THE CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 314

Approved July 9, 2004

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a utility easement on Brook 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 duct banks containing high voltage electrical cables for utility infrastructure, installed between Minden Hall on AP 13, Lot 76, and the University's Watson Center buildings located on AP 12, Lot 271. Said easement shall not exceed the area of one thousand one hundred twenty nine square feet, plus or minus, with dimensions of ten feet by approximately one-hundred thirteen feet and indicated on the accompanying map, Street Line Section Plan No. 064760 (dated May 13, 2004), marked as Exhibit A, as a cross-hatched area, A-B-C-D-E-F-A.

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 _____ in legal tender of the United States of America.

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. In the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein, upon the ninety (90) days notice, Brown University shall, at its own expense, and without claim against the

THE COMMITTEE ON
Public Works + City Property, Jointly
Recommends
Ann M. Stein
CLERK
5-18-04 Cm 4

IN CITY COUNCIL
APR 15 2004
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS + City Property, Jointly
Michael R. Clement CLERK
Ams

THE COMMITTEE ON
PUBLIC WORKS + City Property
Approves Passage of
The Within Resolution, As Amended
Ann M. Stein
Clerk
6-23-04

City, its officers, servants or employees, for any damages whatsoever, remove said duct banks from the easement area.

7. Brown University 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 Brown, for itself and its successors, agrees to comply with the same.

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

IN CITY COUNCIL
JUL 1 2004
READ AND PASSED

PRES.

CLERK

APPROVED

7/9/04

MAYOR

MAKRAM H. MEGALLI, P. E.
Director

DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

May 14, 2004

Honorable Terrance M. Hassett
Chairman of the Public Works Committee
Providence City Council
City Hall
Providence, RI 02903

RE: Petition from Brown University., Requesting Utility Easement On Brook Street

Dear Councilman Hassett:

This Department has no objections to the proposed utility easement request in conjunction with the attached plan, entitled " Prov., R.I.- P.W. Dept. – Engineering Office, Street Line Section, Plan No. 064760, Date: May 13, 2004.

Said easement request is noted on the accompanying plan as dashed line for the proposed easement for electrical conduit and is approximately 10' wide, with a area of 1,129 ± Sq. Ft.

