

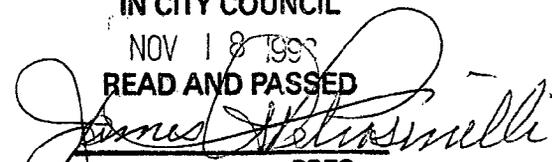
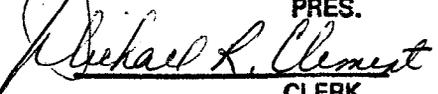
RESOLUTION OF THE CITY COUNCIL

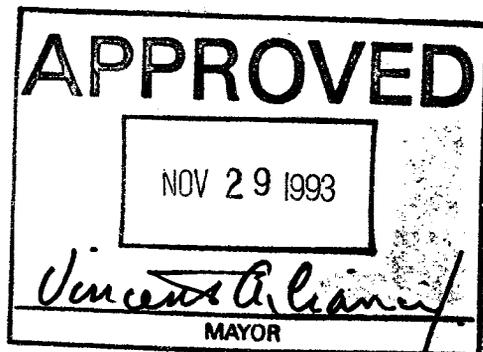
No. 822

Approved November 29, 1993

RESOLVED, That His Honor, the Mayor, is hereby authorized to execute an Agreement with Johnson & Wales University so as to provide for the discontinuance of the existing water supply easement on Garnet Street. Said discontinuance is specifically conditioned upon the following:

1. The Providence Water Supply Board shall communicate in writing to the City Clerk that there is no health, safety or engineering reason militating against such discontinuance;
2. The payment of forty thousand dollars (\$40,000.00) to the City of Providence by Johnson & Wales University;
3. Johnson & Wales University shall, at its own expense, relocate all water service now in existence below Garnet Street unless such relocation is limited or waived by the Providence Water Supply Board. Any relocation shall be to the satisfaction of the Providence Water Supply Board and the Department of Public Works; and
4. Such other conditions as the Mayor and the City Solicitor may deem necessary to effect the intent of this Resolution.

IN CITY COUNCIL
NOV 18 1993
READ AND PASSED

PRES.

CLERK



Councilman Clarkin (by Request)

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

PETER S. MANCINI
City Councilman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

January 7, 1994

Mr. Michael R. Clement
City Clerk
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Street Abandonment
Garnet Street (P/O)
Providence

Dear Mr. Clement:

In response to Providence City Council Resolution 822, approved November 29, 1993, the Providence Water Supply Board (PWSB) has conducted an investigation into the current water supply service located under Garnet Street and has contacted the Providence Fire Department in connection with the same. Our investigation reveals that there is no water supply related health, safety or engineering reason to oppose the discontinuance of the water supply service located under Garnet Street between the intersections of Weybosset and Pine Streets, provided:

1. That Johnson & Wales University reimburse the PWSB for the entire cost of severing the existing underground water supply at the intersections of Weybosset and Pine Streets;
2. That Johnson & Wales University reimburse the PWSB for the entire cost of connecting the west end of the water main on remaining Garnet Street, east of Pine Street, to the 6-inch water main in Pine Street;
3. That Johnson & Wales University reimburse the PWSB for the entire cost of installing a new standard fire hydrant and appurtenances as a replacement for Fire Hydrant P-1914, which was, until recently made inoperable due to construction on University property, located on the west side of Pine Street approximately midway between Garnet and Eddy Streets;
4. That Johnson & Wales University reimburse the PWSB for retiring the Garnet Street fire hydrant before the end of its asset life. NOTE: The water main itself is not considered because it has remained in service beyond its asset life, hence, it has no value.

