

RESOLUTION OF THE CITY COUNCIL

No. 454

Approved June 16, 2003

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below George Street in the City of Providence to Cox Com, Inc., d/b/a Cox Communications (Cox). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of underground conduit to serve 114 George Street. Said easement shall not exceed the area of approximately ninety-nine square feet, as delineated on the accompanying map marked as Exhibit A.

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.

4. The Assistant Director for Project Management and Construction has valued the easement at \$400.00 in legal tender of the United States of America. However, since Cox has appealed the assessment of such charges to the Rhode Island Public Utilities Commission, the Director of Public Works may issue the permit, subject only to the payment of a \$75.00 fee by Cox, pending the resolution of the Public Utilities Commission appeal.

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.

7. Any installation of electrical mechanisms 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.

IN CITY COUNCIL
SEP 5 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael R. Clement
CLERK
ams

THE COMMITTEE ON
Public Works
Recommendation - Be Continued
Ann M. Steen
CLERK
10-17-02

THE COMMITTEE ON
Public Works
Recommendation - Approved
Ann M. Steen
CLERK
11-7-02

From the Clerk's Desk

9. Cox 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. Cox 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.

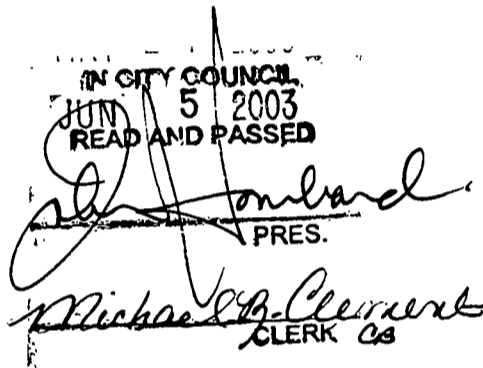
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned 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 Cox, for itself and its successors, agrees to comply with the same.

11. Cox shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works and Cox, its successors and assigns, shall guarantee the fitness of said repairing and shall make, at its own cost, all necessary modifications, alterations and repairs to said repaving for a period of not fewer than five (5) years.

