

RESOLUTION OF THE CITY COUNCIL

No. 193

Approved April 28, 1997

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a surface easement abutting Matilda Street in the City of Providence. Said easement shall be granted specifically upon the following conditions and within the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of a transformer pad and protective bollards. Said easement shall not exceed the area indicated by the cross-hatched area on the accompanying map and in the accompanying description marked as Exhibits A and B respectively.

2. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

3. Petitioners shall ascertain that there exists no adverse impact on any local utility company and certification of the same shall be forwarded by mail to the City Clerk.

4. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

5. Botvin Realty Company and Pepboys-Manny, Moe & Jack of Delaware, Inc., shall each execute an indemnification and hold-harmless agreement approved by the Department of Law of the City of Providence.

6. Botvin Realty Company and Pepboys-Manny, Moe & Jack of Delaware, Inc., shall each supply the City of Providence with an insurance policy naming said City of Providence, its officers, employees, and agents as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00), which policy shall be approved by the Department of Law of the City of Providence.

7. Grantees shall not construct or affix to the realty any

FILED

APR 17 3 25 PM '97

DEPT. OF CITY CLERK
PROVIDENCE, R. I.

temporary or permanent structure other than that described to the City Council Committee on City Property.

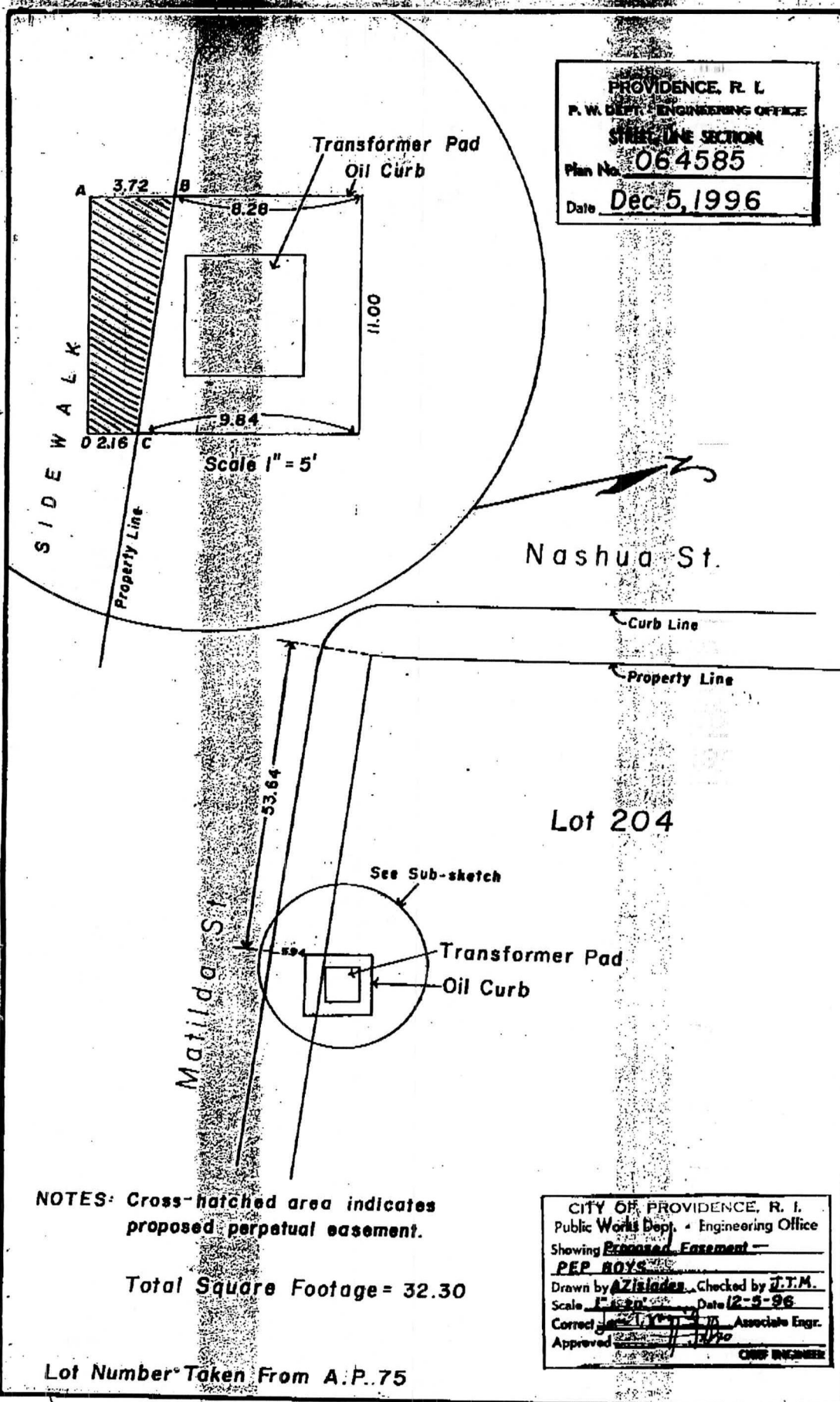
10. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforesated purposes.

11. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Property and/or as may be deemed appropriate by the Department of Law of the City of Providence.

IN CITY COUNCIL
APR 17 1997
READ AND PASSED
Enclapa V. Fargnoli
PRES
Michael L. Clement
CLERK

APPROVED
APR 28 1997
Vincent A. Cianci
MAYOR

PROVIDENCE, R. I.	
P. W. DEPT. - ENGINEERING OFFICE	
STREET LINE SECTION	
Plan No.	064585
Date	Dec 5, 1996



NOTES: Cross-hatched area indicates
proposed perpetual easement.

Total Square Footage = 32.30

Lot Number Taken From A.P. 75

CITY OF PROVIDENCE, R. I.	
Public Works Dept. - Engineering Office	
Showing <u>Proposed Easement</u>	
<u>PEP ROYS</u>	
Drawn by <u>AZislaides</u>	Checked by <u>J.T.M.</u>
Scale <u>1" = 5'</u>	Date <u>12-5-96</u>
Correct <u>12-5-96</u>	Associate Engr.
Approved <u>[Signature]</u>	CHIEF ENGINEER

768
N-33

PEP BOYS SUPERCENTER
NORTH MAIN STREET
PROVIDENCE, RI
DECEMBER 23, 1996

EASEMENT

THAT CERTAIN PARCEL OR TRACT OF LAND SITUATED ON THE NORTHERN SIDE OF MATILDA STREET AND THE SOUTHERLY SIDE OF ASSESSOR'S PLAT 75, LOT 204 IN THE CITY OF PROVIDENCE, STATE OF RHODE ISLAND AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERN SIDE OF MATILDA STREET, SAID POINT BEING FIFTY THREE AND SIXTY FOUR HUNDRETHS (53.64') FEET MEASURED SOUTH EASTERLY ALONG SAID STREET LINE FROM THE CORNER OF NASHUA STREET AND MATILDA STREET.

THENCE PROCEEDING S66°-08'-20"E A DISTANCE OF ELEVEN AND FOURTEEN HUNDREDTHS (11.14') FEET TO A POINT;

THENCE PROCEEDING S14°-51'-37"W A DISTANCE OF TWO AND SIXTEEN HUNDREDTHS (2.16') FEET TO A POINT;

THENCE PROCEEDING N74°-24'-52"W A DISTANCE OF ELEVEN AND ZERO HUNDREDTHS (11.00') FEET TO A POINT;

THENCE PROCEEDING N14°-51'-37"E A DISTANCE OF THREE AND SEVENTY TWO HUNDREDTHS (3.72') FEET TO THE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS THIRTY TWO AND THIRTY HUNDREDTHS (32.30 SF) SQUARE FEET OF LAND.

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

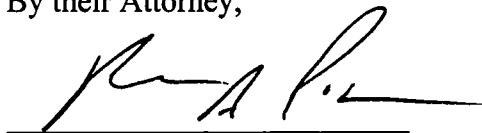
The undersigned respectfully petitions your honorable body

for a perpetual easement within the public right-of-way known as Matilda Street in the vicinity of the its intersection with North Main Street in order to locate a small area (consisting of approximately 14.18 square feet) of a concrete transformer pad to be built in connection with the redevelopment of the site located at 1246 - 1270 North Main Street into a PepBoys Supercenter. The precise location of the encroachment into the right-of-way, for which the easement is required, is shown on that certain plan of land entitled "Layout and Dimension Plan PepBoys Supercenter North Main Street Providence, Rhode Island Issued for Construction Drawing Number C-6 Scale 1" = 20' Date November 15, 1996 Prepared by Vanasse Hangen Brustlin, Inc." (the "Plan"), a true copy of a portion of the Plan depicting the area of encroachment into the public right-of-way is attached hereto as Exhibit A and incorporated herein by reference. A more particular description by metes and bounds of the 14.18 square feet of area is set forth on Exhibit B which is attached hereto and incorporated herein by reference.