The following fees apply for the points outlined above:

- ◆ Providence Department of Public Works Road Opening Permit Fee (FIXED COST)

3 permits required @ \$25.00 each = \$75.00

NOTE: submit three (3) separate \$25.00 checks, each made payable to City Collector - c/o Public Works

Mr. M.R. Clement
Street Abandonment
Garnet Street (P/O), Providence
January 7, 1994
Page 2 of 2

- ◆ Severing main at two (2) locations, connecting two (2) existing mains and remove remnants of existing Pine Street Fire Hydrant P-1914 and install a new standard fire hydrant in its place (ESTIMATED COST)

NOTE: submit one (1) check made payable to **City Collector** for \$5,745.02

- ◆ Garnet Street hydrant Retirement of Asset Fee (FIXED COST)

NOTE: submit one (1) check made payable to **City Collector** for \$295.60

Fees must be paid prior to Providence Water Supply Board performing the work. If the *estimated* fee collected is less than that required to do the work, the University will be billed for the difference. On the other hand, if the *estimated* expense to do the work is less, a refund of the difference will be sent to the University.

Please note, it is the policy of the PWSB to leave abandoned portions of water main and appurtenances in place. Thus, the University may have their contractor remove same to meet their requirements, after PWSB has done their work. The cost to do this shall be the responsibility of the University.

The PWSB is prepared to undertake the above-mentioned work upon receipt of the requested fees. If you have any questions, please do not hesitate to contact Mr. Syl Pauley, Jr., P.E. at (401) 521-6300 EXT 70.

Respectfully,



Paul J. Gadoury, P.E.
Director of Engineering

SP/s

cc: R. Kilduff, P.E.
S. Pauley, Jr., P.E.
File

JWLTRI.SAM

GAEBE & KEZIRIAN
ATTORNEYS AT LAW
128 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

(401) 331-0800

DANA H. GAEBE
WAYNE M. KEZIRIAN
ALLISON ROCK

FAX (401) 861-2260

February 16, 1994

Michael R. Clement, City Clerk
City of Providence
Kennedy Plaza
Providence, RI 02903

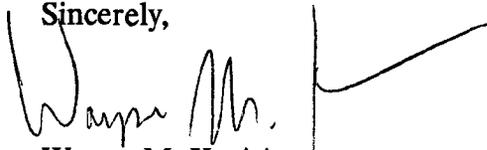
*Re: Resolution No. 822
Approved November 29, 1993*

Dear Mr. Clement:

I have enclosed a document entitled Discontinuance of Easement, together with supporting documentation. This is a copy of an original document which was recorded on February 14, 1994 at 12:27 P.M. in the City of Providence Land Records.

Because the resolution references a subsequent document being executed, I believe that a copy of this agreement should be filed with Resolution No. 822. I would appreciate it if you would file this document so that a review of your records will indicate the completion of all of the conditions described in the resolution. Should you have any questions, please give me a call.

Sincerely,



Wayne M. Kezirian

WMK:bpk

Enclosure

Certified Mail
RR Requested (Z 714 688 188)

DISCONTINUANCE OF EASEMENT

THIS AGREEMENT IS ENTERED INTO BY AND BETWEEN JOHNSON & WALES UNIVERSITY, a corporation established under the laws of the State of Rhode Island, its successors and assigns, (hereinafter collectively called "JOHNSON & WALES "), and THE CITY OF PROVIDENCE, Rhode Island, its successors and assigns, (hereinafter collectively called the "CITY").

WHEREAS, The CITY has certain rights in and to the existing underground water supply system now maintained, in, under, through, over and across that portion of Garnet Street, between Pine and Weybosset Streets (hereinafter called "Garnet Street"), in the City and County of Providence, State of Rhode Island, which was abandoned by said CITY by virtue of Resolution No. 385 of the City Council of said City of Providence, approved August 10, 1990 (hereinafter called the "Abandonment Resolution"). For purpose of this Agreement, the underground water supply system now maintained in Garnet Street is hereinafter referred to as the "Facilities"; and

WHEREAS, the Abandonment Resolution indicated inter alia that the abandonment of Garnet Street was subject to an easement being granted for such water supply service; and

WHEREAS, The CITY, through the Providence Water Supply Board, maintains the water supply system in the City of Providence; and

WHEREAS, the Parties recognize that JOHNSON & WALES is an important part of the City's continued vitality and JOHNSON & WALES recognizes its correlative responsibility to be a good neighbor to other members of the Providence community; and

WHEREAS, the parties hereto have determined that such water supply service is no longer dictated by the public health and safety. Further, it has been determined that alternative sources of supply to nearby locations are readily available.

