

# 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 Mato  
PRES.

Lon 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

to conduct said re-pavement, maintenance, or improvements; (vi) Grantee shall be in compliance with all applicable ordinances and regulations.

It is intended by the parties that the rights and easements granted and conveyed herein are personal in nature and exist for the benefit of Grantee, that such rights granted to the Grantee extinguish upon sale of the property or transfer of the business.

TO HAVE AND TO HOLD the above granted rights and easements, with all the privileges and conditions agreed to, unto and to the use of the Grantee.

IN WITNESS WHEREOF, the parties have caused this Easement to be duly executed as of the day and year found below.

**GRANTEE:** **RHODE ISLAND SCHOOL OF DESIGN**

By: \_\_\_\_\_

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to before me in Providence on this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**GRANTOR:** **THE CITY OF PROVIDENCE**

By: \_\_\_\_\_

STATE OF RHODE ISLAND

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: Suzanne Sameroff

Its: President

Any questions regarding this Petition may be addressed to:

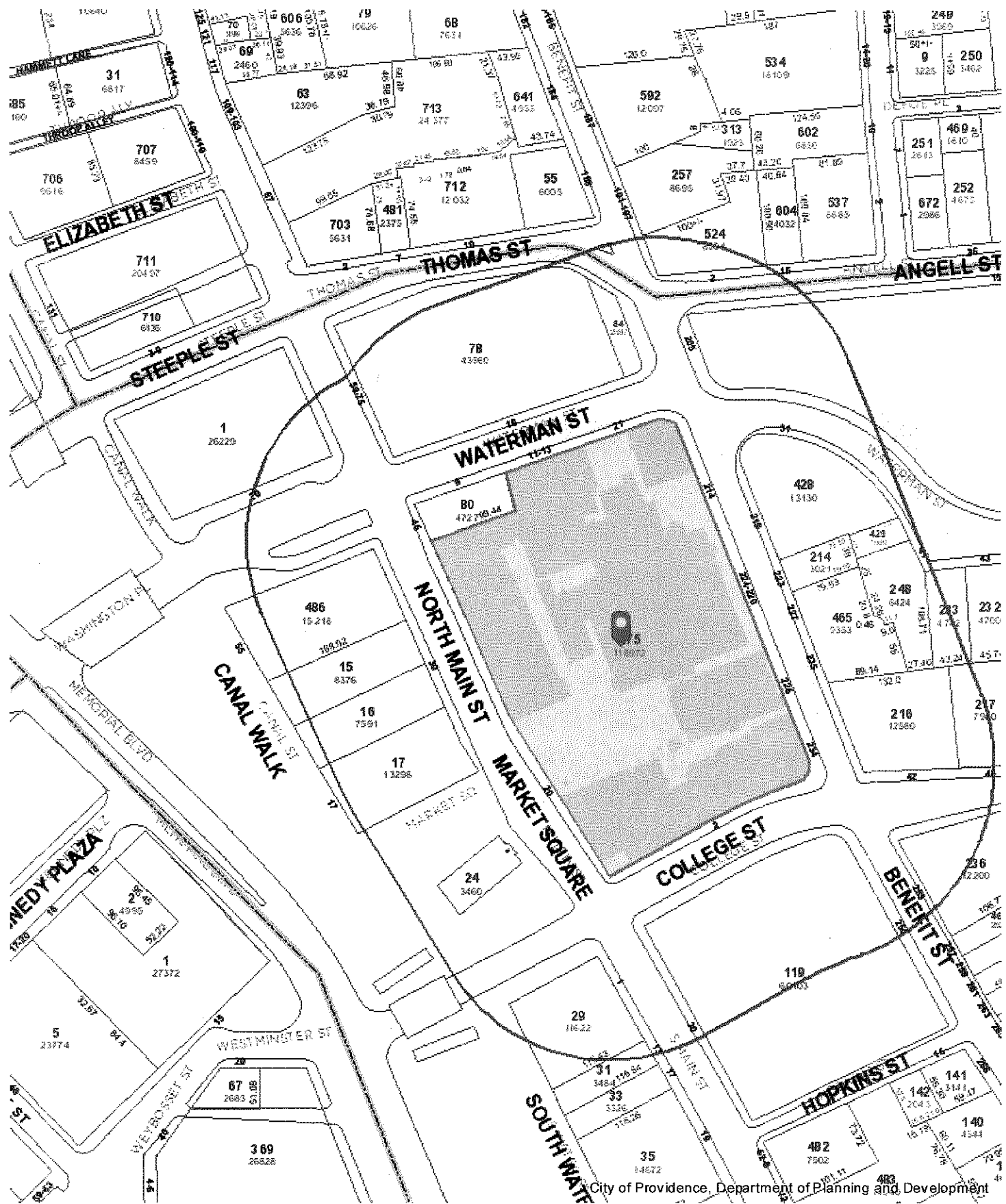
John R. Pariseault, Esquire  
Hinckley, Allen & Snyder LLP  
100 Westminster Street, Suite 1500  
Providence, RI 02903  
401-274-2000

