

# RESOLUTION OF THE CITY COUNCIL

No. 230

*Approved* May 9, 1997

IT IS HEREBY RESOLVED, That His Honor the Mayor, is authorized to grant a non-exclusive underground easement below South Street in the City of Providence to the Children's Museum. Said easement shall be granted specifically upon the following conditions and within the following parameters:

1. Said easement shall be utilized only for the installation and maintenance of an electrical transformer and incidental conduit to service the Children's Museum. Said easement shall not exceed the area indicated on the accompanying map attached and marked as Exhibit A. (Also see legal description attached and marked as Exhibit B.)

2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforesated purposes. Additionally, it shall be for a term of not more than twenty (20) years

4. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

5. Any installation of utilities or utility lines shall be underground so as to preserve the public right of way.

6. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspection & Standards.

7. Children's Museum shall, prior to the commencement of construction, submit an engineering plan. Said plan shall depict the exact location of the crossing and a vertical cross-section showing the separation of proposed lines. Said plan shall be acceptable to the Director of the Department of Public Works.

8. The Children's Museum shall not construct or affix to the realty any temporary or permanent structure other than said transformer and conduit.

9. The Children's Museum shall execute an indemnification and hold harmless agreement approved by the Department of Law of the City of Providence.

10. The Children's Museum shall supply the City of Providence with an insurance policy naming said City of Providence as an additional-named insured in a sum not less than one hundred thousand dollar (\$100,000.00), which policy shall be approved by the Department of Law of the City of Providence.

11. Children's Museum shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty four hours access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocated in order to comply with an intended use, the petitioner shall assume all costs of relocation.

12. The easement granted hereunder shall be subordinate to any easements rights of way, etc. that the Narragansett Electric Company may have in the area and if necessary Children's Museum shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocate in order to comply with in intended use, the petitioner shall assume all costs of relocation.

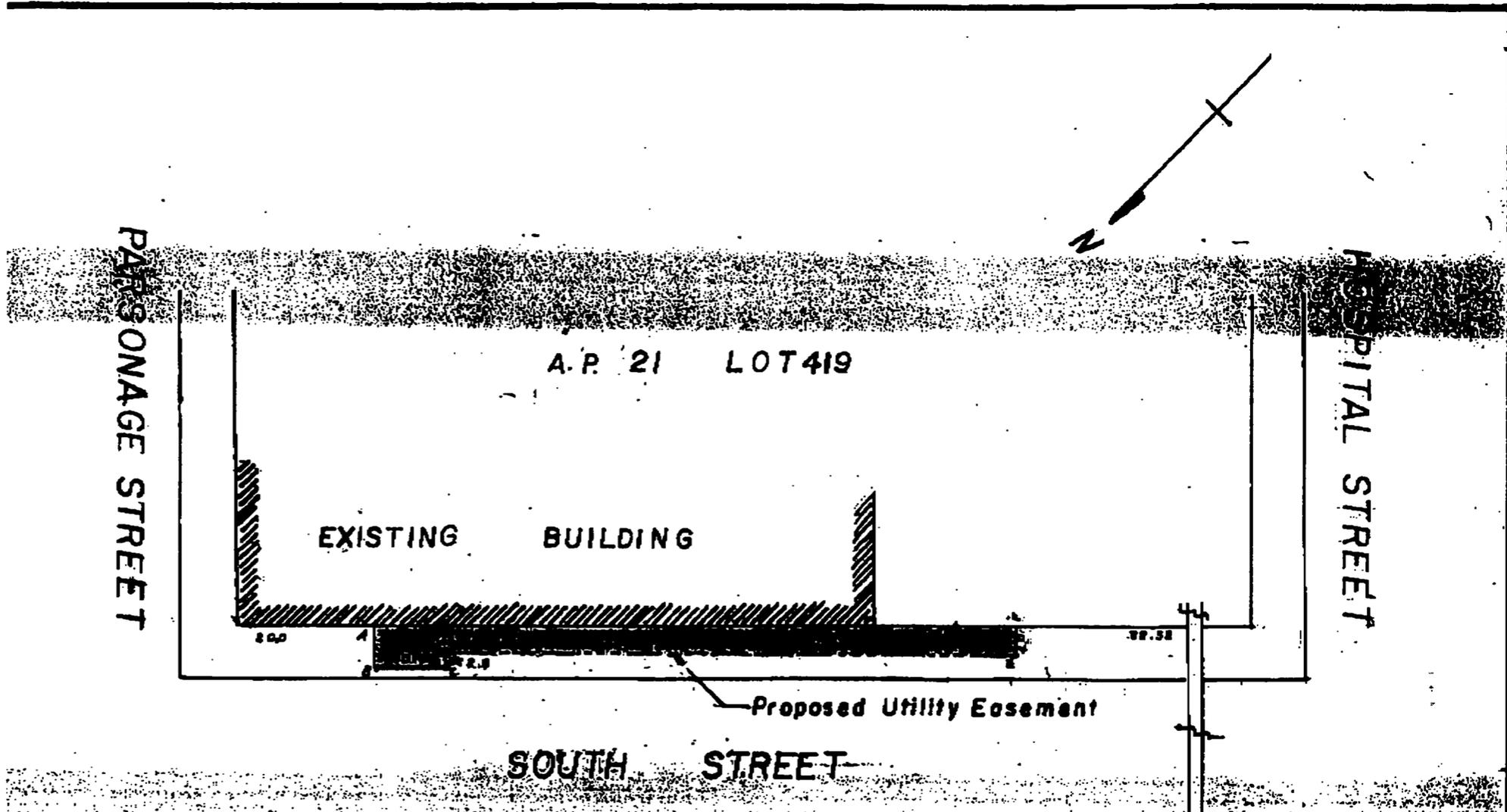
13. Any proposed installation shall not adversely impact on Providence Water Supply facilities in the area and, if necessary Children's Museum shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or in the alternative should it be determined by the petitioner that any such facilities need be relocate in order to comply with in intended use, the petitioner shall assume all costs of relocation.

14. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public works or which may be deemed appropriate by the Department of Law of the City of Providence.

CITY COUNCIL  
MAY 1 1997  
READ AND PASSED

*Evelyn V. Fargnoli*  
PRES.  
*Michael R. Clement*  
CLERK

**APPROVED**  
MAY 9 1997  
*Vincent DiGirolamo*  
MAYOR



CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Drawing Proposed Utility Easement  
 (South Street)  
 Drawn by W.T. Checked by W.A.M.  
 Scale 1" = 20' Date 2-14-97  
 Project South Street Associate Engr.  
 Approved [Signature]  
 CHIEF ENGINEER

NOTE: SHADED AREA A.B.C.D.E.F.A.  
 INDICATES EASEMENT  
 TOTAL SQ. FT. 380.

PROVIDENCE, R. I.  
 P. W. DEPT. - ENGINEERING OFFICE  
 STREET-LINE SECTION.  
 Plan No. Q64588  
 Date 2-14-97

Starting at a point, for location purposes only, in the southerly street line of South Street, said point being the intersection of said southerly street line of South Street with the westerly street line of Parsonage Street, said corner being the most northerly corner of property now or formerly of this grantee, thence running in a southwesterly direction, by and with the aforementioned southerly street line of South Street, a distance of 20.00 feet to the point of beginning, said point being the most southeasterly corner of the herein described parcel,

thence turning an interior angle of  $180^{\circ}-00'-00''$  and continuing in a southwesterly direction, by and with the aforementioned southerly street line of South Street, a distance of NINETY AND 00/100 (90.00) feet to a corner, said corner being the most southwesterly corner of the herein described parcel,

thence turning an interior angle of  $90^{\circ}-00'-00''$  and running in a northwesterly direction, by and with other land of this grantor, a distance of FOUR AND 00/100 (4.00) feet to a corner, said corner being the most northwesterly corner of the herein described parcel,

thence turning an interior angle of  $90^{\circ}-00'-00''$  and running in a northeasterly direction, by and with other land of this grantor, a distance of EIGHTY AND 00/100 (80.00) feet to a corner,

thence turning an interior angle of  $270^{\circ}-00'-00''$  and running in a northwesterly direction, by and with other land of this grantor, a distance of TWO AND 00/100 (2.00) feet to a corner,

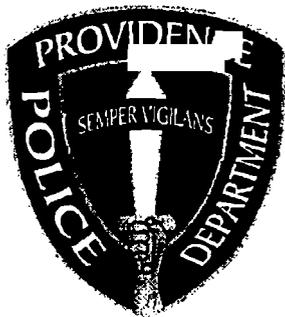
thence turning an interior angle of  $90^{\circ}-00'-00''$  and running in a northeasterly direction, by and with other land now or formerly of this grantor, a distance of TEN AND 00/100 (10.00) feet to a corner, said corner being the most northeasterly corner of the herein described parcel,

thence turning an interior angle of  $90^{\circ}-00'-00''$  and running in a southeasterly direction, by and with other land of this grantor, a distance of SIX AND 00/100 (6.00) feet to the point and place of beginning.

