

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 134

EFFECTIVE ~~APPROVED~~ March 4, 2002

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant three non-exclusive sub-surface easements below Olive Street and Meeting Street in the City of Providence to Brown University ("Brown"). Said easements shall be granted specifically upon the following provisions:

1. Said easements shall be utilized only for the installation and maintenance of fiber optic conduit. Said easements shall not exceed the area of fifty feet by eight feet by three feet, one hundred fifty feet by three feet by three feet and forty feet by four feet by three feet, and respectively indicated by the cross-hatched areas on the accompanying maps 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 easements 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/right of reversion in the event that the situs of the easements is no longer utilized for the aforestated purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. Brown shall tender the sum of Seven Thousand Five Hundred Seventy-Five Dollars (\$7,575.00) 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.

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.

IN CITY COUNCIL.
Oct. 18, 2001
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael H. Clements CLERK

THE COMMITTEE
PUBLIC WORKS
Approves Passage of
The Within Resolution

Clair B. Burton
Jan. 15, 2002 Clerk

From The Clerk's Desk

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

12. Brown 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 our 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,

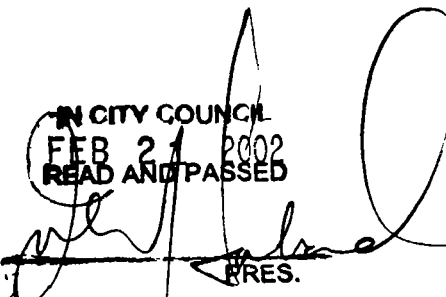

wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground 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 Brown, for itself and its successors, agrees to comply with the same.


13. Brown shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easements granted herein and upon the ninety (90) days notice hereinbefore mentioned, Brown shall, at its own expense, remove said improvements to the easements area.

15. 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
FEB 21 2002
READ AND PASSED

PRES.

CLERK
38

EFFECTIVE WITHOUT THE MAYOR'S SIGNATURE:


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"

12/12/01

Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council -- City Hall
Providence, RI 02903

RE: Petition of Paul Dietel, Project Manager - Brown University,
Dept. of Facilities Management, Requesting Easements to be
Established for University Use.

Dear Councilman Clarkin:

This Department has no objection to the request of Brown University for private easements as noted on the accompanying plan, entitled "Providence, R.I., P.W. Dept., Engineering Office, Street Line Section, Plan No. 064699, Date: Dec.10, 2001".

Easement area is noted as shaded areas on the accompanying plan. There are two easement areas noted as 50'x3' and 150'x3' - 2 ft. off the S'ly. curblin of Meeting St. The afore-mentioned areas are both on Meeting St.; There is one easement of 40'x4' across Clive St.

Total Square Footage for these ~~three~~ combined easements is 1,010'±. Lot numbers on this plan were taken from City of Providence A.P. 10.

If we can further assist in this regard, please advise.