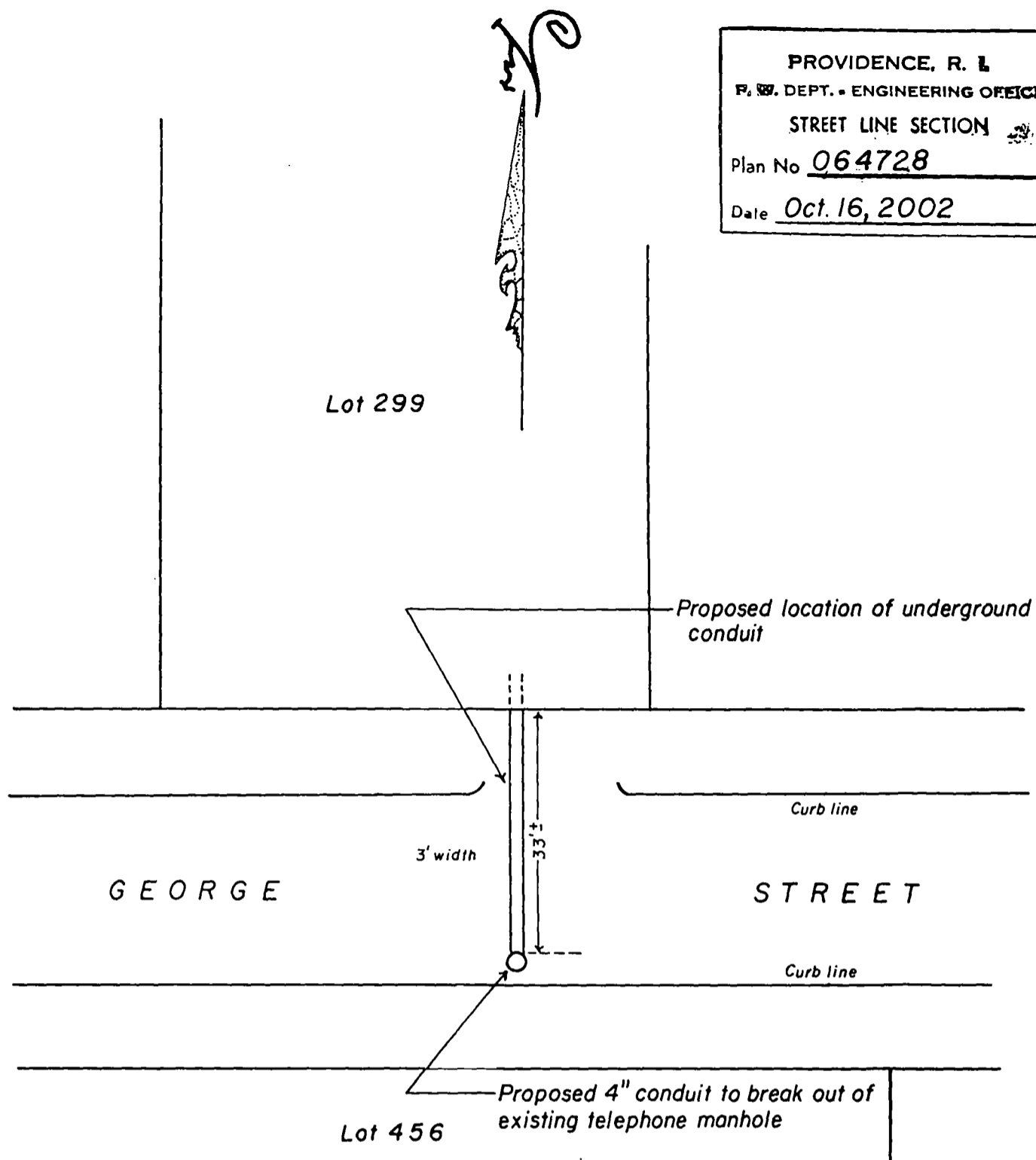
12. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Department of Law.

IN CITY COUNCIL
JUN 5 2003
READ AND PASSED

PRES.
Michael B. Clement
CLERK CB

APPROVED

MAYOR 6/16/03

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No 064728
 Date Oct. 16, 2002



NOTES: Plan showing proposed easement for underground conduit for Cox Communications.

Total square footage = 99' ±

Lot numbers taken from A.P. 12.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement on George St.
 (Cox Communications)
 Drawn by A. Zisiades Checked by AK
 Scale 1" = 20' Date 10-16-2002
 Correct _____ Associate Engr.
 Approved Mukram Meghli
 CHIEF ENGINEER

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:

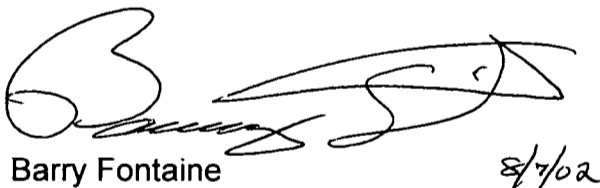
The undersigned respectfully petitions your honorable body

RECEIVED 10:00 AM
CITY OF PROVIDENCE
CITY CLERK

Cox Com Inc. d.b.a. Cox Communications is hereby requesting permission from the city of Providence to excavate and place conduit at the following locations to service new customers.

1. **89 Ship Street**, From side walk at intersection of Chestnut Street within sidewalk 23 ft. over to Ship Street, 65 ft. across Ship to sidewalk in front of 89 Ship Street.
2. **114 George Street**, From existing manhole 22 ft. to edge of sidewalk, another 11 ft. of concrete driveway to edge of property line.

Attached is a set of Engineered plans detailing the routes to be excavated for both locations. Thank you for your time and I will be available to answer any questions that you may have regarding this request.



