

RESOLUTION OF THE CITY COUNCIL

No. 259

Approved June 12, 2014

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant an easement to the property located at 166 Broadway, in the City of Providence (the "Premises") to Fishwing, LLC d/b/a "The Grange." Said easement shall be granted specifically upon the following provisions:

1. The easement shall be utilized only for use of outdoor benches and seasonal seating, adjacent to and abutting the Broadway portion of the Premises, consisting of a total of fifty nine (59) square feet with dimensions indicated as a shaded area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064846 dated April 15, 2014."
2. The easement shall be extinguished upon the sale of the building and/or the transfer of the business. Until such time as such sale or transfer occurs, the easement shall remain in full force and effect. The easement shall be recorded by Fishwing, LLC d/b/a "The Grange" in the Office of Land Records for the City of Providence.
3. At the time that such sale or transfer of the business occurs, Fishwing, LLC d/b/a "The Grange" shall restore the portions of sidewalk affected by construction to substantially their previous condition.
4. Fishwing, LLC d/b/a "The Grange" shall tender to the City the sum of one thousand seven hundred seventy dollars (\$1,770.00) in legal tender of the United States of America.
5. Fishwing, LLC d/b/a "The Grange" shall execute an indemnification and hold-harmless agreement with the City of Providence, to be approved by the City's Department of Law.
6. Fishwing, LLC d/b/a "The Grange" shall supply the City of Providence with a comprehensive general liability insurance policy during the period of construction 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 City's Department of Law.

7. At any such time, the City of Providence, determines the sidewalk in question should require repavement, or any other maintenance or improvements, Fishwing, LLC d/b/a "The Grange" shall remove any permanent structures affixed to said sidewalk, at their own expense, to allow the City of Providence to conduct said repavement, maintenance, or improvements.

8. 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

JUN 05 2014

READ AND PASSED, *As Amended*

W. Kei
PRES.

Low L. Hayes
CLERK
ACTING

I HEREBY APPROVE.

Angel Taverne
Mayor

Date: *6/12/14*

GRANT OF EASEMENT
BY AND BETWEEN THE CITY OF PROVIDENCE
AND FISHWING LLC, d/b/a "THE GRANGE"

GRANT OF EASEMENT, made this 27th day of May, 2014, by and between the City of Providence ("Grantor"), a municipality having a principal place of business at 25 Dorrance Street, Providence, Rhode Island 02903 Fishwing, LLC d/b/a "The Grange" ("Grantee"), a Rhode Island LLC having a principal place of business at 166 Broadway, Providence, Rhode Island 02903 (the "Premises").

THE CITY OF PROVIDENCE ("Grantor") for nominal consideration, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **FISHWING LLC, d/b/a "THE GRANGE"** an easement to be utilized only for use of outdoor benches and seasonal seating, adjacent to and abutting the Broadway portion of the Premises, consisting of a total of fifty nine (59) square feet with dimensions indicated as a shaded area on the accompanying plan entitled: "Providence, RI Department of Public Works - Engineering Office, Street Line Section Plan No. 064846 dated April 15, 2014." (hereinafter the "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 building, the transfer of the business, and/or the premises ceases to be used by Fishwing LLC d/b/a "The Grange". Until such time as such sale or transfer occurs, the easement shall remain in full force and effect. The easement shall be recorded by Fishwing, LLC d/b/a "The Grange" in the Office of Land Records for the City of Providence; (ii) At the time that such sale or transfer of the business occurs, Fishwing, LLC d/b/a "The Grange" shall restore the portions of sidewalk affected by construction to substantially their previous condition; (iii) Fishwing, LLC d/b/a "The Grange" shall execute an indemnification and hold-harmless agreement with the City of Providence, to be approved by the City's Department of Law; (iv) Fishwing, LLC d/b/a "The Grange" shall supply the City of Providence with a comprehensive general liability insurance policy during the period of construction 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 City's Department of Law; (v) At any such time, the City of Providence, determines the sidewalk in question should require repavement, or any other maintenance or improvements, Fishwing, LLC d/b/a "The Grange" shall remove any permanent structures affixed to said sidewalk, at their own expense, to allow the City of Providence to conduct said repavement, maintenance, or improvements.