The last course making an angle of  $90^{\circ}-00'-00''$  with the first herein described course.

Containing, by calculation, 380 square feet of land.

Subject to easements of record.



PROVIDENCE POLICE DEPARTMENT  
TRAFFIC BUREAU

*Lieutenant Kenneth M. Cohen, Commanding*

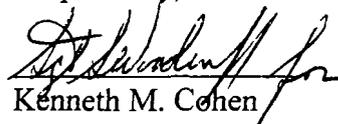
January 6, 1997

TO: Colonel Urbano Prignano, Chief of Police  
FROM: Lieutenant Kenneth Cohen, Traffic Bureau, Commanding  
SUBJECT: Abandonment of a portion of South Street

I have reviewed the City Council Petition and inspected that area described. My recommendation would be for the city to abandon the suggested portion of South Street.

This portion of the street does not serve the motoring public nor does it aid the citizens of the City in any obvious way. As suggested in the Petition, the named property owner is the only logical person to develop the area.

Respectfully,

A handwritten signature in cursive script, appearing to read "Kenneth M. Cohen", is written over a horizontal line.

Kenneth M. Cohen  
Lieutenant  
Traffic Bureau

**CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**PETITION TO THE CITY COUNCIL**

**TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:**

*The undersigned respectfully petition your honorable body*

to grant to the Children's Museum of Rhode Island, in order to establish a secondary electrical utility service for the construction of a children's museum in the City of Providence, an easement in gross over that certain tract or parcel of land together with all buildings and improvements thereon, located in South Street, in the City of Providence, County of Providence, State of Rhode Island, being bounded and described as follows:

Starting at a point, for location purposes only, in the southerly street line of South Street, said point being the intersection of said southerly street line of South Street with the westerly street line of Parsonage Street, said corner being the most northerly corner of property now or formerly of this grantee, thence running in a southwesterly direction, by and with the aforementioned southerly street line of South Street, a distance of 20.00 feet to the point of beginning, said point being the most southeasterly corner of the herein described parcel,

thence turning an interior angle of  $180^{\circ}-00'-00''$  and continuing in a southwesterly direction, by and with the aforementioned southerly street line of South Street, a distance of NINETY AND 00/100 (90.00) feet to a corner, said corner being the most southwesterly corner of the herein described parcel,

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thence turning an interior angle of  $90^{\circ}-00'-00''$  and running in a northeasterly direction, by and with other land of this grantor, a distance of EIGHTY AND 00/100 (80.00) feet to a corner,



JAMES F. RATTIGAN  
CHIEF OF DEPARTMENT

DAVID N. BOCK  
ASSISTANT CHIEF OF DEPARTMENT



VINCENT A. CIANCI, JR.  
MAYOR

JOHN J. PARTINGTON  
COMMISSIONER

Department of Public Safety, Fire Department.  
*"Building Pride In Providence"*

April 30, 1997

Providence City Council  
City Hall  
Providence, Rhode Island

Re: Petition for Easement for  
Electrical Utility Service for  
Children's Museum

Dear Honorable Members:

With regards to petition for easement in order to establish a secondary electrical service for the new home for the Children's Museum, the Providence Fire Department has no objections concerning the granting of aforementioned petition.

Yours truly,

A handwritten signature in cursive script, reading "Gary E. Mulcahy".

Gary E. Mulcahy  
Acting Assistant Chief of Department

JAMES F. RATTIGAN  
CHIEF OF DEPARTMENT

DAVID N. BOCK  
ASS'T CHIEF OF DEPARTMENT



VINCENT A. CIANCI, JR.  
MAYOR

JOHN J. PARTINGTON  
COMMISSIONER

Department of Public Safety, Fire Department  
*"Building Pride In Providence"*

April 30, 1997

Providence City Council  
City Hall  
Providence, Rhode Island

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Gary E. Mulcahy  
Acting Assistant Chief of Department

FERDINAND C. IHENACHO, P.E.

