

RESOLUTION OF THE CITY COUNCIL

No. 475

Approved OCTOBER 11, 2007

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant an air easement on Terminal Road in the City of Providence to ProvPort. Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the construction of an above-ground pipe bridge over Terminal Road as a means of maintaining an existing pipeline easement within the roadway, as depicted on Providence Street Line Section Plan No. 064807, dated June 22, 2007, and marked by the cross-hatched area A-B-C-D-A, attached hereto as Exhibit A, as well as that drawing entitled "Terminal Road Pipe Bridge Layout" attached hereto as Exhibit B. Said easement shall not exceed the area of three hundred seventy-five (375) square feet, plus or minus.

2. 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 by ProvPort in the Office of Land Records for the City of Providence.

3. As consideration for this easements, ProvPort shall tender the sum of three thousand dollars (\$3,000.00) in legal tender of the United States of America.

4. ProvPort shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.

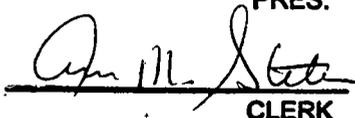
5. ProvPort shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than ten million dollars (\$10,000,000.00) which policy shall be approved by the Department of Law of the City of Providence.

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 Department of Law.

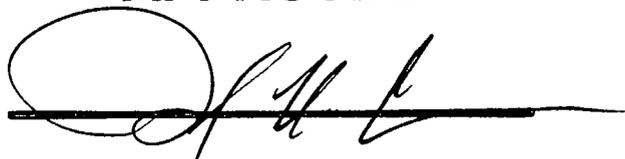
IN CITY COUNCIL

OCT 4 2007
READ AND PASSED


PRES.


CLERK

APPROVED



MAYOR 10/11/07

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

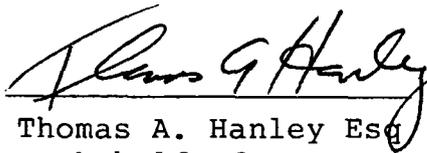
PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

For concurrence and administrative approval to allow
ProvPort along with NEPT (The Hudson Companies) to change
the existing twelve (12) foot wide easement so that it
may be converted from underground to overhead.

Submitted by:



Thomas A. Hanley Esq
on behalf of
NEPT (The Hudson Companies)
89 Ship Street
Providence, R. I.
5/31/07

FILED

2007 MAY 30 P 3: 43

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

9-18-07 Clerk

IN CITY COUNCIL
JUN 7 2007
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Paul M. Stebbins CLERK

10. h

May 14, 2007

Fred Stolle, Esq.
Providence Public Works
700 Allens Avenue
Providence, RI 02905

Re: Reuse of the former Citgo Terminal, 130 Terminal Road
To Allow Construction of a Pipe Bridge over Terminal Road

Dear Attorney Stolle:

This letter is to request concurrence and administrative approval from the City of Providence regarding New England Petroleum Terminal, LLC's (NEPT) intention to construct an above-ground pipe bridge over Terminal Road as a means of maintaining an existing pipeline easement within the roadway.

NEPT is ProvPort's new lessee of the terminal. One of the partners of NEPT is The Hudson Companies, which already occupies and operates a large liquid asphalt terminal within the Port of Providence. The terminal being reactivated has most commonly been referred to as the "Citgo" site and shall be referred to as such throughout this letter. The terminal is on the South side of Terminal Road. It should be noted that NEPT is also leasing the former Sun Oil Company's "Sunoco" Terminal, which is on the North side of Terminal Road, and has future plans to reactivate that facility as well.

The Citgo site on the south side of Terminal Road will be operated by NEPT as a petroleum storage and distribution facility. The site includes: five fuel tanks, an office building, an eight-bay fuel rack, a foam house, and a four-bay storage garage. The site will store and distribute number 2 oil (a.k.a. home heating oil), ultra-low sulfur diesel (which has just recently been mandated by the E.P.A.), and biodiesel (which is recognized as an industry leading alternative fuel).

NEPT has been actively preparing the Citgo site for reuse by performing existing piping and tank maintenance/reconditioning, hydrostatic testing of the storage tanks, maintenance/reconditioning and reactivation of the fire suppression and electrical systems, as well as general site "good housekeeping" measures such as replacing and reconditioning missing sections of the secondary contaminant berms. In the course of these pre-reactivation procedures, it was revealed that the dock lines which service the Citgo site failed pressure testing. These lines, which run from the waterfront, then beneath the Providence & Worcester Railroad Company's (P&W) active waterfront rail spur, then beneath Terminal Road, and then into the Citgo site, are contained within an existing 12 foot wide easement which traverses both P&W's and the City of Providence's

rights-of-way (please see attached "City Property Section. Plan No. 061935" dated Oct. 2, 1959).