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 listed, that such rights granted to the Grantee extinguish upon sale of the building 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: **FISHWING LLC, d/b/a "THE GRANGE"**

By: _____

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to before me in Providence on this _____ day of _____ 2014.

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 _____ 2014.

Notary Public
My Commission Expires:

Approved as to form and correctness:

Jeffrey M. Padwa, City Solicitor

David L. Quinn, II
City Tax Assessor



Angel Taveras
Mayor

**Finance Department
Office of Tax Assessor**
"Building Pride In Providence"

5/27/14

City of Providence
Department of City Clerk
25 Dorrance Street
Providence, RI 02903

RE: Proposed Easement at Broadway/Dean (Assessor's Plat 28, Lot 962), The Grange

To Whom It May Concern—

Pursuant to your request, our office has inspected the real estate located at 166 Broadway St., adjacent to Lot 962 on Plat 28 of the Assessor's Plat Maps for the City of Providence.

The purpose of the inspection and subsequent analysis was to estimate the "as-is" market value of an easement. The easement is being requested by Greens on Broadway, LLC, (Robert Yaffe) a/k/a The Grange Restaurant, located at 166 Broadway St.

Specifically, the proposed easement would run along a small portion Broadway in the sidewalk location, approximating 59 SF. The easement encompasses the sidewalk as depicted on a site plan provided by From [In] Form, LLC and also provided by the City of Providence Public Works Department and Engineering Office.

Based on an analysis of comparable sales as contained within our office, a market value of \$32.00 per square foot was derived for the site, i.e., allowing an easement for benches and seasonal seating. Therefore, the indicated "as-is" market value of the proposed easement as of May 27, 2014 is as follows:

59 square feet x \$30.00 per square foot = \$1,770.00

Respectfully submitted,

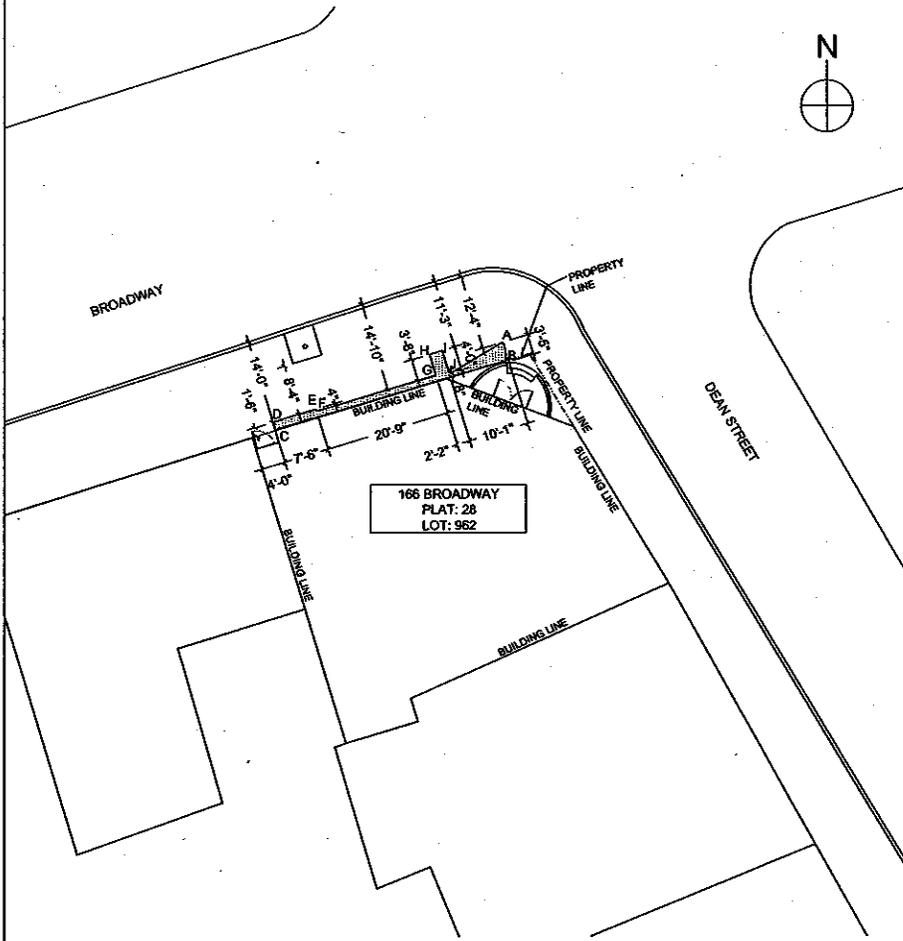
A handwritten signature in black ink, appearing to read "David L. Quinn, II".