If we can further assist you in this regard, please contact

Very truly yours,

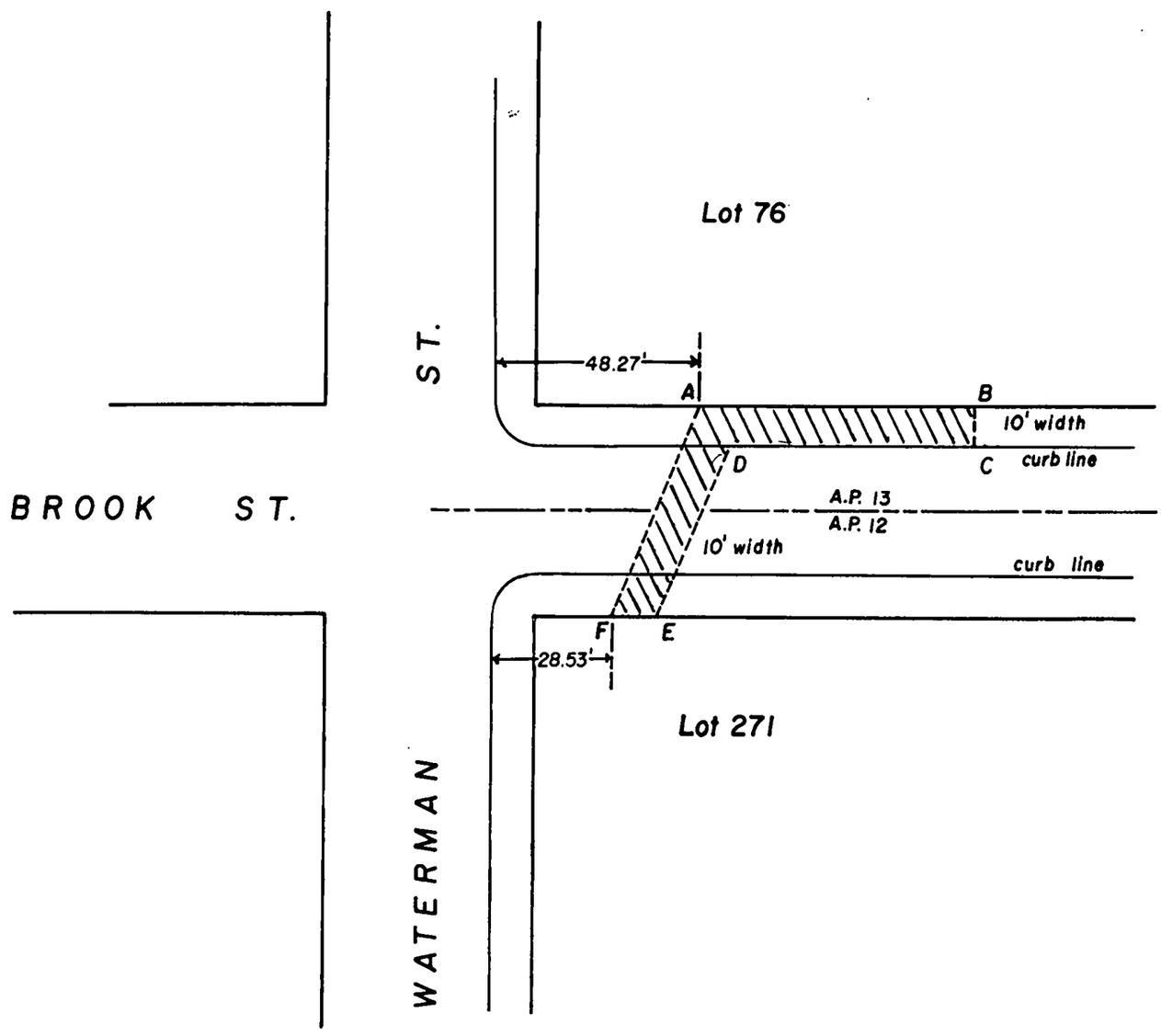
William C. Bombard, P.E.
City Engineer

WCB:om

cc: Makram H. Megalli, P.E., Director
A. Southgate, Esq.
T. Deller
G. Florio
JLC
SZ

700 Allens Avenue-Providence, Rhode Island 02905 – (401) 467-7950 – FAX 941-2567 – TDD 751-0203

PROVIDENCE, R. I.
DEPT. • ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064760
Date May 13, 2004



NOTES: Cross-hatched area (A-B-C-D-E-F-A) indicates proposed easement for duct banks for electrical cables. (Brown University)
Total square footage = 1,129' ±

CITY OF PROVIDENCE, R. I.
Public Works Dept. • Engineering Office
Showing proposed easement on Brook St.

Drawn by A. Zisiades Checked by JLC
Scale 1" = 40' Date 5-13-2004
Correct James A. Morse Associate Engr.
Approved William C. Bombard
CHIEF ENGINEER

Lot numbers taken from A.P. 12 & 13.

768
P-82

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

Due to renovations on the Brown University Facility located at 115 Waterman Street, AP 12 lot 271, and at 121-123 Waterman Street, AP 13 lot 76, Brown University's Department of Facilities Management respectfully requests that a utility easement be established for University use as indicated on the attached drawings and further described as follows:

Construct duct banks containing high voltage electrical cables for utility infrastructure owned by Brown University. The proposed duct bank will be installed across Brook Street between the university's buildings Watson Center on AP 12 lot 271 and Minden Hall on AP 13 lot 76.

A ten-foot wide easement, crossing Brook Street in the west-east orientation starting a brick wall along the westerly side of Brook Street 28.53 feet south of the face of curb along the southerly side of Waterman Street running easterly through a point on the face of curb along the westerly side of Brook Street 32.21 feet south of the face of curb along the southerly side of Waterman Street to a point on the face of curb along the easterly side of Brook Street 44.26 feet south of the face of curb along the southerly side of Waterman Street and continuing to a point on the building line along the easterly side of Brook Street 48.27 feet south of the face of curb along the southerly side of Waterman Street. The easement continues southerly for a 10 wide strip between the westerly building line and the easterly face of curb along the easterly side of Brook Street to a point 116.26 feet south of the face of curb along the southerly side of Waterman Street.

