

# RESOLUTION OF THE CITY COUNCIL

No. 241

Approved May 22, 2023


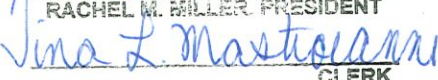
RESOLVED, DECREED AND ORDERED:

Petitioner THE NARRAGANSETT ELECTRIC COMPANY, a domestic utility currently doing business as Rhode Island Energy, located at 280 Melrose Avenue in Providence, has requested an easement over, under, and across a portion of City-owned land at 60 Kossuth Street (Assessor's Plat 63 Lot 354), near William D'Abate Elementary School. The City Council hereby authorizes the Mayor to enter into the easement attached as Exhibit A.

IN CITY COUNCIL

MAY 18 2023

READ AND PASSED

  
RACHEL M. MILLER, PRESIDENT  
  
TINA L. MASTROSIMONE, CLERK

I HEREBY APPROVE.

  
Butch P. Smiley  
Mayor

Date: 5/22/2023

## GRANT OF EASEMENT

CITY OF PROVIDENCE, a municipal corporation organized under the laws of the State of Rhode Island with a usual place of business at 25 Dorrance Street, Providence, RI 02903 ("Grantor") for consideration paid, grants to THE NARRAGANSETT ELECTRIC COMPANY, a Rhode Island corporation having a principal place of business at 280 Melrose Street, Providence, Rhode Island 02907, ("Grantee"), its successors and assigns, with Quitclaim Covenants, a perpetual right and easement as described in Section 1 below ("Easement") in, under, through, over, across, and upon a portion of the Grantor's land, as described in Section 2 below ("Grantor's Land").

### Section 1 – Description of Easement

The "Easement" granted by the Grantor to the Grantee consists of the perpetual right and easement:

- a) To install, construct, reconstruct, repair, replace, add to, maintain and operate an overhead and underground distribution system ("Distribution System") for the distribution of electric current to include a padmounted transformer, together with all the necessary wires, cables, conduits, transformers, handholes, pedestals, switches, anchors, guys, equipment, fixtures and appurtenances installed therein and attached thereto, in, under, through, over, across and upon the Grantor's land, as may from time to time be required for the purpose of supplying electric service to the Grantor's Land and land of others adjoining the Grantor's Land;
- b) service to the Grantor's Land and the land of others adjoining the Grantor's Land;
- c) To clear and keep cleared from time to time the portions of the Grantor's Land wherein the Distribution System is located of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces as may in the opinion and judgment of the Grantee, its successors and assigns, interfere with the safe and proper operation of the Distribution System;
- d) To make such excavation or excavations as may be reasonable and necessary to construct, reconstruct, repair and remove the Distribution System. But the Grantee shall properly backfill any excavation and restore the surface of the Grantor's Land in as good condition as before the excavation was made; and
- e) To pass over and across the Grantor's Land to and from the Easement as reasonable and necessary for all the purposes described in this Section.

### Section 2 – Description of Grantor's Land

The "Grantor's Land" consists of land situated on the southerly side of Kossuth Street in the City of Providence, County of Providence, State of Rhode Island, designated as Lot 354, Providence Tax Assessor's Map 63, being that certain tract or parcel of land conveyed to the Grantor by deed from duly recorded with the Records of Land Evidence in Providence.

RE30675999PE

Address of Grantee:  
Narragansett El., 280 Melrose Street, Providence, RI 02907

After recording return to:  
Peter Espinal  
Rhode Island Energy  
Service Company, Inc.  
280 Melrose St.  
Providence, RI 02907

49 PROVRI GEN

Property Address: 60 Kossuth Street, Providence, R.I.

### **Section 3 – Location of the Easement and Distribution System**

The “Distribution System” shall extend in a general southerly direction from Pole #4, which is located on the southerly side of Kossuth Street, to the proposed padmounted transformer, which is to be located within certain portions of the Grantor’s Land, with an easement area around the padmounted transformer measuring fifteen (15) feet wide by fifteen (15) feet deep, as approximately shown on a sketch attached hereto as “Exhibit A” and recorded herewith, copies of which are in the possession of the Grantor and the Grantee herein. Final definitive locations of said “Distribution System” shall become established by the installation and erection thereof by the Grantee. Said Distribution System shall be located in a location on the Grantor’s Land mutually satisfactory to the Grantor and to the Grantee and such location shall become established by and upon the installation thereof by the Grantee. If the Easement location is unsuitable for the purposes of the Grantee or the Grantor, or their successors and/or assigns, as applicable, then the Easement location may be changed to another location on the Grantor’s Land that is mutually satisfactory to both the Grantor and the Grantee; and further, said newly agreed-to Easement location shall be indicated and shown on a sketch plan and this Grant of Easement shall be amended accordingly. This Grant of Easement and the location of the Distribution System and Easement may not be changed or modified without the written consent of both the Grantor or its successors and assigns, as applicable, and the Grantee or its successors and assigns, as applicable, which consent may not be unreasonably withheld. Any relocation so requested shall be at the sole cost and expense of the requesting party.