David L. Quinn, II
Tax Assessor

**City Assessor's Office
25 Dorrance St, Room 208
Providence, Rhode Island 02903**

(401) 421-7740

PROVIDENCE, RI
 DEPT. ENGINEERING OFFICE
 STREET LINE SECTION
 PLAN NO. 064846
 DATE APRIL 15, 2014



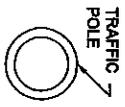
166 BROADWAY
 PLAT: 28
 LOT: 982

NOTES: CROSS HATCHED AREA (A-B-C-D-E-F-G-H-I-J-A) INDICATES PROPOSED EASEMENT FOR PERMANENT SEATING AND PLANTER BOXES AT 166 BROADWAY. TOTAL SQUARE FOOTAGE = 59 SF +/-.

CITY OF PROVIDENCE, RI
 Public Works Dept. & Engineering Office
 Showing proposed easement on Broadway
 and Dean Street
 Drawn by ABW Checked by ABW
 Scale: 1"=20' Date 4-15-14
 Correct Associate Engr.
 Approved Chief Engineer

LOT NUMBER TAKEN FROM A.P. 28

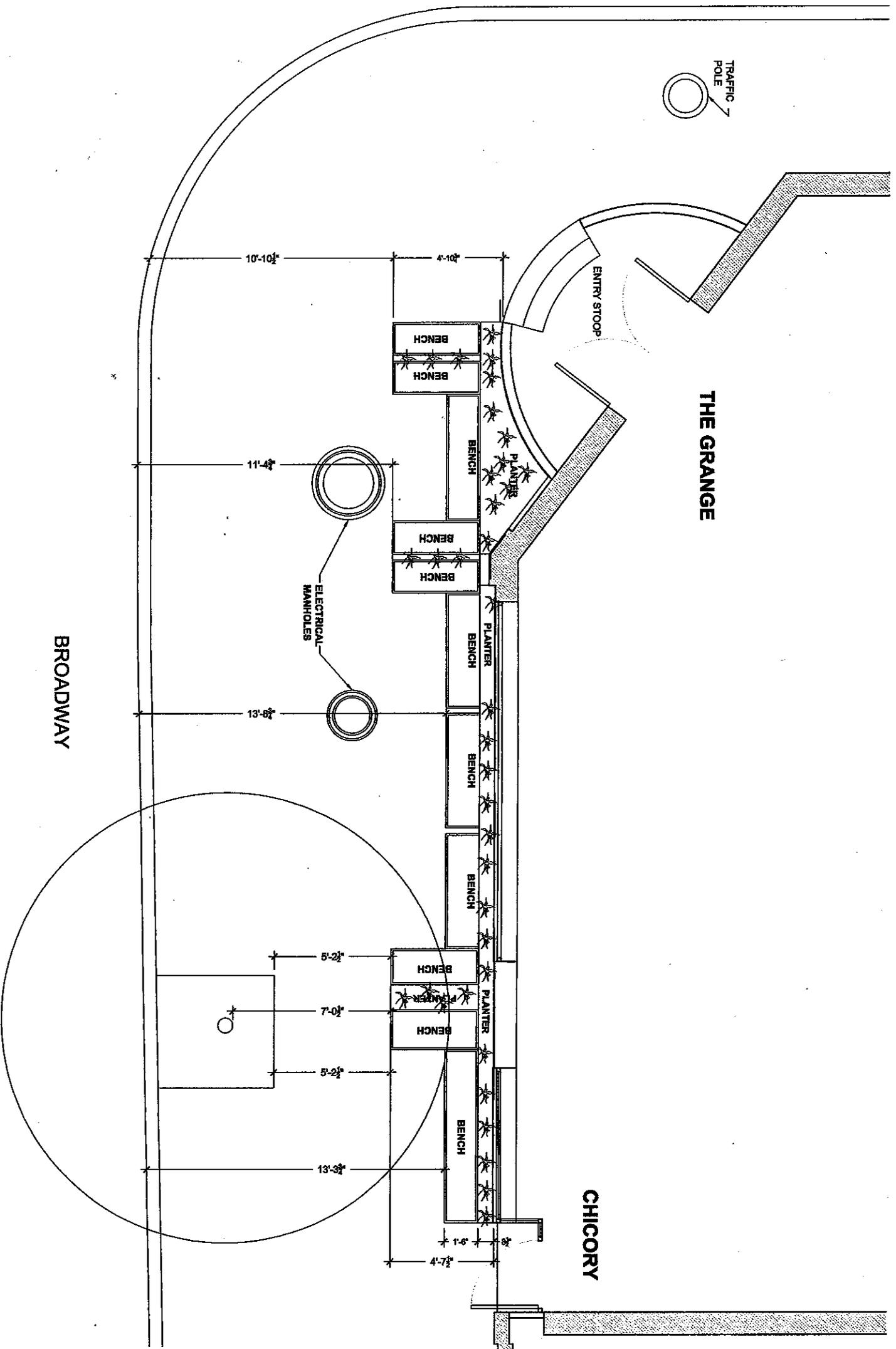
768
 Q-63



THE GRANGE

CHICORY

BROADWAY



from [in] form
54 Ezzard Avenue
Providence, RI 02908
401-350-7502
401-358-6996
french@french.com
© 2012 French & French, LLC

FOR
REFERENCE
ONLY

ROBERT YAFFE
166 BROADWAY, PROVIDENCE, RI 02903
THE GRANGE
Outdoor Seating
166 Broadway, Providence, RI 02903

DATE: 12/14/11
BY: RY
CHECKED BY: RY
SCALE: 1/4" = 1'-0"
OFF SEASON
PUBLIC SEATING
PLAN

A2.2

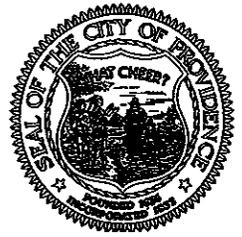


PROVIDENCE POLICE DEPARTMENT

**Colonel Hugh T. Clements
Chief of Police**

Traffic Bureau

Sergeant Paul F. Zienowicz, Commanding



4-28-14

To: Sherri Petronio
From: Sgt. Paul Zienowicz, Traffic Services
Subject: The Grange at 166 Broadway

Dear Ms. Petronio,

I have responded to 166 Broadway in reference to the Grange Restaurant request for easement to construct out door benches and seasonal seating. The area in question will not be adversely affected by this easement.

At this time, the Providence Police Department has no objections to the proposed easement as it is represented on the plans provided for review.

