

RESOLUTION OF THE CITY COUNCIL

No. 309

Approved July 12, 2017

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant an easement to the properties located at 17 Canal Walk ("Lot 17) and 20 North Main Street ("Lot 475") , in the City of Providence (the "Premises") to Rhode Island School of Design ("Grantee"). Said easement shall be granted specifically upon the following provisions:

- 1.) The perpetual easement for the area identified as "Approximate Location 2' Easement", attached hereto as Exhibit A (hereinafter the "Permanent Easement Area"), shall be utilized for the purposes of operating, installing, maintaining, repairing and/or replacing chilled water and other utilities and utility lines, and necessary conduits and appurtenances thereto for the provision of utilities to and from Lot 475 and Lot 17 (hereinafter the "Utility Facilities").
- 2.) Grantor further grants to Grantee a license to temporarily use other areas of North Main Street and other property owned by Grantor adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (hereinafter the "Temporary Construction Easement").
- 3.) That pursuant to the terms of this easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.
- 4.) Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that:
 - a. The easement shall be extinguished upon the sale of the property, the transfer of the business, and/or the premises ceases to be used by Grantee. Until such time as such sale or transfer occurs, the easement shall remain in full force and effect. The easement shall be recorded by Grantee in the Office of Land Records for the City of Providence;
 - b. At the time that such sale or transfer of the business occurs, Grantee shall restore the portions of public way and sidewalk affected by construction to substantially their previous condition;
 - c. Grantee shall execute an indemnification and hold-harmless agreement with the Grantor, to be approved by the City's Department of Law;

- d. Grantee shall supply the Grantor with a comprehensive general liability insurance policy during the period of construction naming said Grantor, 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 City's Department of Law;
 - e. At any such time, Grantor, determines the public way or sidewalk in question should require re-pavement, or any other maintenance or improvements, Grantee shall remove any permanent structures affixed to said sidewalk, at their own expense, to allow Grantor to conduct said re-pavement, maintenance, or improvements;
 - f. Grantee shall be in compliance with all applicable ordinances and regulations.
- 5.) Grantee shall tender to the City the sum of Three Thousand (\$3,000.00) Dollars, in legal tender of the United States of America.
- 6.) Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Law Department.

IN CITY COUNCIL

JUL 06 2017

READ AND PASSED

Sabrina Mates

PRES.

Low L. H.

CLERK

I HEREBY APPROVE

[Signature]

Mayor

Date: *7/12/17*

GRANT OF EASEMENT
BY AND BETWEEN THE CITY OF PROVIDENCE
AND RHODE ISLAND SCHOOL OF DESIGN

GRANT OF EASEMENT, made this _____ day of _____, 2017, by and between the City of Providence, a municipality having a principal place of business at 25 Dorrance Street, Providence, Rhode Island 02903, and Rhode Island School of Design, a Rhode Island domestic non-profit having a principal place of business at 2 College Street, Providence, Rhode Island 02903.

THE CITY OF PROVIDENCE (hereinafter "Grantor") for nominal consideration, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **RHODE ISLAND SCHOOL OF DESIGN** (hereinafter "Grantee") a perpetual easement for the area identified as "Approximate Location 2' Easement", attached hereto as Exhibit A (hereinafter the "Permanent Easement Area"), for the purposes of operating, installing, maintaining, repairing and/or replacing chilled water and other utilities and utility lines, and necessary conduits and appurtenances thereto for the provision of utilities to and from Lot 475 and Lot 17 (hereinafter the "Utility Facilities").

Grantor further grants to Grantee a license to temporarily use other areas of North Main Street and other property owned by Grantor adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (hereinafter the "Temporary Construction Easement").

That pursuant to the terms of this easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.

Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that (i) The easement shall be extinguished upon the sale of the property, the transfer of the business, and/or the premises ceases to be used by Grantee. Until such time as such sale or transfer occurs, the easement shall remain in full force and effect. The easement shall be recorded by Grantee in the Office of Land Records for the City of Providence; (ii) At the time that such sale or transfer of the business occurs, Grantee shall restore the portions of public way and sidewalk affected by construction to substantially their previous condition; (iii) Grantee shall execute an indemnification and hold-harmless agreement with the Grantor, to be approved by the City's Department of Law; (iv) Grantee shall supply the Grantor with a comprehensive general liability insurance policy during the period of construction naming said Grantor, 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 City's Department of Law; (v) At any such time, Grantor, determines the public way or sidewalk in question should require repavement, or any other maintenance or improvements, Grantee shall remove any permanent structures affixed to said sidewalk, at their own expense, to allow Grantor

COUNTY OF PROVIDENCE

Subscribed and sworn to before me in Providence on this ____ day of
_____ 2017.

Notary Public
My Commission Expires:

Approved as to form and correctness:

Jeffrey Dana, City Solicitor

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

PETITION TO THE PROVIDENCE CITY COUNCIL
FOR AN EASEMENT ON NORTH MAIN STREET

WHEREAS, the undersigned, the Rhode Island School of Design ("RISD"), is the owner of the following parcels of land in the City of Providence, Rhode Island: that certain parcel of real estate currently designated as Tax Assessor's Plat 12, Lot 17 with an address of 17 Canal Walk ("Lot 17"), and that certain parcel of real estate currently designated as Tax Assessor's Plat 12, Lot 475 with an address of 20 North Main Street ("Lot 475"), each as shown on the maps attached hereto as Exhibit A; and

WHEREAS, Lot 17 and Lot 475 each abut that certain public way designated and known as North Main Street, and are located to the southwest of North Main Street and to the northeast of North Main Street, respectively; and

WHEREAS, in order to install air conditioning in the building located on Lot 17, RISD requires a permanent easement from the City of Providence under North Main Street and the adjacent sidewalk for the installation of underground utility lines to connect Lot 17 to utility facilities located on Lot 475, as shown on the plan entitled "Easement Plan for Proposed Waterline Connection Situated on North Main Street, Providence, RI" prepared by Garofalo & Associates, Inc., designated as Job No. 7059-00 and attached hereto as Exhibit B; and

WHEREAS, RISD will require a temporary construction easement from the City of Providence over the areas of North Main Street adjacent to such permanent easement, in order to install, maintain and repair such utilities.

NOW, THEREFORE, the undersigned respectfully petitions this Honorable City Council to take all steps necessary and appropriate to grant a perpetual easement to RISD, effective on or before May 1, 2017, to install, maintain, repair, replace and operate the aforesaid utilities, in approximately the locations indicated on Exhibit B. Specifically, RISD requests:

- (1) A perpetual easement for the area identified as "Approximate Location 2' Easement" on Exhibit B (the "Permanent Easement Area"), for purposes of operating, installing, maintaining, repairing, and/or replacing chilled water and other utilities and utility lines, and any necessary conduits and appurtenances thereto for the provision of utilities to and from Lot 475 and Lot 17 (the "Utility Facilities");
- (2) A license to temporarily use other areas of North Main Street and other property owned by the City of Providence adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (the "Temporary Construction Easement"); and
- (3) That pursuant to the proposed easement, RISD shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area. Further, the City, as landowner, shall grant RISD the authority to apply for all necessary permits and approvals required to accomplish the same, and shall cooperate with RISD in connection therewith.