Any questions regarding the request may be directed to:

John Cooke
Project Manager
Brown University
Department of Facilities Management
Box 1941
Providence, RI 02912
(401) 863-7803

Stephen Maiorisi
Director of Project Management

Attached drawings:

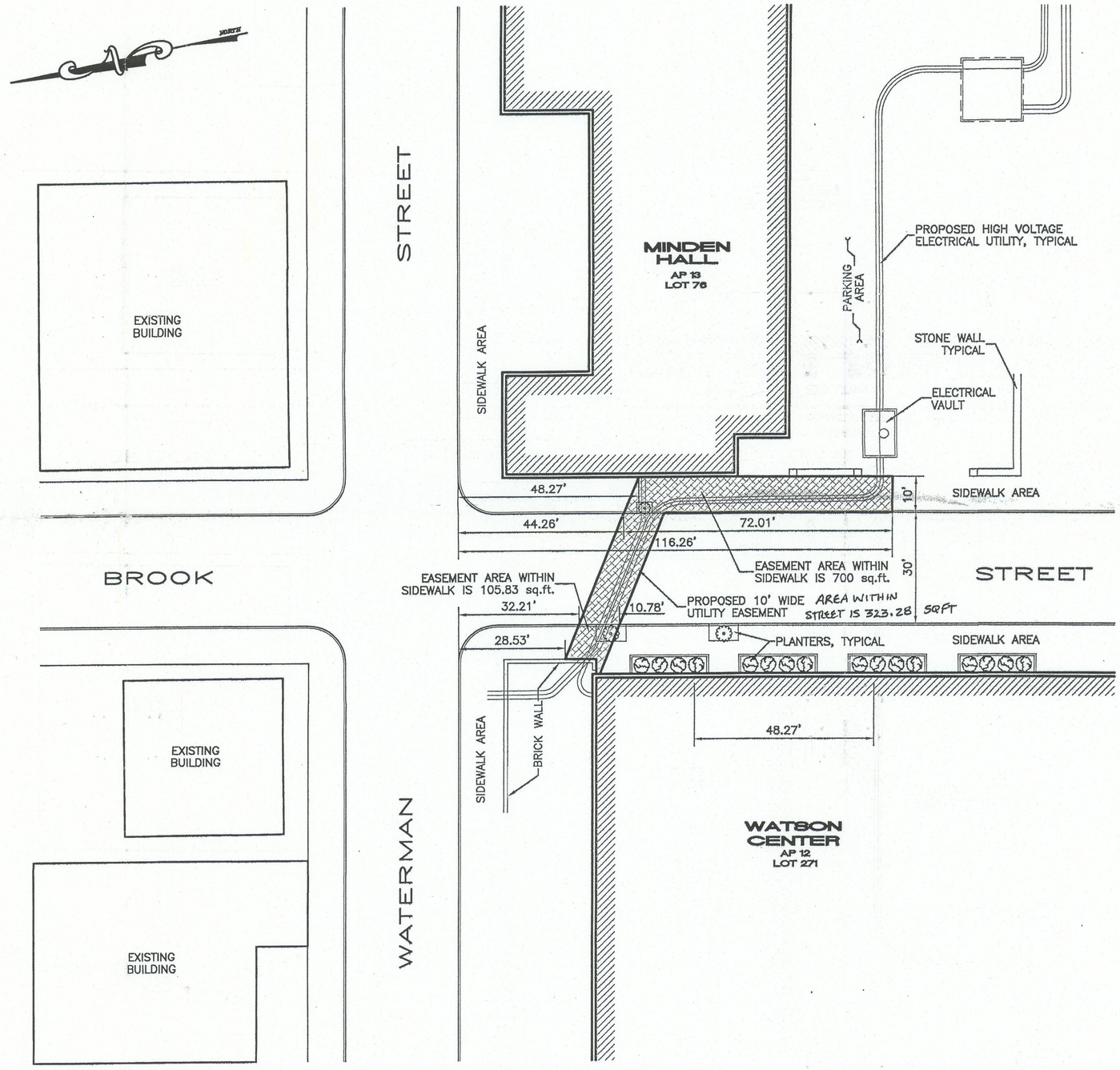
Proposed utility easement at Watson Center, 115 Waterman Street, to Minden Hall 121-123 Waterman Street, Providence, RI
Drawn by GZA GeoEnvironmental Providence, RI

FILED
APR 1 3 38 PM '04
DEPARTMENT OF ENG
PROVIDENCE, R.I.