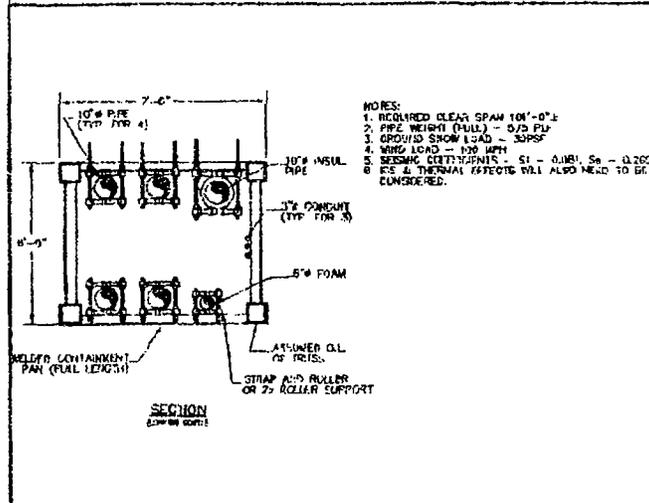
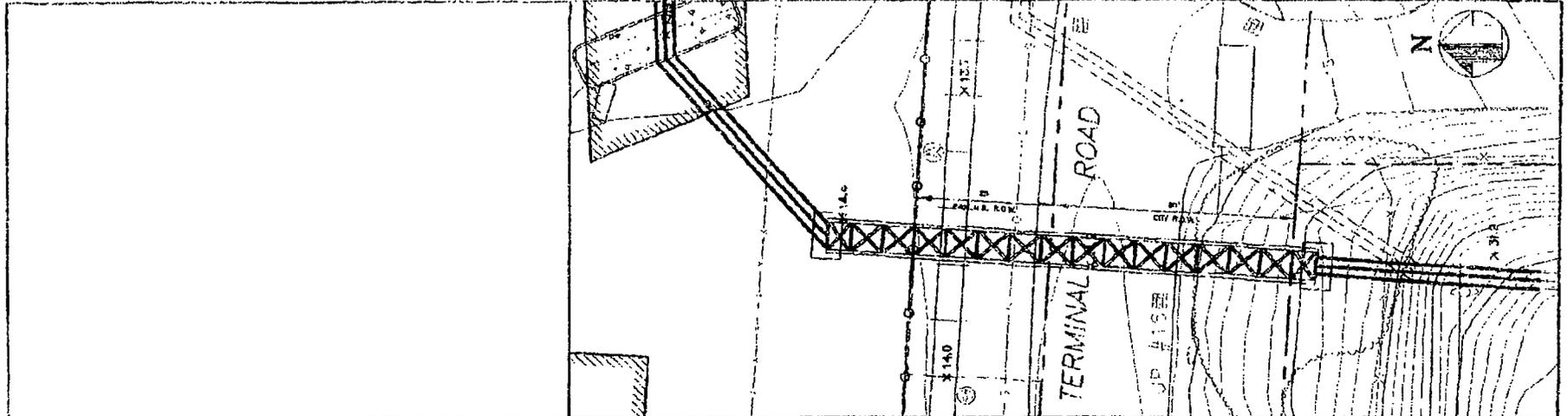
Alternatives to excavating a 12 foot wide by 66 foot long trench across the City's right-of-way, and a 12 foot wide by 1,125 foot long trench beneath the P&W tracks for pipeline replacements were immediately investigated. The preferred and selected alternative is to use the Sunoco site's dock lines, which successfully passed pressure testing, to convey fuel product from the waterfront and into the Sunoco site, thereby avoiding excavation beneath the P&W tracks as well as the City's Terminal Road right-of-way. These Sunoco dock lines, however, will need to be extended through the Sunoco Site to a point adjacent to where the existing pipeline easement crosses Terminal Road.

Due to the inability to easily determine where the leaks in the Citgo site's dock lines are as well as the age of the pipes, which is assumed to be around 50 years, the proposed alternative would replace the multiple pipes crossing beneath Terminal Road with a new pipe bridge which would fully traverse the P&W and City's right-of-ways. The location of the crossing would be very near the existing underground easement (please see attached plan), and ProvPort along with NEPT is simply requesting that the existing 12 foot wide easement be converted from underground to overhead. The existing underground Citgo dock lines would be capped and plugged at both ends and abandoned in place per the latest accepted industry practices.

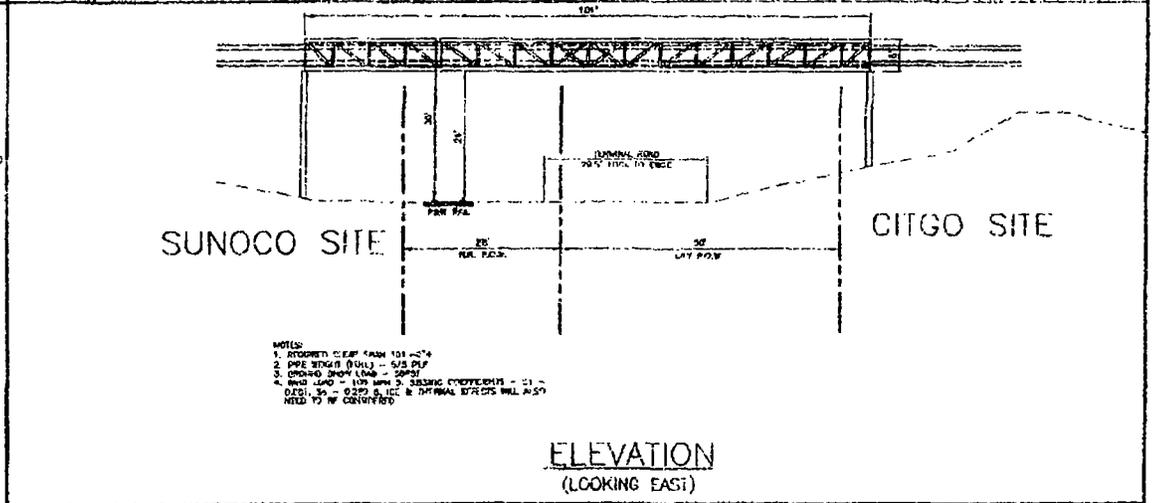
The option of open cutting the existing easement and replacing the pipes beneath the Terminal Road crossing was investigated; however, fully exposed pipelines from the dock to the storage terminal are now the preferred practice by the United States Coast Guard as well as the United States Department of Homeland Security. The 24 foot clearance of the overhead pipe bridge has been coordinated with P&W, National Grid, the Providence City Engineer, the Providence Fire Department, and the United States Coast Guard. Documentation of this coordination is available upon request.

It is our belief that the overhead pipe bridge alternative is the most responsible, most efficient, and least disruptive way of maintaining the existing pipeline easement within Terminal Road. The location of the easement will be shifted approximately 30 feet to the West to eliminate the undesirable skew, and the width shall remain at 12 feet. The length will actually reduce from the current 66 feet down to 50 feet. Underground maintenance rights shall be abandoned and wholly converted to overhead rights.

