

RESOLUTION OF THE CITY COUNCIL

No. 214

Approved April 9, 2019

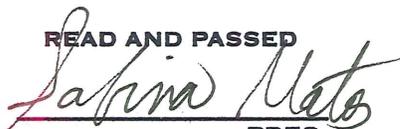
IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a temporary underground construction easement and a permanent underground easement below a portion of Angell Street in the City of Providence to Brown University. Said easement shall be granted specifically upon the following provisions:

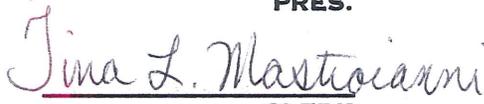
1. Said easement shall be utilized only for the construction and maintenance of underground facilities installed between AP 10, Lot 263, and AP 10, Lot 268. Said easement shall not exceed the area of four thousand seven hundred twenty-one square feet, plus or minus, with dimensions of 20.81 feet by approximately 240.28 feet and indicated on the accompanying maps, Street Line Section Plan Nos. 064858 and 064859 (dated February 21, 2019), attached.
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 Brown University in the Office of Land Records for the City of Providence.
3. As consideration for these Easements, Brown shall tender the sum of eighty-nine thousand, four hundred twenty two (\$89,422.00) dollars in legal tender of the United States of America. This represents a payment of ten thousand, six hundred twenty two (\$10,622.00) dollars for the one-year temporary construction easement (through July 2020), and a further seventy-eight thousand eight hundred dollars (\$78,800.00) for the permanent easement.
4. Brown University 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. Brown University 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.
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

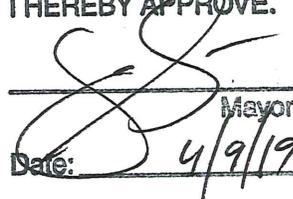
APR 04 2019

READ AND PASSED


PRES.


ACTING CLERK

I HEREBY APPROVE.



Mayor
Date: 4/9/19



Ursillo, Teitz & Ritch, Ltd.

Counsellors At Law

2 Williams Street
(at South Main Street)
Providence, Rhode Island 02903-2918

Michael A. Ursillo *
Andrew M. Teitz, AICP * †
Scott A. Ritch * †

Tel (401) 331-2222
Fax (401) 751-5257
zoning@utrllaw.com

Troy L. Costa †
Amy H. Goins * †
Christina M. Senno * † (Of Counsel)
Gina A. DiCenso * † (Of Counsel)
Admitted in RI*, MA†, NY‡

December 27, 2018

Via Hand Delivery

Lori L. Hagen, City Clerk
Providence City Hall
25 Dorrance St.
Providence, RI 02903

Re: Petition to the City Council for Temporary and Permanent Easement – Portion of Angell Street

Dear Ms. Hagen:

On behalf of my client, Brown University, enclosed please find a Petition to the City Council for a temporary and permanent easement over a portion of Angell Street. It is our understanding that there is no filing fee for such a petition.

Please advise us when this matter has been scheduled to be heard by the Public Works Committee. Thank you for your attention to this matter.

Sincerely,

URSILLO, TEITZ & RITCH, LTD.

Andrew M. Teitz, Esq., AICP

Enclosure

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 BROWN UNIVERSITY respectfully petitions your honorable body for the grant of a temporary underground construction easement and a permanent underground easement below a portion of Angell Street, which would allow the Petitioner to construct a Performing Arts Center with an underground earth support system. The earth support system includes temporary soldier piles and lagging with tie backs and toe pins to support the soil during construction. The system also includes both temporary rock bolts and permanent rock anchors for the rock excavation on the site adjacent to Angell Street. The temporary easement is requested through July 2020, when the first floor slab will have been poured and the foundation backfilled. In support of its petition, Petitioner represents that Petitioner owns the parcels adjacent to the proposed easement area, on which property the Performing Arts Center will be constructed. Petitioner further asserts that the street, sidewalk, curb and tree wells will be repaired to match the existing standard as part of the construction of the Performing Arts Center.

Exhibit A (Plan Ea-2), attached hereto, is a plan showing the proposed temporary easement area of 4,721+/- square feet for installation of the tieback anchors and rock bolts. Exhibit B (Plan set Ea-1) is a plan showing the proposed permanent underground easement for the rock anchors and tiebacks. Exhibit C is a copy of email correspondence from William C. Bombard, P.E., the City Engineer, indicating his initial approval of the plans.

