



# Town of Narragansett

Rhode Island

Resolution No. 2023-03



**Resolution on Protecting Municipal-Owned Conservation Properties by Deeming A Conservation Property as Being Held in the Public Trust pursuant to R.I.G.L. 45-36.1-1 et seq and as Having A Conservation Restriction pursuant to R.I.G.L. 34-39-2(a) et seq, Specifically, Assessor's Plat K Lot 281, Frances Avenue**

Whereas the Narragansett Land Conservancy Trust is a municipal land trust created by Town Charter to permanently preserve open space, farm lands, scenic vistas, wetlands, estuaries, adjoining uplands and critical habitats; and

Whereas, the Town of Narragansett operates as a municipality pursuant to the Rhode Island Constitution.

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 resources 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.”

Further, 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.”

Further, R.I.G.L. § 45-36.1-1 et seq empowers a city or town to dedicate conservation land it owns as 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

Further, R.I.G.L. § 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.

Whereas, Town of Narragansett and Narragansett Land Conservancy Trust depends on public confidence that the properties the Land Conservation Trust conserves are held in public trust for conservation purposes consistent with the state constitution and town charter and will remain permanently protected; and

Whereas, it is in the public interest to permanently protect these conservation properties and R.I.G.L. 45-36.1-3 requires that the properties be identified, and the municipal approval recorded in the Land Evidence Records;

NOW THEREFORE, The Town Council of Narragansett hereby resolves to declare this conservation property recorded in Book 1012 at Page 967 of the Narragansett Land Evidence Records and further designated as Assessor's Plat K Lot 281, Frances Avenue, as described in Exhibit "A" which is attached hereto and incorporated herein to be held in the public trust for the preservation, regeneration and restoration of the natural environment of the Town of Narragansett and the Town Council of Narragansett hereby deems these properties as having Conservation Restrictions as defined by R.I.G.L. 34-39-2 (a).

ADOPTED this 6th day of March A.D. 2023.

ATTEST:

  
Janet Tarro  
Town Clerk

  
Ewa Dzwierzynski  
Town Council President



**EXHIBIT A**

THOSE TWO (2) CERTAIN lots or parcels of land, together with all the buildings and other improvements thereon, situated in the Town of Narragansett, County of Washington, State of Rhode Island, laid out and designated as Lots Numbered 55 (fifty-five) and 56 (fifty-six) on that plat entitled, "SCARBORO GATEWAY, OWNED BY LAWRENCE F. COFFEY ET UX, MADE BY T.G. HAZARD, JR., C.E., SEPTEMBER 20, 1929", which said plat is recorded in in the Land Evidence Records of the Town of Narragansett in Record Book No. 11, between Pages 32 and 33 to which reference may be had for a further description.

FOR REFERENCE PURPOSES ONLY:  
FRANCES AVENUE,  
NARRAGANSETT RI  
PLAT K LOT 281

RECEIVED FOR RECORD  
JANET TARRO  
TOWN CLERK  
NARRAGANSETT, R.I.  
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