WHEREAS, that based on the foregoing, the easement hereto referenced is no longer required to promote the health, safety, welfare or convenience of the public and the parties hereto wish to discontinue and extinguish said easement.

WHEREAS, the CITY, by virtue of Resolution No. 822 of the City Council of said City of Providence, approved November 29, 1993 (a copy of which is attached), authorized the Mayor to execute an agreement with JOHNSON &

FEB 14 1994
12:27 PM

Robert R. Quinn

WALES so as to provide for the discontinuance of the existing water supply service easement in and over Garnet Street;

NOW, THEREFORE, for and in consideration of FORTY THOUSAND DOLLARS (\$40,000.00) paid this day by JOHNSON & WALES to the CITY, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the parties agree as follows:

1. Any and all water supply easements in Garnet Street are hereby discontinued and extinguished. JOHNSON & WALES may, at any time and at its own expense, remove the Facilities provided that said removal is conducted with the foreknowledge and approval of the Providence Water Supply Board (hereinafter collectively called the "Water Supply Board"). Prior to removing the Facilities, JOHNSON & WALES shall notify the Water Supply Board and shall comply with such reasonable precautions as may be prescribed by the Water Supply Board to insure that the removal of the Facilities from Garnet Street do not present a hazard to the members of the general public.

2. In the event that JOHNSON & WALES elects not to remove the existing facilities or in the event that the Water Supply Board determines that such removal and/or relocation cannot be accomplished without any adverse impact to the health, safety or welfare of the users of the Water Supply Board system, then JOHNSON & WALES agrees to maintain said facilities in appropriate working order so as to safeguard the public health. Further, in the event of such removal, JOHNSON & WALES covenants for itself and its successors and assigns that it shall assume the whole of the costs of the installation of new or added service(s) to the properties it presently owns which is adjacent to the facilities and that such service shall conform to the requirements of the Water Supply Board.

This obligation shall run with the land and shall be binding upon JOHNSON & WALES and its successors and assigns.

This Agreement shall be recorded and after such recordation the Facilities shall be the exclusive responsibility of JOHNSON & WALES .

3. Should JOHNSON & WALES elect not to remove the Facilities, it shall be responsible for the repair and maintenance of the Facilities at its own expense and shall keep the Facilities in proper operating condition.

IN WITNESS WHEREOF, said JOHNSON & WALES UNIVERSITY has caused these presents to be executed and its corporate seal to be hereto affixed by its proper officer, thereunto duly authorized this day 17th of DECEMBER, 1993, and , the CITY, acting by and through its Mayor,

Vincent A. Cianci, Jr., acting pursuant to the authority granted him by the Home Rule Charter of the City of Providence and by Resolution No.822 of the City Council of said City of Providence, approved on the 29th day of November, 1993, have caused these presents to be executed this 8th day of FEBRUARY, 1994.

JOHNSON & WALES UNIVERSITY

BY: Christopher T. Del Sesto
CHRISTOPHER T. DEL SESTO,
SENIOR VICE PRESIDENT
AND TREASURER

CITY OF PROVIDENCE

BY: Vincent A. Cianci, Jr. Feb 8, 1994
VINCENT A. CIANCI, JR., MAYOR 5:25 PM

STATE OF RHODE ISLAND
PROVIDENCE, SC.

In Providence, in said County on the 17th day of December, 1993, before me personally appeared the above named CHRISTOPHER T. DEL SESTO, in his capacity as Senior Vice President & Treasurer of JOHNSON & WALES University, to be 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 in said capacity and the free act and deed of JOHNSON & WALES University.