~~XXXXXXXXXX~~

Director



VINCENT A. CIANCI, JR.

Mayor

## Department of Public Works

*"Building Pride In Providence"*

February 25, 1997

Hon. Robert M. Clarkin  
Chairman of the Public Works Committee  
Providence City Council/City Hall  
Providence, R.I. 02903

Re: Proposed Utility Easement (South Street)  
Children's Museum of Rhode Island

Dear Councilman Clarkin:

Please be advised that this department has no objection to the Utility Easement as requested by the above-captioned Petitioner, as noted on the attached plan entitled, "Providence, R.I. - P.W. Dept. - Engineering Office - Street Line Section, Plan No.064588, Date: 2/14/97. It is noted that proposed Utility Easement is depicted as green shaded area, designated as A, B, C, D, E, F, A on the accompanying plan. Said proposed easement contains 380 square feet. Data from the compilation of this plan was taken from City of Providence Assessor's Plat No. 21 - Lot 419.

It is noted, however, that this department does request that all utilities which may fall within said proposed Utility Easement be kept underground for safety purposes of the right-of-way.

If this department can assist you further in this regard, please advise.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a set of horizontal lines.

Ferdinand C. Ihenacho, P.E.  
Director of Public Works

CC: John D'Amico-Ass't. City Solicitor  
G. Florio - Ass't. Director  
M. Clement City Clerk  
JTM  
JLC  
JT

700 Allens Avenue ● Providence, Rhode Island 02905

(401) 467-7950 (Voice) ● 751-0203 (TDD) ● 941-2567 (Facsimile)

ARMANDO PARILLO  
*Chairman*

JOEL D. LANDRY, II, ESQ.  
*Vice Chairman*

ROBERT J. KILDUFF, ESQ., P.E.  
*Secretary*

FERNANDO S. CUNHA, ESQ.  
*Legal Advisor*

BOYCE SPINELLI  
*Ex-Officio*



VINCENT A. CIANCI, JR.  
*Mayor*

RICHARD O. RAFANOVIC, P.E.  
*General Mgr./Chief Engr.*

JOSEPHINE DI RUZZO  
*City Councilwoman*

EVELYN V. FARGNOLI  
*Council President*

MARY A. NOCERA  
*Member*

JOSEPH D. CATALDI  
*Member*

March 31, 1997

Mr. Michael Clement  
City Clerk  
City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

**SUBJECT:** Petition for Electrical Service Easement  
Children's Museum of Rhode Island  
South Street (A.P. 21, Lot No. 419)  
Providence, Rhode Island

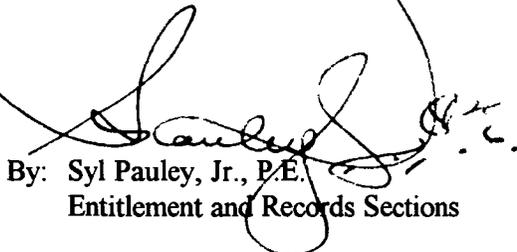
Dear Mr. Clement:

We have reviewed the referenced Petition for impact on the Providence Water Supply Board (PWSB) system. Our records indicate that there is a 6-inch cast iron water main in the public right-of-way, approximately fourteen (14) feet from the southerly line of South Street. The utility easement, which is to be located within the public right-of-way, does not appear to conflict with any of PWSB's infrastructure. Accordingly, PWSB does not have any objections to approving the Petition.

If you have any questions, please feel free to contact me at (401) 521-6300 EXT 170.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD  
Richard O. Rafanovic, P.E.  
Chief Engineer & General Manager



By: Syl Pauley, Jr., P.E.  
Entitlement and Records Sections

SP/s  
cc: P. Gadoury, P.E.  
File

ABNLTR23.SAM



## Department of Public Parks

*"Building Pride In Providence"*

April 22, 1997

Ms. Barbara A. Pairies  
2nd Deputy City Clerk  
City Clerks Office  
City Hall  
Providence, R.I. 02903

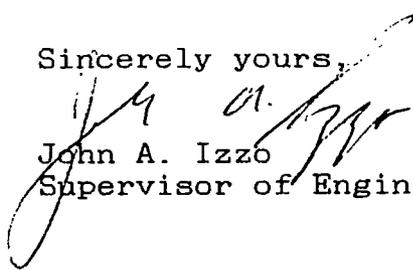
Approval of Easements for Meeting St. & South St.

