

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 580

Approved October 4, 2002

WHEREAS, The Providence Redevelopment Agency (PRA) is fee title owner of a 37.37 acre parcel located at the intersection of Downing Street and Adelaide Avenue and listed at Plat 51, Lot 170 in the Tax Assessor's office in the City of Providence (hereinafter referred to as the "Gorham Site"); and

WHEREAS, The Gorham Site, prior to the PRA taking title to the property, was utilized for the manufacturing of fine silver goods; and

WHEREAS, An environmental site assessment conducted at the Gorham Site has revealed the presence of contaminants in the soil and water that require remediation; and

WHEREAS, Textron Inc. ("Textron"), a prior owner of the Gorham Site, entered into an Agreement ("Remediation Agreement") on January 10, 1994, (authorized by Resolution of the City Council) with the City of Providence ("City"), whereby Textron, at its sole cost and expense, has agreed to implement and carry out the remediation of all surface and subsurface soil and water contamination at the Gorham Site; and

WHEREAS, Under the Remediation Agreement, Textron has indemnified the City of Providence, and holds harmless, the City of Providence from causes of action arising from its obligations in carrying out its activities pursuant to the Remediation Agreement; and

WHEREAS, The PRA has entered into a "Development Agreement" with the YMCA of Greater Providence ("YMCA"), whereby the YMCA has agreed to develop and lease a portion of the Gorham Site from the PRA; and

WHEREAS, the YMCA has requested that the City indemnify the YMCA from any and all causes of action that may arise out of, or in connection with, any hazardous materials located at the Gorham Site.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City of Providence hereby indemnifies and holds harmless the YMCA of Greater Providence, its subtenants, their employees, agents, officers, directors, lenders (and their successors and/or assigns), customers and invitees, from and against any claims, demands, penalties, fines, liabilities, settlements, damages, costs or expenses (including, without limit, attorney fees, investigation and laboratory fees, court costs, and litigation expenses) of whatever kind or nature, known or unknown, contingent or otherwise, arising out of or in any way related to (a) the presence, disposal, release, or threatened release of any hazardous materials which are on, from, or affecting the soil, water, vegetation, buildings, personal property, persons, animals, or otherwise; (b) any personal injury or property damage arising out

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DEPARTMENT OF CLERK
PROVIDENCE, R. I.

Councilman Allen (By Request)

of or related to such hazardous materials; (c) any lawsuit brought or threatened, settlement reached, or government order relating to such hazardous materials, and/or (d) any violation of laws, orders, regulations, requirements, or demands of government authorities, which are based upon or in any way related to such hazardous materials.

2. The Mayor of the City of Providence is hereby authorized to execute on behalf of the City of Providence, an Indemnification Agreement with the YMCA of Greater Providence in accordance with this Resolution.

3. This Resolution shall become effective upon passage.

CLERK
CITY OF PROVIDENCE
OFFICE OF THE CLERK
CITY HALL
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IN CITY COUNCIL
OCT 3 2002
READ AND PASSED

John Lombardi

OCT 04 2002

PRES. ACTING

Michael R. Clement
CLERK

APPROVED

John Lombardi

MAYOR

John Lombardi

OCT. 04 2002

APPROVED

John Lombardi

MAYOR

**IN CITY COUNCIL
AUG 17 2002
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE**

Michael R. Clement CLERK

**THE COMMITTEE ON
FINANCE**

Approves Passage of
The Within Resolution

Charm M. Steiner

9-25-02