### **Section 4 – Distribution System Ownership**

It is agreed that the Distribution System shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns shall pay all taxes assessed thereon.

IN WITNESS WHEREOF, CITY OF PROVIDENCE has caused these presents to be signed by its proper officer for that purpose duly authorized this 22 day of May, 2023.

In the presence of:

CITY OF PROVIDENCE

Michael Napolitano  
[Signature]

Brett P. Smiley  
By: BRETT P. SMILEY  
Its: MAYOR

STATE OF Rhode Island  
COUNTY OF Providence

In Providence in said County on the 22 day of May, 2023, before me personally appeared the above named BRETT P. SMILEY, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed, individually and in said capacity, and the free act and deed of the CITY OF PROVIDENCE.

Shastery Gonzalez Pena  
Notary Public, State of Rhode Island  
My Commission Expires Nov. 19, 2025

Shastery Gonzalez Peña  
Notary Public #167853  
Printed Name: Shastery Gonzalez Peña  
My Commission expires: Nov. 19<sup>th</sup> 2025

In the presence of:

APPROVED AS TO FORM AND  
CORRECTNESS:

Matthew E. Shumate

MATTHEW E. SHUMATE

Jeff Dana

By:

Its: CITY SOLICITOR

STATE OF Rhode Island  
COUNTY OF Providence

In Providence in said County on the 24th day of May, 2023, before me personally appeared the above named Jeff Dana, City Solicitor for the CITY OF PROVIDENCE, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed, individually and in said capacity, and the free act and deed of said City Solicitor's office.

CRYSTAL J. HOLT  
Notary Public, State of Rhode Island  
ID # 755586

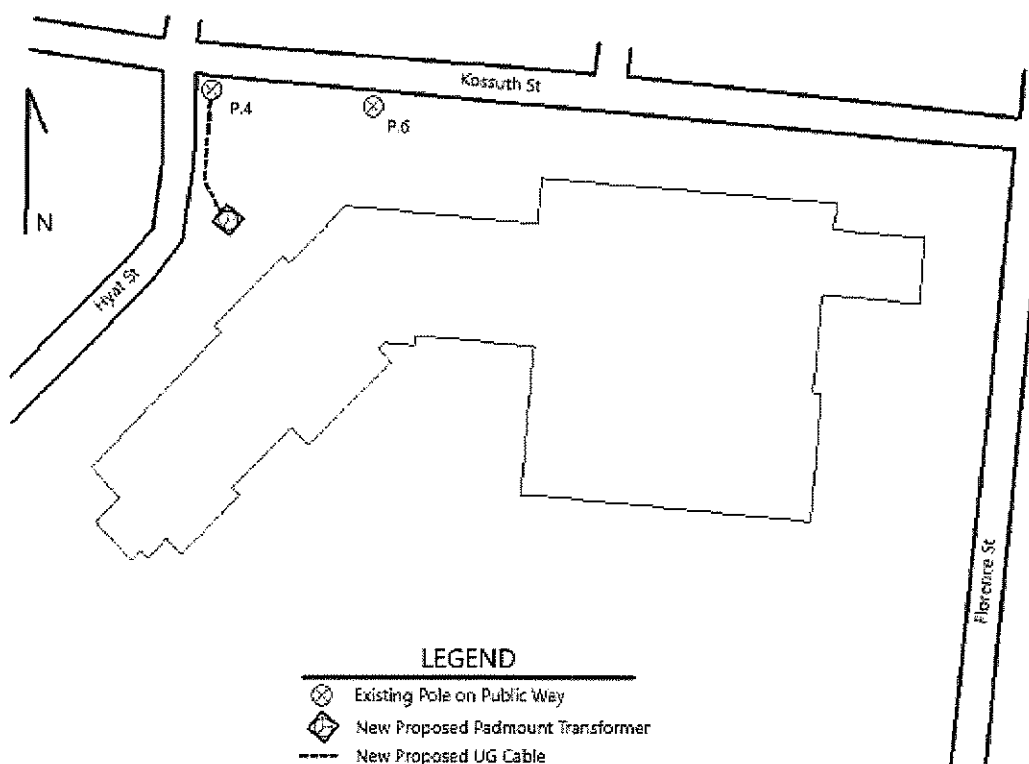
Crystal J. Holt

Notary Public

Printed Name: Crystal J. Holt

My Commission expires: 7-24-2025

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.



**WR 30657765**