



State of Rhode Island and Providence Plantations

Inter-Office Memorandum

RECEIVED
MAY 23 2014
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

Date: May 21, 2014

To: The Honorable Lincoln D. Chafee
Governor of the State of Rhode Island

Dept: Executive

From: Michael P. Lewis
Director

Dept: Transportation

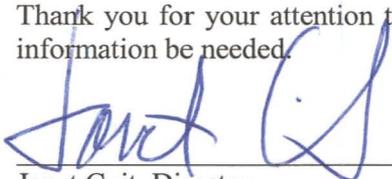
Subject: Administrative Transfer of Property, Department of Transportation to Department of Environmental Management, Approximately 2 Acres Comprising the Extreme Southwesterly Area of the 24 Acre Parcel Known as Gull Cove, Portsmouth.

In accordance with R.I. Gen. Laws §37-7-6, as amended, we request that you execute the attached Certificate of Transfer, thereby transferring custody, control and supervision of the subject real property, title to which is vested in the State of Rhode Island, from the Department of Transportation (RIDOT) to the Department of Environmental Management (RIDEM).

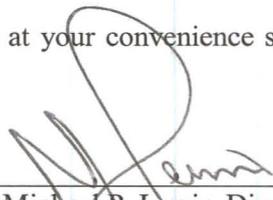
The Department of Environmental Management will maintain the area for fishing, a boat ramp, parking, and public recreation. If used by RIDEM for a purpose other than the above activities, custody of the property will revert to RIDOT. In addition, if RIDEM receives any revenue from use of this property for any reason, compensation would also revert to RIDOT.

Following your signature, may we ask that your office contact Christine Brien of the Department of Transportation's Property Management Section who will hand-carry the executed certificate to the Secretary of State for publication and filing pursuant to R.I. Gen. Laws §37-7-7.

Thank you for your attention to this matter. We are at your convenience should any additional information be needed.



Janet Coit, Director
Department of Environmental Management



Michael P. Lewis, Director
Department of Transportation

Date: 5/20/14

Date: 5/21/14

RECEIVED
PORTSMOUTH, RI
May 27, 2014 10:05A
JOANNE M. MOWER
TOWN CLERK

Cc: L. Primiano; P. Kydd; J. Baker, P.E.; A. Hollands, MAI; Carcieri; C. Brien; File



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF TRANSFER OF LAND

RHODE ISLAND DEPARTMENT OF TRANSPORTATION
to
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

for

Bk: 1655 Pg: 144
INST: 00001363

GULL COVE AREA
Portsmouth, Rhode Island

By virtue of authority vested in me by the provisions of Title 37, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, having heretofore been requested in writing by Michael P. Lewis, in his capacity as Director of Transportation, and Janet Coit, in her capacity as Director of Environmental Management, so to do, I, Lincoln D. Chafee, Governor of the State of Rhode Island and Providence Plantations, hereby certify that the custody, control and supervision over the land and easements herein described is transferred from the Department of Transportation to the Department of Environmental Management subject to the covenants and restrictions herein and in Exhibit A attached hereto.

That certain land situated in the Gull Cove area of Portsmouth, County of Newport, State of Rhode Island and Providence Plantations, and delineated on Plat No. 932 by the Department of Transportation, Division of Public Works, said land being further described as follows: *approximately 2 (two) acres comprising the extreme southwesterly peninsula of the 24 (twenty-four) acre parcel commonly known as Gull Cove, Portsmouth and depicted as yellow-shaded area in Exhibit B attached hereto and incorporated herein and excluding the remaining ±22 (twenty-two) acres of said Gull Cove.*

The use of said land by the Department of Environmental Management, its agents, contractees and assigns shall be for fishing, a public boat ramp and public recreation. If used by the Department of Environmental Management for a purpose other than the above activities, custody of said land will revert to the Department of Transportation. In addition, if the Rhode Island Department of Environmental Management receives any revenue from use of said land for any reason, compensation received would revert to the Department of Transportation.