Dear Ms. Pairies:

The City of Providence, Department of Public Parks has no objection to the proposed utility easements for portions of Meeting St. and South St., as described in the attached plans.

If you need any further information, please contact me at 785-9450, ext. 207.

Sincerely yours,

  
John A. Izzo  
Supervisor of Engineering & Planning

Department of Planning and Development

Memorandum

**To:** Providence City Plan Commission  
**CC:** Mr. Michael R. Clement, City Clerk  
**From:** Thomas E. Deller, AICP, Deputy Director  
**Date:** April 25, 1997  
**Re:** Children's Museum of Rhode Island petition for utility easement.

---

Staff has reviewed the drawing entitled "Utility Easement, Children's Museum" that depicts the proposed location of a secondary electrical utility service easement. The City Plan Commission has also reviewed the plan with staff and finds no objection to the proposed utility easement at South Street.

The City Plan Commission has no objection to the request and would advise the Committee on Public Works and the Committee on City Property that this petition for a utility easement be approved.



**Narragansett Electric**  
**A NEES company**

April 25, 1997

**BY FAX AND U.S. MAIL**

Ms. Barbara A. Poirier  
Department of City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

Re: **Petition To The City Council For A Utility Easement**  
Children's Museum of Rhode Island, South Street, Providence

Dear Barbara:

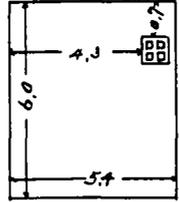
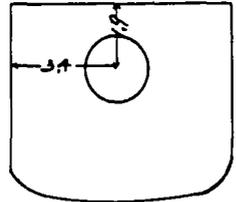
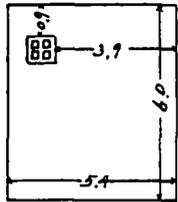
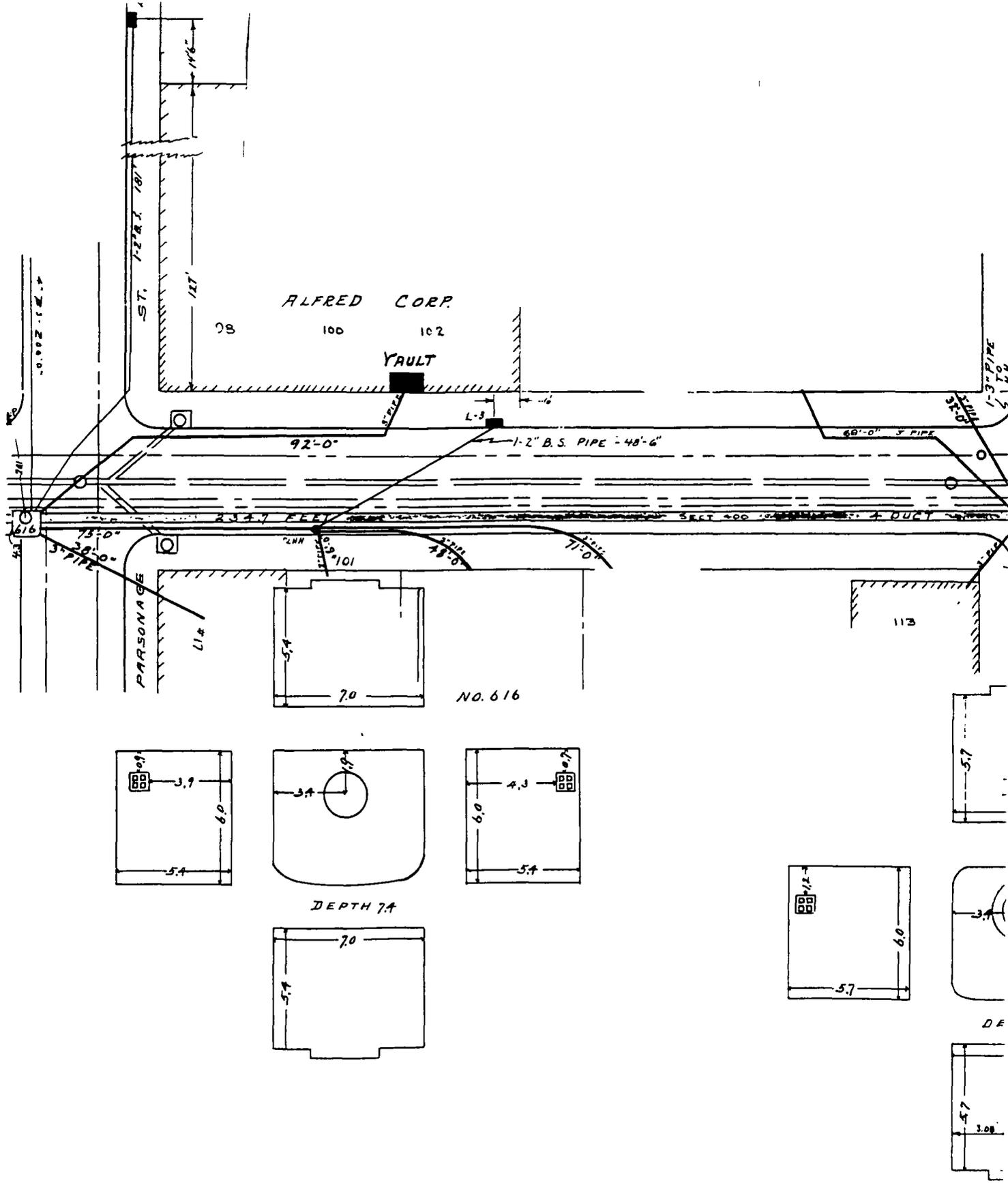
The Narragansett Electric Company (NEC) presently has overhead and underground facilities situated in the area which is proposed for a Utility Easement by the Children's Museum of Rhode Island. NEC has no objection to the proposed Grant of Easement provided that in the event the easement is granted it will be subject and subordinate to the rights of NEC for its present facilities.