IN CITY COUNCIL
APR 15 2004
FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY AND PUBLIC Works
Jointly
Michael A. Clement CLERK

THE COMMITTEE ON
C. Prop & P. Works
Recommends
Ann M. Stein
CLERK
5-18-04 Con 7

FROM THE CLERK'S DESK



NOTE:
EXISTING UTILITIES OBSERVED IN ROADWAY AREA ARE:

1. TELEPHONE
2. CABLE TV
3. GAS
4. WATER
5. ELECTRIC
6. DRAINAGE

© 2004 GZA GeoEnvironmental, Inc.

REV#	DESCRIPTION	BY	DATE

GZA GeoEnvironmental, Inc.
140 Broadway, Providence, RI 02903
(401) 421-4140 Fax: (401) 751-8613

PROJ. MGR. TRG
CHK'D BY: PPV
REV'D BY: TRG
DRAWN BY: MKU
SCALE: 1"= 20'
DATE: APRIL, 2004

BROWN UNIVERSITY
DEPARTMENT OF FACILITIES MANAGEMENT

PROPOSED UTILTIY EASEMENT AT
BROOK STREET PROVIDENCE, RI

PROJECT NO.
32763.00

FIGURE NO.
C-1

SHEET 1 OF 1

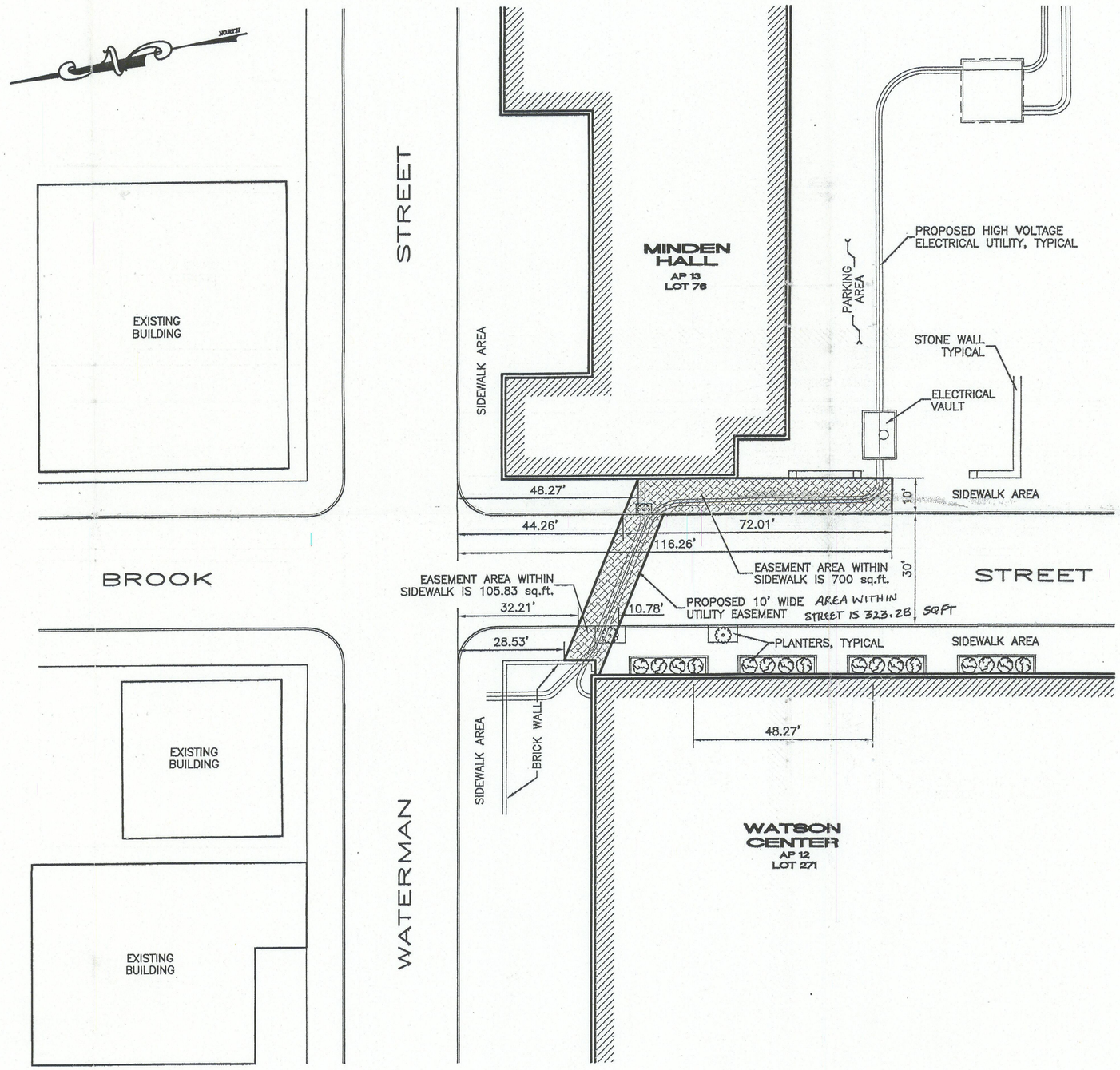


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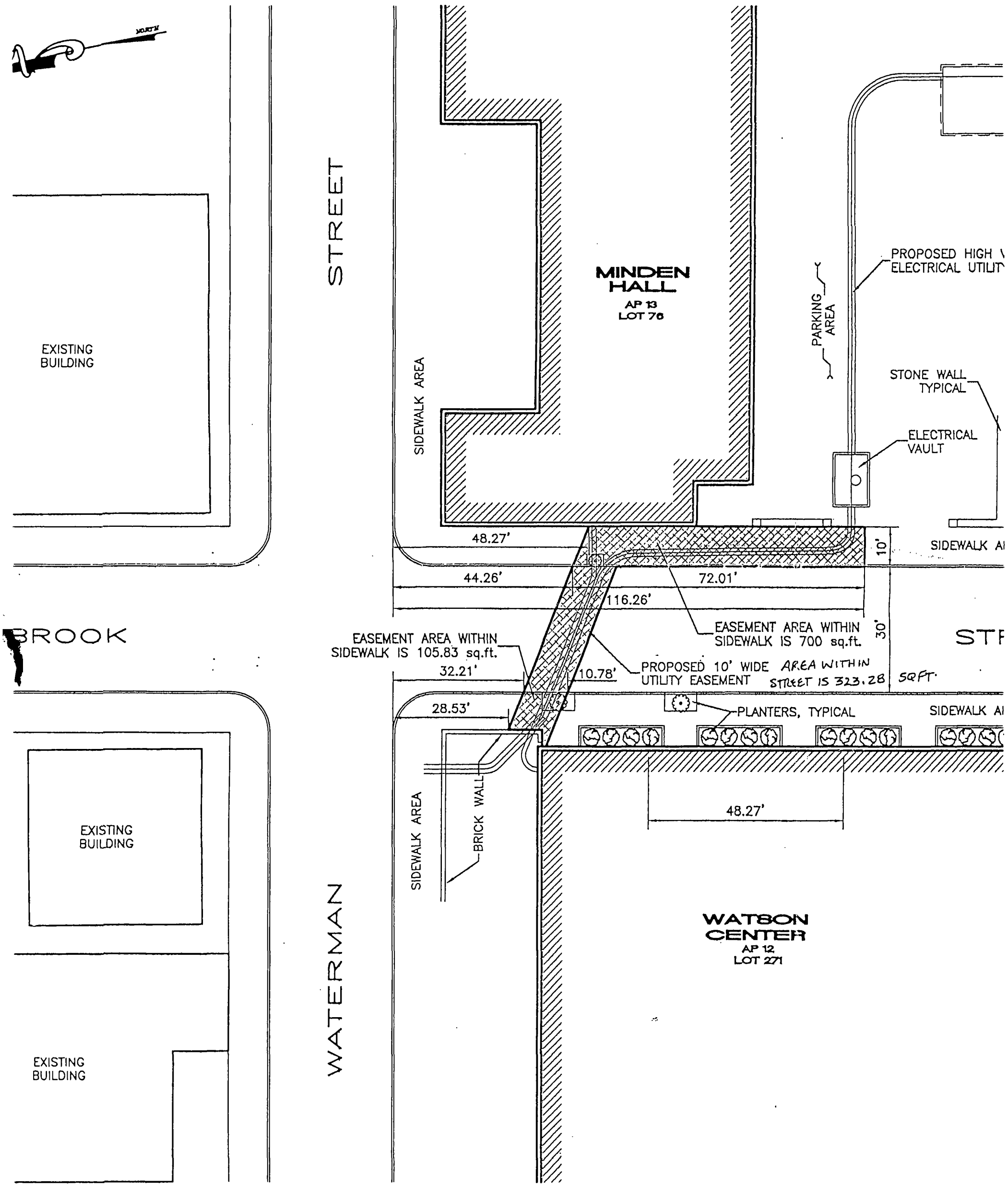
FIGURE NO.
C-1

