

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

(Nees prairie et al)

RESOLUTION OF THE CITY COUNCIL

No. 703

Approved December 14, 2001

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Prairie Avenue and Broad/Holden, Promenade and Greene Streets in the City of Providence to NEES Communications, Inc. (NEESCOM). Said easements shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of fiber optic conduit. Said easement shall not exceed the area of four hundred seven feet by two feet by three feet and indicated by the cross-hatched area on the accompanying maps marked as Exhibits A, B, C. and D.

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 in the Office of Land Records for the City of Providence.

3. 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. Additionally, it shall be for a term of not more than twenty (20) years.

4. NEESCOM shall tender the sum of Two Thousand Nine Hundred Twelve Dollars (\$2,912.00) in legal tender of the United States of America.

5. 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.

6. Any installation of utilities or utility lines shall be underground so as to preserve the public right-of-way.

7. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

8. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

IN CITY COUNCIL.
OCT 4 2001

FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS & City Property

Michael R. Clement Clerk

THE COMMITTEE ON
PUBLIC WORKS & City Property
Approves Passage of
The Within Resolution

Charles Bustard
Nov. 8, 2001 Clerk

From the Clerk's Desk

9. NEESCOM 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.

10. NEESCOM 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 one hundred thousand dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.

11. Grantee shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.

12. NEESCOM recognizes the applicability of Sections 23-107, 23-108 and 23-190 of the Code of Ordinances which read as follows:

23-107. Indemnity of city against claims arising out of electrical installations. No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in, under, or over any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The City shall notify such person not fewer than ninety (90) days prior to such public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

23-108. Precedence of wires, apparatus of city signal service. The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense incident to said removal shall be paid immediately by such other corporation or party.

23-109. Indemnity of city against claims arising out of electrical installation.

Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and

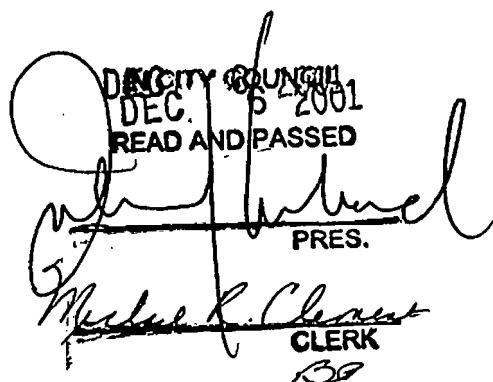
servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

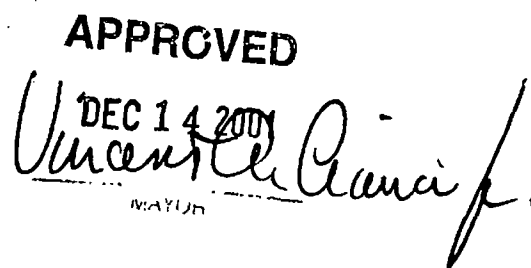
and NEESCOM, for itself and its successors, agrees to comply with the same.

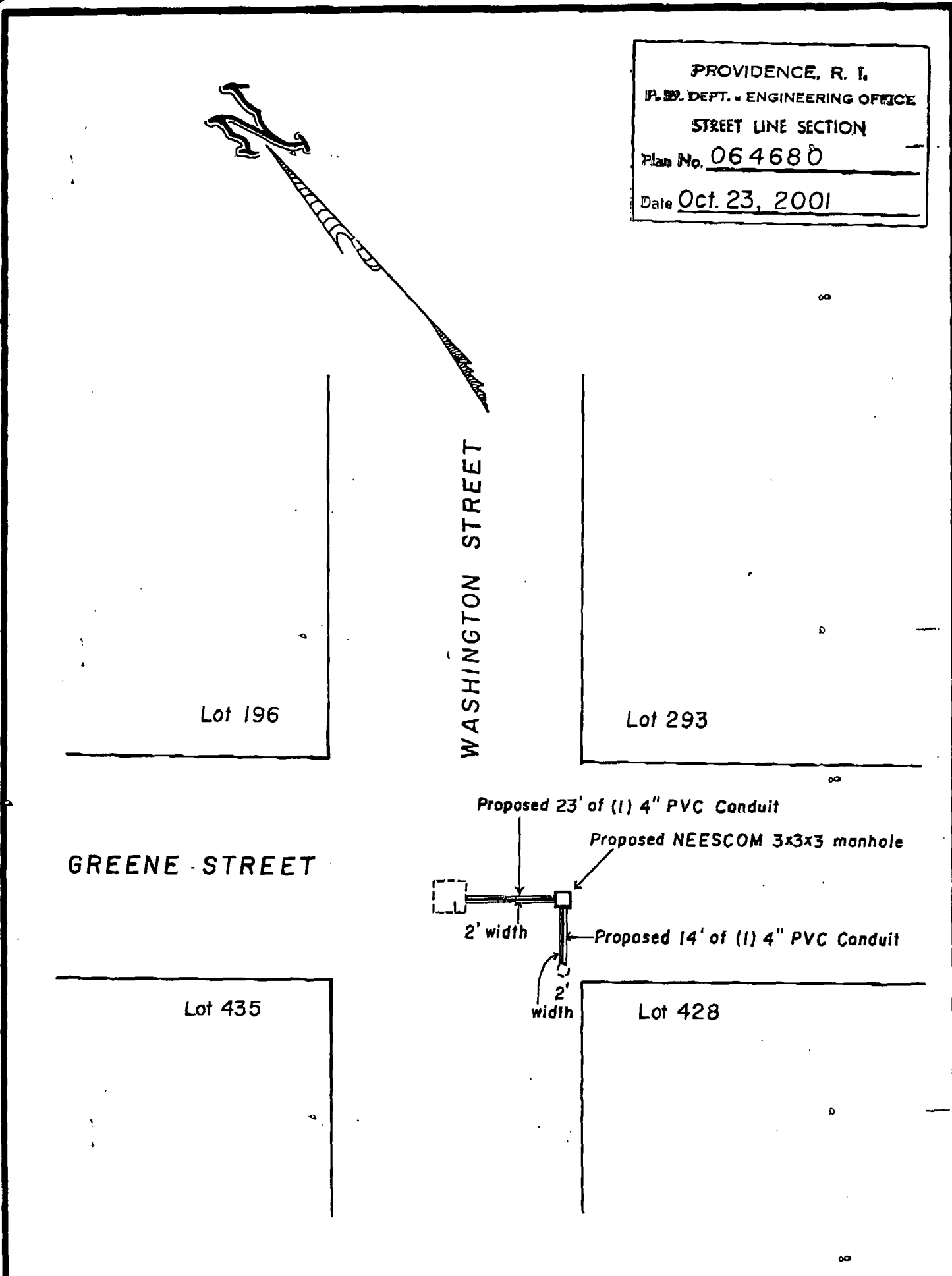
13. NEESCOM shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon the ninety (90) days notice hereinbefore mentioned, NEESCOM shall, at its own expense, remove said improvements to the easement area.

