

# RESOLUTION OF THE CITY COUNCIL

No. 582

*Attack*  
*Check*  
Approved September 15, 2000

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Fones Alley, Brown and Angell Streets in the City of Providence to Brown University (hereinafter "Brown" or "the University"). Additionally, the University may close one (1) curbcut on Brown Street; one (1) curbcut on Angell Street and relocate the existing curbline of Fones Alley to a line two (2) feet southerly of its existing line. Said easements and improvements shall be granted specifically upon the following provisions:

1. Said easements shall be utilized only for the installation and maintenance of hot water, heating and cooling, electrical, data, video, telephone and fire alarm systems. Said easement shall not exceed the area indicated by the cross-hatched area demarked as A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-A and S-T-U-V-S on the accompanying map marked as Exhibit A.

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

4. Brown shall tender the sum of Forty-Five Thousand Five Hundred (\$45,500.00) Dollars in legal tender of the United States of America.

5. 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.

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

JUL 6 2000  
IN CITY COUNCIL  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS

Michael B. Clemens Clerk  
CB

THE COMMITTEE ON  
Public Works  
Recommends Be Continued  
Claire E. Bestulich Clerk  
Aug. 23, 2000

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution  
Claire E. Bestulich Clerk  
Aug. 28, 2000

*From the Clerk's Desk*

7. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

8. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

9. The University shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.

10. The University shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00), which policy shall be approved by the Department of Law of the City of Providence.

11. Grantee shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.

12. The University recognizes the applicability of Sections 23-107, 23-108 and 23-190 of the Code of Ordinances which read as follows:

**23-107. Indemnity of city against claims arising out of electrical installations.** No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in, under, or over any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The City shall notify such person not fewer than ninety (90) days prior to such public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

**23-108. Precedence of wires, apparatus of city signal service.** The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense

incident to said removal shall be paid immediately by such other corporation or party.

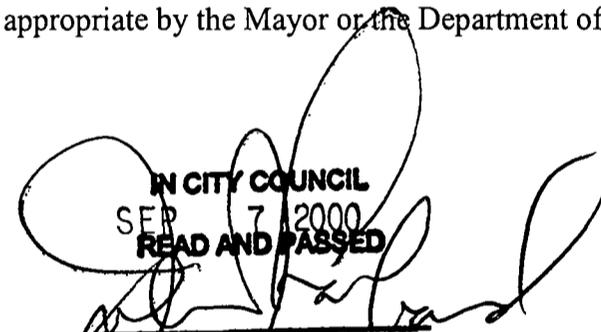
**23-109. Indemnity of city against claims arising out of electrical installation.**

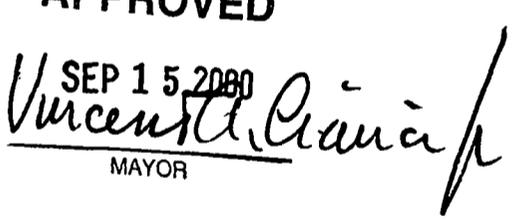
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

and the University agrees to comply with the same.

13. The University shall repave all excavated roadways in accordance with relevant statements made to the City Council Committee on Public Works.

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

**IN CITY COUNCIL**  
**SEP 7 2000**  
**READ AND PASSED**  
  
**PRES.**  
  
**CLERK**

**APPROVED**  
**SEP 15 2000**  
  
**MAYOR**

FERDINAND C. IHENACHO, P.E., PTOE.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

August 16, 2000

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

Re: Petition from Brown University (Lot #253/AP 10 & 12  
Request to Install & Maintain  
Private Utilities w/in Public Rights-of-Way

Amendment #1 -- Relocate existing curblines of Fones  
Alley, 2Ft. South of Existing curblines

Amendment #2 -- Close two (2) Existing Curbcuts; One(1)  
on Brown St.; One (1) on Angell St.

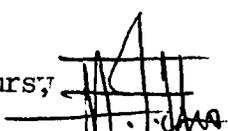
(Proposed easements noted as cross-hatched areas A-B-C-D-E-  
F-G-H-I-J-K-L-M-N-O-P-Q-R-A and S-T-U-V-S) Fones Alley & Brown St.  
Total Square Footage of Requested Easements 4,550 + Sq.Ft.

Dear Councilman Clarkin:

This department has no objection to the Brown University Petition for easements within City Rights-of-Way for the installation of private utilities to service their facility.

We also have no objection to the relocation of the existing curblines on Fones Alley from its present location to a position Two (2) feet southerly. Further, we also do not object to the closing of two existing curbcuts: One (1) at 70 Brown St. (36'-5" wide) and One (1) at 158 Angell St. (23'-11" wide). (In accordance with plans submitted with Petition). If we can further assist in this regard, please contact us.