ProvPort fully supports the request by NEPT to construct a pipe bridge over Terminal Road as a method of maintaining the existing pipeline easement, and therefore requests the City's concurrence, subject to all applicable permitting requirements of the City of Providence and any other agencies as may be appropriate. NEPT's locally based engineers, Maguire Group, Inc., will coordinate all traffic control, safety measures, security measures, and all other technical construction issues with ProvPort and the City of Providence's Buildings and Public Works Departments.



- NOTES:
1. REQUIRED CLEAR SPAN 101'-0"±
 2. PIPE WEIGHT (HULL) - 0.75 PLF
 3. GROUND SNOW LOAD - 30PSF
 4. WIND LOAD - 100 MPH
 5. SEISMIC COEFFICIENTS - $S_1 = 0.081, S_2 = 0.200$
 6. ICE & THERMAL EFFECTS WILL ALSO NEED TO BE CONSIDERED.



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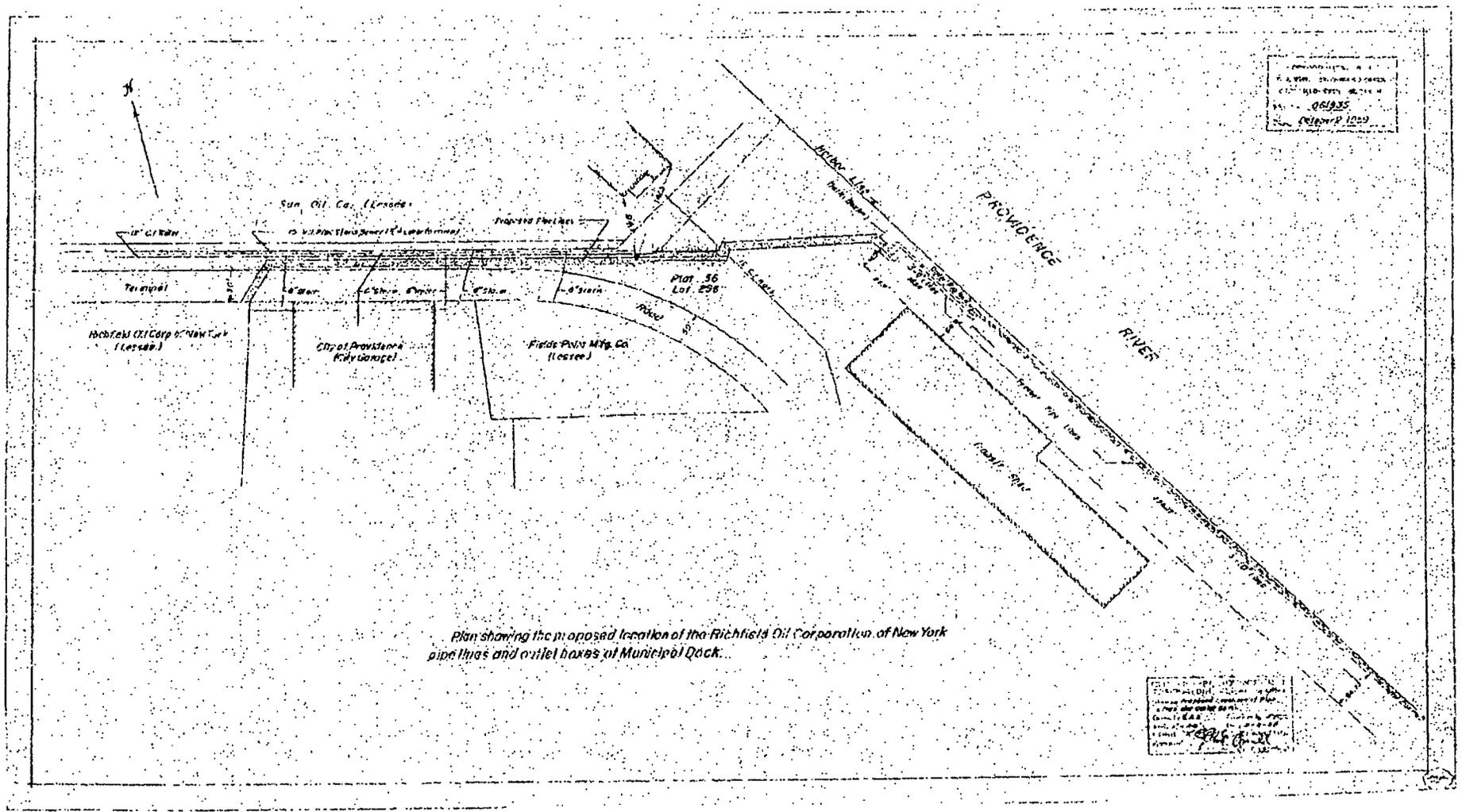
Maguire, Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02905

NEW ENGLAND
PETROLEUM TERMINAL LLC

NO.	REVISION	DATE	BY	CHKD.	APP'D.

TERMINAL ROAD
PIPE BRIDGE LAYOUT

UNIVERSITY MICROFILMS INTERNATIONAL 300 N ZEEB RD ANN ARBOR MI 48106



Plan showing the proposed location of the Richfield Oil Corporation of New York pipelines and outlet boxes at Municipal Dock.

ENGINEER
 061935
 06/20/07

06/20/07
 061935



Anna M. Stetson
City Clerk

Clerk of Council

DEPARTMENT OF CITY CLERK
CITY HALL

Deborah L. Santos- Hudson
First Deputy

Lori L. Hagen
Second Deputy

RECEIPT

Received of New England Petroleum Terminal, LLC, in the amount of Three Thousand (\$3,000.00) Dollars for payment for ProvPort along with NEPT (The Hudson Companies) to change the existing twelve (12) foot wide easement so that it may be converted from underground to overhead

A handwritten signature in cursive script that reads "Anna M. Stetson".