Respectfully submitted this 27th day of December, 2018 as revised March 13, 2019, to clarify that both the temporary and permanent easements are underground:

BROWN UNIVERSITY IN PROVIDENCE IN
THE STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

By its attorney:



Andrew M. Teitz, Esq., AICP
Ursillo, Teitz & Ritch, Ltd.
2 Williams Street
Providence, RI 02903
401-331-2222
zoning@utrlaw.com

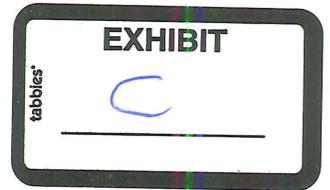
Mailing Address of Petitioner:

c/o Yolanda Lamboy, Esq.
Associate Counsel
Brown University, Box 1913
Providence, RI 02912-1913

-----Original Message-----
From: Bombard, William <Wbombard@providenceri.gov>
Sent: Monday, November 5, 2018 10:09 AM
To: Stabach, Jonathan <JStabach@VHB.com>
Subject: RE: [External] RE: Brown PAC SOE easement plan for review

Jon,
This is good. I don't think we have to meet.
Have you prepared a petition for the easement?

Bill



----- Forwarded message -----

From: Stabach, Jonathan <JStabach@vhb.com>
Date: Thu, Oct 4, 2018 at 10:52 AM
Subject: Brown PAC SOE easement plan for review
To: Bombard, William <Wbombard@providenceri.gov>
Cc: Sisson, James (james_sisson@brown.edu)
<james_sisson@brown.edu>, john_cooke@brown.edu <john_cooke@brown.edu>, L'Hommedieu, Peter <PLHommedieu@shawmut.com>, Michael Carosotto (mcarosotto@geiconsultants.com) <mcarosotto@geiconsultants.com>, Christensen, James <JChristensen@geiconsultants.com>

Hi Bill,

We have prepared the attached draft easement plan for the Brown University Performing Arts Center earth support systems on Angell Street for your review prior to formal submission to City Council.

The earth support includes temporary soldier pile and lagging with tie backs and toe pins to support the overburden soils during construction. The earth support also includes both temporary rock bolts and permanent rock anchors for the rock excavation on the site adjacent to Angell Street. I have included a copy of the 90% design for the earth support system prepared by GEI which include both plans and cross sections of the earth support system. Section E and G on Sheet GS-301-00 and section K and L on Sheet GS-302-00 show the relationship between the Angell Street and associated utilities and the earth support systems.

Please review and let me know if you have any questions or comments with regards to the earth support system or the easement plan. We are planning for the start of excavations in January 2019. We are looking for your endorsement of the easement plan. Please let me know if you would like to meet to review.

Thank you,

Jon

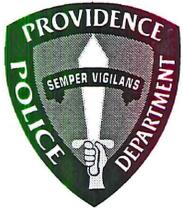
Jon Stabach, PE, LEED AP
Project Manager



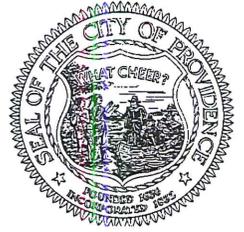
1 Cedar Street
Suite 400
Providence, RI 02903-1023
P 401.457.2079 | M 401.225.2209 | F 401.277.8400
jstabach@vhb.com

Engineers | Scientists | Planners | Designers
www.vhb.com

Proud to be named 2018 WTS Employer of the Year



PROVIDENCE POLICE DEPARTMENT



TRAFFIC BUREAU

Lt. John Ryan Commanding

To Lori L. Hagen, City Clerk

From : Lt. John K. Ryan
01/27/19

Re: Easement for the Temporary and Permanent Easement- Portion of Angell Street

Ma'am;

After reviewing the requested easements for a Portion of Angel Street (as described in the Exhibits presented) the Police Department has no objections to the requested easements.

Respectfully Submitted,

Lt. John K. Ryan #19
Providence Police/ Traffic Bureau



OFFICE OF THE COMMISSIONER OF PUBLIC SAFETY
Steven M. Paré, Commissioner of Public Safety | Jorge O. Elorza, Mayor

February 20, 2019

The Honorable Michael J. Correia
Councilman
Chairman, Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

RE: Request for Temporary Construction Easement

Dear Councilman Correia:

I am in receipt of your memorandum regarding the petition you received from Attorney Andrew Teitz on behalf of their client, Brown University, requesting a temporary construction easement on and permanent underground easement below a portion of Angell Street.