Very truly yours,

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

Ferdinand C. Ihenacho, P.E.
Director

G. Florio
Patricia McLaughlin
CC: M. Clement
J. D'Amico
JLC
SZ

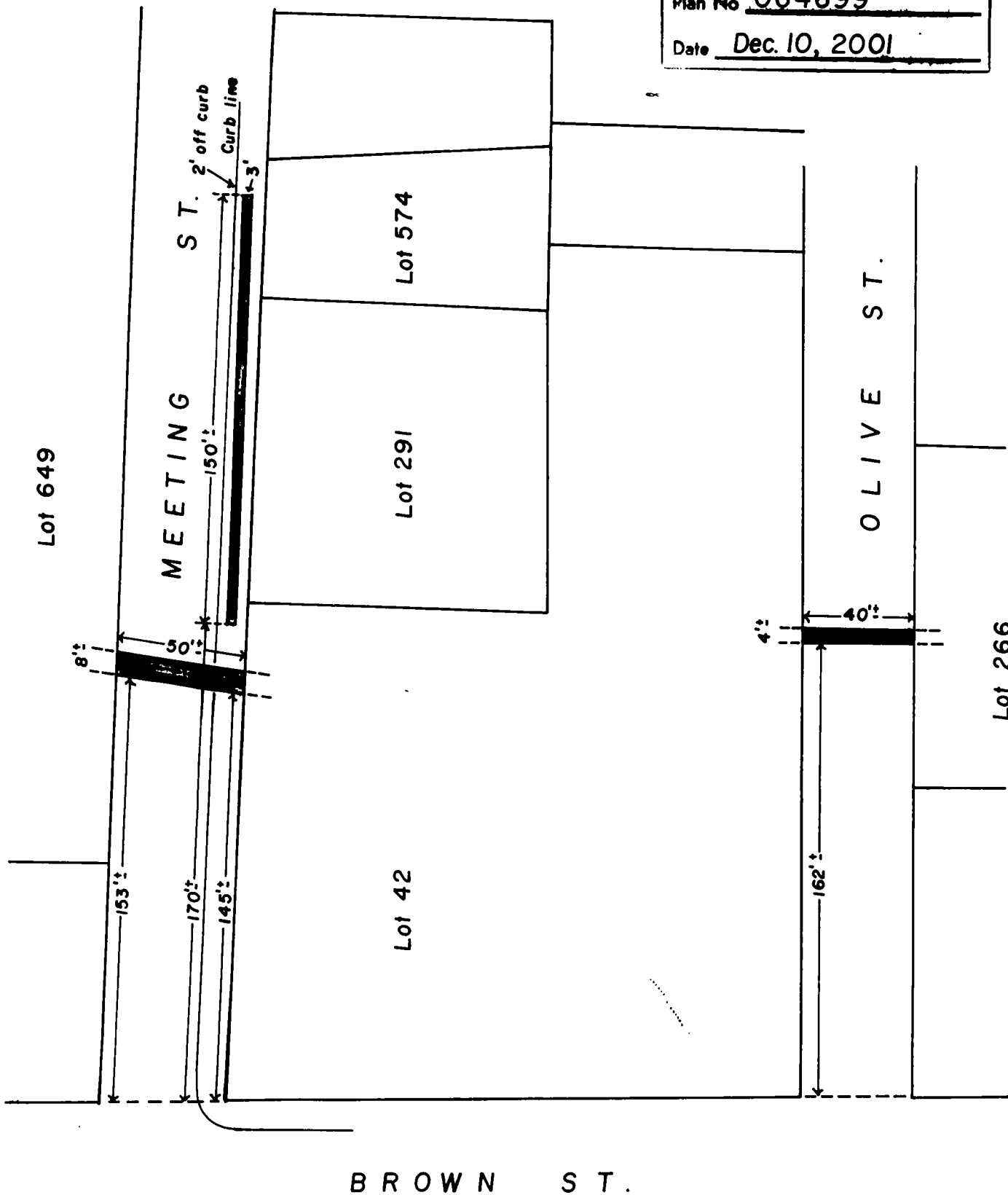
PROVIDENCE, R. I.

PUBLIC DEPT. - ENGINEERING OFFICE

STREET LINE SECTION

Plan No. 064699

Date Dec. 10, 2001



NOTES: Shaded areas indicate proposed easements for electrical and telecommunications cables owned by Brown University.
Total square footage = 1,010'±

Lot numbers taken from A.P. 10.

CITY OF PROVIDENCE, R. I.

Public Works Dept. - Engineering Office

Showing proposed easements on Meeting St. Olive St.

Drawn by A. Zisades Checked by JRC

Scale 1" = 50' Date 12-10-2001

Correct James A. Morris Associate Engr.

Approved [Signature] CHIEF ENGINEER

HENRY E. KATES
Chairman

LESLIE A. GARDNER
Vice Chairwoman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilman

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMOUN
Secretary



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

DATE: January 4, 2002

TO : Michael Clement, City Clerk

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

RE : Easements Meeting Street

Pursuant to your request I have visited the site referenced above to determine the Fair Market Value of the easement requested. There are two easements requested which total 1010 sq. ft. the property is located on the Eastside of Providence. The actual value of land in this area is \$30.00 per ft. The easement requested will be underground and in the street. This would reduce the value by 75% of value or \$7.50 per ft.

1010 sq. ft. @ \$7.50 per ft = \$7,600.00 (rounded)