Respectfully submitted,

RHODE ISLAND SCHOOL OF DESIGN

By: 
Name: Rosanna Samerun
Its: President

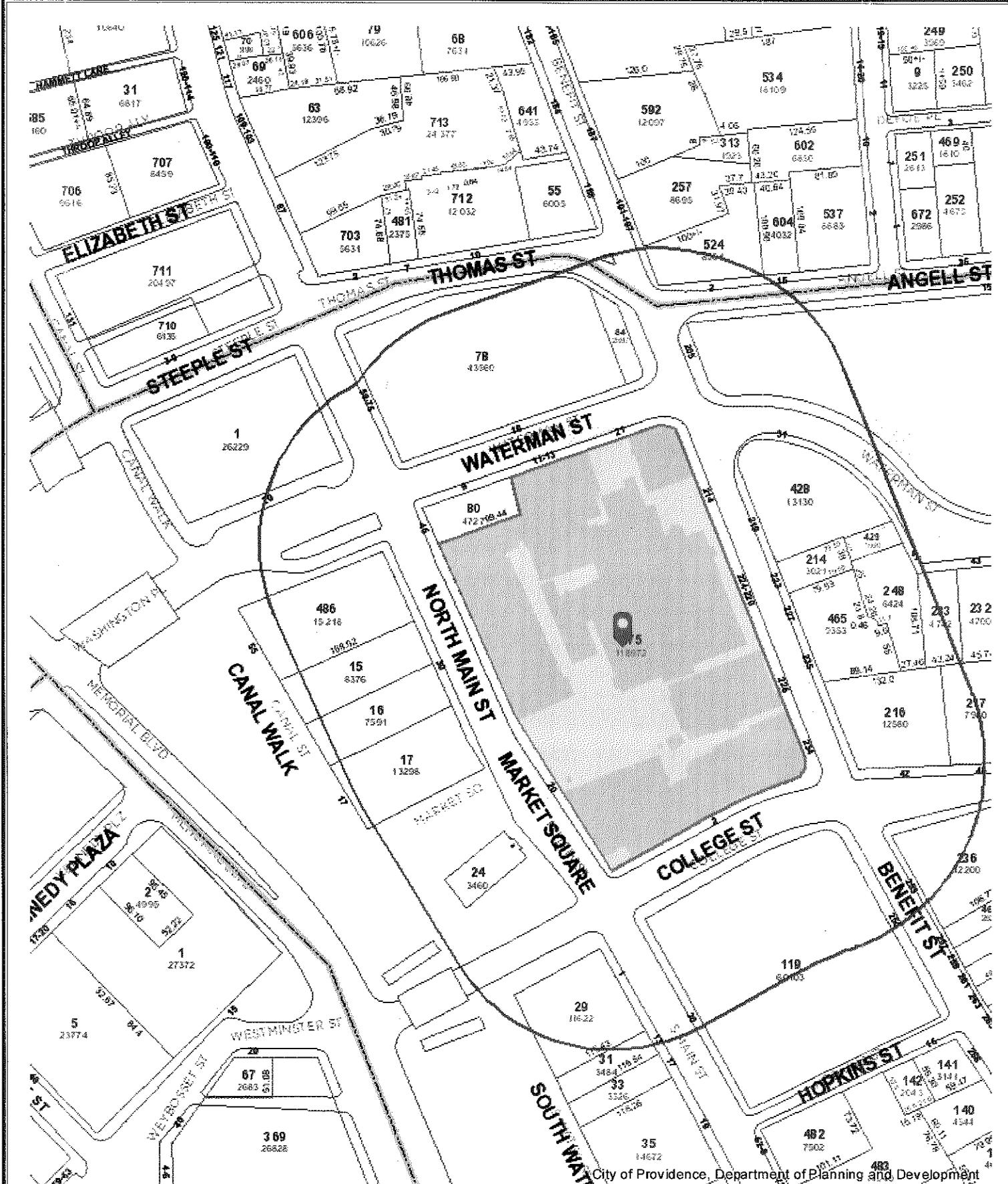
Any questions regarding this Petition may be addressed to:

John R. Pariseault, Esquire
Hinckley, Allen & Snyder LLP
100 Westminster Street, Suite 1500
Providence, RI 02903
401-274-2000

Paul Mullen, Project Director
Construction Planning and Management
Rhode Island School of Design
173 Benefit Street
Providence, RI 02903
401-454-6189