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


 CITY COUNCIL
 DEC. 5 2001
 READ AND PASSED
 PRES.
 Michael R. Charest
 CLERK
 39

APPROVED
 DEC 14 2001

 MAYOR



PROVIDENCE, R. I.
 P.W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064680
 Date Oct. 23, 2001

GREENE STREET

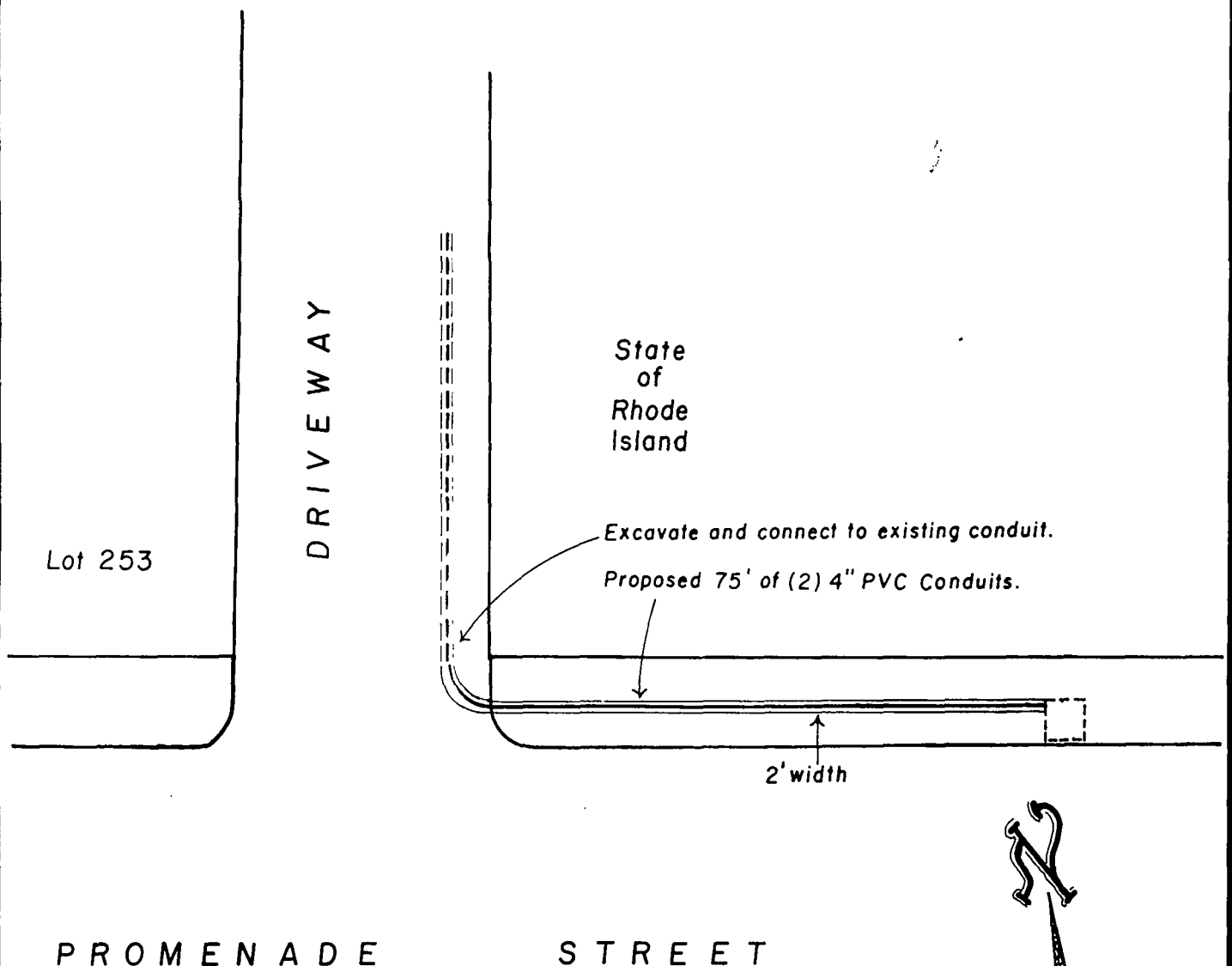
WASHINGTON STREET

NOTES: Plan showing proposed easement for underground conduit. (NEESCOM)
 Total square footage = 83.00'±

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing Proposed easement at Greene & Washington Streets.
 Drawn by A. Zisiades, Checked by J. C.
 Scale 1" = 30' Date 10-23-2001
 Correct James A. Morris Associate Engr.
 Approved [Signature] CHIEF ENGINEER

Lot numbers taken from A.P. 25.