Barry Fontaine
Capital Support and Utilities Manager
Cox Communications New England
401-383-2261

8/7/02

FILED

AUG 8 2 16 PM '02

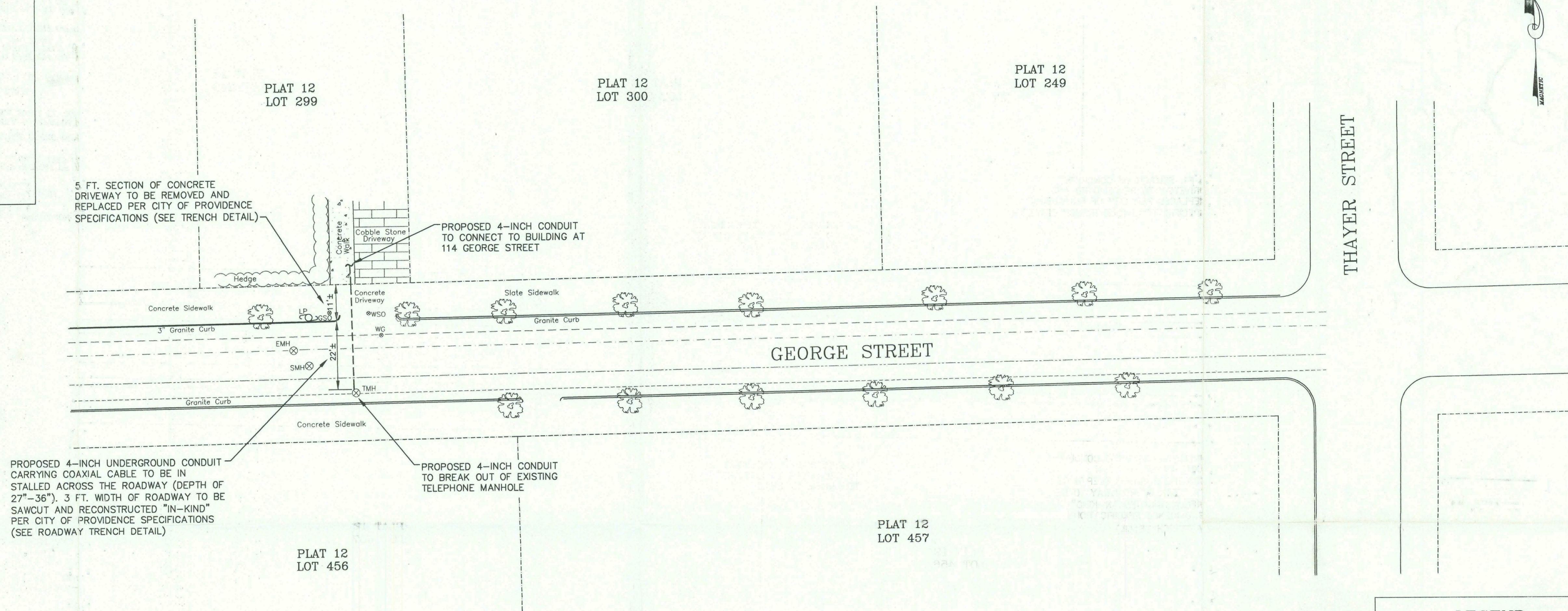
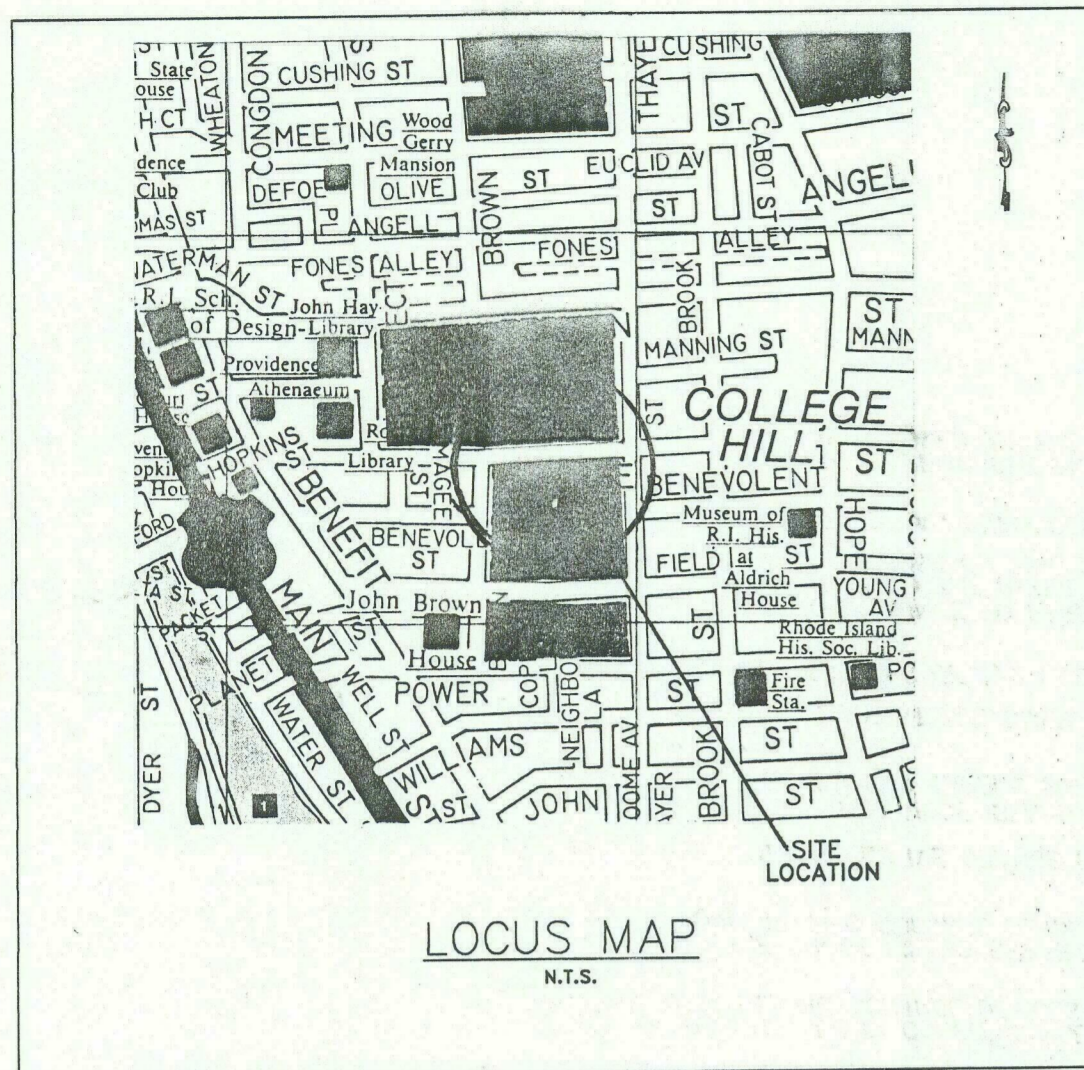
DEPT. OF
PROVIDENCE, R.I.

