

RESOLUTION OF THE CITY COUNCIL

No. 667

Approved October 24, 1980

WHEREAS, NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, authorized to do business in the State of Rhode Island as a public utility corporation, is desirous of obtaining a perpetual easement from the CITY OF PROVIDENCE, and

WHEREAS, the said NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY seeks said easement for the purpose of obtaining the right to lay, construct, reconstruct, operate, maintain, replace and remove lines for the transmission of intelligence including the necessary wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances in upon, under, and over a certain parcel of real estate located in the Town of Scituate, County of Providence, State of Rhode Island, comprising an area of approximately 723.75 square feet more or less, and is the same parcel as shown on the drawing entitled "LOCATION OF EASEMENT GRANTED FROM CITY OF PROVIDENCE (GRANTOR) TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY (GRANTEE) PREPARED BY ALAN FULTON, N.E.T. & T. CO. - JUNE 18, 1980, SCALE 1" = 20'", which is appended to that certain agreement between NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY and the CITY OF PROVIDENCE of an even date hereof, which is incorporated by reference and made a part of this Resolution, and

WHEREAS, in consideration of the grant of said perpetual easement to NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, as hereinbefore set forth, the said NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY shall upon the execution of said Easement Deed and Collateral Agreement thereto pay to the said CITY OF PROVIDENCE the sum of Four Hundred Fifty Dollars (\$450.00), and as further consideration for said grant of easement, the said NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY agrees to pay all taxes assessed on any fixtures, lines of towers, poles, cables, and conduits and other appurtenances which may be placed on said land, and

WHEREAS, the said CITY OF PROVIDENCE is agreed to grant said perpetual easement, as hereinbefore set forth, under the terms and conditions and considerations hereinbefore recited and those recited in the proposed Easement Deed and Collateral Agreement thereto.

CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

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Approved;

NOW, THEREFORE, be it resolved that His Honor, the Mayor, be and he hereby is authorized to execute an Easement Deed and a Collateral Agreement thereto, both of which are incorporated by reference, as set forth above to NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, its successors and assigns, for the purposes as set forth above on that certain strip of land located in the Town of Scituate, County of Providence, State of Rhode Island, comprizing approximately 723.75 square feet more or less, and being the same parcel as shown on the drawing entitled "LOCATION OF EASEMENT GRANTED FROM CITY OF PROVIDENCE (GRANTOR) TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY (GRANTEE) PREPARED BY ALAN FULTON, N.E.T. & T. CO. - JUNE 18, 1980, SCALE 1" = 20'," which is appended to the Collateral Agreement of even date herewith.

IN CITY COUNCIL
OCT 16 1980

READ AND PASSED

Ralph T. Liguori PRES.
Rose M. Mendenhall CLERK

APPROVED

MAYOR

James A. Cimino
OCT 24 1980

RECEIVED TO COMMITTEE
FIRST READING
SEP 18 1980
IN CITY COUNCIL
OCT 16 1980
CITY OF PROVIDENCE
PLANTATIONS
CLERK

Councilman Boardman and Councilman
Tanner (By Request)

Boe M. Meulonen

IN CITY COUNCIL
SEP 18 1980
FIRST READING
REFERRED TO COMMITTEE ON PUBLIC WORKS

APPROVED
THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Boe M. Meulonen
October 2, 1980

READ AND PASSED
OCT 3 0 1980
IN CITY COUNCIL

RICHARD A. CARROLL
Chairman
ALFRED T. CICCONE
Member
JOHN A. DOHERTY
Member
ROBERT F. HOWARD
Member
VINCENT J. CIRELLI
Councilman
LAURENCE K. FLYNN
Councilman
JAMES R. BERNARDO
Ex-Officio

WATER SUPPLY BOARD



CITY OF PROVIDENCE

WILEY J. ARCHER
P.E., Acting Chief Engineer
WILLIAM J. MCGAIR
Legal Advisor
JAMES A. LOMBARDI
Secretary

September 15, 1980

Mrs. Rose Mendonca
City Clerk
City Hall
Providence, Rhode Island

Dear Mrs. Mendonca:

Enclosed is original and nine copies of a Resolution and Agreement granting a perpetual easement to the New England Telephone Company.

Will you kindly see that the resolution is placed on the docket for the next Council meeting.

Very truly yours,


Wiley J. Archer, P.E.
Chief Engineer

ms

encs.

cc: Water Supply Board

KNOW ALL MEN BY THESE PRESENTS that The CITY OF PROVIDENCE, a Municipal Corporation created by the General Assembly of Rhode Island, (hereinafter called the Grantor) for consideration paid, grants to NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, (hereinafter called the Grantee), a New York Corporation having its principal place of business at 185 Franklin Street, Boston, Massachusetts, 02110, its successors and assigns, the right to lay, construct, reconstruct, operate, maintain, replace and remove lines for the transmission of intelligence including the necessary wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances in upon, under and over the following described premises in the Town of Scituate, County of Providence, State of Rhode Island, to wit:

Beginning at a point at Rhode Island Highway Bound concrete monument on the east side of Route 12 also known as Tunk Hill Road in the Town of Scituate proceeding sixty (60) feet south 76° west to a recorded concrete Rhode Island Highway Bound being on the westerly right of way of said Route 12. Thence north 72° west a distance of approximately 186 feet along the westerly right of way line of said Route 12 to a point where the northerly right of way line of Old Plainfield Pike intersects the point of beginning. Thence continuing along the westerly right of way line of said Route 12 a distance of fifty four (54) feet to a point described as the northeasterly corner of this parcel thence by an interior angle of 90° proceed westerly twenty (20) feet to the northwesterly corner of said parcel. Thence by an interior angle of 90° thirty (30) feet in a southerly direction to the southwesterly corner of said parcel thence by an interior angle of 90° fifteen (15) thence by an interior angle of 270° a distance of approximately 25' 6" to a point intersecting the northerly right of way line of Old Plainfield Pike thence by an interior angle of 77° proceed approximately 5' 2" along said right of way line to the point of beginning.

The parcel described above has an area of 723.75 square feet more or less, and is the same parcel as shown on the drawing entitled "LOCATION OF EASEMENT GRANTED FROM CITY OF PROVIDENCE (GRANTOR) TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY (GRANTEE) PREPARED BY ALAN FULTON, N.E.T. & T. CO. - JUNE 18, 1980, SCALE 1" = 20'.

The location of said wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances are to be established by and upon the erection thereof by the Grantee.

Also the right and easement from time to time to clear and keep cleared said wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances of trees, underbrush, and structures as necessary for the safe and proper operation of said wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances and to renew, replace, add to and otherwise change said wires, cables, pipes, conduits, fixtures, concrete pad(s) and appurtenances and each and every part thereof but not the general location thereof and to pass over and repass over Grantor's said land as reasonable and necessary for all the above purposes.

The Grantee agrees to indemnify and save harmless the Grantor, its successors and assigns from loss, cost, damage or expenses arising out of the act or neglect of the Grantee, its agents and servants.

The aforementioned facilities shall be located within the Grantor's land substantially as laid out and delineated on that certain plan entitled "LOCATION OF EASEMENT GRANTED FROM CITY OF PROVIDENCE (GRANTOR) TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY (GRANTEE) PREPARED BY ALAN FULTON, N.E.T. & T. CO. - JUNE 18, 1980 - SCALE 1" = 20', which plan is incorporated herein by reference hereto and is recorded contemporaneously herewith in the Records of Land Evidence in said Town of Scituate, Rhode Island.

It is agreed that the rights and easements herein granted are compatible with the Grantor's primary purpose of ownership and the Grantee covenants and agrees with the grantor, its successors and assigns, that it will permit no act in the exercise of said rights and easements on said Grantor's premises which is inconsistent with said Grantor's primary purpose of ownership.

IN WITNESS WHEREOF, the said CITY OF PROVIDENCE has caused its Corporate seal to be hereto affixed and these presents to be signed in its name and behalf by _____ being thereunto duly authorized this _____ day of _____, 1980.

CITY OF PROVIDENCE

STATE OF RHODE ISLAND

_____ County ss In _____
in said County on the _____ day of _____, 1980, before me personally appeared the above named _____

each and all to me known and known by me to be the parties executing the foregoing instrument and acknowledged said instrument by them executed to be the free act and deed of the CITY OF PROVIDENCE.

NOTARY PUBLIC

RIHB
CONCRETE
MONUMENT

RIHB
(MONUMENT HAS BEEN
COVERED W/ FILL, WOODEN
STAKE IN PLACE)

186'

HERBERT MERITT

OLD PLAINFIELD PIKE

TUNK HILL ROAD
STATE HIGHWAY 12

CITY OF PROVIDENCE
PARCEL NO. 30

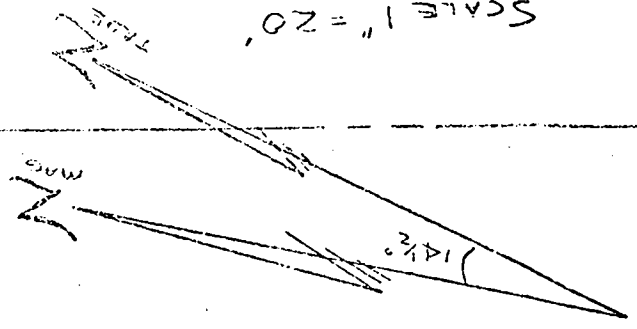
PROPOSED EASEMENT
FOR NEW ENGLAND TELEPHONE
AND TELEGRAPH COMPANY

LOCATION SKETCH OF PROPOSED EASEMENT

FROM CITY OF PROVIDENCE (DONOR) TO NEW
ENGLAND TELEPHONE AND TELEGRAPH COMPANY (GRANTEE)

PREPARED BY ALAN D. FELTON, N.E.T.C.

SCALE 1" = 20'



November 3, 1980

New England Telephone & Telegraph Co.
Ms. Edith Finnerty
100 New England Way
Warwick, Rhode Island 02886

Dear Ms. Finnerty,

Enclosed is certified copy of Resolution No. 665,
passed by the City Council on October 16, 1980 and approved
by His Honor the Mayor on October 24, 1980, the same being
self-explanatory.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma
Enclosure