Respectfully submitted,

Botvin Realty Company (Owner)
PepBoys-Manny, Moe & Jack of Delaware, Inc. (Ground Lessee)

By their Attorney,



Robert A. Pitassi
Adler Pollock & Sheehan Incorporated
2300 Hospital Trust Tower
Providence, RI 02903

Date: November 21, 1996

FILED

Nov 21 12 13 PM '96

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

IN CITY COUNCIL
DEC 4 1996
FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY

CLERK

THE COMMITTEE ON

City Property

Recommends

approval

APR 3 1997

Clerk

From The Clerk's Desk

PEP BOYS SUPERCENTER
NORTH MAIN STREET
PROVIDENCE, RI
DECEMBER 23, 1996

EASEMENT

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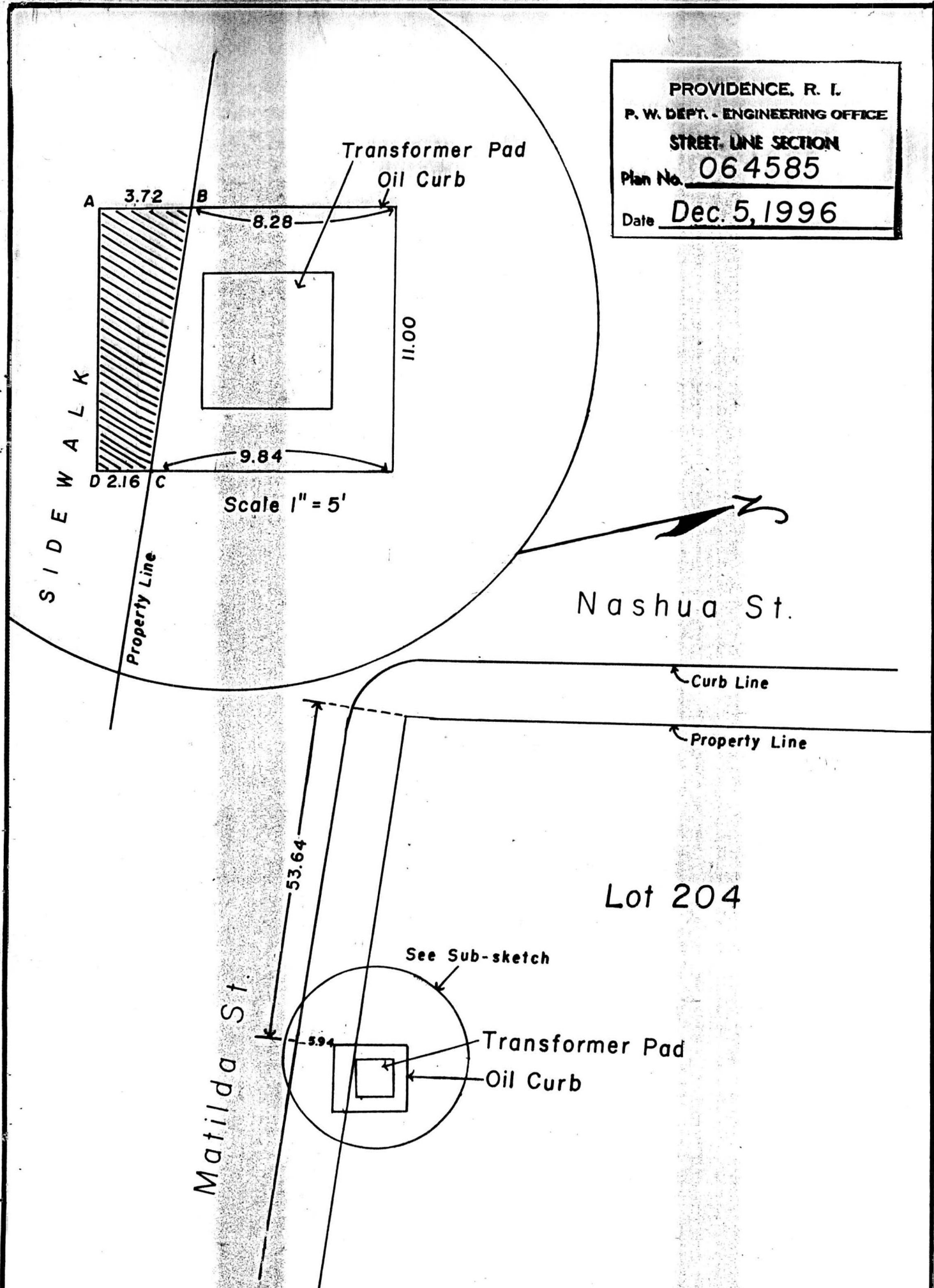
THENCE PROCEEDING S14°-51'-37"W A DISTANCE OF ZERO AND FORTY NINE HUNDREDTHS (0.49') FEET TO A POINT;

THENCE PROCEEDING N74°-24'-52"W A DISTANCE OF ELEVEN AND ZERO HUNDREDTHS (11.00') FEET TO A POINT;

THENCE PROCEEDING N14°-51'-37"E A DISTANCE OF TWO AND NINE HUNDREDTHS (2.09') TO THE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS FOURTEEN AND EIGHTEEN HUNDREDTHS (14.18 SF) SQUARE FEET OF LAND.