Anna M. Stetson
City Clerk

Dated: September 19, 2007

Security enhanced document. See back for details.

1003

NEW ENGLAND PETROLEUM TERMINAL, LLC

89 SHIP ST.
PROVIDENCE, RI 02903

DATE 9-19-07

57-1/115 RI
10111

PAY
TO THE
ORDER OF

City of Providence

\$ 3,000.00

Three Thousand

00/100

DOLLARS

Security features
are included
Details on back.

Bank of America



ACH R/T 011500010

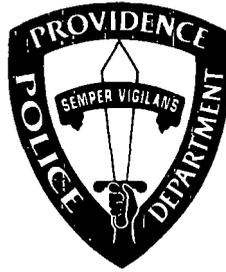
FOR Air Right Easement

[Signature]

⑈001003⑈ ⑆011500010⑆ 003940320452⑈

©2006 American BA

GUARDIAN @ SAFETY



Department of Public Safety, Police Department
"Building Pride in Providence"

June 22, 2007

To: Anna M. Stetson, Second Deputy City Clerk

From: Capt. James T. Nolette

Subject: Petition from Hudson Companies

Dear Anna:

After looking at the plans and descriptions enclosed, the Police Department has no objections to proposed changes as proposed by the Hudson Companies to change the existing 12 foot wide easement so that it may be converted from underground to overhead.

Sincerely,

Capt. James T. Nolette

Anthony DiGiulio
Fire Marshal

George D. Calise
Deputy Fire Marshal



David N. Cicilline
Mayor

George S. Farrell
Acting Chief of Department

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

June 26, 2007

Committee on Public Works
C/O Ms. Anna M. Stetson, City Clerk
Department of City Clerk
Providence City Hall
10 Dorrance Street
Providence, RI 02903

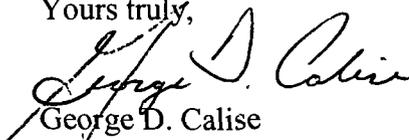
Re: 130 Terminal Road, New England Petroleum, LLC's (NEPT) Proposal to Construct a
Pipe Bridge Above Terminal Road Requiring an Easement

Dear Ms. Stetson:

I am in receipt of your memorandum dated June 11, 2007 and its attachments, i.e. a one page petition from Thomas A Hanley, Esq. to City Council on behalf of NEPT, as well as a letter dated May 14, 2007 addressed to Mr. Fred Stolle, Esq. along with two sketches. NEPT proposes to construct a new, above ground pipe bridge across Terminal Road. The aboveground pipe bridge will serve as a replacement for underground pipes that have reportedly failed their pressure testing. The new pipe bridge will traverse the Providence and Worcester Railroad and City's right-of-way by utilizing a 12 foot wide aboveground easement.

The Fire Department has no objection to this easement. However, this review pertains solely to the easement request and shall not be viewed as plan review approval for compliance with fire code and fire protection requirements that may be found in the Rhode Island Fire Codes and Standards. Detailed plans have not been submitted for review or approval. This letter may not be used for the purpose of obtaining a building permit. Full compliance with all provisions of the Rhode Island Fire Safety Code is required.

Yours truly,


George D. Calise
Deputy Fire Marshal

JOHN D. NICKELSON, PE
Director



DAVID N. CICILLINE
Mayor

Department of Public Works
"Building Pride in Providence"

June 25, 2007

Honorable Leon F. Tejada
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Aerial Easement of a Portion of Terminal Road.

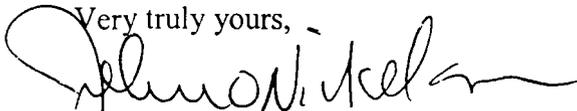
Dear Councilman Tejada:

This department has no objection to the proposed aerial easement of a portion of Terminal Road in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept- Engineering Office, Street Line Section, Plan No. 064807. Area of aerial easement is designated as (A-B-C-D-A) on the accompanying plan.

Total square footage equals 375 square feet. (+)
See accompanying plan for plat and lot numbers.

If we can further assist you in this regard, please advise.

Very truly yours,



John D. Nickelson, PE
Director

cc: Ann Stetson-City Clerk
BB, AZ-DPW
A. Southgate, Esq.- Law Dept.
T. Deller- Planning
J. Gelati- Tax Assessors

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: John Nickelson, Director, Department of Public Works

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

Please report back to this office as soon as possible in order that the committee can meet in a timely fashion relative to this matter.

**PETITION FROM THOMAS A. HANLEY,
ESQUIRE, ATTORNEY FOR PROVPOR, ALONG
WITH NEPT (THE HUDSON COMPANIES),
REQUESTING APPROVAL TO CHANGE THE
EXISTING TWELVE (12) FOOT WIDE
EASEMENT SO THAT IT MAY BE CONVERTED
FROM UNDERGROUND TO OVERHEAD.**