Wayne M. Kezirian
Notary Public
WAYNE M. KEZIRIAN
Notary Public of Rhode Island
My Commission Expires June 23, 1995

STATE OF RHODE ISLAND
PROVIDENCE, SC.

In Providence, in said County on the 8th day of FEBRUARY, 1994, before me personally appeared the above named VINCENT A. CIANCI, JR., in his capacity as Mayor of the City of Providence, to be 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 in said capacity and the free act and deed of the City of Providence.

John T. D'Amico, Jr.
Notary Public

CONSENTED TO IN FORM AND SATISFACTORY TO ME:

John T. D'Amico, Jr. 2/8/94 at 2:10 PM.
Senior Asst. City Solicitor

RESOLUTION OF THE CITY COUNCIL

No. 822

Approved November 29, 1993

RESOLVED, That His Honor, the Mayor, is hereby authorized to execute an Agreement with Johnson & Wales University so as to provide for the discontinuance of the existing water supply easement on Garnet Street. Said discontinuance is specifically conditioned upon the following:

1. The Providence Water Supply Board shall communicate in writing to the City Clerk that there is no health, safety or engineering reason militating against such discontinuance;

2. The payment of forty thousand dollars (\$40,000.00) to the City of Providence by Johnson & Wales University;

3. Johnson & Wales University shall, at its own expense, relocate all water service now in existence below Garnet Street unless such relocation is limited or waived by the Providence Water Supply Board. Any relocation shall be to the satisfaction of the Providence Water Supply Board and the Department of Public Works; and

4. Such other conditions as the Mayor and the City Solicitor may deem necessary to effect the intent of this Resolution.

A True Copy,
Attest:


Michael R. Clement
City Clerk

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, FSQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

PETER S. MANCINI
City Councilman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSEKIS
Member

January 7, 1994

Mr. Michael R. Clement
City Clerk
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Street Abandonment
Garnet Street (P/O)
Providence

Dear Mr. Clement:

In response to Providence City Council Resolution 822, approved November 29, 1993, the Providence Water Supply Board (PWSB) has conducted an investigation into the current water supply service located under Garnet Street and has contacted the Providence Fire Department in connection with the same. Our investigation reveals that there is no water supply related health, safety or engineering reason to oppose the discontinuance of the water supply service located under Garnet Street between the intersections of Weybosset and Pine Streets, provided:

1. That Johnson & Wales University reimburse the PWSB for the entire cost of severing the existing underground water supply at the intersections of Weybosset and Pine Streets.
2. That Johnson & Wales University reimburse the PWSB for the entire cost of connecting the west end of the water main on remaining Garnet Street, east of Pine Street, to the 6-inch water main in Pine Street;
3. That Johnson & Wales University reimburse the PWSB for the entire cost of installing a new standard fire hydrant and appurtenances as a replacement for Fire Hydrant P-1914, which was, until recently made inoperable due to construction on University property, located on the west side of Pine Street approximately midway between Garnet and Eddy Streets;
4. That Johnson & Wales University reimburse the PWSB for retiring the Garnet Street fire hydrant before the end of its asset life. NOTE: The water main itself is not considered because it has remained in service beyond its asset life, hence, it has no value.

The following fees apply for the points outlined above:

- Providence Department of Public Works Road Opening Permit Fee (FIXED COST)

3 permits required @ \$25.00 each = \$75.00

NOTE: submit three (3) separate \$25.00 checks, each made payable to City Collector - c/o Public Works

Mr. M.R. Clement
Street Abandonment
Garnet Street (P/O), Providence
January 7, 1994
Page 2 of 2

- Severing main at two (2) locations, connecting two (2) existing mains and remove remnants of existing Pine Street Fire Hydrant P-1914 and install a new standard fire hydrant in its place (ESTIMATED COST)

NOTE: submit one (1) check made payable to City Collector for \$5,745.02

- Garnet Street hydrant Retirement of Asset Fee (FLXED COST)

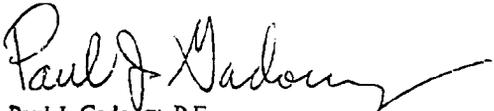
NOTE: submit one (1) check made payable to City Collector for \$295.60

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Please note, it is the policy of the PWSB to leave abandoned portions of water main and appurtenances in place. Thus, the University may have their contractor remove same to meet their requirements. after PWSB has done their work. The cost to do this shall be the responsibility of the University.