SHEET 1 OF 1


NORTH
STREET
EXISTING BUILDING
SIDEWALK AREA
MINDEN HALL
AP 13
LOT 76
PARKING AREA
PROPOSED HIGH V
ELECTRICAL UTILIT
STONE WALL TYPICAL
ELECTRICAL VAULT
48.27'
44.26'
72.01'
116.26'
10'
30'
SIDEWALK AI
BROOK
EASEMENT AREA WITHIN SIDEWALK IS 105.83 sq.ft.
EASEMENT AREA WITHIN SIDEWALK IS 700 sq.ft.
STF
32.21'
10.78'
PROPOSED 10' WIDE UTILITY EASEMENT
AREA WITHIN STREET IS 323.28 SQFT.
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PLANTERS, TYPICAL
SIDEWALK AI
EXISTING BUILDING
SIDEWALK AREA
BRICK WALL
48.27'
WATERMAN
WATSON CENTER
AP 12
LOT 271
EXISTING BUILDING

PROVIDENCE POLICE DEPARTMENT
DOWNTOWN DISTRICT
Lieutenant Timothy M. Lee, Commanding

June 23, 2004

TO: Councilwoman Rita Williams

FROM: Lieutenant Timothy Lee, Commanding District One/ Traffic Bureau

SUBJECT: Brown University Easements

Dear Sir,

I have reviewed the requested plans regarding the Petition to the City Council by Brown University. It is my opinion that the Police Department has no objections, providing the proper safety precautions are taken to ensure that there are no traffic congestion or public safety issues.

~~Respectfully Submitted,~~
LT. Timothy Lee
Lt. Timothy Lee

Gary E. Mulcahy
Act'g Chief of Department

David N. Cicilline
Mayor

PROVIDENCE FIRE DEPARTMENT

"Smoke Detectors Save Lives"

MEMORANDUM
Via Facsimile

TO: *Office of the City Clerk*

FROM: *Gary E. Mulcahy*
Acting Chief of Department

GEM

DATE: *April 27, 2004*

SUBJECT: *PETITION TO CITY COUNCIL*

This office is in receipt of the recently forwarded Memorandum to the City Clerk relative to a petition from Mr. Stephen Maiorisi, Director of Project Management, Brown University, requesting an easement on a piece of city property located on 115 Waterman Street (Assessor's Plat 12, Lot 271) and 121-123 Waterman Street (Assessor's Plat 13, Lot 76).

Please be advised this Department has no objection to this proposal.

gem/rh

325 Washington Street – Providence, Rhode Island 02903

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

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Any questions regarding the request may be directed to:

John Cooke
Project Manager
Brown University
Department of Facilities Management
Box 1941
Providence, RI 02912
(401) 863-7803

Stephen Maiorisi
Director of Project Management

Attached drawings:

Proposed utility easement at Watson Center, 115 Waterman Street, to Minden Hall 121-123 Waterman Street, Providence, RI
Drawn by GZA GeoEnvironmental Providence, RI