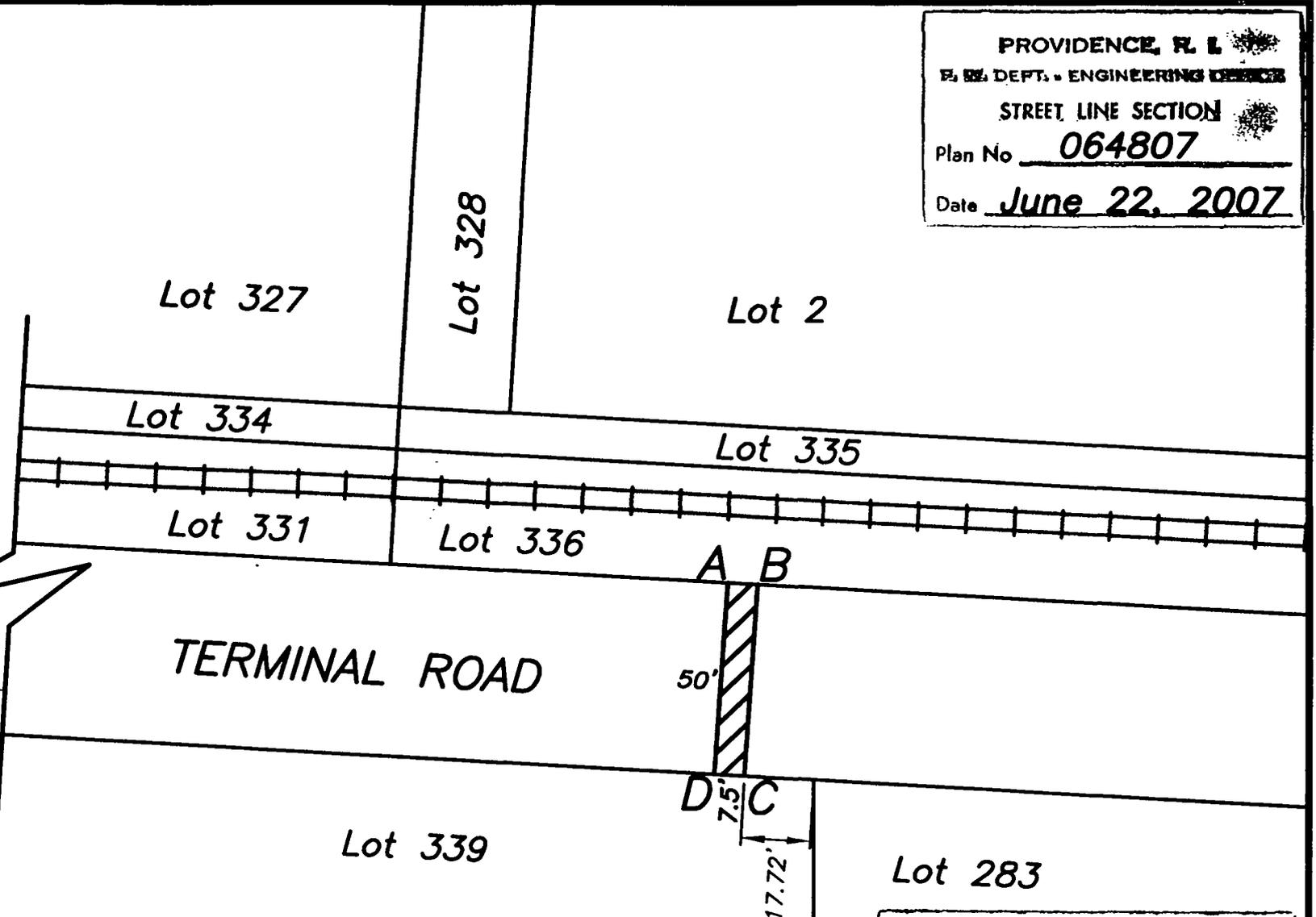
Anna M. Stetson
City Clerk

PROVIDENCE, R. I.
 PUBLIC WORKS DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064807
 Date June 22, 2007



ALLENS AVENUE

0.35 Miles



NOTES: Cross hatched area (A-B-C-D-A) indicates proposed aerial easement for a petroleum pipeline bridge.
 Total square footage = 375 sq. ft.

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement for
petroleum pipeline bridge.
 Drawn by B. Young Checked by _____
 Scale 1" = 40' Date 6-22-2007
 Correct _____ Associate Engr.
 Approved William C. Bombardieri
 CHIEF ENGINEER

Lot numbers taken from A.P. 56.

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

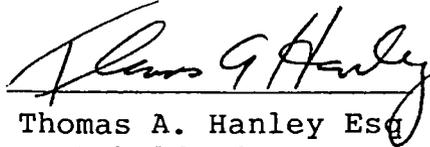
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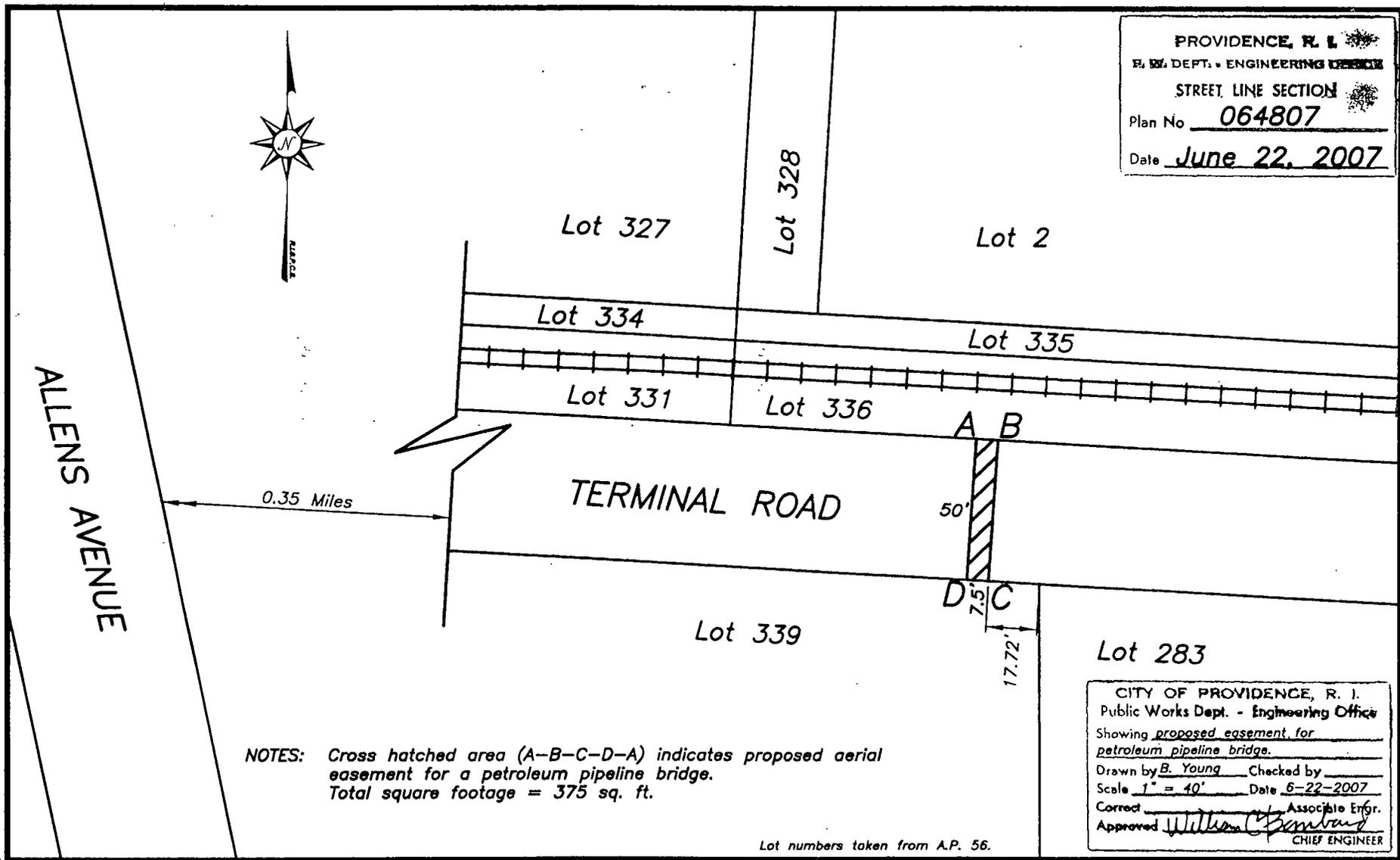
Submitted by:



Thomas A. Hanley Esq
on behalf of
NEPT (The Hudson Companies)
89 Ship Street
Providence, R. I.
5/31/07

739-3366
954-9615

PROVIDENCE, R. I.
 R. I. DEPT. OF ENGINEERING
 STREET LINE SECTION
 Plan No 064807
 Date June 22, 2007



NOTES: Cross hatched area (A-B-C-D-A) indicates proposed aerial easement for a petroleum pipeline bridge.
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Lot 283
 CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement for
petroleum pipeline bridge.
 Drawn by B. Young Checked by _____
 Scale 1" = 40' Date 6-22-2007
 Correct _____ Associate Engr.
 Approved William C. Pambour
 CHIEF ENGINEER

Lot numbers taken from A.P. 56.

768
 0-26

May 14, 2007

Fred Stolle, Esq.
Providence Public Works
700 Allens Avenue
Providence, RI 02905

Re: Reuse of the former Citgo Terminal, 130 Terminal Road
To Allow Construction of a Pipe Bridge over Terminal Road

Dear Attorney Stolle:

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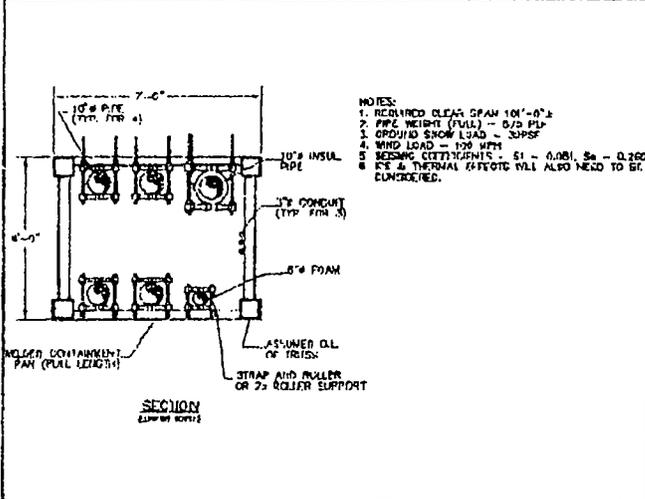
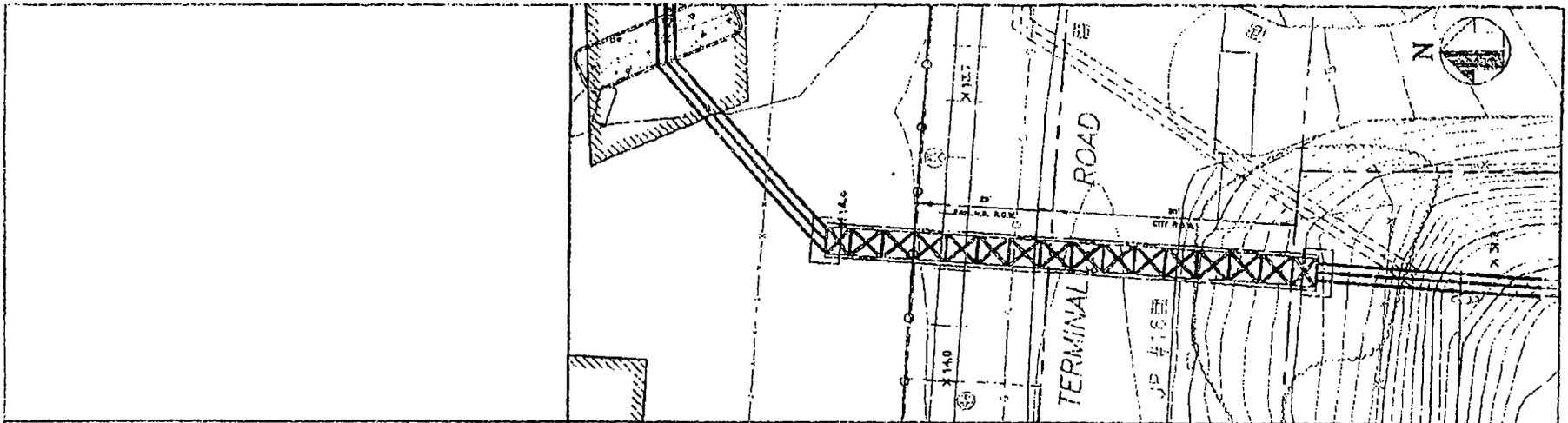
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Plugged flowable fill