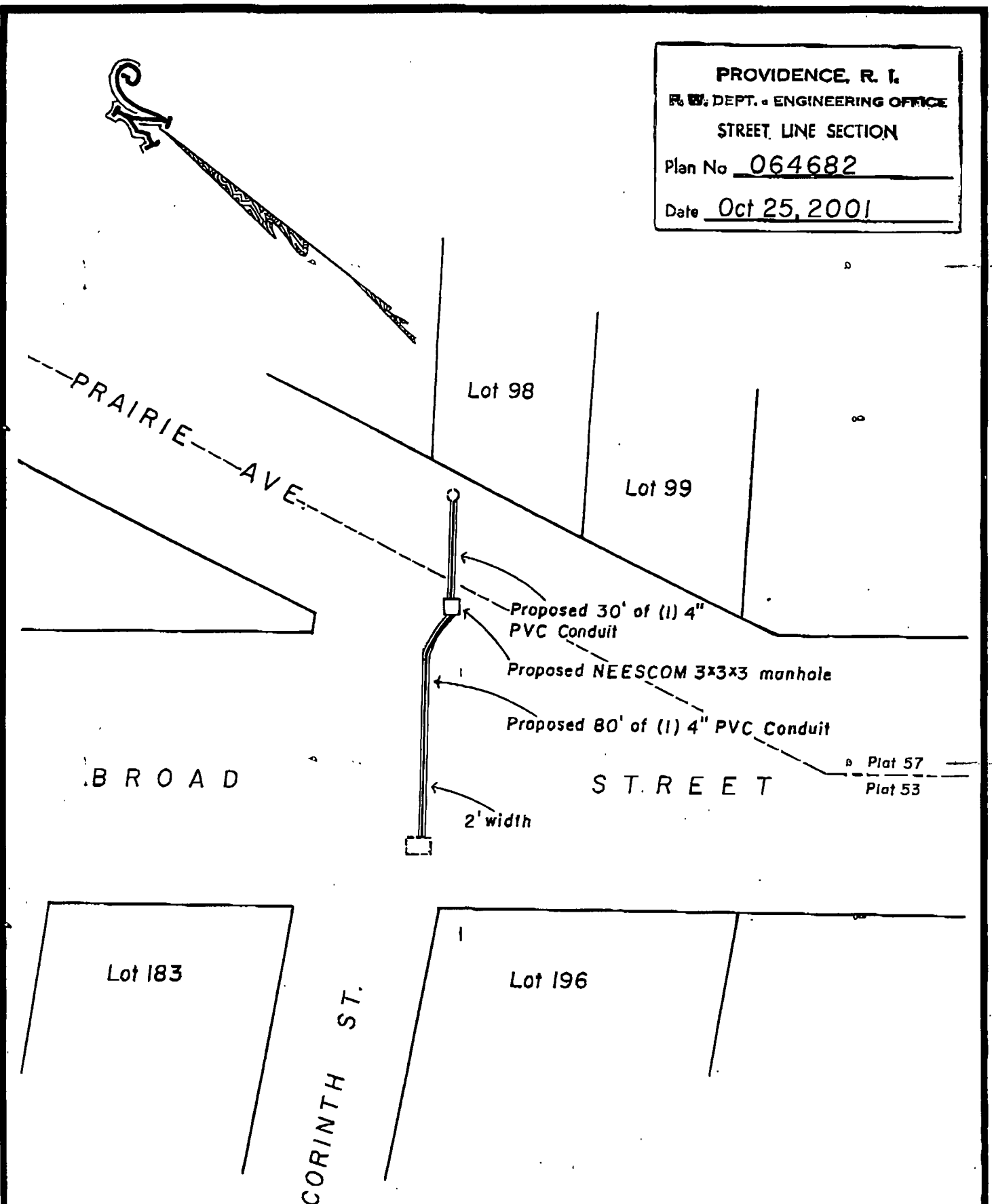
PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064681
 Date Oct. 25, 2001



NOTES: Plan showing proposed easement for underground conduit.
 Total square footage = 150.00' ±

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement on
Promenade Street.
 Drawn by A. Zisiades Checked by JLC
 Scale 1" = 20' Date 10-25-2001
 Correct James P. Morris Associate Engr.
 Approved [Signature] CHIEF ENGINEER

Lot number taken from A.P. 4.