EXHIBIT A

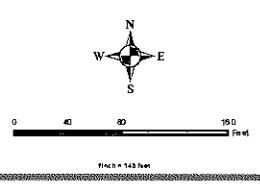
Maps



City of Providence, Department of Planning and Development

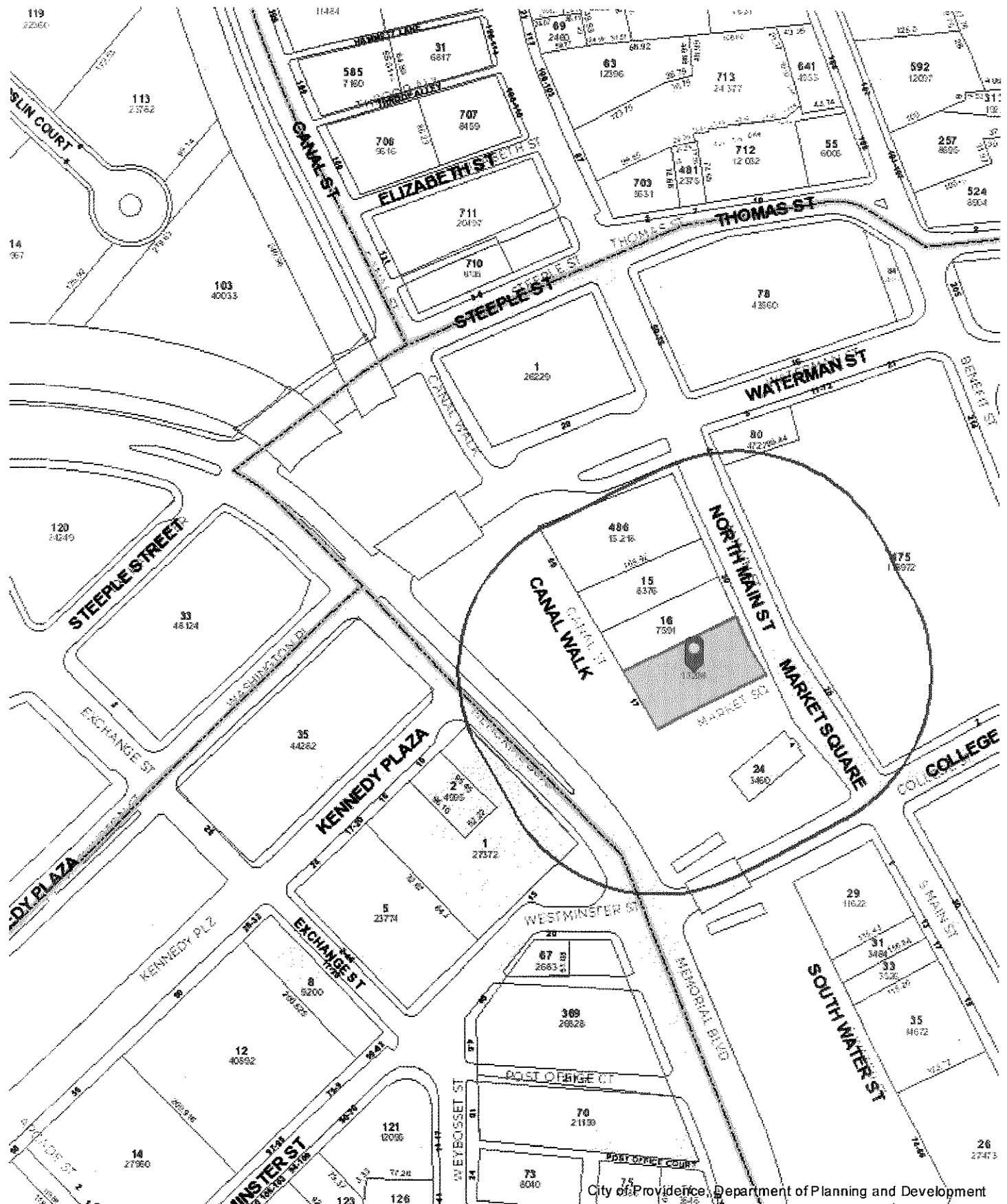
The information contained on this map is for planning purposes only. It is not intended for legal boundary, address, or parcel identification purposes.
 Produced by the Providence Planning and Development Department, 100 State Street, Providence, RI 02903.
 Date: 07/2011