Very truly yours,

  
Ferdinand C. Ihenacho, P.E.  
Director

CC: M. Clement  
J.D'Amico  
G. Florio

This is in conjunction with Plan No.064654, Dated 8/12/00  
Prov., RI - PW Dept.-Engineering Section  
Private utilities included area:a)High Temp.Hot Water/ b)Heating-  
Cooling System Supply& return pipes/c)Electrical System/d) Data,Video,  
Fire Alarm & Telephone Systems.



DEPARTMENT OF PLANNING AND DEVELOPMENT

*"Building Pride in Providence"*

**MEMORANDUM**

**DATE:** August 28, 2000

**TO :** Michael Clement, City Clerk

**FROM:** William G. Floriani, Assistant Director  
Project Management and Construction

**RE :** EASEMENT VALUE  
FONES ALLEY, BROWN ST. AND ANGELL ST.

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Pursuant to your request I have visited the site . The purpose was to determine a fair market value of the easement rights for private underground utilities. The area in question is presently zoned R-1 and is on the East Side of Providence. Because the utilities will be underground the actual fair market value is reduced by 50%. The value of this property would be \$20.00 per sq. ft.

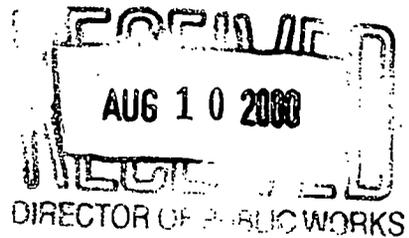
Given the above value of this easement is as follows:

4,550 sq. ft. @ \$10.00 per ft. = \$45,500.00

City of Providence



Rhode Island



## Department of City Clerk

### MEMORANDUM

DATE: August 9, 2000

TO: Ferdinand Ihenacho, Director of Public Works

SUBJECT: **PETITION FROM PETER LANDRY, PROJECT MANAGER, BROWN UNIVERSITY, DEPARTMENT OF FACILITIES MANAGEMENT, REQUESTING PERMISSION TO INSTALL AND MAINTAIN PRIVATE UTILITIES WITHIN THE PUBLIC RIGHT OF WAY UNDER SIDEWALKS AND PAVED ROADWAYS AT PROPOSED LOCATIONS.**

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman, Committee on Public Works

DISPOSITION: The accompanying amended petition is referred to you for study, report and recommendation and report back in writing to the above-named committee as soon as practical.

**PLEASE DISPOSE OF INITIAL PETITION AND REPLACE WITH THE ATTACHED**

*Claire B. Baturic*  
Second Deputy City Clerk

**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 petitions your honorable body*

To allow Brown University to install and maintain private utilities within the public right of way under sidewalks and paved roadways at proposed locations shown on the attached plan, including Brown Street, Angell Street, and Fones Alley.

**AMENDMENTS:**

1. To relocate existing curb line, following City of Providence standards, on Fones Alley at Brown Street approximately 2' - 0" south of its existing location.
2. To close two (2) existing curb cuts, which are no longer useful, following City standards, at these locations:

70 Brown Street, 36' - 5" wide

158 Angell Street, 23' - 11" wide

**OWNER:**

Brown University  
Department of Facilities Management  
60 Olive Street  
Box 1941  
Providence, Rhode Island 02912  
Phone Number: (401)863-1336  
Project Manager: Peter Landry