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064585
Date Dec. 5, 1996



NOTES: Cross-hatched area indicates proposed perpetual easement.

Total Square Footage = 32.30

Lot Number Taken From A.P. 75

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing Proposed Easement
PEP BOYS
Drawn by AZisiades Checked by J.T.M.
Scale 1" = 20' Date 12-5-96
Correct J.T.M. Associate Engr.
Approved J.T.M. CHIEF ENGINEER

Adler Pollock & Sheehan Incorporated
2300 Hospital Trust Tower
Providence, Rhode Island 02903-2443
Telephone 401-274-7200
Fax 401-751-0604 351-4607

ADLER POLLOCK & SHEEHAN

November 21, 1996

Providence City Hall
Providence, RI 02903
Attn: City Clerk

RE: PepBoys/North Main Street, Providence, Rhode Island

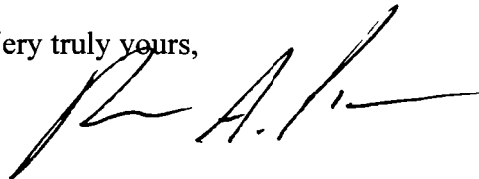
Dear Sir or Madam:

Enclosed please find an original of a Petition to the City Council and maps (including 5 copies) regarding the above-referenced matter.

Please acknowledge receipt of this letter by signing the enclosed copy and returning it with the messenger. Thank you for your assistance in this regard.

If you need anything further, please do not hesitate to contact the undersigned.

Very truly yours,



ROBERT A. PITASSI

RAP:ll

Enclosures

cc: Stephen Marinelli
Al Laramie
David Tracy, Esq.
Gustavo Raposo

ADLER POLLOCK & SHEEHAN

December 30, 1996

VIA MESSENGER

Michael Clement
City Clerk
City of Providence
Providence City Hall
Providence, RI 02903

RE: PepBoys/North Main Street, Providence, Rhode Island

Dear Michael:

In furtherance of our telephone conversation this morning, please be advised that, on November 21, 1996, the undersigned filed with your offices an original of a Petition to the City Council (with maps attached thereto) regarding the above-referenced matter.

Subsequently, the Petition was placed on the docket for the regular meeting of the City Council held in December and the matter was forwarded to the Public Works Committee of the City Council for review. Soon after, the Department of Public Works reviewed the same and responded positively to the request.

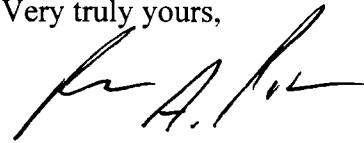
However, it has also come to my attention that the easement area (and have the graphic depicting the same) for the Petition have now changed. In that regard, I enclose multiple copies and originals of the new metes and bounds description and exhibits which will amend the Petition with respect to the proposed easement area involved. As now shown, the easement area has increased from the original 14.18 square feet to a total of 32.30 square feet.

Would you please advise if there is anything further you need with respect to these matters to continue the approval process. I do not believe that there will be any objection to the Petition, as amended. However, PepBoys wants to assure that the Petition is accurate in all respects.

ADLER POLLOCK & SHEEHAN

If there is any question or concern or anything further I need to do, please do not hesitate to contact me. Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. A. Pitassi', written in a cursive style.

ROBERT A. PITASSI

RAP:ll

cc: Mr. S. Marinelli
Mr. A. Laramée
David Tracey, Esq.
Mr. Gustavo Raposo

I:\APSDocs\DOCSNZ\PEPBOYS\NOMAINST\230MCL SAM

James F. Rattigan
Chief of Department

David D. Costa
Fire Marshal



Vincent A. Cianci Jr.
Mayor

John J. Partington
Commissioner

PROVIDENCE FIRE DEPARTMENT
FIRE PREVENTION DIVISION
"Smoke Detectors Save Lives"

January 17, 1997

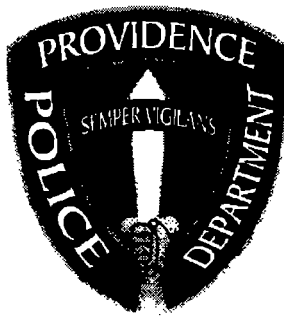
Chairman Kevin Jackson
Committee on City Property
City Hall
Providence, R.I. 02903

Chairman Jackson,

After review of the attached proposal to grant an easement at 1246 - 1270 North Main Street, the Fire Department has no objection. There should be no impact on fire safety if the easement is granted.

