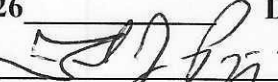


**THE CITY OF WARWICK
STATE OF RHODE ISLAND**

RESOLUTION OF THE CITY COUNCIL

NO. R-22-126 DATE 12-22-22
APPROVED  MAYOR

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

Resolved that,

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

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

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

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

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

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

ensure that the land is not converted to a use other than the use for which it was originally obtained and remains predominately undeveloped and continues to provide open space; and

WHEREAS, Rhode Island General Laws § 34-39-1 et seq. grants a special legal status to conservation restrictions so that landowners wishing to protect and preserve real properties may do so without uncertainty as to the legal effect and enforceability of those restrictions; and

WHEREAS, the City of Warwick depends on public confidence that the properties conserved are held in public trust for conservation purposes consistent with the state constitution and city charter and will remain permanently protected; and

WHEREAS, the Warwick City Council desires to protect the public interest by permanently conserving Dawley Farm (Assessor's Plat 231, Lot 1) as a municipal public trust.

NOW THEREFORE, BE IT RESOLVED, that the Warwick City Council hereby dedicates Dawley Farm (Assessor's Plat 231, Lot 1), as further described in Exhibit A which is attached hereto and incorporated herein, to be held in the public trust, pursuant to R.I.G.L. § 45-36.1-1 et seq., for the preservation, regeneration and restoration of the natural environment of the City of Warwick; and

BE IT FURTHER, RESOLVED, that the City of Warwick hereby deems Assessor's Plat 231, Lot 1 as having Conservation Restrictions as defined by R.I.G.L. 34-39-1 et seq.

The City Clerk is hereby directed to forward a copy of this Resolution to the Mayor, City Solicitor, and Director of Planning, and to record this Resolution in the municipal land evidence records.

This Resolution shall take effect upon passage.

SPONSORED BY: COUNCILMAN GEBHART

COMMITTEE: PUBLIC PROPERTIES

Exhibit A
Dawley Farm
Assessor's Plat 231, Lot 1

That certain tract or parcel of land situated on the southerly side of Cowesett Road in the City of Warwick, County of Kent and State of Rhode Island, shown on a plan entitled "Boundary Survey Plan City of Warwick Assessors Plat 231 Lot 1 "Dawley Farm" Cowesett Road Warwick, Rhode Island Project No. P98.272 Scale: 1" =100' Date: Dec. 30, 1998 Revised: 1/5/99 Waterman Engineering Company Richard S. Lipsitz, PLS #1837." Said parcel is more particularly bounded and described as follows;

Beginning at a granite bound set in the southerly street-line of Cowesett Road. The said granite bound marks the northeasterly corner of land now or formerly of E. Colby and Elaine B. Cameron and the northwesterly corner of the parcel herein-described;

thence proceeding N 87°34'18" E a distance of forty two and 18/100 (42.18') feet to an angle point;

thence proceeding N 85°14'16" E a distance of fifty eight and 04/100 (58.04') feet to an angle point;

thence proceeding S 85°11'49" E a distance of two hundred forty four and 17/100 (244.17') feet to an angle point;

thence proceeding S 76°36'35" E a distance of twenty one and 40/100 (21.40') feet to a drill hole at the beginning of a stone wall;

thence proceeding S 67°46'36" E a distance of twenty two and 41/100 (22.41') feet to a drill hole at an angle point in the said stone wall;

thence proceeding S 86°17'27" E a distance of thirty five and 43/100 (35.43') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 83°43'07" E a distance of thirty four and 38/100 (34.38') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 88°47'13" E a distance of eighteen and 35/100 (18.35') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 81°21'59" E a distance of sixty one and 16/100 (61.16') feet to a drill hole at the end of the said stone wall;

thence proceeding N 82°48'25" E a distance of one hundred fifty three and 09/100 (153.09') feet to a drill hole at the beginning of a stone wall;

thence proceeding N 77°18'25" E a distance of forty four and 27/100 (44.27') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 78°48'10" E a distance of eighty and 10/100 (80.10') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 81°43'16" E a distance of twenty one and 94/100 (21.94') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 83°55'19" E a distance of one hundred fifty two and 30/100 (152.30') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 85°11'16" E a distance of one hundred eight and 89/100 (108.89') feet to an angle point at the end of the said stone wall;

thence proceeding S 83°07'02" E a distance of fourteen and 90/100 (14.90') feet to a stake at the beginning of a said stone wall at the northeasterly corner of land now or formerly of Lucille I and Jennifer L. Gallagher and the northeasterly corner of the parcel herein-described. The last sixteen herein described courses run by and with the southerly street-line of Cowesett Road;

thence proceeding S 07°04'22" W along the said stone wall a distance of one hundred thirty two and 92/100 (132.92') feet to a drill hole at an angle point;

thence proceeding S 02°11'18" W along the said stone wall a distance of seventy seven and 80/100 (77.80') feet to a drill hole at the southwesterly corner of said Gallagher land and the northwesterly corner of land now or formerly of John B. and Ethel M. Giusit. The last two herein-described courses are bounded easterly by said Gallagher land;

thence proceeding S 01°24'48" W along the said stone wall a distance of one hundred thirty seven and 18/100 (137.18') feet to a drill hole in a boulder;

thence proceeding S 00°52'13" W along the said stone wall a distance of one hundred forty six and 53/100 (146.53') feet to a drill hole at a corner of the stone wall;