Respectfully,

Sgt. Paul Zienowicz

CLARENCE A. CUNHA
Chief of Department

PAUL J. THOMAS
Acting Assistant Chief of
Department



ANGEL TAVERAS
MAYOR

STEVEN M. PARE
Commissioner of
Public Safety

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

April 17, 2014

Ms. Anna Stetson
Providence City Clerk
25 Dorrance Street
Providence, RI 02903

Dear Ms. Stetson:

The Providence Fire Department is in receipt of your correspondence from the City Clerk dated April 5, 2014. The Providence Fire Department has no objections to the resolution requesting an easement from the City of Providence to the Grange for the property located at 166 Broadway for outdoor benches and seasonal seating as long as the site plan remain within the proximity stated on the documents submitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarence A. Cunha", is written over the typed name.

CLARENCE A. CUNHA
Chief of Department



Department of Public Works
Engineering Division
William C. Bombard PE, Chief Engineer

May 23, 2014

Honorable Terrence Hassett
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Easement of a portion of Broadway

Dear Councilman Hassett:

This department has no objection to the proposed abandonment of a portion of Amherst St. in conjunction with the attached plan, entitled "Prov., R.I.-P.W. Dept- Engineering Office, Street Line Section, Plan No. 064846. Area of abandonment is designated as cross-hatched area (A-B-C-D-E-F-G-H-I-J-A) on the accompanying plan.

Total square footage equals 59 square feet. (±)
See accompanying plan for plat and lot numbers.

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

Very truly yours,

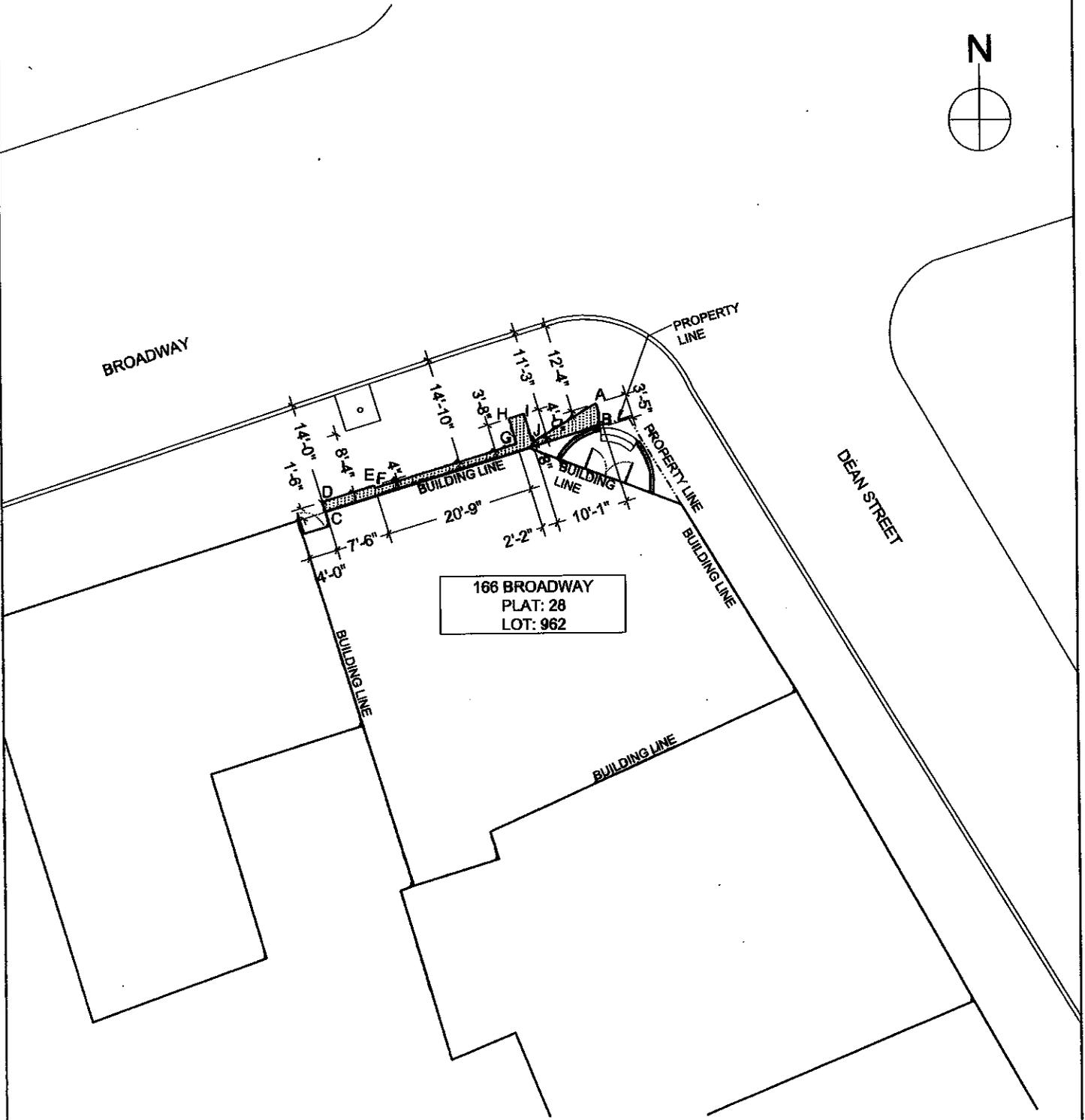
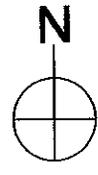
William C. Bombard
Acting Director

