, P.E.

**CITY SOLICITOR'S OFFICE**

444 Westminster Street, Suite 220, Providence, Rhode Island 02903

401 680 5333 ph | 401 680 5520 fax

[www.providenceri.gov](http://www.providenceri.gov)