200' Radius
 Map of AP
 12, Lot 475



P PROVIDENCE, RHODE ISLAND

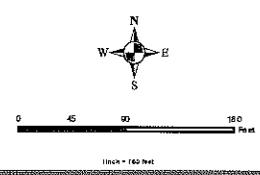
PROVIDENCE THE CREATIVE CAPITAL
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 JORGE O. ELORZA, MAYOR | BONNIE HICKERSON AICP, DIRECTOR



City of Providence, Department of Planning and Development

The information on this map is for planning purposes only. It is not intended as a legal boundary definition or property map. It is not intended to be used as a legal document. It is not intended to be used as a legal document. It is not intended to be used as a legal document.

**200' Radius
Map of AP 12,
Lot 17**



PROVIDENCE, RHODE ISLAND

PROVIDENCE THE CREATIVE CAPITAL
DEPARTMENT OF PLANNING AND DEVELOPMENT
JORGE O. ELORZA, MAYOR | BONNIE NICKERSON AICP, DIRECTOR

EXHIBIT B

Easement Plan

CERTIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOV. 25, 2015, AS FOLLOWS:

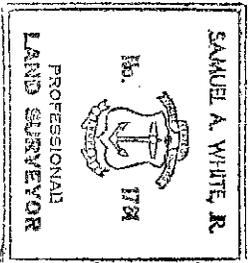
COMPILED PLAN - CLASS IV

THIS COMPILED PLAN HAS BEEN PREPARED FROM SOURCES OF INFORMATION AND DATA WHOSE POSITIONAL ACCURACY AND RELIABILITY HAS NOT BEEN VERIFIED. THE PROPERTY LINES DEPICTED HEREON DO NOT REPRESENT A BOUNDARY OPINION, AND OTHER INFORMATION DEPICTED IS SUBJECT TO SUCH CHARGES AS AN AUTHORITY FIELD SURVEY MAY DISCLOSE. THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