City of Providence

Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 21, 2004

TO: Makram H. Megalli, Director of Public Works

SUBJECT: **PUBLIC WORKS COMMITTEE**

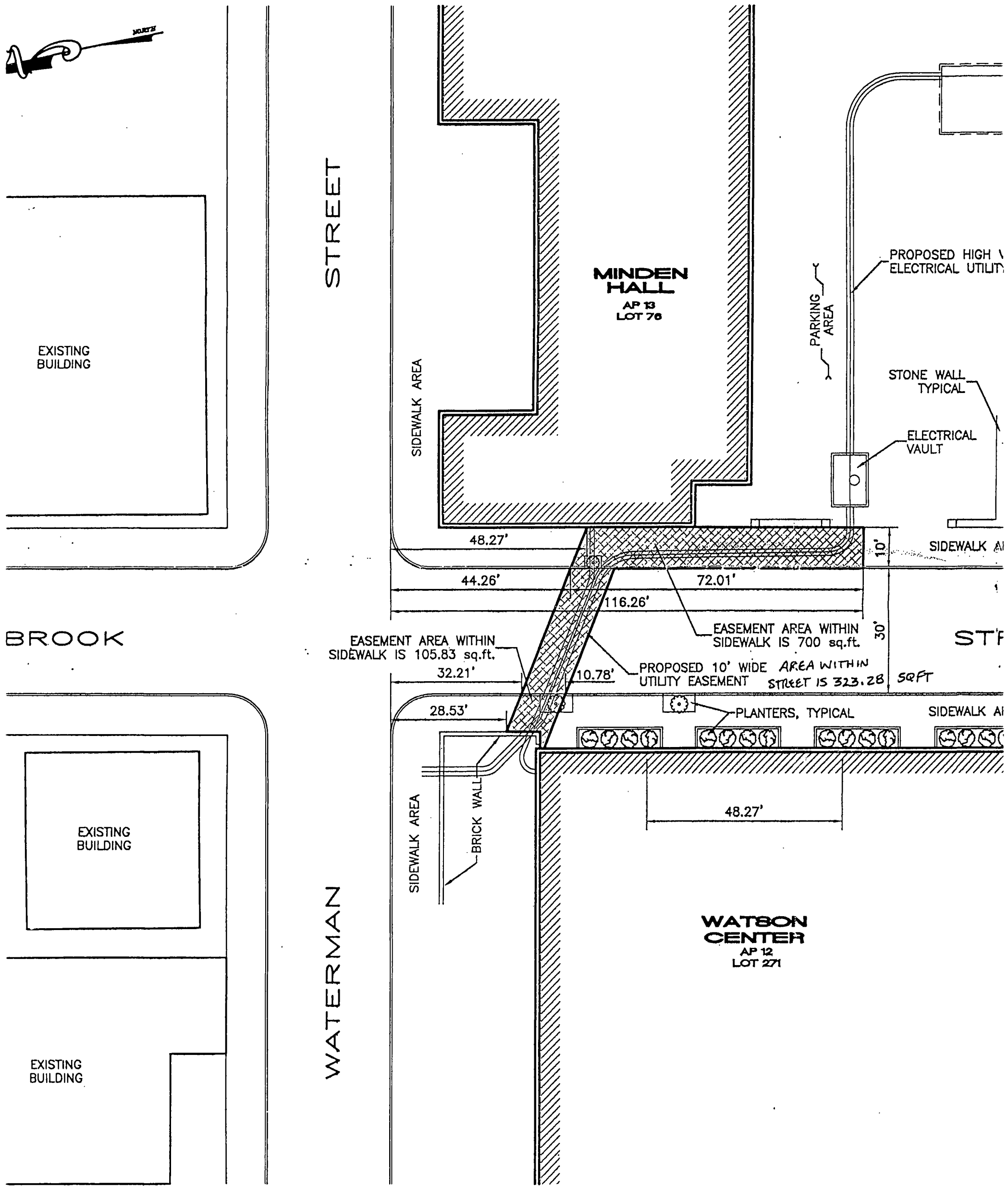
CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: I have been directed by Councilman Terrence M. Hassett, 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 practical.

