

**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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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.

RECEIVED TO COMMITTEE ON  
GENERAL REVENUE  
OCT 3 1 2002  
CITY CLERK

IN CITY COUNCIL  
OCT 3 2002  
READ AND PASSED

PRES. ACTING

CLERK

*John Lombardi*

OCT 04 2002

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. Stetson*

9-25-02