IN WITNESS WHEREOF, I, Lincoln D. Chafee, the Governor of the State of Rhode Island and Providence Plantations, have set my hand and seal this 22 day of May, 2014.

WITNESS:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

Lincoln D. Chafee
Governor

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In Providence, in said County and State, on the 22 day of May, 2014, before me personally appeared Lincoln D. Chafee, the Governor of the State of Rhode Island and Providence Plantations, and he acknowledged said instrument by him executed to be his free act and deed, his free act and deed in his capacity as aforesaid, and the free act and deed of the State of Rhode Island and Providence Plantations.

Notary Public

My Commission expires: 4-15-15



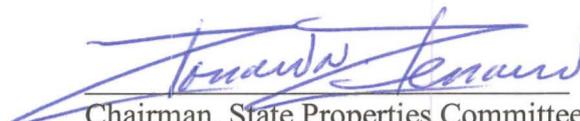
RECEIVED

RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

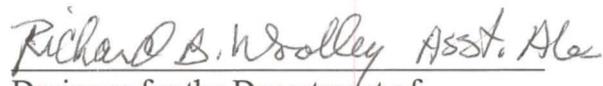
APPROVED this 21, day of MAY, 2014, by the **State Properties Committee.**

Bk: 1655 Pg: 145
INST: 00001363

APPROVED:


Chairman, State Properties Committee

APPROVED AS TO FORM:


Designee for the Department of
Attorney General

APPROVED AS TO SUBSTANCE:


Designee of the Director, Department of
Administration

APPROVED:

Public Member

APPROVED:

Public Member

RECEIVED

 **MAY 23 2014**

RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

EXHIBIT A

Attached hereto and made a part hereof:

Bk: 1655 Pg: 146
INST: 00001363

The Department of Environmental Management, for themselves, their successors and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the parcel of land described on Exhibit "A," that:

1. No billboard, sign or other outdoor advertising devices shall be erected upon said parcel of land other than those indicating ownership and type of activity being conducted on the premises and shall be subject to reasonable restrictions with respect to number, size, location and design by regulation of the Department of Transportation and/or the Federal Highway Administration and subject to local zoning ordinances.
2. Any public utilities or municipalities having facilities under, over or through the parcel of land herein conveyed as of the date of these presents shall have the right and easement to continue to maintain, operate and renew their facilities within the premises herein described.
3. The Department of Environmental Management will indemnify, save harmless and defend the Department of Transportation from any claim or claims arising from the discovery, uncovering, finding, transportation, storage and disposal of any oil, hazardous material, hazardous waste or hazardous substance, as those terms are defined by any applicable law, rule or regulation, including, without limitation, the Rhode Island Hazardous Waste Management Corporation Act, R.I.G.L. 23-19-1 et seq.; the Rhode Island Hazardous Substance Act, R.I.G.L. 23-24-1 et seq.; the Rhode Island Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal, the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; and the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., on, beneath, above or under the parcel herein conveyed attributable to the Department of Environmental Management subsequent to the date of this conveyance arising under Rhode Island General Laws, Sections 23-19-1 through 23-19-27, inclusive, as amended or otherwise.
4. The Department of Transportation retains the right to pass and repass, access and egress, said parcel of land by vehicle and on foot.

RECEIVED

 **MAY 23 2014**

**RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS**

Exhibit B

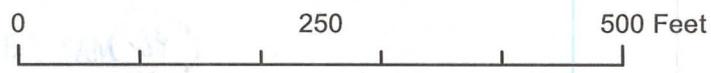


Transfer to RIDEM



Bk: 1455 Pg: 147
INST: 00001363

Title:	
Scale:	
Date:	6/22/2011
Drawn by:	paj



This map was created for informational, planning and guidance use only. It is a general reference, not a legally authoritative source for the location of natural or manmade features. Proper interpretation of this map may require the assistance of appropriate professional services. The cartographic representations depicted have not been verified by a RI Registered Professional Land Surveyor and are not intended to be used in place of a survey. The producer makes no warranty, express or implied, related to the accuracy, reliability, completeness, or currentness of this