PETITION FROM STEPHEN MAIORISI, DIRECTOR OF PROJECT MANAGEMENT, BROWN UNIVERSITY, REQUESTING AN EASEMENT ON A PIECE OF CITY PROPERTY LOCATED ON 115 WATERMAN STREET (ASSESSOR'S PLAT 12, LOT 271) AND 121-123 WATERMAN STREET (ASSESSOR'S PLAT 13, LOT 76).

Anna M. Stetson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48.27'
WATERMAN
WATSON CENTER
AP 12
LOT 271
EXISTING BUILDING

AAA

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

June 29, 2004

Mr. John Gelati
Acting Tax Assessor
City of Providence
City Hall
Providence, Rhode Island 02903

Re: Petition to the City Council
Brown University - Waterman and Brook Streets, Providence

Dear Mr. Gelati:

Pursuant to your request, I have personally inspected the real estate located at Waterman and Brook Streets, otherwise designated as Plat 12, Lot 271, and Plat 13, Lot 76.

Brown University requests a utility easement in order to construct duct banks containing high voltage electrical cables from Minden Hall and across/through Brook street to the Watson Center.

The easement would be 10 feet in width and run in a west-east orientation. The utility easement would contain 327.28 square feet per an engineering plan as submitted by Brown. Additionally, a 700 square foot easement would also be required within a portion of the Brook Street sidewalk as abutting Minden Hall.

Based upon an analysis of land sales as retained in the office files of Andolfo Appraisal Associates, Inc., it is my considered opinion that the fee simple market value of the proposed easement areas is $60.00 per square foot.

Therefore, 1,027.28 square feet x $60.00 per square foot = $61,636.80 as representing the "as is" value of the land area to be taken.

Respectfully,

ANDOLFO APPRAISAL ASSOCIATES, INC.

Thomas S. Andolfo, MAI
Certified General Appraiser

TSA/fad

City of Providence

Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 21, 2004

TO: Dean Esserman, Chief of Police

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

DISPOSITION: I have been directed by Councilman Terrence M. Hassett, 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 practical.

PETITION FROM STEPHEN MAIORISI, DIRECTOR OF PROJECT MANAGEMENT, BROWN UNIVERSITY, REQUESTING AN EASEMENT ON A PIECE OF CITY PROPERTY LOCATED ON 115 WATERMAN STREET (ASSESSOR'S PLAT 12, LOT 271) AND 121-123 WATERMAN STREET (ASSESSOR'S PLAT 13, LOT 76).

Anna M. Stetson

Second Deputy City Clerk

City of Providence

Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 21, 2004

TO: Gary Mulchay, Acting Chief of Fire

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

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Anna M. Stetson
Second Deputy City Clerk

City of Providence

Rhode Island

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Anna M. Stetson

Second Deputy City Clerk

City of Providence

Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 21, 2004

TO: John Gelati, City Assessor

SUBJECT: **PUBLIC WORKS COMMITTEE**

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

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Anna M. Stetson
Second Deputy City Clerk

BROWN UNIVERSITY — REMITTANCE ADVICE

FOR FURTHER INFORMATION ADDRESS CONTROLLER
BROWN UNIVERSITY, BOX J, PROVIDENCE, RI 02912

DATE	INVOICE NO.	P.O. NO.	VOUCHER	INVOICE AMOUNT	DISCOUNT	AMOUNT PAID	
06/22/05			0875366	15,405.00	0.00	15,405.00	
			TOTAL	15,405.00		15,405.00	

VENDOR NO. T5295100040 | DATE 06/23/05 | CHECK NO. 815424

PLEASE DETACH THIS STUB AND CASH OR DEPOSIT THIS CHECK AT ONCE

THE FACE OF THIS CHECK IS PRINTED BROWN AND BLUE — THE BACK CONTAINS A SIMULATED WATERMARK

NO. DAY YEAR

BROWN
PROVIDENCE RI 02912

CHECK NUMBER

PAY EXACTLY

DOLLARS CENTS

CITY OF PAY TO THE ORDER OF

CAMPUS ST

AUTHORIZED DAYS
CHECK OVER $10,000
DOUBLE COUNTER SIGNATURE

CITIZENS BANK • EAST SIDE BRANCH • PROVIDENCE RI

AUTHORIZED SIGNATURE

⑈815424⑈ ⑆031101156⑆ 0099000334⑈