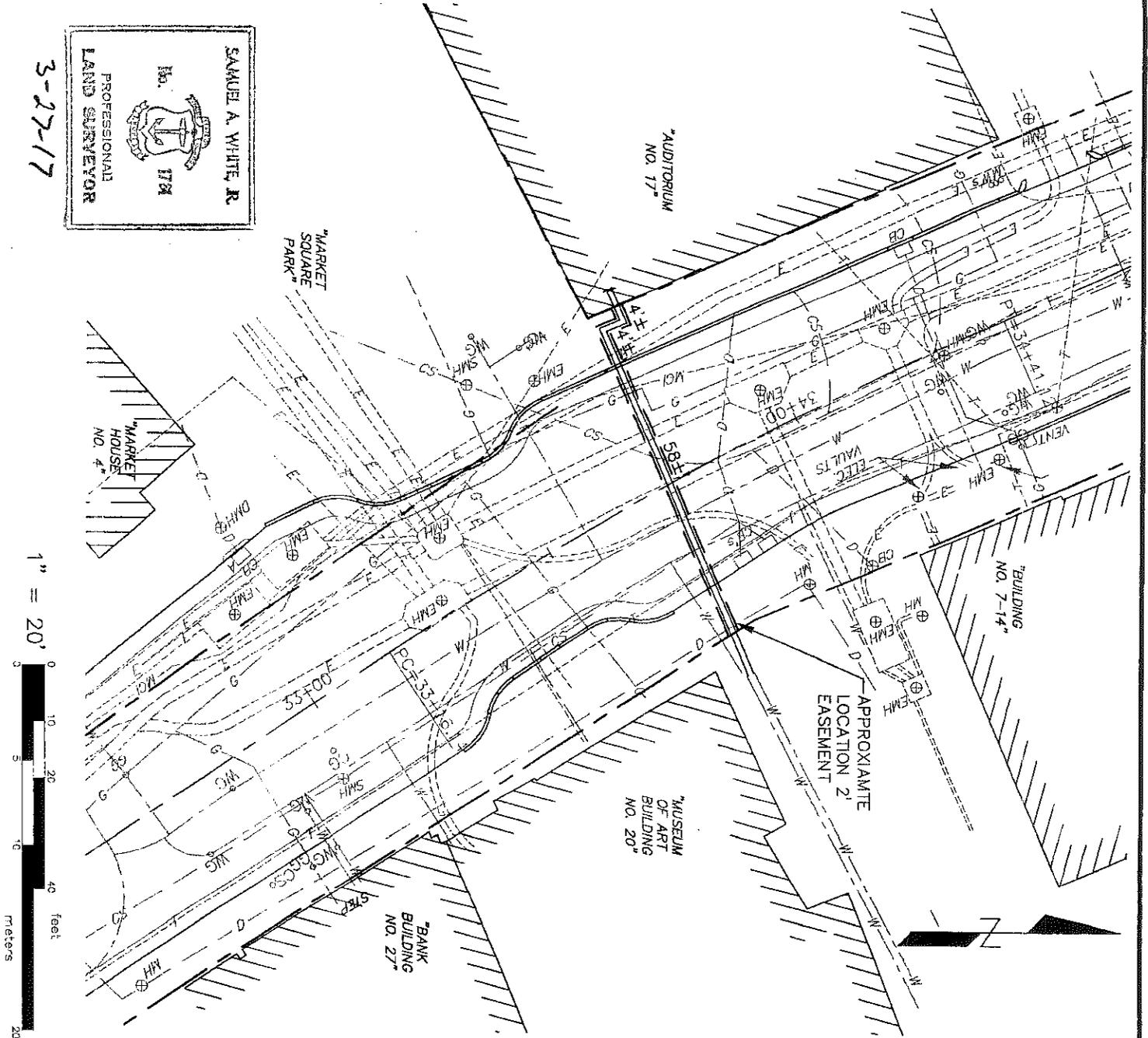
"THIS COMPILED PLAN WAS PREPARED FOR A EASEMENT CROSSING NORTH MAIN STREET IN PROVIDENCE, RI BETWEEN BLDG #17 AND BLDG. #20 FOR INSTALLATION OF UTILITIES.

BY:

Samuel A. White, Jr.
 SAMUEL A. WHITE
 LICENSE NO. 1781
 LS A59-COA



3-27-17



EASEMENT PLAN
 FOR
 PROPOSED WATERLINE
 CONNECTION
 SITUATED ON
 NORTH MAIN STREET
 PROVIDENCE, RI
 PREPARED FOR
 COLLIER INTERNATIONAL

NO.	REVISION	BY	DATE



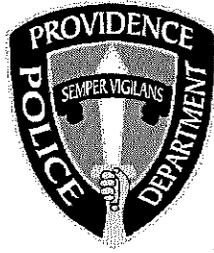
GAROFALO & ASSOCIATES, INC.
 CIVIL & STRUCTURAL ENGINEERS
 SURVEYORS/LAND PLANNERS
 ENVIRONMENTAL SCIENTISTS

66 CORLISS STREET
 P.O. BOX 8146
 PROVIDENCE, RI 02940
 TEL. 401-273-8000

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JOB NO. 7069-00	DRAWN BY TEH
DWG. NO. 7069-00-00	CHKD BY SAW
SCALE 1" = 20'	APPROVED SAW
SHEET 1	DATE MARCH 24, 2017

OF 1 SHEETS



PROVIDENCE POLICE DEPARTMENT
Traffic Bureau
325 Washington St., Providence, RI 02903
243-6279

004/18/17

To: Lori L. Hagen, City Clerk
From: Lt. John K. Ryan
Subject: Permanent Easement on North Main Street for RISD

Ma'am,

After reviewing the request for a permanent easement located at lot #17, North Main Street, the Police Department has no objections to this easement.

Respectfully Submitted



172

Jorge O. Elorza
Mayor

Steven M. Pare
Commissioner of
Public Safety



Peter K. McMichael
Fire Marshal

John A. Devlin Jr.
Fire Prevention Capt.