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

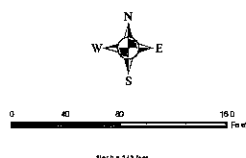
The information in this report is for planning purposes only and is not adequate for legal liability or detailed regulatory interpretation, or parol-level analysis.

Produced by the Providence Planning and Development GIS Lab,  
44 Washington St., Providence, R.I. 02802

Data Sources:  
Providence Geographic Information System

Date 6/27/2017

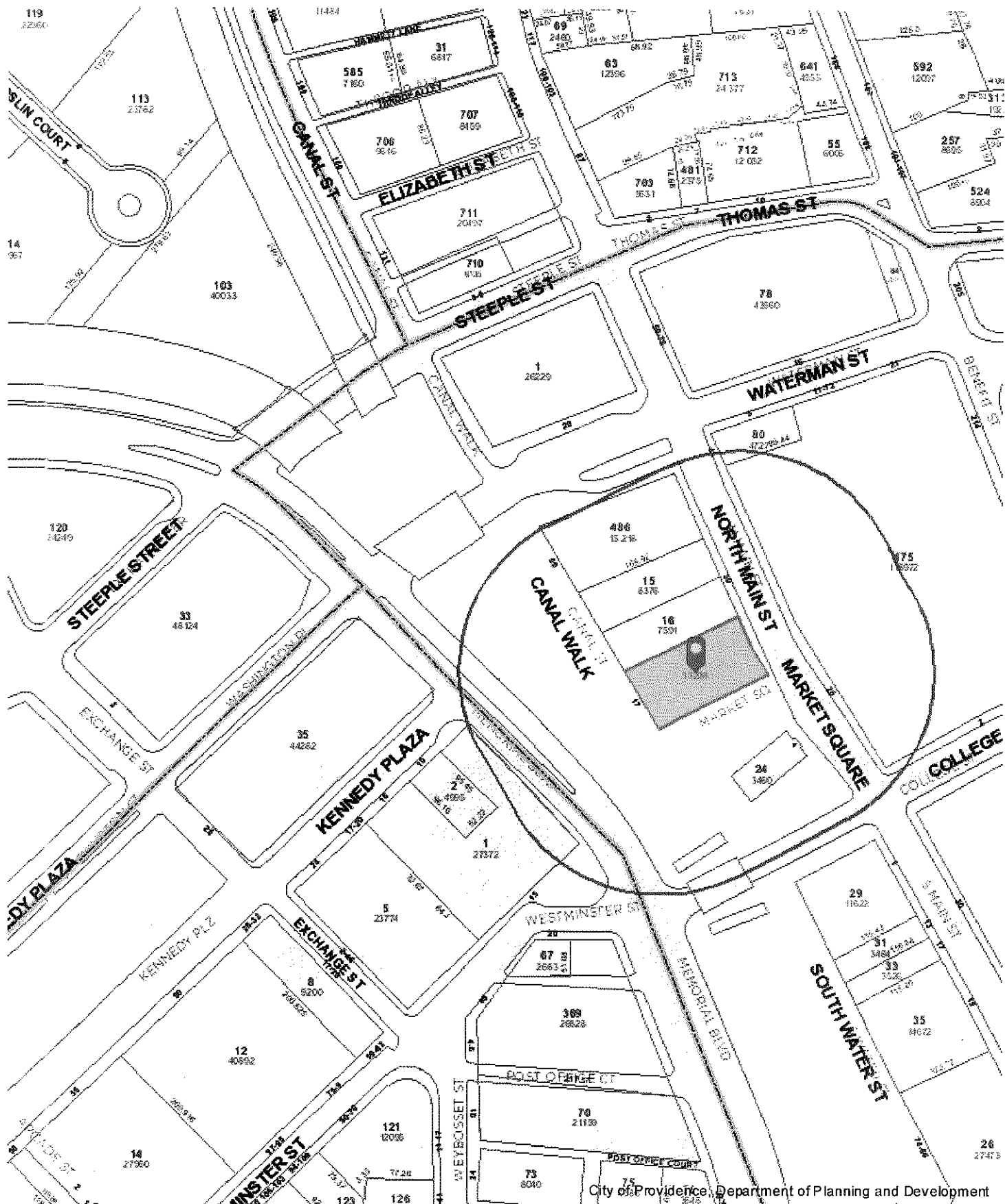
200' Radius  
Map of AP  
12, Lot 475



P

PROVIDENCE, RHODE ISLAND

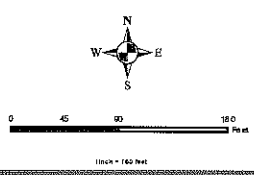
PROVIDENCE THE CREATIVE CAPITAL  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
JORGE O. ELORZA, MAYOR | BONNIE NICKERSON AICP, DIRECTOR



City of Providence, Department of Planning and Development

This information is provided for planning purposes only. It is not intended to be a legal document. The City of Providence, Rhode Island, is not responsible for any errors or omissions. The City of Providence, Rhode Island, is not responsible for any damages or losses resulting from the use of this information. The City of Providence, Rhode Island, is not responsible for any damages or losses resulting from the use of this information.