The PWSB is prepared to undertake the above-mentioned work upon receipt of the requested fees. If you have any questions, please do not hesitate to contact Mr. Syl Pauley, Jr., P.E. at (401) 521-6300 EXT 70.

Respectfully,



Paul J. Gadoury, P.E.
Director of Engineering

SP/s

cc: R. Kilduff, P.E.
S. Pauley, Jr., P.E.
File

JWLTR:SAM

No. 248874

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

MEMO	INVOICE DATE	INVOICE NUMBER	AMOUNT	DISCOUNT	NET AMOUNT

DETACH BEFORE DEPOSITING

REMITTANCE ADVICE

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

CITIZENS TRUST COMPANY
PROVIDENCE, RHODE ISLAND

57-12
116

No. 248874

DATE

CHECK NO.

AMOUNT

01/13/94

248874

\$25.00

The sum of 25 00/100cts

PAY TO THE ORDER OF

CITY COLLECTOR
C/O PUBLIC WORKS

John Krakowsky
AS AUTHORIZED REPRESENTATIVE
VOID AFTER 180 DAYS

⑈ 248874 ⑈ ⑆ 0115001201 ⑆ 006 528 5 ⑈

No. 248875

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

MEMO	INVOICE DATE	INVOICE NUMBER	AMOUNT	DISCOUNT	NET AMOUNT

DETACH BEFORE DEPOSITING

REMITTANCE ADVICE

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

CITIZENS TRUST COMPANY
PROVIDENCE, RHODE ISLAND

57-12
115

No. 248875

DATE
01/13/94

CHECK NO.
248875

AMOUNT
\$25.00

The sum of 25 and 00/100ths

PAY TO THE ORDER OF

CITY COLLECTOR
C/O PUBLIC WORKS

John Krakowsky
AS AUTHORIZED REPRESENTATIVE
VOID AFTER 180 DAYS

⑈ 248875⑈ ⑆011500120⑆ 006 528 5⑈

No. 248876

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

MEMO	INVOICE DATE	INVOICE NUMBER	AMOUNT	DISCOUNT	NET AMOUNT

DETACH BEFORE DEPOSITING

REMITTANCE ADVICE

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JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

CITIZENS TRUST COMPANY
PROVIDENCE, RHODE ISLAND

57-12
115

No. 248876

DATE

CHECK NO.

AMOUNT

01/13/94

248876

\$25.00

The sum of 25 and 00/100ths

PAY TO THE ORDER OF

CITY COLLECTOR
C/O PUBLIC WORKS

John Krabowick
AS AUTHORIZED REPRESENTATIVE
VOID AFTER 180 DAYS

⑈ 248876 ⑈ ⑆ 011500120 ⑆ 006 528 5 ⑈

No. 248877

JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE RHODE ISLAND • 02903

MEMO	INVOICE DATE	INVOICE NUMBER	AMOUNT	DISCOUNT	NET AMOUNT

DETACH BEFORE DEPOSITING

REMITTANCE ADVICE

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JOHNSON & WALES UNIVERSITY
ABBOTT PARK PLACE • PROVIDENCE RHODE ISLAND • 02903