IN CITY COUNCIL
SEP 5 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. O'Neil CLERK

THE COMMITTEE ON
Public Works
Recomm. plus - Be Continued
Ann M. Stetson
10-17-02 CLERK

THE COMMITTEE ON
Public Works
Recomm. plus - Approved
Ann M. Stetson
11-7-02 CLERK

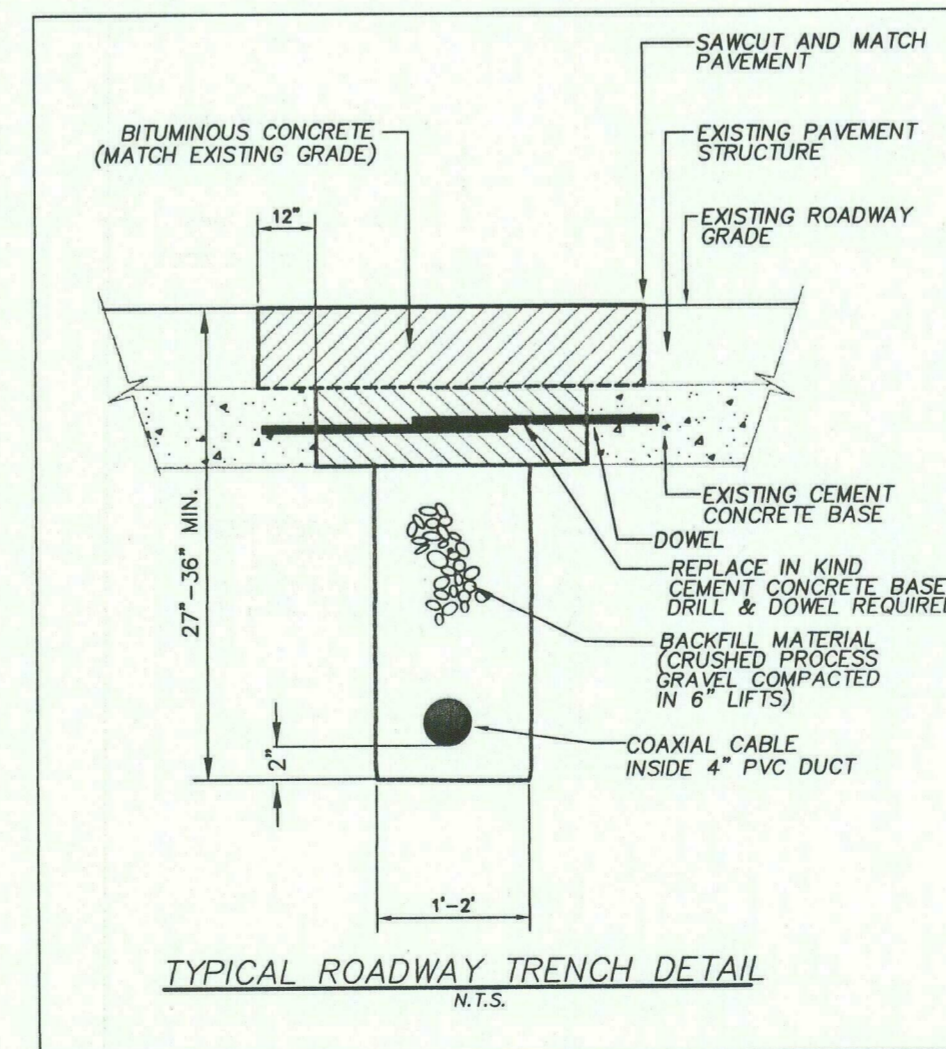
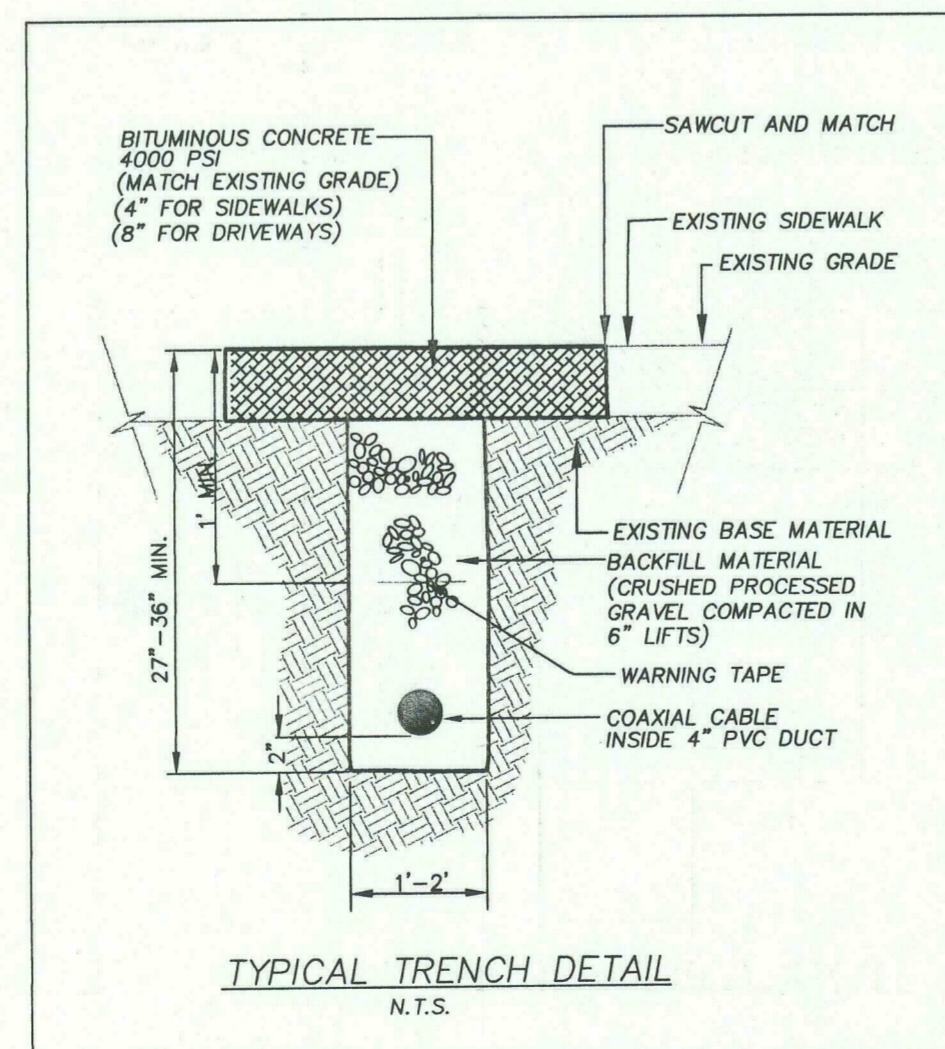