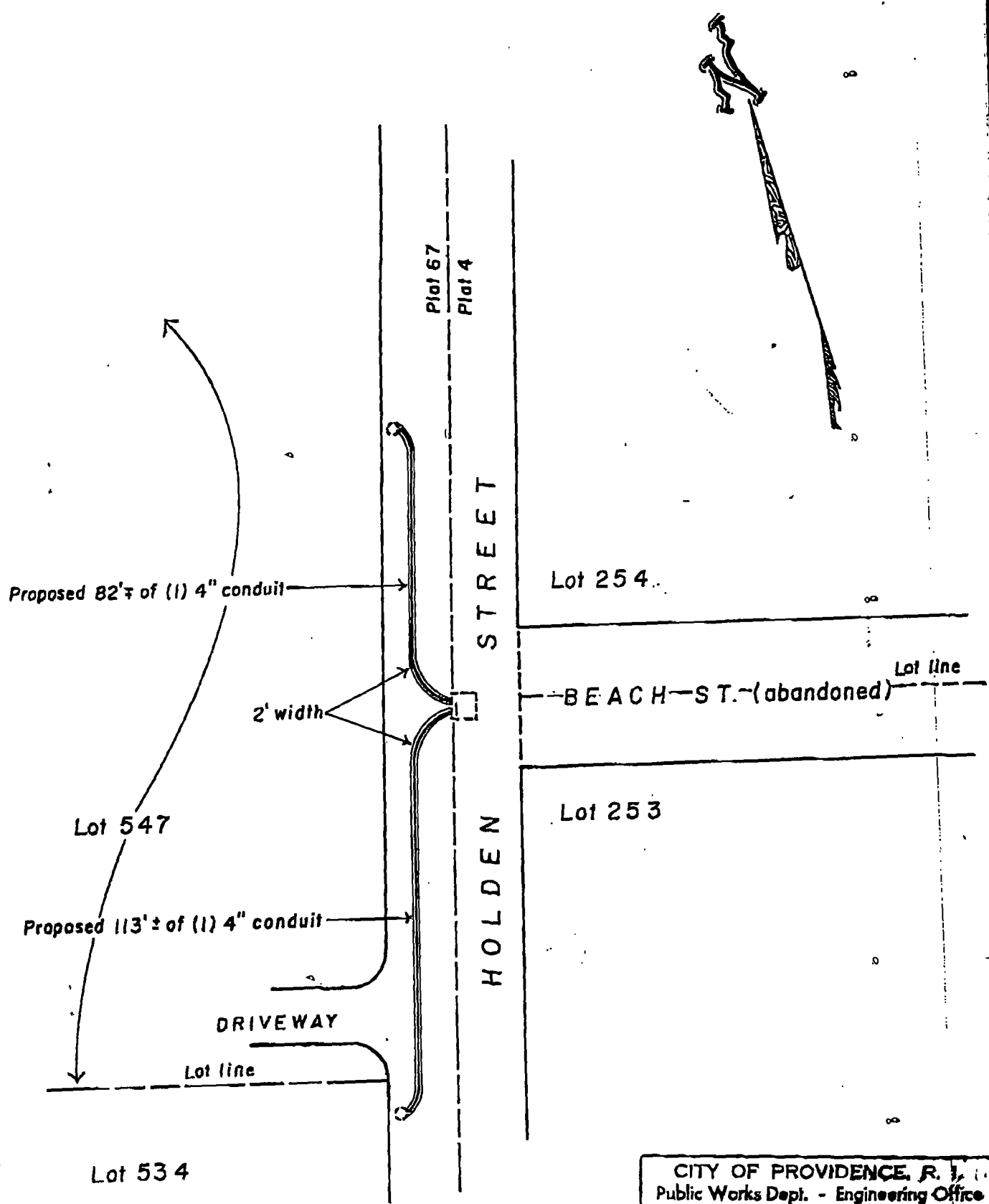


PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No 064682
 Date Oct 25, 2001

NOTES: Plan showing proposed easement for underground conduit. (NEESCOM)
 Total square footage = 220.00'±

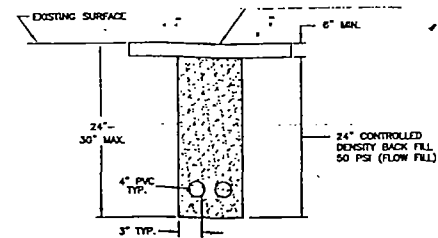
CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement on Broad St. & Prairie Ave.
 Drawn by A. Zisiades Checked by [Signature]
 Scale 1" = 40' Date 10-25-2001
 Correct [Signature] Associate Engr.
 Approved [Signature] CHIEF ENGINEER

PROVIDENCE, R. I.
PUBLIC WORKS DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No 064683
Date Oct. 29, 2001



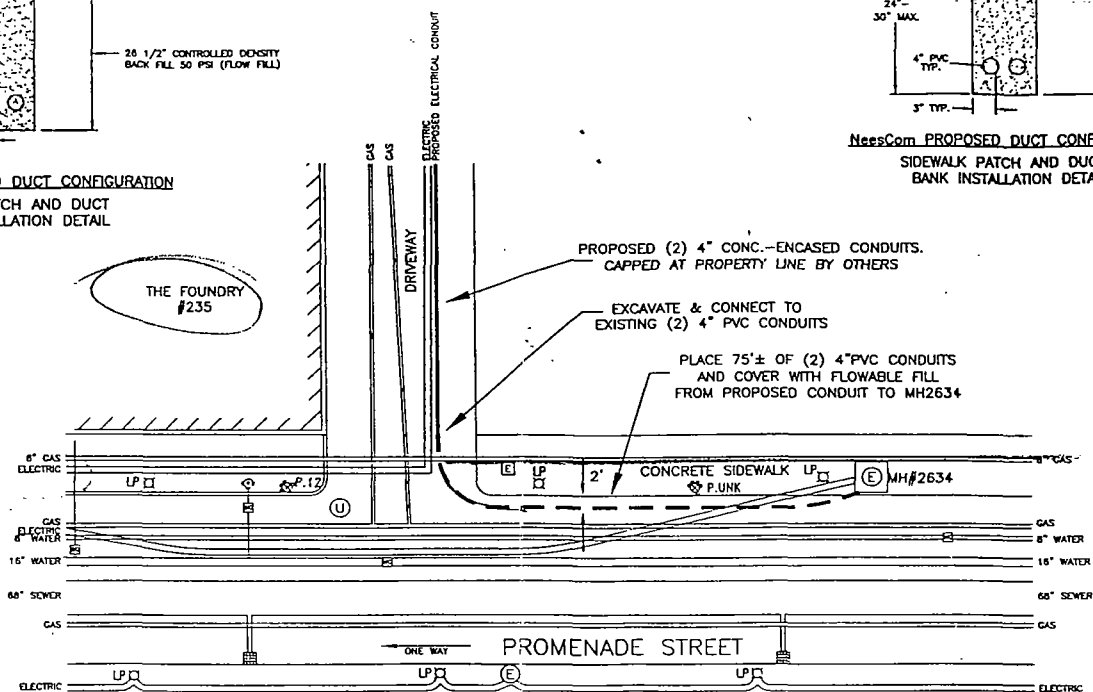
NOTES: Plan showing proposed easement for underground conduit. (NEESCOM)
Total square footage = 390.00'±