Yours truly,


David D. Costa
Fire Marshal



PROVIDENCE POLICE DEPARTMENT
TRAFFIC BUREAU

Lieutenant Kenneth M. Cohen, Commanding

January 6, 1997

TO: Colonel Urbano Prignano, Chief of Police
FROM: Lieutenant Kenneth Cohen, Traffic Bureau, Commanding
SUBJECT: Matilda Street Petition

I have reviewed the City Council Petition and inspected the area of the construction. I feel that the pedestrian traffic on Matilda Street would not be unduly burdened by the construction of the transformer platform. There would still be enough room for pedestrian traffic.

Respectfully,

Kenneth M. Cohen
Lieutenant
Traffic Bureau

ARMANDO PARILLO
Chairman

JOEL D. LANDRY, II, ESQ.
Vice Chairman

ROBERT J. KILDUFF, ESQ., P.E.
Secretary

FERNANDO S. CUNHA, ESQ.
Legal Advisor

BOYCE SPINELLI
Ex-Officio



VINCENT A. CLANCI, JR.
Mayor

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

JOSEPHINE DI RUZZO
City Councilwoman

EVELYN V. FARGNOLI
City Councilwoman

MARY A. NOCERA
Member

JOYCE TESSERIS
Member

January 17, 1997

Councilman Kevin Jackson, Chairman
Committee on City Property
c/o Department of City Clerk
25 Dorrance Street
Providence, Rhode Island 02903

SUBJECT: Petition for Perpetual Easement
Transformer Pad - Matilda Street
Providence, Rhode Island

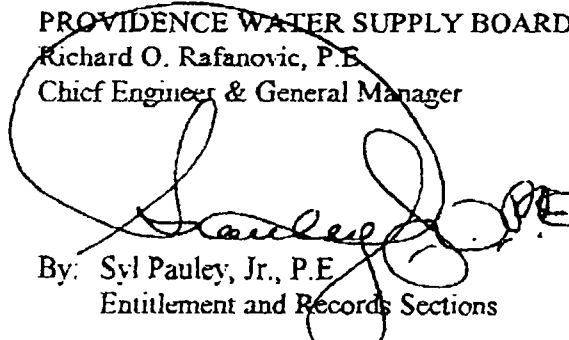
Dear Councilman Jackson:

The referenced Petition received from the Department of City Clerk has been reviewed for any impact on the Providence Water Supply Board (PWSB) distribution system. Our records indicate there are no water services—planned or existing—in the area of the proposed transformer pad.

If you have any questions, please feel free to contact me at (401) 521-6300 EXT 170.

Respectfully,

PROVIDENCE WATER SUPPLY BOARD
Richard O. Rafanovic, P.E.
Chief Engineer & General Manager

A large, stylized handwritten signature in black ink, appearing to read "Syl Pauley, Jr.", is written over the typed name and title.
By: Syl Pauley, Jr., P.E.
Entitlement and Records Sections

SP/s

cc: P. Gadoury, P.E.
R. Kilduff, Esq., P.E.
M. Clement, City Clerk
File

ABNLTR21 SAM

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

January 7, 1997

Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council/City Hall
Providence, R.I. 02903

Re: Proposed Easement - Pep Boys
Matilda Street

Dear Councilman Clarkin:

This department has no objection to the easement noted above for "Pep Boys" on Matilda Street, noted on the enclosed plan, entitled "Providence, R.I., P.W. Dept.- Engineering Office, Street Line Section, Plan No. 064585, Date: 12/5/96". Easement is indicated by cross-hatched area designated A-B-C-D-A on the accompanying plan. The total square footage for said proposed perpetual easement is 32.30 Sq.Ft.

Said easement is applicable to Lot No. 204 on City of Providence Assessor's Plat 75, on the adjacent public right-of-way on Matilda Street, as shown on the accompanying plan

If this department can assist you further with this easement, please advise.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Ihenacho", written over a grid of lines.