PROPOSED CABLE ROUTING PLAN

1" = 20'

NOTES:

- EXISTING UTILITIES AND STRUCTURES ARE SHOWN FROM BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES WITH DIG-SAFE.
- ALL TRAFFIC CONTROL DEVICES AND OPERATIONS MUST BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), 1988 EDITION WITH LATEST ADDENDA.
- ALL SIGNS AND MOUNTINGS SHALL CONFORM TO THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION'S STANDARD DETAILS AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 1988 EDITION WITH LATEST ADDENDA.
- ALL SIGNS SHALL HAVE A BLACK LEGEND ON A RETROREFLECTIVE ORANGE BACKGROUND.
- ALL CONES SHALL BE 28" IN HEIGHT AND CONFORM TO THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION'S STANDARD DETAIL 25.6. CONE SPACING FOR TAPERS SHALL BE 20' O.C. ALL OTHER CONE SPACING SHALL BE 40' O.C.
- ALL WORK PERSONNEL SHALL WEAR RETROREFLECTIVE VESTS AT ALL TIMES.
- ALL WORK SHALL BE PERFORMED DURING THE DAYLIGHT HOURS OF 1/2 HOUR AFTER SUNRISE TO 1/2 HOUR BEFORE SUNSET.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTINUE TO PERFORM ALL WORK IN COMPLIANCE WITH THE TRAFFIC CONTROL REQUIREMENTS OF THE MUTCD AND THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION BEYOND THE LIMITS OF THE WORK ZONE SHOWN ON THIS PLAN.
- THE CONTRACTOR SHALL UTILIZE A MINIMUM OF 1 UNIFORMED LAW ENFORCEMENT OFFICER AT ALL TIMES TO DIRECT TRAFFIC.
- ALL SIGNS SHALL BE REMOVED WHEN THEY ARE NO LONGER APPLICABLE AND AT THE END OF EACH WORK DAY. THE CONTRACTOR SHALL ENSURE THAT ADEQUATE TIME IS ALLOWED AT THE END OF EACH DAY TO PERFORM THIS WORK DURING THE DAYLIGHT HOURS.