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing proposed easement on Holden St.
Drawn by A. Zisades Checked by JLC
Scale 1" = 40' Date 10-29-2001
Corrected James A. Marz Associate Engr.
Approved: [Signature] CHIEF ENGINEER





NeesCom PROPOSED DUCT CONFIGURATION
ROADWAY PATCH AND DUCT
BANK INSTALLATION DETAIL

NeesCom PROPOSED DUCT CONFIGURATION
SIDEWALK PATCH AND DUCT
BANK INSTALLATION DETAIL



Priority 2 !!!

	ALERT 48 HOURS NOTICE REQUIRED. ENTER 1-888-DIG-SAFE		
	BILL OF MATERIALS		
MATERIAL	QUANTITY	TOTAL FOOTAGE	
4" CONDUIT	-	±75'	
6" RADIUS BEND	1	-	

[illegible]

PREPARED FOR:

NEESCom
Connecting The Power of Light

PREPARED BY:

Utility Consultants
-A Linc.net Group Co.

SITE ADDRESS.

PROMENADE

NEES COMMUNICATIONS
CONDUIT LOCATIONS ON
PROMENADE STREET PROVIDENCE, RI

CONTRACT NO.: _____

FILE NAME:

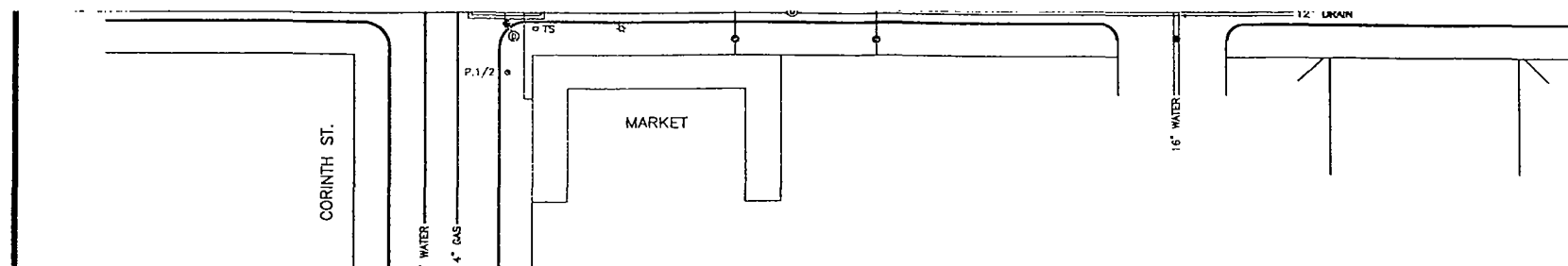
DATE DRAWDN: AUGUST 28, 2001

SCALE: 1" = 20'

2

PAGE: 2 OF:

M:\Engineering\NEET\Cam\Previdences\Fromenade SL



HENRY E. KATES
Chairman

LESLIE A. GARDNER
Vice Chairman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMMOON
Secretary



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

DATE: October 31, 2001

TO : Michael Clement, City Clerk

FROM: William G. Floriani, Assistant Director
Project Management and Construction

RE : EASEMENT VALUES

Pursuant to your request I have visited the site referenced below. The purpose was to determine Fair Market Value of the easements.

1. **Promenade Street:**
The easement requested is 75' of conduit in a 2' wide strip. The area is zoned D-2 and is a 150 sq. ft. The value of \$20.00 per ft. is reduced by 75%.
150 sq. ft. @ \$5.00 per ft = \$750.00
2. **Holden Street:**
The easement requested is 185' of conduit in a 2' wide strip. The area is zoned R-3 and contains 390 sq. ft.. The value of \$10.00 per ft. is reduced by 75%.
390 sq. ft. @ \$2.50 per ft = \$975.00
3. **Washington & Green Sts.:**
The easement requested is 37' of conduit in a 2' wide strip. The area is zoned D-150 and contains 83 sq. ft.. The value of \$60.00 per ft. is reduced by 85%.
83 sq. ft. @ \$9.00 per ft = \$747.00
4. **Broad St. & Prairie Ave.:**
The easement requested is 110' of conduit in a 2' wide strip. The area is zoned C-2 and contains 220 sq. ft.. The value of \$8.00 per ft. is reduced by 75%.
220 sq. ft. @ \$2.00 per ft = \$440.00

(Nees prairie et al)