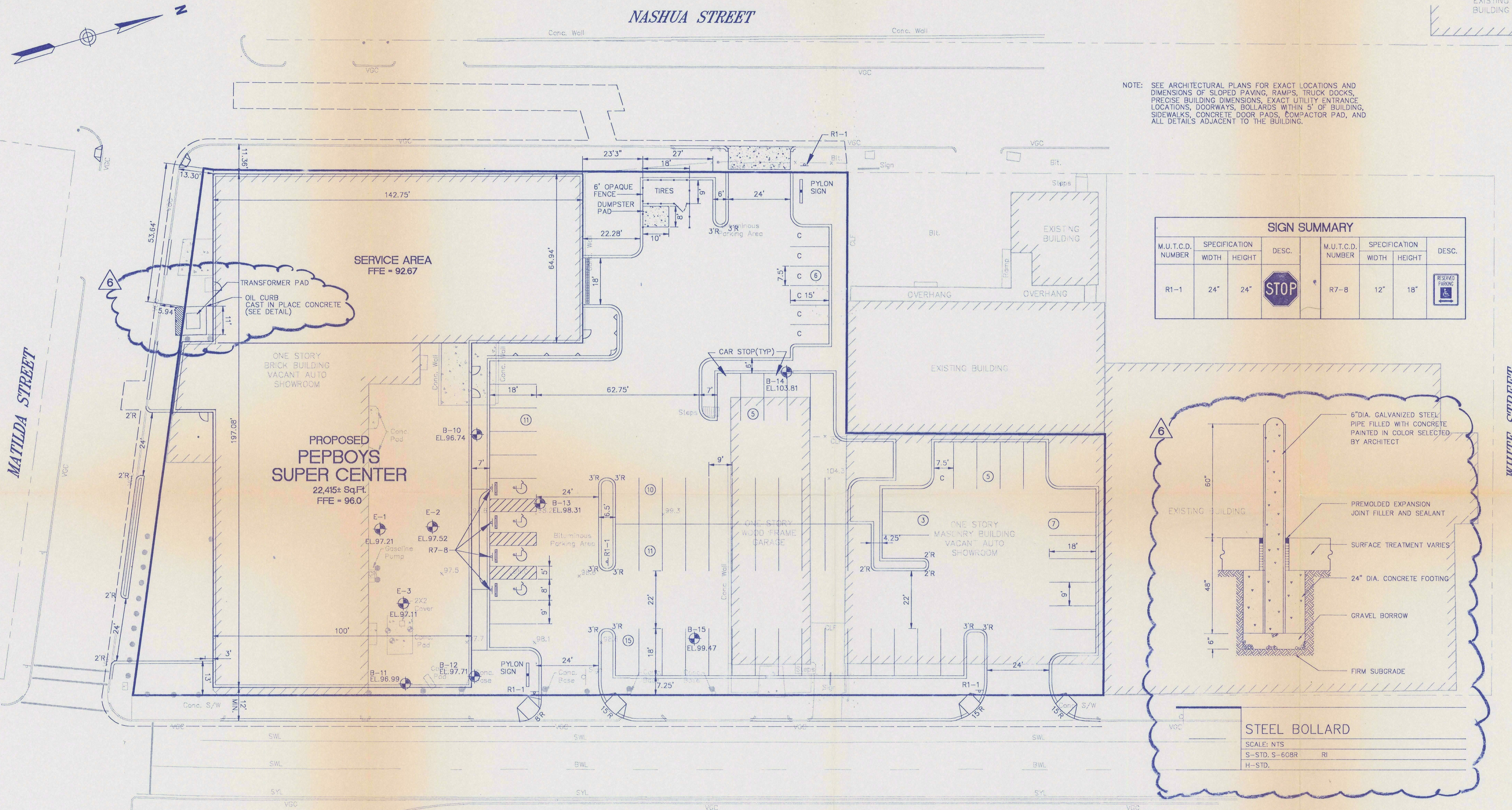
Ferdinand C. Ihenacho, P.E.
Director of Public Works