If you have any questions feel free to call me at 401-784-7209.

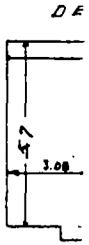
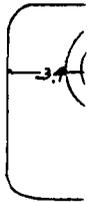
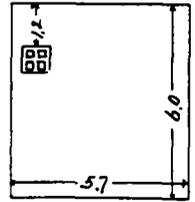
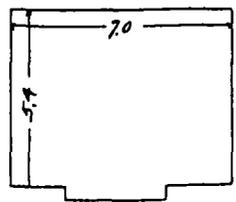
Sincerely,

Michael D. DiNezza  
Senior Real Estate Representative

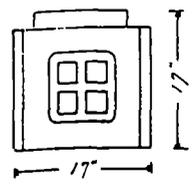
Enclosure



DEPTH 7.4



**NOTE:-**  
 Water Pipes shown thus:   
 Sewers shown thus:   
 Gas Pipes shown thus:   
 Telephone Conduits shown thus: 





April 25, 1997

Councilman Robert M. Clarkin, Chairman  
Committee on Public Works  
Providence City Council  
Providence, RI 02903

RE: CHILDREN'S MUSEUM OF RHODE ISLAND

Dear Councilman Clarkin:

Please be advised, as far as Providence Gas Company is concerned, there is no easement necessary in connection with the above mentioned project.

Sincerely,

Cynthia M. Radican  
Engineering Clerk

cc: file

NYNEX  
85 High Street, Pawtucket, RI 02860  
Tel 401 727 9555  
Fax 401 725 4060

**NYNEX**

April 18, 1997

Providence City Council  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

Attn: Mr. Robert Clarkin

RE: PETITION TO ESTABLISH A SECONDARY ELECTRICAL SERVICE FOR  
THE CHILDREN'S MUSEUM.

Dear Sir,

Nynex presently has underground facilities in said street.

These facilities include underground facilities that provide service to residences and businesses in the area.

Nynex will not object to the granting of said petition, provided that in the event the petition is granted, the petitioner will convey an easement acceptable to Nynex, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Very truly yours,



Mary C. Hanley  
E/P Manager - Right of Way



# RESOLUTION OF THE CITY COUNCIL

*No.* 230

*Approved* May 9, 1997

IT IS HEREBY RESOLVED, That His Honor the Mayor, is authorized to grant a non-exclusive underground easement below South Street in the City of Providence to the Children's Museum. Said easement shall be granted specifically upon the following conditions and within the following parameters:

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2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforesated purposes. Additionally, it shall be for a term of not more than twenty (20) years

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5. Any installation of utilities or utility lines shall be underground so as to preserve the public right of way.