Providence Fire Prevention Division
"Smoke Detectors save Lives"

May 18, 2017

Providence city Clerk

Please be advised that The Providence Fire Dept. has no objection to the proposed easement on North Main St. in its current form. This office will require notification if there is any change in said easement.



JOHN DEVLIN
A/Fire Prevention Captain
Providence Fire Department
325 Washington Street
Providence, Rhode Island 02903
401 243 6082 OFFICE
401 243 6486 FAX
jdevlin@providenceri.com
www.providenceri.com

CITY OF PROVIDENCE

325 Washington Street, Providence, Rhode Island 02903
Tele. 401 243-6050 Fax 401-243-6486 www.providenceri.com



CITY OF PROVIDENCE

Memo

To: Councilman Michael J. Correia, Chairman, Committee on Public Works
From: Michael Borg, Director of Public Works *MO 20JUN17*
CC: William C. Bombard, PE, City Engineer
Date: June 19, 2017
Re: **RISD Easement – Petition to the Public Works Committee of the City Council**

In the matter of a petition from John R. Pariseault, Esq., Hinckley, Allen & Snyder, LLP, 100 Westminster Street, Suite 1500, Providence, RI 02903, requests an easement on North Main Street.

This office has been in communication with the attorney for the applicant and the concerns have been addressed. Please note:

- The easement approval must be contingent on the recording of a plan with the City Recorder of Deeds by a licensed Land Surveyor accurately locating the easement.
- The petition stipulates the City “shall grant RISD authority to apply for all necessary permits and approvals and shall cooperate with RISD in connection therewith.” The term ‘shall’ make it obligatory. The easement approval should include “subject to all applicable ordinances and regulations.”

DEPARTMENT OF PUBLIC WORKS
700 Allens Avenue Providence, Rhode Island 02905
401 467 7950 ph | 401 941 2567 fax
www.providenceri.com



June 22, 2017

Ms. Lori Hagen
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Subject: Petition for Street Easement
North Main Street
Providence, RI

The Hon. Jorge O. Elorza
Mayor

Ricky Caruolo
General Manager

BOARD OF DIRECTORS

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Ex-Officio

Cristen L. Raucci, Esq.
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Kerri Lynn Thurber
Member

Carissa R. Richard
Secretary

William E. O'Gara, Esq.
Legal Advisor

MEMBER

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New England Water Works Assn.
American Water Works Assn.
Water Research Foundation

An EPA WaterSense Partner

(401) 521-6300

552 Academy Avenue
Providence, RI 02908

www.provwater.com

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Like us at:
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Dear Ms. Hagen:

The referenced North Main Street Easement Petition to the City Council has been reviewed for any impact this action might have on the Providence Water (PW) water distribution system. Our records indicate that we have two active 6-inch and 24" water mains, and a 6" Service line located along your requested site. There are active services on both mains. Accordingly, these mains and services must remain active.

PW has no objection to the street easement provided that the Petitioner grants a full utility easement to PW to maintain, construct, repair, etc. the existing water main and its appurtenances and that no permanent construction, whatsoever, be allowed within the easement. The easement shall comprise the entire existing right of way of these public roadways. Actual dimensions and wording of the easement shall be subject to review by PW as to form and content. All construction must be coordinated with PW inspections division.

If you have any further questions, please feel free to contact me at (401) 521-6300, extension 7282.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD

Kathleen Topp

cc: P. LePage
File

David L. Quinn, II
City Tax Assessor



Jorge O. Elorza
Mayor

**Finance Department
Office of Tax Assessment**
"Providence a City that works"

June 15, 2017

Councilman Michael J. Correia
Chairman of the Public Works Committee
25 Dorrance Street
Providence, RI 02903

RE: North Main Street Easement

Dear Councilman Correia,

The Assessor's Office has reviewed the request from Rhode Island School of Design for an easement crossing Market Square between North and South Main Street. We found the base value of the area to be \$62.00 per square foot.

The easement is for 132 square feet, so that would be \$8,150.