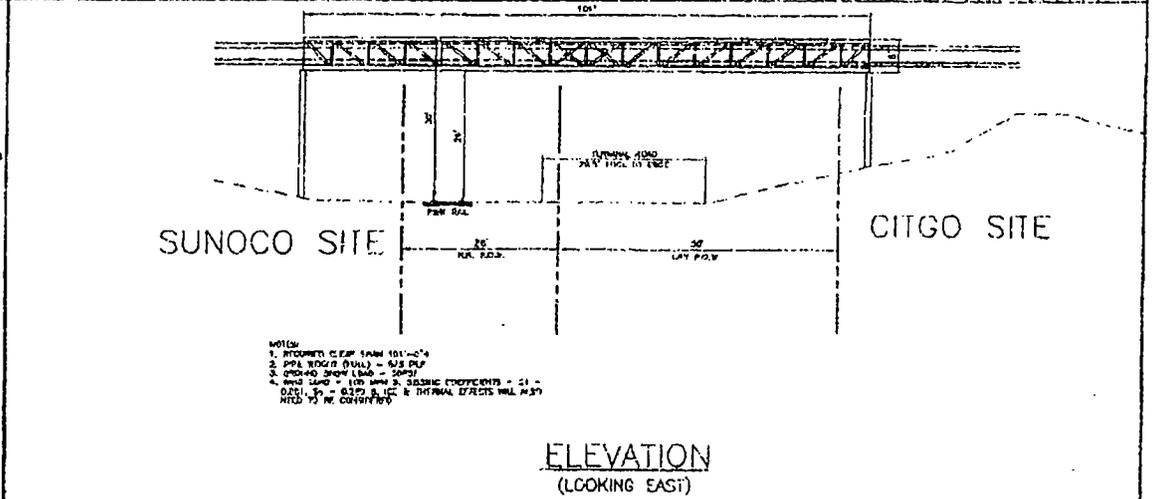
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 3. GROUND SNOW LOAD - 30PSF
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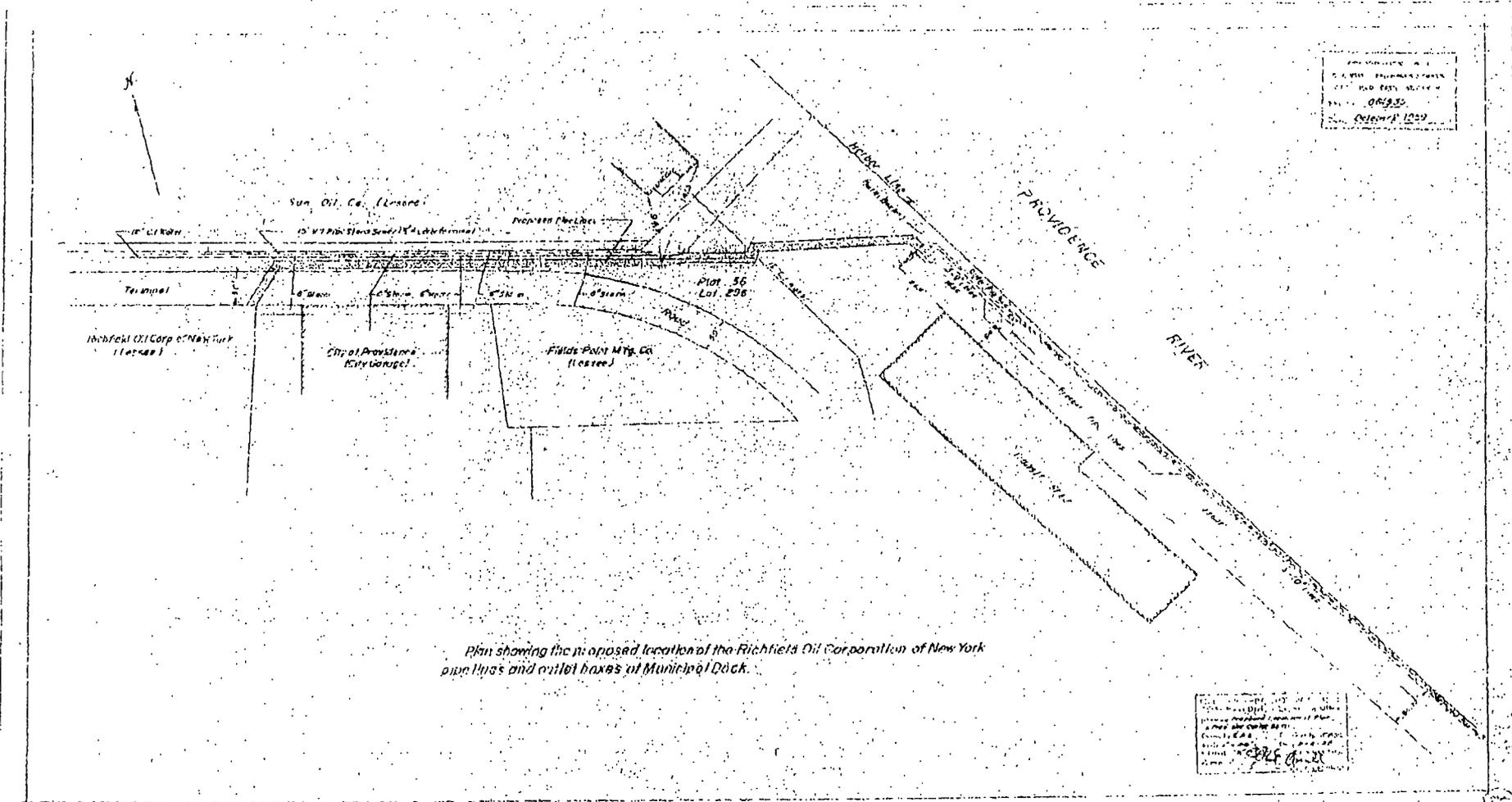
Maguire, Group Inc.
Architects/Engineers/Planners
225 Chapman Street
Providence, Rhode Island 02903