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7. Children's Museum shall, prior to the commencement of construction, submit an engineering plan. Said plan shall depict the exact location of the crossing and a vertical cross-section showing the separation of proposed lines. Said plan shall be acceptable to the Director of the Department of Public Works.

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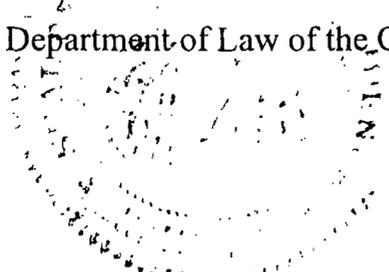
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14. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public works or which may be deemed appropriate by the Department of Law of the City of Providence.



A true copy,

Attest:

*Michael R. Clement*  
Michael R. Clement  
City Clerk

HOSPITAL STREET

PARSONAGE STREET

A.P. 21 LOT 419

EXISTING BUILDING

Proposed Utility Easement

SOUTH STREET

NOTE: SHADED AREA A.B.C.D.E.F.A. INDICATES EASEMENT TOTAL SQ.F.T. 380.

PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET-LINE SECTION.  
Plan No. Q64588  
Date 2-14-97

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Drawing Proposed Utility Easement  
(South Street)  
Drawn by V.T. Checked by H.A.M.  
Scale 1" = 20' / Date 2-14-97  
Project Engineer: T. M...  
Chief Engineer: [Signature]

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thence turning an interior angle of 90°-00'-00" and running in a northeasterly direction, by and with other land of this grantor, a distance of EIGHTY AND 00/100 (80.00) feet to a corner,

thence turning an interior angle of 270°-00'-00" and running in a northwesterly direction, by and with other land of this grantor, a distance of TWO AND 00/100 (2.00) feet to a corner,

thence turning an interior angle of 90°-00'-00" and running in a northeasterly direction, by and with other land now or formerly of this grantor, a distance of TEN AND 00/100 (10.00) feet to a corner, said corner being the most northeasterly corner of the herein described parcel,

thence turning an interior angle of 90°-00'-00" and running in a southeasterly direction, by and with other land of this grantor, a distance of SIX AND 00/100 (6.00) feet to the point and place of beginning.

The last course making an angle of 90°-00'-00" with the first herein described course.

Containing, by calculation, 380 square feet of land.

Subject to easements of record.

MAY 28 1997

Received for Record at 8:32 A in  
Robert L. Riccio

3558 / 201-204

C

OK 17559

RECEIVED FOR RECORD  
at 8 o'clock 37 minutes AM  
and recorded in book \_\_\_\_\_ page \_\_\_\_\_  
of record of \_\_\_\_\_

MAY 28 1997

Providence, R.I.

Witness: Robert Z. Kisele

Recorder of Deeds

Fee \_\_\_\_\_

Chair

Mayor



**PROVIDENCE CITY PLAN COMMISSION**

*"Planning the Future of Providence"*

May 28, 1997

Councilman Robert M. Clarkin, Chairman  
Committee on Public Works  
City Hall  
Providence, Rhode Island 02903

**Re: CPC REFERRAL NO. 3105 - Request for utility easement on AP 21, Lot 419 at 100 South Street .**

Dear Councilman Clarkin:

The City Plan Commission at its regular meeting on May 20, 1997, reviewed and evaluated the request from the Committee on Public Works for a secondary electrical utility service easement to run along Benefit and Meeting Streets.

The petitioner, Children's Museum of Rhode Island seeks an easement within a public right-of-way to across a pedestrian walkway along 100 South Street. The Commission reviewed a drawing of the site and found no objection to the proposed easement.

The Commission has reviewed and evaluated the request for consistency with the City's Comprehensive Plan. The Commission finds that the easement will have no impact on the area and is consistent with *Providence 2000: The Comprehensive Plan*.

Therefore, the City Plan Commission would advise the City Council to approve the easement to install a secondary electrical easement utility service for the construction of the Children's Museum of Rhode Island at 100 South Street.

Regards,

Thomas E. Deller, AICP, Deputy Director

- cc: G. Calcagni, Chair, City Plan Commission
- J. O'Donnell, petitioner, Ex. Dir., Children's Museum of Rhode Island
- J. Lombardi, Chair, Committee on City Property