thence proceeding S 67°43'00" E along the said stone wall a distance of one hundred thirty eight and 36/100 (138.36') feet to a drill hole at the end of the stone wall;

thence proceeding S 68°32'45" E a distance of fifty five and 37/100 (55.37') feet to a drill hole in a boulder;

thence proceeding S 41°01'23" E a distance of twenty and 06/100 (20.06') feet to an angle point at a fence line;

thence proceeding S 04°17'54" E along the said fence line a distance of one hundred sixty one and 89/100 (161.89') feet to an angle point;

thence proceeding S 03°49'44" E along the said fence line a distance of two hundred twenty nine and 75/100 (229.75') feet to an angle point;

thence proceeding S 02°02'09" E along the said fence line a distance of one hundred forty one and 09/100 (141.09') feet to a drill hole at the beginning of a stone wall;

thence proceeding S 03°17'39" E along the said stone wall a distance of three hundred eighty two and 80/100 (382.80') feet to a drill hole at an angle point in the said stone wall;

thence proceeding S 03°28'44" E along the said stone wall a distance of eighteen and 43/100 (18.43') feet to a drill hole at a corner of two stone walls at a cemetery. The last ten herein-described courses are bounded easterly by said Giusti land;

thence proceeding S 03°55'31" E along the said stone wall, bounded easterly by the said cemetery a distance of eighty two and 65/100 (82.65') feet to a drill hole at a corner of two stone walls at the cemetery;

thence proceeding S 03°23'38" E along the said stone wall distance of two hundred forty three and 99/100 (243.99') feet to a drill hole at the end of the said stone wall;

thence proceeding S 04°42'59" E a distance of one hundred sixty two and 83/100 (162.83') feet to land now or formerly of the Narragansett Electric Company. The last two herein-described courses are bounded easterly by said Giusti land;

thence proceeding S 31°15'59" W a distance of sixty three and 10/100 (63.10') feet to an angle point;

thence proceeding S 87°54'00" W a distance of one hundred thirty six and 67/100 (136.67') feet to a stone bound at an angle point;

thence proceeding S 89°00'00" W a distance of two hundred ninety nine and 85/100 (299.85') feet to a stone bound at the northwesterly corner of said Narragansett Electric land and the northeasterly corner of Eagles Nest Condominiums. The last three herein-described courses are bounded southeasterly and southerly by said Narragansett Electric land;

thence proceeding S 87°44'59" W a distance of seven hundred sixty six and 33/100 (766.33') feet to a drill hole at the beginning of a stone wall;

thence proceeding S 86°52'31" W along the said stone wall a distance of four hundred thirty nine and 42/100 (439.42') feet to a drill hole at the intersection of two stone walls at land now or formerly of the Metropolitan Life Insurance Company. The last two herein-described courses are bounded southerly by said Eagles Nest Land;

thence proceeding N 01°36'37" W a distance of one hundred fifty nine and 12/100 (159.12') feet to a drill hole at the beginning of a stone wall;

thence proceeding N 02°15'22" W along the said stone wall a distance of two hundred sixty three and 69/100 (263.69') feet to a drill hole at the end of the said stone wall;

thence proceeding N 02°24'36" W partly along a stone wall a distance of three hundred sixty six and 18/100 (366.18') feet to a drill hole at the intersection of two stone walls;

thence proceeding N 01°14'41" W along the said stonewall a distance of one hundred forty four and 80/100 (144.80') feet to a corner of the said stone walls at the "Open Space" land of the Paddock Estates Subdivision. The last four herein described courses are bounded westerly by said Metropolitan land;

thence proceeding S 87°48'44" E along the said stone wall a distance of three hundred forty four and 54/100 (344.54') feet to an angle point in the said stone wall;

thence proceeding N 74°50'21" E along the said stone wall a distance of three hundred thirteen and 37/100 (313.37') feet to a drill hole at a corner of the said stone wall;

thence proceeding N 15°15'07" W along the said stone wall a distance of one hundred eighty four and 21/100 (184.21') feet to a drill hole at the end of the said stone wall. The last three herein described courses are bounded northerly and westerly by the said Paddock Estates Open Space land;

thence proceeding N 19°36'14" W bounded westerly in part by said Paddock Estates Open Space land and in part by Martingale Drive a distance of two hundred twenty six and 50/100 (226.50') feet to the beginning of a stone wall;

thence proceeding N 21°54'26" W bounded westerly by said Paddock Estates Open Space land, along the said stone wall a distance of one hundred twenty and 08/100 (120.08') feet to a drill hole at the intersection of two stone walls at land of said Cameron;

thence proceeding N 20°39'38" W along the said stone wall a distance of seventy six and 54/100 (76.54') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 13°43'15" W along the said stone wall a distance of one hundred fifty two and 15/100 (152.15') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 14°59'57" W along the said stone wall a distance of ninety four and 42/100 (94.42') feet to a drill hole at an angle point in the said stone wall;

thence proceeding N 11°20'12" W along the said stone wall a distance of one hundred eighty three and 46/100 (183.46') feet to a drill hole at an angle point in the said stone well;

thence proceeding N 08°27'35" W along the said stone wall a distance of seventy and 69/100 (70.69') feet to the said southerly streetline of Cowesett Road and the point and place of beginning. The last five herein-described courses are bounded westerly by said Cameron land.

The above described parcel contains 2,704,438 square feet (62.085 acres) of land more or less.