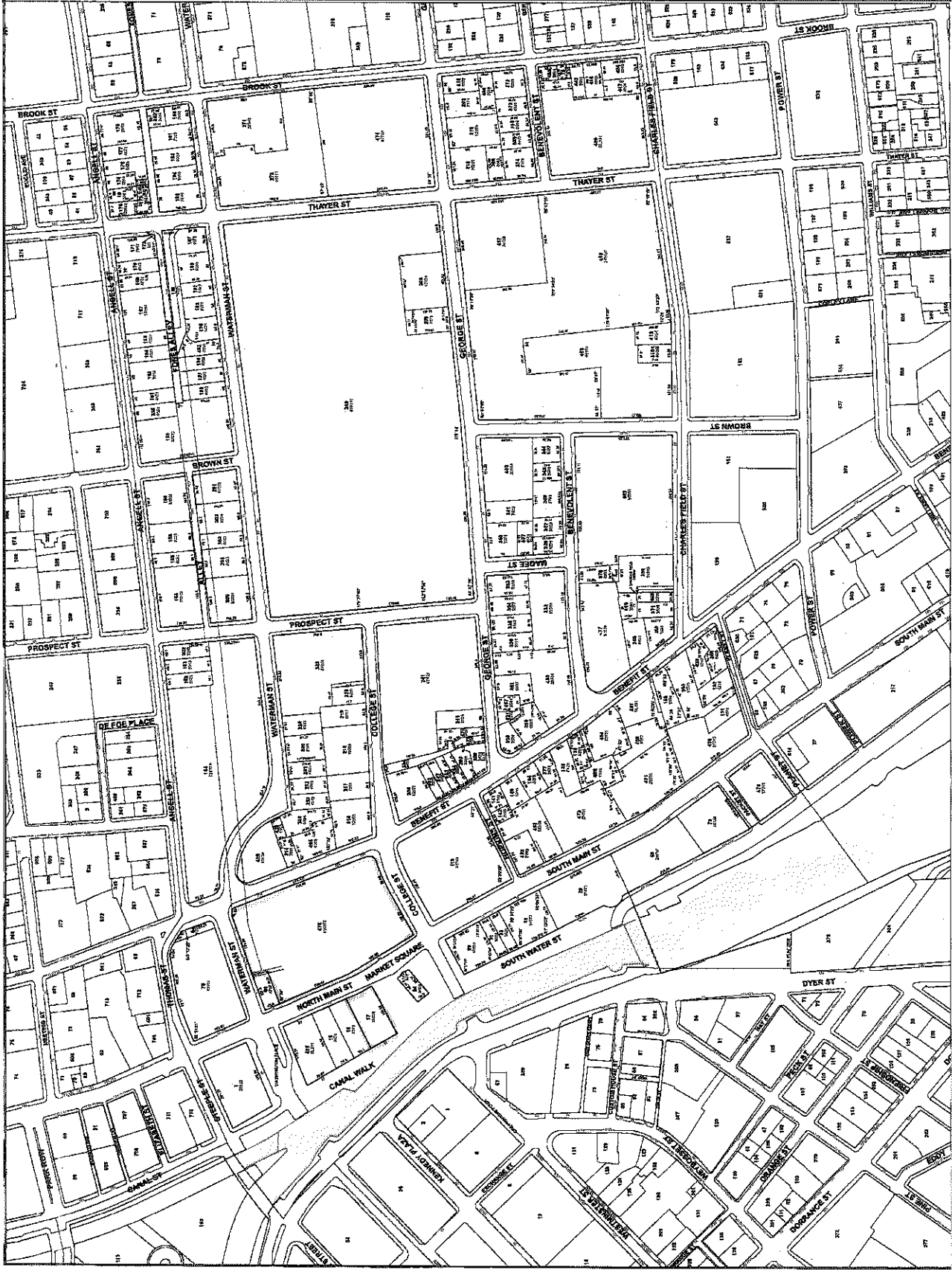
200' Radius  
Map of AP 12,  
Lot 17



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

**EXHIBIT B**

**Easement Plan**



**The City of Providence**  
**RHODE ISLAND**

**Plat No. 012**

Showing parcels of land under assessment (Dec. 31, 2019)

Legend

Parcel Lines	Exemptions
— Parcel	Edge of Boundary
— Road	— Hook
— Right Street	— Land
— Water	— Pole
— Rail Road	— Building Footprint
— City Boundary	— Parking Lot
— Public Power Line	— Water Bodies

Scale: 0 50 100 200 300 Feet  
1 inch = 100 feet

North Arrow

This map was prepared for submission to the City of Providence and is not to be used for any other purpose. The City of Providence and its