However the easement is subterranean and the area is severely encumbered by many water, sewer, electric, gas and drainage easements. Because of these additional encumbrances we are recommending a 75% reduction on a value of \$3000 for this type of easement.

This request was reviewed by William Coyle III, MAI and myself. If you have any questions or need additional information please contact me.

Sincerely,


David L. Quinn III
Tax Assessor

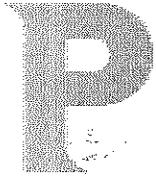
**City Assessor's Office
25 Dorrance St, Room 208
Providence, Rhode Island 02903**

(401) 421-7740

Petronio, Sheri

From: Manjrekar, Choyon
Sent: Friday, April 14, 2017 11:04 AM
To: Hagen, Lori; Petronio, Sheri; Mastroianni, Tina
Cc: Azar, Robert
Subject: Easement on North Main Street

Hi Lori, we received a petition for an easement on North Main Street. The DPD has no objection to the easement, which does not require the City Plan Commission's review. The matter may be taken up by the City Council. Thank you.



CHOYON MANJREKAR
Principal Planner
Department of Planning & Development
444 Westminster Street, Suite 3.6
Providence, Rhode Island 02903
401 820 8538 OFFICE
401 820 8402 FAX
cmanjrekar@providenceri.com
www.providenceri.com

PROVIDENCE THE CREATIVE CAPITAL

April 18, 2017

Lori L. Hagen, City Clerk
City of Providence
City Hall
25 Dorrance St.
Providence, RI 02903

Re: Rhode Island School of Design (RISD) Petition to Providence City Council for an Easement on North Main Street, Providence, RI (Assessor Lots AP 12 Lots 17 and 475)

Dear Ms. Hagen (and Providence City Council):

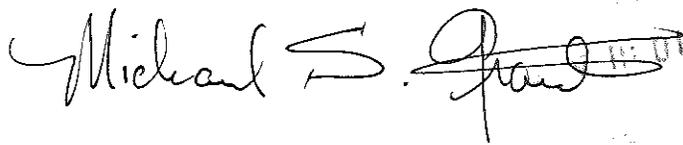
Please be advised that after review, it has been determined that The Narragansett Electric Company (TNEC) has both electrical and gas facilities/equipment in the area proposed for easement.

The Narragansett Electric Company (TNEC) objects to the easement. First and foremost, an easement over a portion of a public right of way (North Main Street) would create the need to obtain consent from the easement holder for any future occupation permitting along that portion of the public right of way. Historically, this type of occupation would occur via petition for permitting. By all appearances, granting a perpetual easement over a public right of way would set a precedent requiring all future occupations and petitions for permitting would be subject to existing easements and creating the additional responsibility of insuring the public right of way is or is not subject to existing easement rights.

Finally, should RISD be provided an easement, the existing electrical and gas facilities/equipment currently occupying this portion of the public right of way shall remain in place with clear and safe access to same or be relocated to areas satisfactory to TNEC together with sufficient rights; and further any relocation so requested shall be at the sole cost and expense of the requesting party.

Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Michael S. Grant". The signature is written in a cursive style. To the right of the signature, there is a faint circular stamp containing the number "11:11".

280 Melrose St., Providence, RI 02907
Ph: (401) 784-4337
Email: michael.grant2@nationalgrid.com

[VERIZON LETTERHEAD]

May 24, 2017

Sheri Petronio
Second Deputy City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

Re: Petition to Grant an Easement on North Main Street to the Rhode Island School of Design

Ms. Petronio:

We have reviewed the above referenced easement petition and, upon investigation by our in-house engineer Brian Doyle, it has been determined that Verizon presently has a conduit structure located in the center of North Main Street between College Street and Waterman Street.

Verizon does not object to the granting of the above referenced easement, provided that Verizon will continue retention of its existing facilities in North Main Street with the continued right to inspect, maintain and operate the same.

If you have any further questions, please feel free to contact me at (774) 409-3196

Sincerely,


Manager of Right of Way