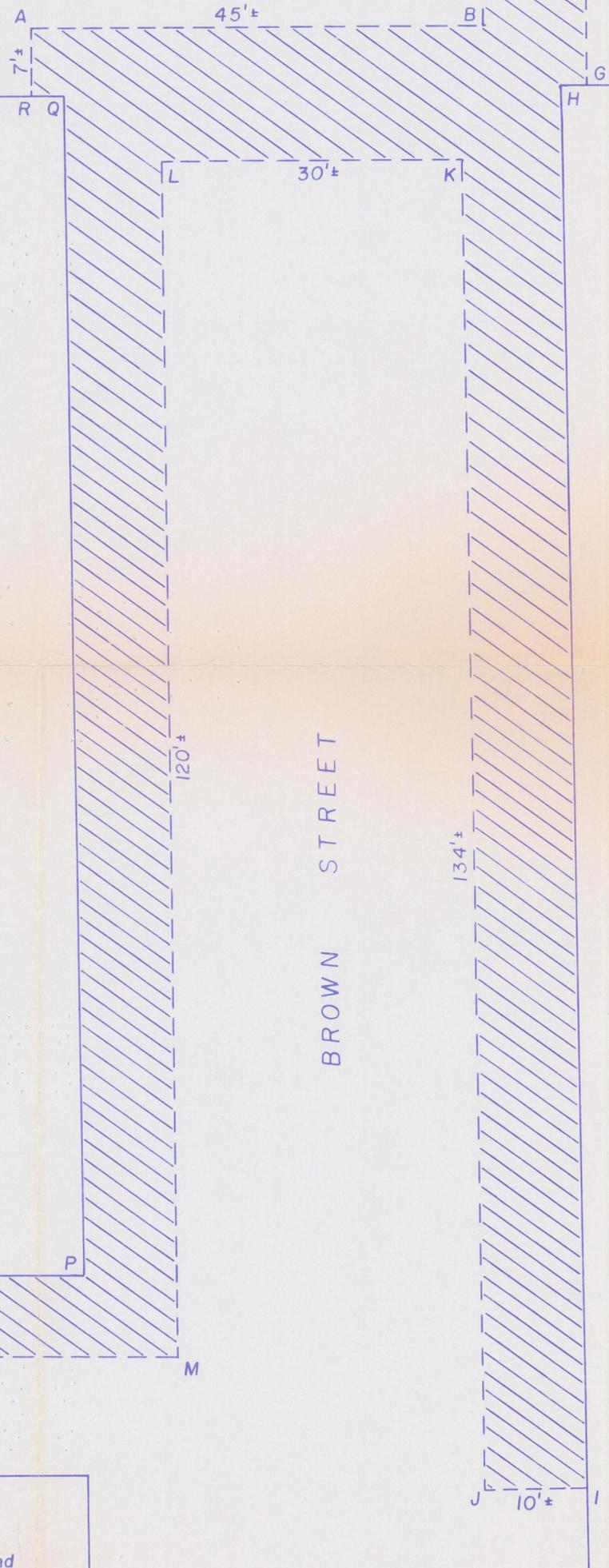
Peter Landry, Project Manager

BROWN UNIVERSITY  
Lot 263

PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064654  
Date Aug. 22, 2000

ANGELL STREET

A.P. 10  
A.P. 12



Lot 158

Lot 159

BROWN UNIVERSITY

BROWN STREET

BROWN UNIVERSITY

FONES ALLEY

BROWN Lot 201 UNIVERSITY

NOTES: Cross-hatched areas (A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-A) and (S-T-U-V-S) indicate proposed easements.  
 Private utilities included are: a. High temperature hot water b. Heating/cooling system supply and return pipes c. Electrical system d. Data, video, fire alarm and telephone systems (See site plan at D.P.W. Engineering.)  
 Total square footage = 4,550'±

Lot numbers taken from A.P. 12 & 10.

CITY OF PROVIDENCE, R. I.  
Public Works Dept. - Engineering Office  
Showing Proposed easements on Angell St., Brown St. & Fones Alley.  
by A. Zisiades, Checked by JLC  
1" = 10' Date 8-22-00  
J. J. [Signature] Associate Eng.

# RESOLUTION OF THE CITY COUNCIL

*No.* 582

*Approved* September 15, 2000

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

4. Brown shall tender the sum of Forty-Five Thousand Five Hundred (\$45,500.00) Dollars in legal tender of the United States of America.

5. 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

7. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

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**23-108. Precedence of wires, apparatus of city signal service.** The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no

incident to said removal shall be paid immediately by such other corporation or party.

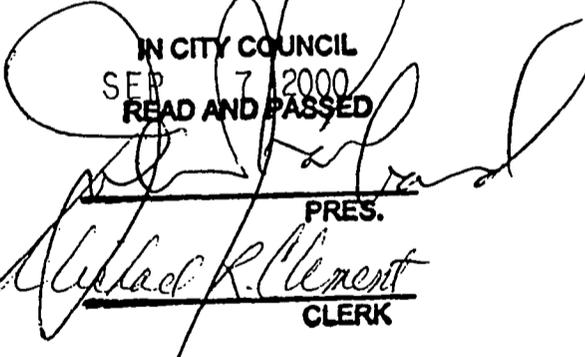
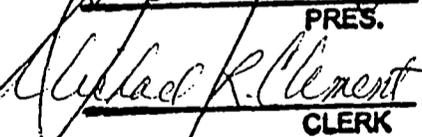
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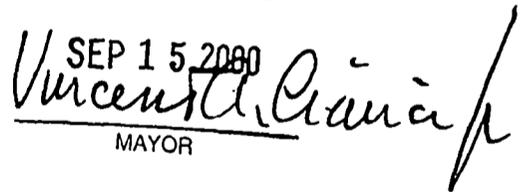
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby:

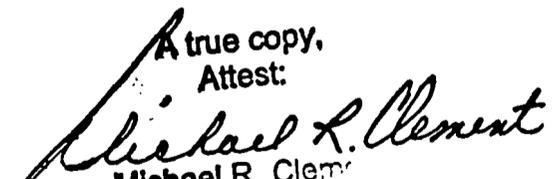
and the University agrees to comply with the same.

13. The University shall repave all excavated roadways in accordance with relevant statements made to the City Council Committee on Public Works.