NEW ENGLAND
PETROLEUM TERMINAL LLC

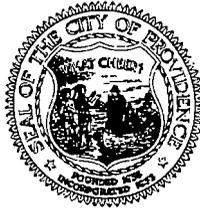
NO.	REV.	DATE	BY	CHK.	DESCRIPTION

TERMINAL ROAD
PIPE BRIDGE LAYOUT

272-6000



Plan showing the proposed location of the Richfield Oil Corporation of New York pipe lines and outlet boxes at Municipal Dock.



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

August 8, 2007

Honorable Leon F. Tejada, Chair
Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: CPC Referral 3289: Convert Existing Easement

Dear Councilman Tejada:

The City Plan Commission, at its regular meeting on Tuesday, July 17, 2007, reviewed and evaluated the request of the Committee on Public Works for the Commission's recommendation on the conversion of an existing 12-foot easement from underground to overhead. The existing 12-foot pipeline easement traverses both the Providence & Worcester Railroad Company's and the City of Providence's right-of-ways.

The Commission found the proposed easement is consistent with the *Providence 2000: Comprehensive Plan* and with the purposes of Zoning as presented in Section 100 of the Zoning Ordinance.

The Commission voted to recommend to the Committee on Public Works that the proposed easement as described in the related petition be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris J. Ise".

Christopher J. Ise
Administrative Officer

cc: Thomas A. Hanley, Esq.



ANDOLFO APPRAISAL ASSOCIATES, INC.

**REAL ESTATE APPRAISERS AND CONSULTANTS
THE BUSH BUILDING
216 WEYBOSSET STREET • PROVIDENCE • RHODE ISLAND 02903
(401) 273-8989 • FAX (401) 273-2510**

July 3, 2007

Mr. John Gelati
City Tax Assessor
City of Providence
25 Dorrance Street / City Hall
Providence, Rhode Island 02903

Re: Proposed Overhead Easement - Terminal Road, Providence

Dear Mr. Gelati:

Pursuant to your request, we have personally inspected the real estate located on Terminal Road, Providence, Rhode Island. The purpose of our inspection was to estimate the fair market value of a proposed easement requested overhead Terminal Road in order to allow the construction of a pipe bridge in the distribution of home heating oil.

The easement contains a total of 375 square feet and could also be utilized for any other use by the petitioner, ProvPort. The subject is located in the Port of Providence neighborhood area.

Specifically, the proposed easement will run across the full width of Terminal Road and will vary in width and depth. It is to contain 375 square feet according to a map supplied by the Maguire Group Inc. The City's Department of Public Works has no objection to this request. They will require a Class 1 survey for recording purposes.

We have taken into account a number of factors in arriving at a fair market value for the requested easement. The petitioner will gain unrestricted use over the road to further enhance the commercial viability of their property in this area zoned W-3 Waterfront Commercial.

ANDOLFO APPRAISAL ASSOCIATES, INC.

Mr. John Gelati
Page 2
July 3, 2007

Based on an analysis of comparable sales as contained within the offices of Andolfo Appraisal Associates, Inc., a value of \$8.00 per square foot is hereby estimated for this site.

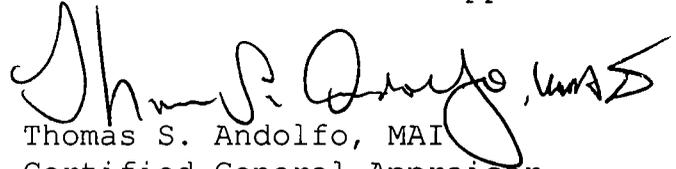
Therefore, 375 square feet x \$8.00 per square foot = \$3,000.

Respectfully submitted,

ANDOLFO APPRAISAL ASSOCIATES, INC.



William G. Floriani
Certified Residential Appraiser


Thomas S. Andolfo, MAI
Certified General Appraiser

WGF:TSA/fad

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: Dean Esserman, Chief of Police
Providence Police Department

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

Please report back to this office as soon as possible in order that the committee can meet in a timely fashion relative to this matter.

**PETITION FROM THOMAS A. HANLEY,
ESQUIRE, ATTORNEY FOR PROVPORT, ALONG
WITH NEPT (THE HUDSON COMPANIES),
REQUESTING APPROVAL TO CHANGE THE
EXISTING TWELVE (12) FOOT WIDE
EASEMENT SO THAT IT MAY BE CONVERTED
FROM UNDERGROUND TO OVERHEAD.**

Anna M. Stetson
City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: George Farell, Fire Chief
Providence Fire Department

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

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A handwritten signature in cursive script that reads "Anna M. Stetson".

City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: John Nickelson, Director, Department of Public Works

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

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Anna M. Stetson
City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: John Gelati, City Assessor, Assessor's Office

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

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FROM UNDERGROUND TO OVERHEAD.**

Anna M. Stetson
City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: June 11, 2007

TO: Christopher Ise, City Plan Commission
Planning & Development

SUBJECT: **COMMITTEE ON PUBLIC WORKS**

CONSIDERED BY: Anna M. Stetson, City Clerk

DISPOSITION: I have been directed by Councilman Leon F. Tejada, Chairman, Committee on Public Works to refer to you the accompanying petition for study, report and recommendation.

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Anna M. Stetson
City Clerk