After review, the easements are for subsurface work that appears to be below the underground utilities, so it should not affect the fire department. Therefore, I do not have any public safety concerns at this time.

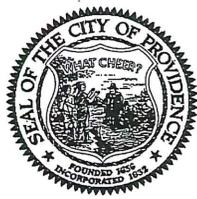
If you have any questions, please feel free to contact my office.

Respectfully,

Steven M. Paré
Commissioner of Public Safety

cc: Lori Hagen, City Clerk

Antonio J. Morabito III
Acting Director



Jorge O. Elorza
Mayor

DEPARTMENT OF PUBLIC WORKS
"Building Pride in Providence"

March 11, 2019

Honorable Michael J. Correia
Chairman of the Public Works Committee
Providence City Council-City Hall
Providence, R.I. 02903

RE: Proposed Easements on a Portion of Angell St.

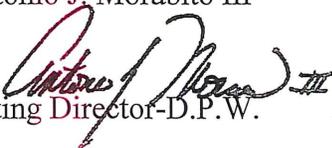
Dear Councilman Correia:

This department has no objection to the proposed temporary and permanent easements on a portion of Angell St. in conjunction with the attached plans, entitled "Prov., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064858 & 064859. Area of easements is designated as cross-hatched area (A-B-C-D-A & 1-2-3-4-1) on the accompanying plans.

Total square footage equals 4,721 +/- & 5003+/- respectively.
See accompanying plans for plat and lot numbers.
No sewer easement required.

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

Antonio J. Morabito III


Acting Director-D.P.W.

cc: Shawn Selleck-City Clerk
AJM, AZ-DPW
A. Southgate, Esq.-Law Dept.
L. Garzone-Tax Assessors
B. Nickerson-Planning & Development

700 Allens Avenue Providence, Rhode Island 02905
Phone 401-467-7950/Fax 401-941-2567
www.providenceri.com/dpw

THAYER STREET

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
 Plan No. 064858
 Date February 21, 2019

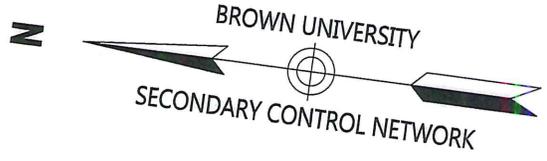
A.P. 10 LOT 717

A.P. 10 LOT 268

A.P. 10 LOT 266

A.P. 10 LOT 263

ANGELL STREET



DRILL HOLE FOUND

N 82°40'31" E
304.19'

N 82°40'31" E
229.51'

N 82°40'31" E
105.20'

S 22°19'29" E
20.81'

S 82°40'27" W
240.28'

N 7°40'31" E
20.81'

TEMPORARY EASEMENT
4721± SQ. FT.

REBAR SET

Legend

- ⊙ DRILL HOLE
- IRON PIN/REBAR
- A.P. ASSESSOR'S PLAT
- N/F NOW OR FORMERLY
- COR. CORNER
- ▬ PROPERTY LINE
- ▬▬ PROPERTY LINE
- ▬▬▬ INTERIOR LOT LINE
- ▬▬▬ EASEMENT LINE
- ▬▬▬ CITY/TOWN LAYOUT LINE

Note:

AREA A-B-C-D INDICATES PROPOSED TEMPORARY TIE BACK ANCHOR AND TEMPORARY ROCK BOLT EASEMENT. TOTAL SQUARE FOOTAGE = 4,721± SF

CITY OF PROVIDENCE, R. I.

