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THE TOWN OF COVENTRY

RESOLUTION OF THE TOWN COUNCIL

“The acquisition, by eminent domain and condemnation, of the pond, dam and dam structures of Flat River Reservoir (“Johnson’s Pond”), as well as well as certain land necessary to effectuate the protection of the environment, to ensure public safety, and to provide recreational access to the public”

Resolution No. 2024-42

Passed:

Hillary V. Lima, Council President

WHEREAS, in the Town of Coventry,

- On May 2, 2024, the Town Council passed Resolution No. 2024-37 making plain the Town Council’s intentions and commitment to acquire, maintain, and redevelop Flat River Reservoir (“Johnson’s Pond”), its dam, dam structures, and land to protect the environment, to ensure public safety, and to provide public recreational use of access to Johnson’s Pond;
- The Town Council resolved by Resolution No. 2024-37 that “[t]he Town Council shall consider the approval and adoption of an Ordinance to acquire, for public use, by purchase or condemnation the Dam, Pond, and associated property at Johnson’s Pond, including any and all property, rights, and interests acquired by [Soscia Holdings, LLC] from the Quidnick Reservoir Company;”
- On May 14, 2024 and in furtherance of Resolution No. 2024-37, the Town Council passed Ordinance No. 2024-03, which, among other things, ordained that the “Town shall acquire by purchase or condemnation the dam, dam structures, pond, and associated property at Johnson’s Pond, including and all property, rights, and interests acquired by Soscia Holdings, LLC from the Quidnick Reservoir Company;”
- Ordinance No 2024-03 provides that “[i]f the Town’s efforts to purchase the Pond are of no avail, then the Solicitor is directed to take all necessary action to take the acquisition by a condemnation;”
- The Town, by and through its Solicitor, made an effort to purchase the dam, pond, and associated property at Johnson’s Pond from Soscia Holdings, LLC for \$1,527,000.00, which

43 amount the Town, in good faith, believed was the fair market value of the property and just
44 compensation for it to Soscia Holdings, LLC;

- 45
46 • Soscia Holdings, LLC, rejected the Town’s effort to purchase the dam, pond, and associated
47 property at Johnson’s Pond for \$1,527,000.00;

- 48
49 • The dam, pond, and associated property, interests, and rights at Johnson’s Pond acquired by
50 Soscia Holdings, LLC from Quidnick Reservoir Company are described in the Quitclaim Deed
51 from Quidnick Reservoir Company to Soscia Holdings, LLC recorded on or about March 3,
52 2020 in the Town of Coventry Recorded Land Records, Deed Book 2155, Pages 847 to 855;

- 53
54 • The dam, pond, and associated property, interests, and rights at Johnson’s Pond acquired by
55 Soscia Holdings, LLC from Quidnick Reservoir Company as referenced and described in the
56 Quitclaim Deed from Quidnick Reservoir Company to Soscia Holdings, LLC recorded in the
57 Town of Coventry Recorded Land Records, Deed Book 2155, Pages 847 to 855 consist of:

58
59 “Parcel I,” referenced as Assessor’s Plat 59, Lot 5, and described in the deed as
60 containing 100 acres more or less, which acreage principally consists of undeveloped
61 property downstream Dam and Pond; and, “Parcel II,” referenced as Land and Water
62 rights Commonly known as Johnson’s Pond, Assessor’s Plat 999, Lot 999, and
63 further described in the deed as the submerged land and water rights commonly
64 known as Johnson’s Pond, including all flowage rights, dams, flumes, raceways and
65 other apparatus or equipment used in connection therewith;

- 66
67 • In furtherance of the findings, purpose, and intent of Ordinance No. 2024-03 and Resolution No.
68 2024-37, the Town Council considers and concludes that, while, in order to protect and conserve
69 the environment, to ensure public safety, and to provide recreational access to the public, it is
70 necessary or advantageous for the Town to acquire by exercise of eminent domain and
71 condemnation all Parcel II property, rights, and interests deeded by Quidnick Reservoir
72 Company to Soscia Holdings, LLC, but that it is not necessary or advantageous for the Town to
73 acquire by exercise of eminent domain and condemnation the entirety of the Parcel I property,
74 rights, and interests deeded by Quidnick Reservoir Company to Soscia Holdings, LLC;

- 75
76 • The Town Council considers and concludes that a certain portion of Parcel I identified and
77 depicted on the attached Plan by DiPrete Engineering (Exhibit 1) as “Parcel A” (consisting of
78 47.75 acres) *is necessary and advantageous* to acquire by exercise of eminent domain and
79 condemnation consistent with Resolution No. 2024-37 and Ordinance No. 2024-03;

- 80
81 • The Town Council considers and concludes that a certain portion of Parcel I identified and
82 depicted on the attached Plan by DiPrete Engineering (Exhibit 1) as “Parcel B” (consisting of
83 68.98 acres) *is not necessary or advantageous* to acquire by condemnation consistent with
84 Resolution No. 2024-37 and Ordinance No. 2024-03;

85

- 86 • The Town Council, in good faith, based on appraisal by Thomas S. Andolfo, MAI, SRA, AI-
87 GRS, RI-Licensed, Certified General Real Estate Appraiser, considers and believes that just
88 compensation for taking by eminent domain and condemnation of Parcel II and that part of
89 Parcel I identified and depicted on the attached Plan by DiPrete Engineering (Exhibit 1) as
90 “Parcel A” is \$157,000.00 (One Hundred-Fifty Seven Thousand Dollars);
91

92 **NOW THEREFORE, BE IT RESOLVED THAT** the Honorable Town Council:
93

- 94 1. Public interest and convenience make necessary or advantageous for environmental
95 protection and conservation, public safety, and public access to and recreational use of
96 Johnson’s Pond, for the Town to acquire in fee simple absolute by exercise of eminent
97 domain and condemnation of all right, title, and interest in: “Parcel II” of the property
98 conveyed by Quitclaim Deed by Quidnick Reservoir Company to Soscia Holdings, LLC
99 (Book 2155; Pages 847-855); *and*, in that part of “Parcel I” of the property conveyed by
100 Quitclaim Deed by Quidnick Reservoir Company to Soscia Holdings, LLC (Book 2155;
101 Pages 847-855) that is identified and depicted on the attached Plan by DiPrete Engineering
102 (Exhibit 1) as “Parcel A” (“Acquired Property”).
103
- 104 2. The Acquired Property, as described above, is further identified in the Descriptions attached
105 hereto as Exhibit 3.
106
- 107 3. The Acquired Property, as described above, is depicted on the Plan attached hereto as
108 Exhibit 2.
109
- 110 4. The Acquired Property is subject to all rights, easements, restrictions, and reservation of
111 record, in so far as such rights, easements, restrictions, and reservation of record may be in
112 force and applicable.
113
- 114 5. Just compensation for taking of the Acquired Property is estimated in good faith to be
115 \$157,000.00(One Hundred-Fifty Seven Thousand Dollars).
116
- 117 6. The Town Solicitor, shall forthwith take all necessary or reasonable action, including
118 certifications, recordings, court filings and proceedings, estimates and deposits of just
119 compensation, service and publication of notices, and any and all other necessary or
120 reasonable action to complete the taking and condemnation of the Acquired Property and to
121 vest title to the Acquired Property in the Town of Coventry.
122

123 Sponsored by: Council President Hillary V. Lima and Council Vice-President James LeBlanc
124

125 Resolution approved to as to form and substance:
126
127

128 _____
129 Stephen J. Angell, Esq. – Town Solicitor