CC: M. Clement - City Clerk
J. D'Amico, Esq.
G. Florio
Jtm
Jlc
SZ

PROPOSED PERPETUAL EASEMENT

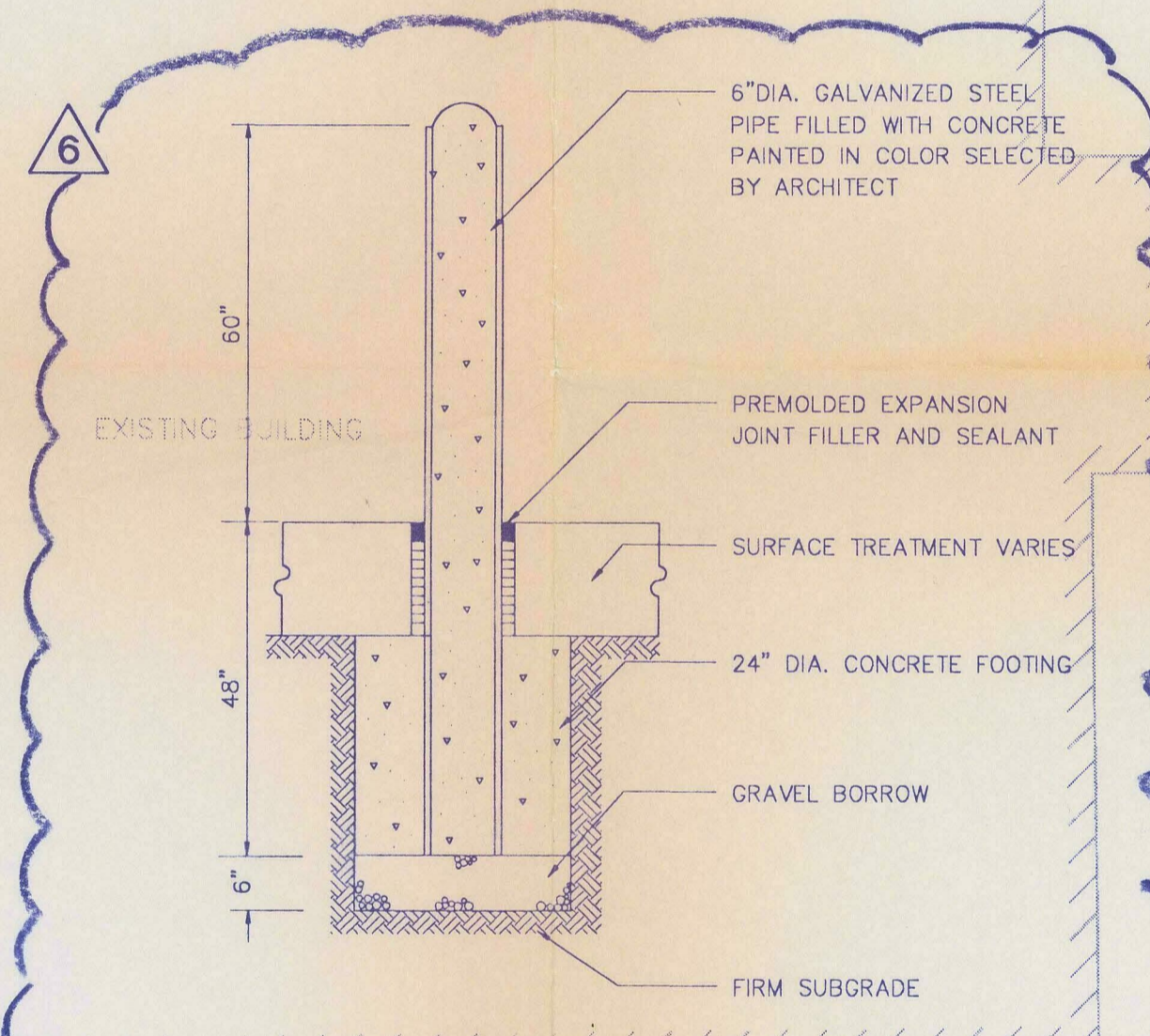
PEP BOYS, 1246 NORTH MAIN ST.

A.P. 75 LOT 204



NOTE: SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPED PAVING, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, EXACT UTILITY ENTRANCE LOCATIONS, DOORWAYS, BOLLARDS WITHIN 5' OF BUILDING, SIDEWALKS, CONCRETE DOOR PADS, COMPACTOR PAD, AND ALL DETAILS ADJACENT TO THE BUILDING.

SIGN SUMMARY					
M.U.T.C.D. NUMBER	SPECIFICATION	DESC.	M.U.T.C.D. NUMBER	SPECIFICATION	DESC.
R1-1	24" x 24"	STOP	R7-B	12" x 18"	RESERVED PARKING



STEEL BOLLARD

SCALE: NTS
S-STD. S-60BR RI
H-STD.

6	NARRAGANSETT ELECTRIC	12/23/96
5	CITY OF PROVIDENCE	12/06/96
4	CITY OF PROVIDENCE	11/15/96
3	CITY OF PROVIDENCE	9/6/96
2	DPW COMMENTS	8/26/96
1	RIDOT COMMENTS	8/22/96

No.	Revision	Date	Appr.
Designed by	Drawn by	Checked by	
CAD checked by		Approved by	
Scale	1"=20'	Date	November 15, 1996
Project Title			

PEP BOYS Supercenter
North Main Street
Providence, Rhode Island
Issued for

Construction

Drawing Title

Layout and
Dimension
Plan



Drawing Number
C-6
Sheet 7 of 1
Project Number
70630.14

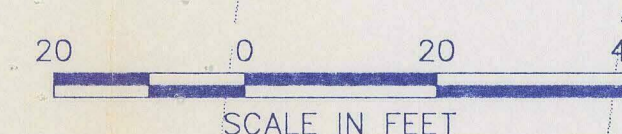
70630DM

NORTH MAIN STREET

ZONING TABLE

ZONE: "C-4" HEAVY COMMERCIAL DISTRICT USE: CODE 45-REPAIR SERVICE, 59 - RETAIL TRADE - AUTOMOTIVE	REQUIRED	PROVIDED
MINIMUM LOT AREA	12,000 Sq.Ft.	62,000 Sq.Ft.±
BUILDING SETBACK FROM STREETLINE	40'	11.36'
BUILDING SETBACK FROM INTERIOR LOT LINES	20'	100'±
MAX. BUILDING HEIGHT	45' (3 STORIES)	45'
MIN. LOT DEPTH	100'	200'±
MIN. LOT WIDTH	120'	200'±