cc: Ann Stetson-City Clerk
BB, AZ-DPW
A. Southgate, Esq.- Law Dept.
D. Quinn- Tax Assessors
J. Bennett-Planning

PROVIDENCE THE CREATIVE CAPITAL

700 Allens Avenue | Providence, Rhode Island 02905 | 401 467 7950 OFFICE | 401 941 2567 FAX
www.providenceri.com

PROVIDENCE, RI
 DEPT. ENGINEERING OFFICE
STREET LINE SECTION
 PLAN NO. 064846
 DATE APRIL 15, 2014



166 BROADWAY
 PLAT: 28
 LOT: 962

NOTES: CROSS HATCHED AREA (A-B-C-D-E-F-G-H-I-J-A) INDICATES PROPOSED EASEMENT FOR PERMANENT SEATING AND PLANTER BOXES AT 166 BROADWAY. TOTAL SQUARE FOOTAGE = 59 SF +/- .

CITY OF PROVIDENCE, RI
 Public Works Dept. & Engineering Office
 Showing proposed easement on Broadway
 and Dean Street
 Drawn by ABW Checked by ABW
 Scale: 1"=20' Date 4-15-14
 Correct Associate Engr.
 Approved William C. [Signature]
 Chief Engineer

LOT NUMBER TAKEN FROM A.P. 28



552 Academy Avenue
Providence, RI 02908

401-521-6300

www.provwater.com

April 10, 2014

Councilman Terrence M. Hassett
Providence City Council
Providence City Hall
25 Dorrance Street
Providence, RI 02903

The Hon. Angel Taveras
Mayor

Ricky Caruolo
Acting General Manager

Subject: Petition for Street Easement
166 Broadway
Providence, RI

BOARD OF DIRECTORS

Xaykham Khamsyvoravong
Chairman

Joseph D. Cataldi
Vice Chairman

Lawrence J. Mancini
Ex-Officio

Michael A. Solomon
City Council President

Michael J. Correia
City Councilman

Andy M. Andujar
Member

Kerri Lynn Thurber
Member

Carissa R. Richard
Secretary

William E. O'Gara, Esq.
Legal Advisor

Dear Councilman Hassett:

The referenced Broadway 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 there are no water lines or appurtenances active within the requested location. Therefore, Providence Water would have no objection to this easement.