LEGEND

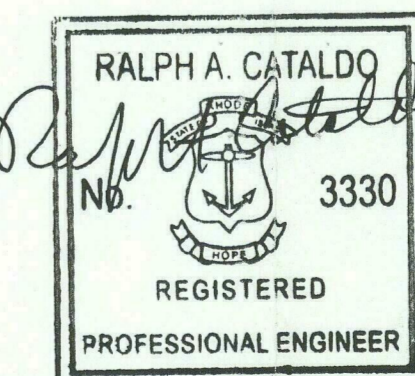
- Proposed Coaxial Cable
- Existing Tree
- Light Pole
- Telephone Manhole
- Electric Manhole
- Sewer Manhole
- Telephone Line
- Water Line
- Gas Line
- Electric Line
- Property Line
- Water Gate
- Water Service Shutoff

CONTACTS

COX COMMUNICATIONS
9 J.P. HIGHWAY
WEST WARWICK, RI
attn: JOHN SALAMONE
PHONE: (401) 821-1919 ext. 2317

CONTRACTOR

TELENETWORKS
24 QUAIL RUN
CRANSTON, RI
attn: GEORGE CANCEL
PHONE: (401) 641-7195



| | | |
|---|--------------|----------------------|
| COX COMMUNICATIONS | | PROJECT NO: 3003-120 |
| 9 J. P. HIGHWAY WEST WARWICK, RHODE ISLAND | | DATE: JUNE 2002 |
| PROPOSED CABLE ROUTING PLAN AND DETAIL | | SCALE: 1" = 20' |
| 114 GEORGE STREET | | DESIGNED: GJS |
| PROVIDENCE | RHODE ISLAND | DRAWN: GJS |
| CATALDO ASSOCIATES | | CHECKED: GS |
| CIVIL ENGINEERS | | SHEET NO. 1 OF 1 |
| ONE COMMERCE WAY JOHNSTON, RI 02919 | | NO. DATE REVISIONS |
| (401) 455-8900 FAX: (401) 455-4117 cataldoeng@aol.com | | |

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IN CITY COUNCIL
JUN 5 2003
READ AND PASSED

[Signature]
PRES.

[Signature]
CLERK CS

A true copy.

Attest:

[Signature]
Michael R. Clement
City Clerk

APPROVED

[Signature]
MAYOR

6/16/03

BK5885PG066

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No 064728
Date Oct. 16, 2002

Lot 299

Proposed location of underground conduit

Curb line

GEORGE

3' width

STREET

Curb line

Lot 456

Proposed 4" conduit to break out of existing telephone manhole

NOTES: Plan showing proposed easement for underground conduit for Cox Communications.

Total square footage = 99'±

Lot numbers taken from A.P. 12.

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing proposed easement on George St.
(Cox Communications)
Drawn by A. Zisiades Checked by ALC
Scale 1" = 20' Date 10-16-2002
Correct _____ Associate Engr.
Approved Mukram Megall
CHIEF ENGINEER

PROVIDENCE, RI
RECEIVED FOR RECORD
2003 JUL -7 A 11:01
BANKAIA A. TRUNCY
ACTING RECORDER OF DEEDS
BANKAIA A. TRUNCY
Acting Recorder of Deeds

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PROVIDENCE, RI
RECEIVED FOR RECORD

2003 JUL -7 A 11: 01

CANDACE A. TRUNCY
ACTING RECORDER OF DEEDS

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