NINTH STREET



PARKING SUMMARY

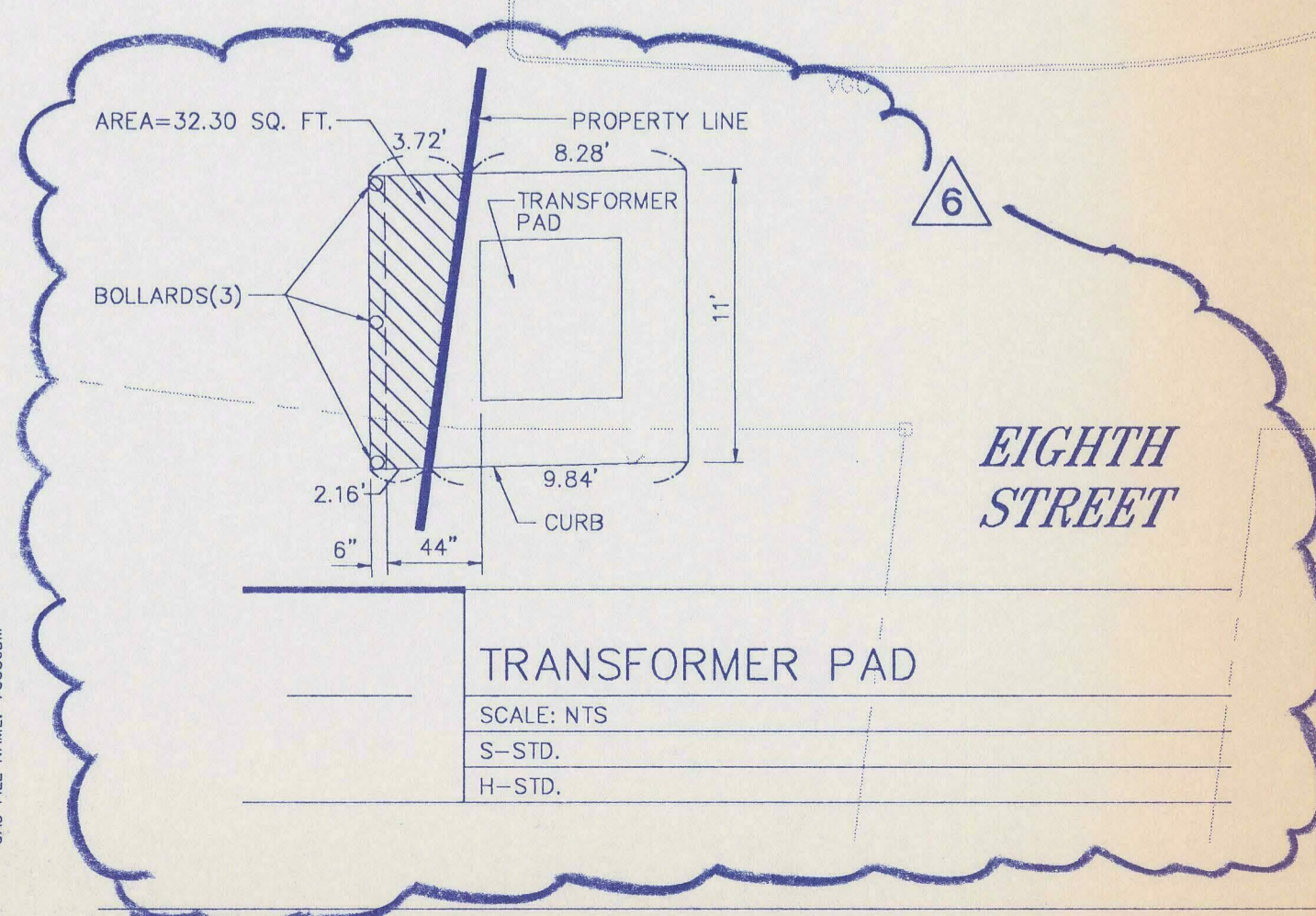
	TOWN REQUIRED	AS DESIGNED
STANDARD SPACES (9'x18')	44	70
HANDICAP SPACES	**	4 **
TOTAL PARKING SPACES	45 *	74 ***

* ONE PARKING SPACE PER 500 Sq.Ft. OF GROSS FLOOR AREA: (22,415 Sq.Ft. x 1 SPACE / 500 Sq.Ft. = 45)

** HANDICAP SPACES: 2% OF TOTAL SPACES: (.02x76 = 2)

*** PARKING RATIO: 74 / 22,415 Sq.Ft. = 3.3 SPACES PER 1000 Sq.Ft.

EIGHTH STREET



TRANSFORMER PAD

SCALE: NTS
S-STD.
H-STD.