CITIZENS TRUST COMPANY
PROVIDENCE, RHODE ISLAND

57-12
-116

No. 248877

DATE
01/13/94

CHECK NO.
248877

AMOUNT
\$295.60

The sum of 295 and 60/100ths

PAY TO THE ORDER OF

CITY COLLECTOR

John Kravosky
AS AUTHORIZED REPRESENTATIVE
VOID AFTER 180 DAYS

⑈ 248877 ⑈ ⑆ 011500120 ⑆ 006 528 5 ⑈

No. 248878

JOHNSON & WALES UNIVERSITY

ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

MEMO	INVOICE DATE	INVOICE NUMBER	AMOUNT	DISCOUNT	NET AMOUNT

DETACH BEFORE DEPOSITING

REMITTANCE ADVICE

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JOHNSON & WALES UNIVERSITY

ABBOTT PARK PLACE • PROVIDENCE, RHODE ISLAND • 02903

CITIZENS TRUST COMPANY
PROVIDENCE, RHODE ISLAND

57-12
115

No. 248878

DATE

CHECK NO.

AMOUNT

01/13/94

248878

\$5,745.02

The sum of 5,745 and 02/100ths

PAY TO THE ORDER OF

CITY COLLECTOR

Robin Krahowitzky
AS AUTHORIZED REPRESENTATIVE
VOID AFTER 180 DAYS

⑈ 248878 ⑈ ⑆ 011500120 ⑆ 006 528 5 ⑈

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

JAMES LOMBARDI
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
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VINCENT A. CIANCI, JR.
Mayor

RICHARD O. RAFANOVIC, P.E.
General Mgr./Chief Engr.

PETER S. MANCINI
City Councilman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

January 7, 1994

Mr. Christopher T. DelSesto, Esq.
Johnson & Waies University
c/o Mr. Wayne M. Kezirian, Esq.
128 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Street Abandonment
Garnet Street (P/O)
Providence

Dear Mr. DelSesto:

In connection with Resolution No. 822 of the Providence City Council, approved November 29, 1993, the Providence Water Supply Board is prepared to undertake the disconnection of water supply service located under a portion of Garnet Street and the installation of a standard fire hydrant on the west side of Pine Street (approximately midway between Garnet and Eddy Streets), provided the University agrees to pay the Board's cost for such work.

Please note your assent by executing a copy of this letter and returning the same to me at the Providence Water Supply Board, 552 Academy Avenue, Providence, Rhode Island 02908-2792

Respectfully,

A handwritten signature in cursive script that reads "Paul J. Gadoury".

Paul J. Gadoury, P.E.
Director of Engineering

SP/s

cc: R. Kilduff, P.E.
S. Pauley, Jr., P.E.
File

A handwritten signature in cursive script that reads "Christopher T. DelSesto".

Christopher T. DelSesto Date 1/13/94

JWLTR2.SAM



**JOHNSON & WALES UNIVERSITY
OFFICE OF THE TREASURER**

ATTN: CHRISTOPHER T. DELSESTO
ABBOTT PARK PLACE
PROVIDENCE RI 02903

0110

12/17 19 93

3-5/310
2419

PAY TO THE ORDER OF City of Providence \$ 40,000.00
Forty thousand and 00/100 DOLLARS

FREEDOM ASSET ACCOUNT
PROVIDENT NATIONAL BANK
Philadelphia, Pa.

FOR Re: Summit St. water

Christopher T. Delsesto

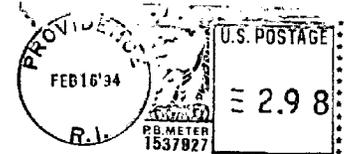
⑆03⑆1000053⑆ 7700026250⑆ 20110

Rec'd 2/14/94 - John T. Danico, Jr

CERTIFIED

Z 714 688 188

MAIL



LAW OFFICES
GAEBE & KEZIRIAN
SUITE 7000
128 DORRANCE STREET
PROVIDENCE, RHODE ISLAND 02903

To: Michael R. Clement, City Clerk
City of Providence
Kennedy Plaza
Providence, RI 02903

Fold at line over top of envelope to the
right of the return address

RECEIVED
FEB 17 11 20 AM '04
DEPT. OF HEALTH
PHYSICIAN CENTER