If you have any further questions, please feel free to contact me at (401) 521-6300, extension 7215.

Respectfully,
PROVIDENCE WATER SUPPLY BOARD

Peter J. Pallozzi
Manager – Planning & Development

Member
Rhode Island Water Works Assn.
New England Water Works Assn.
American Water Works Assn.
Water Research Foundation

An EPA WaterSense Partner

Only Tap Water Delivers

cc: P. LePage
J. Brosco
A. Pion
L. Hagen, Second Deputy City Clerk
File



CITY OF PROVIDENCE
Angel Taveras, Mayor

April 28, 2014

MEMO

TO: LORI HAGEN, SECOND DEPUTY CLERK, CITY CLERK'S OFFICE

FROM: ROBERT F. MCMAHON, SUPERINTENDENT

A handwritten signature in black ink that reads "Robert F. McMahon".

RE: 166 BROADWAY/OUTDOOR SEATING

THE PARKS & RECREATION DEPARTMENT HAS NO OBJECTION TO THE ATTACHED REQUEST.

DEPARTMENT OF PARKS + RECREATION

Roger Williams Boathouse | 1000 Elmwood Avenue Providence, Rhode Island 02905

401 785 9450 ph | 401 941 5920 fax

www.providenceri.com



City Plan Commission
Angel Taveras, Mayor

April 24, 2014

Councilman Terrence Hassett, Chair
Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lori Hagen, Second Deputy City Clerk

Re: Referral 3375 - Petition for a permanent easement for the business at 166 Broadway
Applicant: Robert Yaffee, The Grange Restaurant

Dear Councilman Hassett:

This letter is in response to a request from the Committee on Public Works for the City Plan Commission's (CPC) opinion on the above-referenced matter.

The petitioner has requested that a permanent easement measuring approximately 115 SF be granted in perpetuity to provide outdoor seating for the restaurant located at 166 Broadway. The plan provided shows that the applicant will attach planters and benches that will encroach onto the public right of way to the main building.

The CPC found that granting the easement would be consistent with the intent of Providence Tomorrow: The Comprehensive Plan and the Zoning Ordinance. The Comprehensive Plan identifies outdoor uses like the one being proposed as ways to enhance the utility of certain properties and enliven certain areas. Based on the plans provided, the CPC found that there would be adequate space between the benches and the edge of the sidewalk to allow for pedestrian movement. The CPC found that the zoning ordinance permits outdoor seating and was in conformance with the purposes of zoning.

Recommendation

The CPC has no objection to the request and recommends that the City Council grant the easement subject to the following condition:

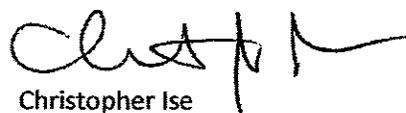
The addition shall be reviewed by the Historic District Commission as the building is located within the Broadway Historic District.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

Request for easement on Fountain Street
Re: Referral 3375
04/24/2014

2

Sincerely,



Christopher Ise
Administrative Officer

cc: Lori Hagen, Second Deputy City Clerk
Robert Yaffee, The Grange Restaurant



85 High Street
Pawtucket, RI 02860

April 10, 2014

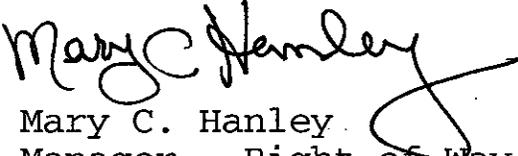
Lori Hagan
2nd Deputy/City Clerk
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

RE: PETITION FOR A PERMANENT UNDERGROUND
EASEMENT BELOW A PORTION OF BROADWAY AT #166.

Dear Ms. Hagan:

Upon investigation by our in house Engineer,
Robert Johnson, it has been determined that Verizon
has no facilities on this portion of Broadway.

Very truly yours,


Mary C. Hanley
Manager - Right of Way
401-727-9555