Showing Temporary Tieback Anchor and Rock Bolt Easement

Drawn by VHB Checked By _____
 1"=40' Date Feb. 19, 2019

Correct _____ Associate Engr.
 Approved William C. Bombard CHIEF ENGINEER



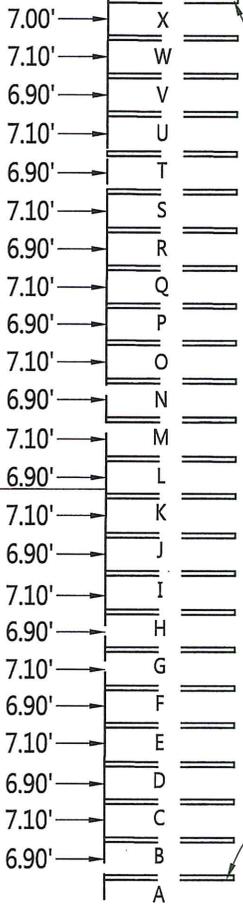
THAYER STREET

PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
 Plan No. **064859**
 Date **February 21, 2019**

A.P. 10 LOT 717

DRILL HOLE FOUND
 N 82°40'31" E
 305.74'

A.P. 10 LOT 268



See Easement Detail 1

A.P. 10 LOT 266

A.P. 10 LOT 263

Legend

- ⊙ DRILL HOLE
- ⊙ IRON PIN/REBAR
- A.P. ASSESSOR'S PLAT
- N/F NOW OR FORMERLY
- COR. CORNER
- ▬ PROPERTY LINE
- ▬ PROPERTY LINE
- ▬ INTERIOR LOT LINE
- ▬ EASEMENT LINE
- ▬ CITY/TOWN LAYOUT LINE

148.16'

REBAR SET

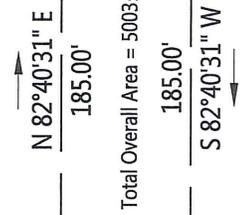
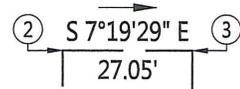
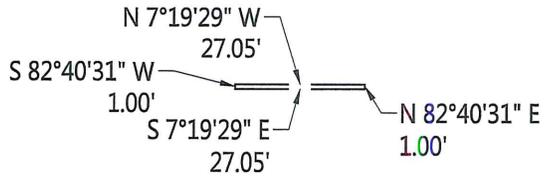
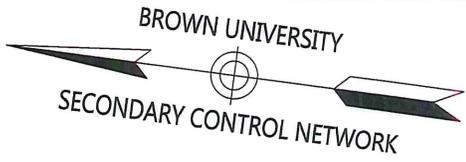
BROWN STREET



SCALE IN FEET

ANGELL STREET

N



Total Overall Area = 5003± SQ. FT.

Total Area 1-2-3-4 = 5003± SQ. FT. (See Detail Above)
 Total Area Easements A Through X = 649± SQ. FT.

Note:

AREAS A - X INDICATES PROPOSED PERMANENT ROCK ANCHOR EASEMENTS. TOTAL SQUARE FOOTAGE = 649± SF

CITY OF PROVIDENCE, R. I.

Showing Permanent Rock Anchor Easements

Drawn by VHB Checked By _____
 1"=40' Date Feb. 19, 2019

Correct _____ Associate Engr.
 Approved William G. Bombardieri CHIEF ENGINEER



March 14, 2019

Ms. Lori Hagen
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

The Hon. **Jorge O. Elorza**
Mayor

Ricky Caruolo
General Manager

Subject: Petition for Temporary and Permanent Easement
Portion of Angell St., Providence

BOARD OF DIRECTORS

Xaykham Khamsyvoravong
Chairperson

Joseph D. Cataldi
Vice Chairperson

Luis A. Aponte
Councilperson

Jo-Ann Ryan
Councilperson

Lawrence J. Mancini
Ex-Officio

Cristen L. Raucci, Esq.
Member

Kerri Lynn Thurber
Member

Carissa R. Richard
Secretary

William E. O'Gara, Esq.
Legal Advisor

Dear Ms. Hagen:

The referenced Angell Street 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 we have an active 8-inch water main located near the referenced subject site. There are also active services on this 8-inch main. Under further review and additional information provided, relocation of our main will not be required. Furthermore, the applicant has indicated that the proposed work will not impact our main and it will remain active. If damage occurs, the applicant shall be responsible for the cost of repair.

The easement shall comprise the entire existing right of way of these public roadways. Actual dimensions and wording of the easement shall be subject to review by PW as to form and content. All construction must be coordinated with PW inspections division.

If you have any further questions, please feel free to contact me at (401) 521-6300, extension 7282.