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

IN CITY COUNCIL  
SEP 7 2000  
READ AND PASSED  
  
PRES.  
  
CLERK

APPROVED  
SEP 15 2000  
  
MAYOR

A true copy,  
Attest:  
  
Michael R. Clement  
City Clerk

FERDINAND C. IHENACHO, P.E., PTOE.

Director



VINCENT A. CIANCI, JR.

Mayor

## Department of Public Works

*"Building Pride In Providence"*

August 16, 2000

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

Re: Petition from Brown University (Lot #253/AP 10 & 12  
 Request to Install & Maintain  
 Private Utilities w/in Public Rights-of-Way

Amendment #1 -- Relocate existing curblines of Fones  
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Amendment #2 -- Close two (2) Existing Curbcuts; One(1)  
 on Brown St.; One (1) on Angell St.

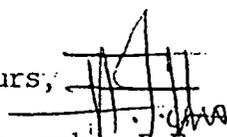
(Proposed easements noted as cross-hatched areas A-B-C-D-E-  
 F-G-H-I-J-K-L-M-N-O-P-Q-R-A and S-T-U-V-S) Fones Alley & Brown St.  
 Total Square Footage of Requested Easements 4,550 ± Sq.Ft.

Dear Councilman Clarkin:

This department has no objection to the Brown University Petition for easements within City Rights-of-Way for the installation of private utilities to service their facility.

We also have no objection to the relocation of the existing curblines on Fones Alley from its present location to a position Two (2) feet southerly. Further, we also do not object to the closing of two existing curbcuts: One (1) at 70 Brown St. (36'-5" wide) and One (1) at 158 Angell St. (23'-11" wide). (In accordance with plans submitted with Petition). If we can further assist in this regard, please contact us.

Very truly yours;

  
 Ferdinand C. Ihenacho, P.E.  
 Director

CC: M. Clement  
 J.D'Amico  
 G. Florio

This is in conjunction with Plan No.064654, Dated 8/12/00  
 Prov., RI - PW Dept.-Engineering Section  
 Private utilities included area:a)High Temp.Hot Water/ b)Heating-  
 Cooling System Supply& return pipes/C)Electrical System/d) Data,Video  
 Fire Alarm & Telephone Systems.



DEPARTMENT OF PLANNING AND DEVELOPMENT

*"Building Pride in Providence"*

**MEMORANDUM**

**DATE:** August 28, 2000

**TO :** Michael Clement, City Clerk

**FROM:** William G. Floriani, Assistant Director  
Project Management and Construction

**RE :** EASEMENT VALUE  
FONES ALLEY, BROWN ST. AND ANGELL ST.

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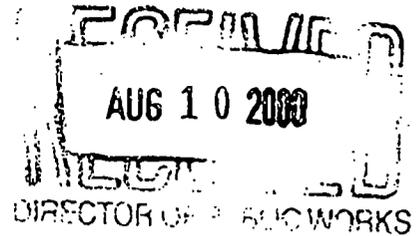
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Given the above value of this easement is as follows:

4,550 sq. ft. @ \$10.00 per ft. = \$45,500.00



Rhode Island

**Department of City Clerk****MEMORANDUM**

**DATE:** August 9, 2000

**TO:** Ferdinand Ihenacho, Director of Public Works

**SUBJECT:** **PETITION FROM PETER LANDRY, PROJECT MANAGER, BROWN UNIVERSITY, DEPARTMENT OF FACILITIES MANAGEMENT, REQUESTING PERMISSION TO INSTALL AND MAINTAIN PRIVATE UTILITIES WITHIN THE PUBLIC RIGHT OF WAY UNDER SIDEWALKS AND PAVED ROADWAYS AT PROPOSED LOCATIONS.**

**CONSIDERED BY:** Councilman Robert M. Clarkin, Chairman, Committee on Public Works

**DISPOSITION:** The accompanying amended petition is referred to you for study, report and recommendation and report back in writing to the above-named committee as soon as practical.

**PLEASE DISPOSE OF INITIAL PETITION AND REPLACE WITH THE ATTACHED**

*Claire E. Bestwick*  
Second Deputy City Clerk

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:

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2. To close two (2) existing curb cuts, which are no longer useful, following City standards, at these locations:  
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158 Angell Street, 23' - 11" wide

OWNER:

Brown University  
Department of Facilities Management  
60 Olive Street  
Box 1941  
Providence, Rhode Island 02912  
Phone Number: (401)863-1336  
Project Manager: Peter Landry

  
Peter Landry, Project Manager

PROVIDENCE  
RECEIVED FOR RECORD  
2009 SEP 21 A 111  
BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS  
*Barbara A. Troncy*

4470 / 119-125

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PROVIDENCE, RI  
RECEIVED FOR RECORD

2000 SEP 27 A 9 11

BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS

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