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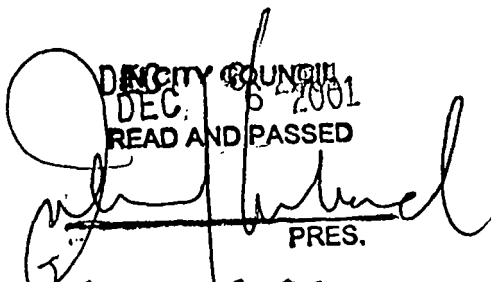

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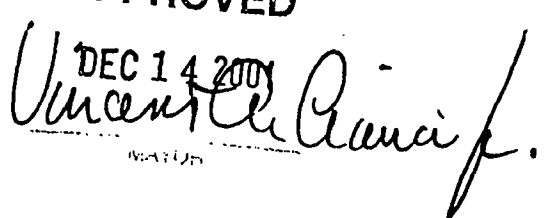
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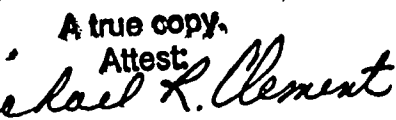
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15. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law.

CITY COUNCIL
DEC. 6 2001
READ AND PASSED

PRES.

CLERK
30

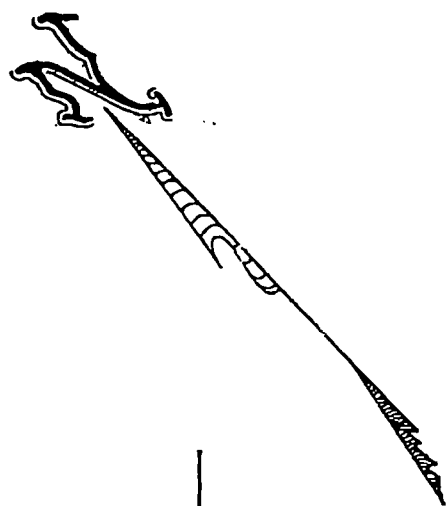
APPROVED
DEC 14 2001

MAYOR



A true copy,
Attest:

Michael R. Clement
City Clerk

BK5009PG0069

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064680
Date Oct. 23, 2001



WASHINGTON STREET

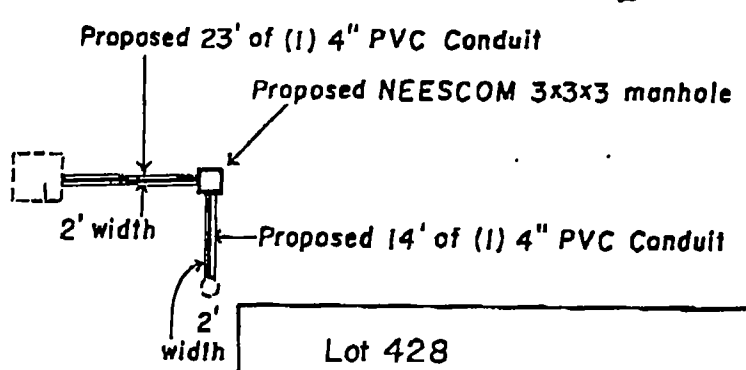
Lot 196

Lot 293

GREENE STREET

Lot 435

Lot 428

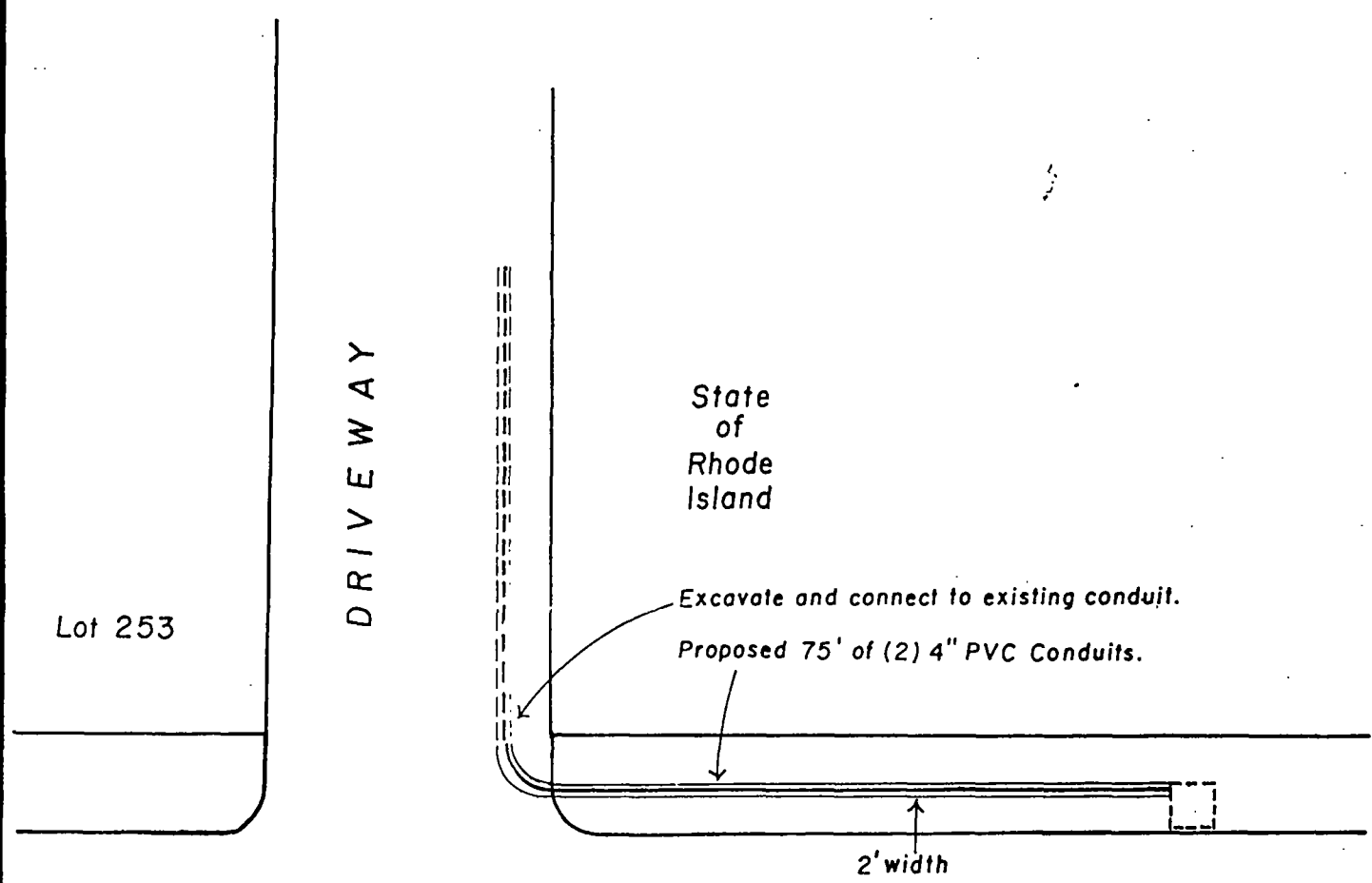


NOTES: Plan showing proposed easement for underground conduit. (NEESCOM)
Total square footage = 83.00'±

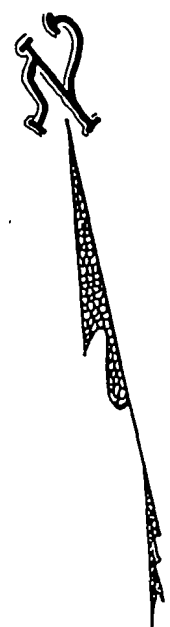
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Approved [Signature] CHIEF ENGINEER

Lot numbers taken from A.P. 25.

PROVIDENCE, R. I.
R. I. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064681
Date Oct. 25, 2001



