2012 -- H 7627 SUBSTITUTE A

========

LC01497/SUB A

========

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

_____

A N   A C T

TO DECLARE VALID FILLING OF CERTAIN LAND FORMERLY FLOWED BY THE WATER OF MILL COVE IN WICKFORD HARBOR IN THE TOWN OF NORTH KINGSTOWN

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly makes the following findings of fact:

2 (1) During the year 1955, Ralph W. Northup and Albert M. Secor, predecessors in title to

3 William E. Johnson and Mary Jean Johnson, filled and dredged certain parts of an arm of Mill

4 Cove in Wickford Harbor in the town of North Kingstown, Rhode Island; and

5 (2) Said filling was accomplished pursuant to certain permits issued to Ralph W. Northup

6 and Albert M. Secor on August 9, 1955, by the New England division of the Army Corps of

7 Engineers, and other permits issued to Ralph W, Northup and Albert M. Secor by Rhode Island

8 department of natural resources, then known as the department of public works, division of

9 harbors of rivers, dated August 8, 1955; and

10 (3) James P. McCarthy acquired title to the riparian upland further identified as Lots 6

11 and 7 on assessor's plat 117 in the records of the tax assessor for the town of North Kingstown

12 from Ralph W. Northup on June 14, 1961; and

13 (4) James P. McCarthy and his successors in interest, Gary I. Smith and Margaret E.

14 Byrne, have used the filled land consistently as part of their property since the date of filling; and

15 (5) The waterfront on the site is not now open nor accessible to public use; and

16 (6) Judicial decisions involving filled tidal lands may create a cloud upon title to the site;

17 and

18 (7) The transfer, release and conveyance of the interests, if any, of the state and the rights,

1   if any, of the public in the site under the public trust doctrine will not have any significant or

2   adverse impact on navigation or commerce over the waters of the state or other uses of the public

3   trust and such disposition will not impair the public interest in the lands and waters remaining.

4   SECTION 2. The state of Rhode Island is hereby declared to have no right, title or

5   interest in any estate in land whatsoever in, or to, nor any claim against any person on account of

6   said filling of Mill Cove in Wickford Harbor and said formerly flowed filled land described in the

7   above described Army Corps of Engineers' permits as "An arm of Mill Cove at Wickford in the

8   town of North Kingstown, Rhode Island, on the west side of the section of Mill Cove east of

9   Cedar Tree Point about five hundred (500) yards from the entrance thereto", and comprising a

10   certain parcel of land with buildings, floats, pilings, ramps and locks along with other

11   improvements situated on the southwesterly side of an arm of Mill Cove bounded and described

12   as follows:

13   PARCEL A. – Beginning at a point (drill hole) on the southeasterly corner of Parcel "A",

14   then running westerly 88°53'43" a distance of 58.46 feet to a point (rebar/cap); then turning

15   northerly 98°12'45" running a distance of 50.64 feet to a point; then turning easterly 81°53'18"

16   running a distance of 63.87 feet to a point; then turning southerly 92°43'34" running a distance of

17   50.56 feet to the point of beginning. Said filled land is adjacent to land currently owned by Gary

18   I. Smith and Margaret E. Byrne at 21 Esmond Avenue, North Kingstown pursuant to a deed

19   recorded at Book 874, Page 263 of the Town of North Kingstown Land Evidence Records and

20   further known as Tax Assessor's Plat 117, Lot 7.

21   SECTION 3. This act shall take effect upon passage.

=======
LC01497/SUB A
========

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

TO DECLARE VALID FILLING OF CERTAIN LAND FORMERLY FLOWED BY THE
WATER OF MILL COVE IN WICKFORD HARBOR IN THE TOWN OF NORTH
KINGSTOWN

***

1   This act would quiet title to certain filled lands abutting Wickford Harbor in the town of

2   North Kingstown.

3   This act would take effect upon passage.