employees are not responsible for any errors or omissions on this map. For more information, please contact the City of Providence.

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;

COMPIRATION PLAN - CLASS IV

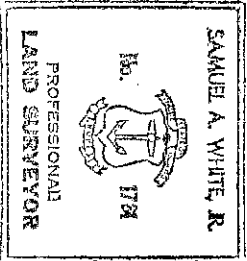
THIS COMPIRATION PLAN HAS BEEN PREPARED FROM SOURCES OF INFORMATION AND DATA WHOSE POSITIONAL ACCURACY AND RELIABILITY HAS NOT BEEN VERIFIED. THE PROPERTY LINES DEPICTED HEREON DO NOT REPRESENT A BOUNDARY OPINION, AND OTHER INFORMATION DEPICTED IS SUBJECT TO SUCH CHARGES AS AN AUTHORITY FIELD SURVEY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

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

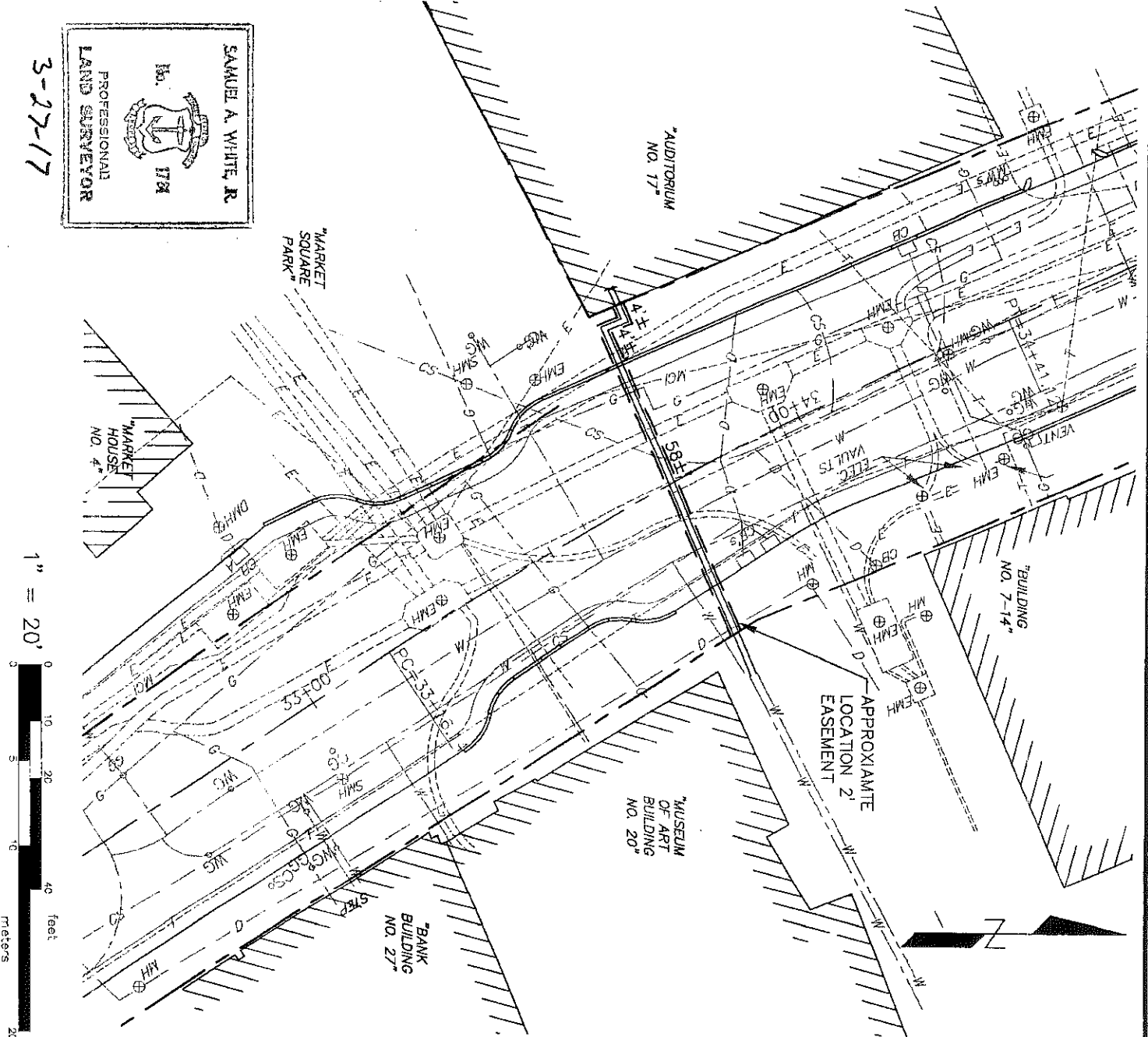
BY:

*Samuel A. White, Jr.*  
SAMUEL A. WHITE

LICENSE NO. 1781  
LS A59-COA



3-27-17



**GAROFALO**

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

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

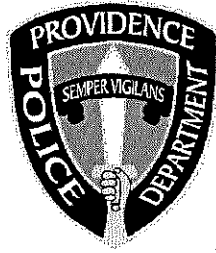
Garofalo & Associates, Inc.  
These drawings are the property of the  
firm and are not to be reproduced or  
copied in any manner without the  
written consent of the firm.

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

NO.	REVISION	BY	DATE

JOB NO. 7069-00	DRAWN BY TEH
DWG. NO. 7069-000-000	CHECKED BY SAW
SCALE: 1" = 20'	APPROVED SAW
DATE: MARCH 24, 2017	

SHEET  
**1**  
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

4-18-17

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

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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 *MB 20 JUN 17*  
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](http://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

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#### BOARD OF DIRECTORS

Xaykham Khammyvoravong  
Chairperson

Joseph D. Cataldi  
Vice Chairperson

Michael J. Correia  
Councilperson

Sabina Matos  
Councilperson

Lawrence J. Mancini  
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Cristen L. Raucci, Esq.  
Member

Kerri Lynn Thurber  
Member

Carissa R. Richard  
Secretary

William E. O'Gara, Esq.  
Legal Advisor

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#### MEMBER

Rhode Island Water Works Assn.  
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](http://www.provwater.com)

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Like us at:  
[facebook.com/Providencewater](https://facebook.com/Providencewater)

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**

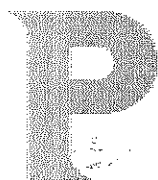
**(401) 421-7740**

**Petronio, Sheri**

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**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  
401 880 8538 OFFICE  
401 880 8402 FAX  
cmanjrekar@providencetd.com  
www.providencetd.com

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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):

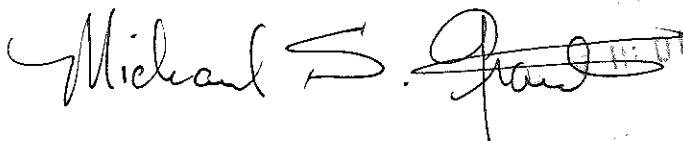
Please be advised that after review, it has been determined that The Narragansett Electric Company (TNEC) has both electrical and gas facilities/equipment in the area proposed for easement.

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, reading "Michael S. Grant". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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.

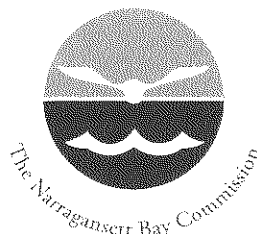
Verizon does not object to the granting of the above referenced easement, provided that Verizon will continue retention of its existing facilities in North Main Street with the continued right to inspect, maintain and operate the same.

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


Sincerely,

  
Manager of Right of Way

<http://www.nartabay.com>



Raymond J. Marshall, P.E.  
Executive Director

  
John Zuba  
Permits and Planning