Respectfully,
PROVIDENCE WATER

Kathleen Topp
Water Quality Supervisor

cc: P. LePage
A. Pion
File

MEMBER

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

An EPA WaterSense Partner

(401) 521-6300

125 Dupont Drive
Providence, RI 02907

www.provwater.com

Follow us @provwater

Like us at:
facebook.com/Providencewater

Thaddeus J. Jankowski Jr.
City Assessor



Jorge O. Elorza
Mayor

Janesse Muscatelli
Deputy City Assessor

PROVIDENCE A CITY THAT WORKS

Finance Department
Office of Tax Assessment

March 18, 2019

Department of the City Clerk
Shawn Selleck, City Clerk
25 Dorrance St.
Providence, RI 02903

RE: Proposed easements (2) of portions of Angell Street

Dear Mr. Selleck

The subject property is located along Angell Street fronting on assessor's Plat 12 lots 266 & 268. In order to value these easements, we first looked at the values that are in the immediate area for purposes of valuation. In the case of the subject these two easements are valued separately. First the temporary subterranean easement is based on the 4721 ft.² per plan Ea2 supplied by the Grantee. The land value of this property is subterranean and therefore a 50% discount is applied to the \$45 per square foot, or a total value of \$106,220. This temporary easement is to be used for one year; since it will only be used for that amount of time we have estimated a 10% fee for the use of the land during that time would be \$10,622.

The second easement is permanent easement and extending out under the utilities in Angell Street 5003 ft.² per plan Ea1 this easement too will be subterranean and therefore a 50% discount is applied to the \$45 per square pricing with in the neighborhood. While the 50% adjustment deals with the fact that the property utilized is subterranean, we must also deal with the fact that some of the area is already encumbered by others (utilities) therefore an additional 30% adjustment is made. The value of the permanent easement is \$78,800.

In summary it is our opinion that the temporary easement would have a value of Ten Thousand Six Hundred Twenty Two Dollars (\$10,622) and the permanent subterranean easement would have a value of Seventy Eight Thousand Eight Hundred Dollars (\$78,800) or a total of Eighty Nine Thousand Four Hundred Twenty Two (\$89,422) Dollars.

I hope this information is useful for your purposes if you require any additional data please do not hesitate to contact me.

Sincerely,

Thaddeus J. Jankowski Jr.
City Assessor

City of Providence Assessor's Office • City Hall, Room 208
25 Dorrance St • Providence RI 02903 • (401) 680-5229
providenceri.com/assessor

March 18, 2019

City of Providence
Office of the City Clerk
Shawn Selleck, City Clerk
25 Dorrance St
Providence, RI 02903

VIA email c/o S. Petronio (spetronio@providenceri.gov)

Re: **Petition** (as revised March 13, 2019) for Temporary Underground Construction Easement and Permanent Underground Easement below a portion of Angell Street in Providence, Rhode Island

Dear Mr. Selleck:

Please be advised that after review of plans Ea-1 "Easement Plan Permanent Rock Anchors" dated November 29, 2018; Ea-2 "Temporary Easement Plan for Temporary Tieback Anchors and Temporary Rock Bolts" dated November 29, 2018; and a set of 11 sheets with multiple drawing titles, all contained in a file named "04A Revised Permit Set - 11-27-2018"; it has been determined that The Narragansett Electric Company, d/b/a National Grid (the "Company"), has underground electrical and gas equipment within the portions of Angell Street where the Temporary Underground Construction Easement and Permanent Underground Easement areas are proposed.

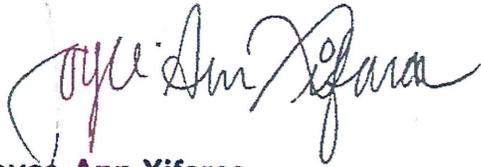
The Company has no objection to the granting of the Temporary Underground Construction Easement and Permanent Underground Easement, both below Angell Street, provided the following conditions are met, all of which have been communicated to the Petitioner via email, along with a copy of this letter on this date. The conditions are as follows:

1. The Company has existing electrical manhole, handhole, and ductline facilities, in addition to a gas main (collectively, "Facilities") in the proposed Easement areas to which access must always be provided for both emergency and planned work, which work may include excavation to repair damaged Facilities as required, for the safe and reliable operation of our Facilities.
2. Construction methods used must prevent damage to our Facilities. Specifically, soldier piles must be installed in such a manner as to prevent ANY movement of our Facilities. Preventing "excessive movement" as noted on Plan G0-001-01 ("Micropile Soldier Pile Installation Requirements" note 1) is not acceptable. To monitor movement and vibration in the vicinity of the gas main, a seismograph should be placed over the gas Facilities and readings cannot exceed 5.0in/sec. Additionally, ground heave should not exceed ¼"; this must be confirmed by National Grid Damage Prevention on site (contacts to be provided to Petitioner directly).
3. Heavy equipment and construction materials shall not be stored on or over the Company's manhole and handhole structures. There are electric handholes within the Temporary Underground Construction and Permanent Underground Easement Areas that

are NOT shown on the Plans. All electric and gas Facilities must be located and marked by the Petitioner before the start of construction, and markings must be maintained throughout the construction project.

Please **feel** free to contact me with any questions or concerns.

Very truly yours,



Joyce-Ann Xifaras

Real Estate Representative, Capital RI

Right of Way and Survey Engineering

nationalgrid | Business Services

1-401-784-7513

Joyce-Ann.Xifaras@nationalgrid.com

280 Melrose Street, Providence, RI 02907

Enclosures: letter

Cc (via email): Andrew M. Teitz, Esq (Ursillo, Teitz & Ritch, Ltd.); Yolanda Lamboy, Esq. (Brown University), John Cooke (Brown University), John Stabach (VHB); Claire Livingston (National Grid), James Paulette (National Grid), Christina Klein (National Grid), Lori Spangler (National Grid)



385 Myles Standish Blvd
Taunton, MA 02780

February 5, 2019

City of Providence
Office of the City Clerk
Attn: Lori L. Hagen
25 Dorrance St
Providence, RI 02903

ATTN: Lori L. Hagen, City Clerk
RE: Petition to the City for Temporary and Permanent Easement – Portion of Angell Street (AP Lots 266 & 268)

Dear Ms. Hagen,

Upon investigation by our in house Engineer-Peter DeCosta, the following was the correspondence that was received back on reviewing this request:

Daryl, Per the 4th document in your original attachment, this proposed retaining wall will be on the North side of the street and looks to extend approx. 21' from the Brown university property line into Angel Street. Per the attached conduit record Verizon has an 8 duct conduit system on the South side of the street and per the attachments does not appear to be in conflict the proposed project.

In your response to the City, please state that that the awarded contractor should confirm that there are no conflicts with any utilities by utilizing test pits and / or sub surface scans through the footprint of the proposed project prior to doing any extensive excavation and it is federal law to call dig safe for utility mark out prior to doing any excavation on public property.

Thanks, Pete.

If it is decided by the petitioner that telephone facilities are to be relocated, the petitioner will assume all costs of the relocation.

Sincerely,

Verizon New England Inc.
Attn: Daryl Crossman - ROW
385 Myles Standish Blvd
Taunton, MA 02780

(774) 409-3191 - Office
(774) 409-3930 – Fax
daryl.crossman@verizon.com - Email

The Narragansett Bay Commission
One Service Road
Providence, RI 02905
401 • 461•8848
401 • 461•6540 Fax
TTY (RI RELAY OPERATORY711)

<http://www.narrabay.com>



Rep. Vincent J. Mesolella
Chairman

Laurie A. Horridge
Executive Director

March 1, 2019

Mr. Jonathan Stabach
Vanasse Hangen Brustlin, Inc.
10 Dorrance Street, Suite 400
Providence, Rhode Island 02903

**Re: Brown University-Proposed Performing Arts Center
Temporary Construction Easement and
Permanent Underground Easement
Angell Street (portion of), Providence
Utility Notification/Verification – Easement Plans dated 11/28/18**

Dear Mr. Stabach:

We have reviewed the above-referenced plans sent with the letter from the City of Providence City Clerk dated 24 January 2019. As indicated in the attached GIS map, we do not have any facilities in this area. If you have any questions regarding this matter, please feel free to contact me anytime at (401) 461-8848 extension 362.

Sincerely,

A handwritten signature in black ink, appearing to read "D.C.B. P.E.", is written over a light blue horizontal line.

David C. Bowen, P.E.
Engineering Manager
Narragansett Bay Commission

Cc: Lori L. Hagen, Providence City Clerk
Andrew M. Teitz, Esq., AICP, Ursillo, Teitz & Ritch, Ltd.