PROMENADE STREET

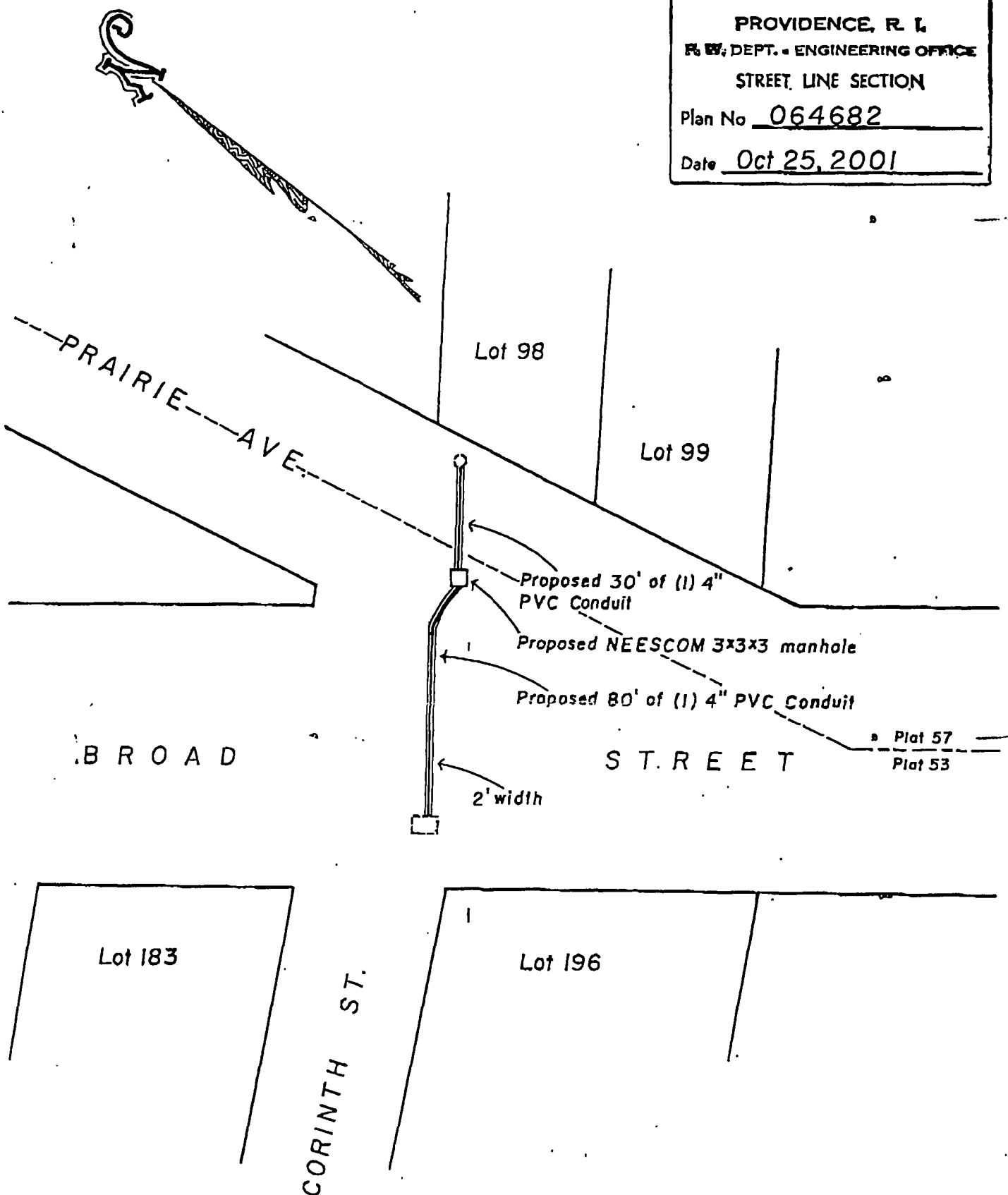


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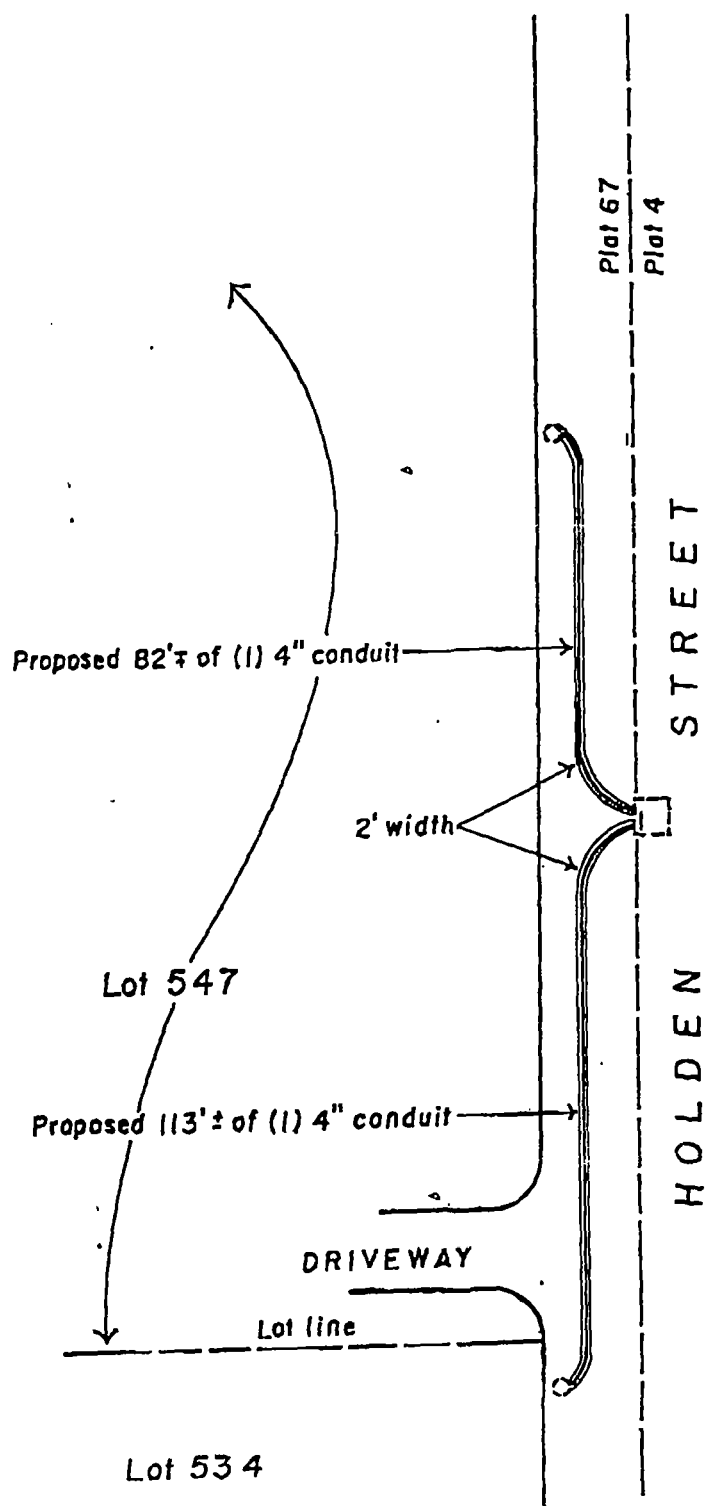
PROVIDENCE, R. I.	
P. W. DEPT. - ENGINEERING OFFICE	
STREET LINE SECTION	
Plan No	<u>064682</u>
Date	<u>Oct 25, 2001</u>



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Total square footage = 220.00'±

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Public Works Dept. - Engineering Office	
Showing proposed easement on Broad St. & Prairie Ave.	
Drawn by <u>A. Zisides</u>	Checked by <u>[Signature]</u>
Scale <u>1" = 40'</u>	Date <u>10-25-2001</u>
Correct <u>[Signature]</u>	Associate Engr.
Approved <u>[Signature]</u>	CHIEF ENGINEER

PROVIDENCE, R. I.
 PUBLIC WORKS DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064683
 Date Oct. 29, 2001



Lot 254

BEACH ST. (abandoned) Lot line

Lot 253

**RECORDERS NOTE
 POOR ORIGINAL
 FOR DUPLICATING**

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement on Holden St.
 Drawn by A. Zisides Checked by [Signature]
 Scale 1" = 40' Date 10-29-2001
 Corrected by [Signature] Associate Engr.
 Approved [Signature] CHIEF ENGINEER

NOTES: Plan showing proposed easement for underground conduit. (NEESCOM)
 Total square footage = 390.00'±

Received for Record at 9 o'clock 27 min AM in
JAN 31 2002 Recorder of Deeds
Barbara A. Troney

5009/66-73

C 684

RECEIVED FOR RECORD
AT 9 O'CLOCK 27 MIN.
PROVIDENCE, RI

JAN 31 2002

Witness: _____

Fee _____