

RESOLUTION OF THE CITY COUNCIL

No. 276

Approved May 25, 2001

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Greene Street and Fountain Street 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 thirty-four feet by two feet by three feet and indicated by the cross-hatched area on the accompanying maps marked as Exhibit 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 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 aforesaid 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 Dollars (\$2,900.00) 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.

IN CITY COUNCIL
May 15 2001
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael R. Clemente
RS

THE COMMITTEE ON
Public Works
Recommends *Continue*
Chris E. Bestwick
4/11/2001

THE COMMITTEE ON
Public Works
Recommends *Approval*
Chris E. Bestwick
April 30, 2001

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.

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.

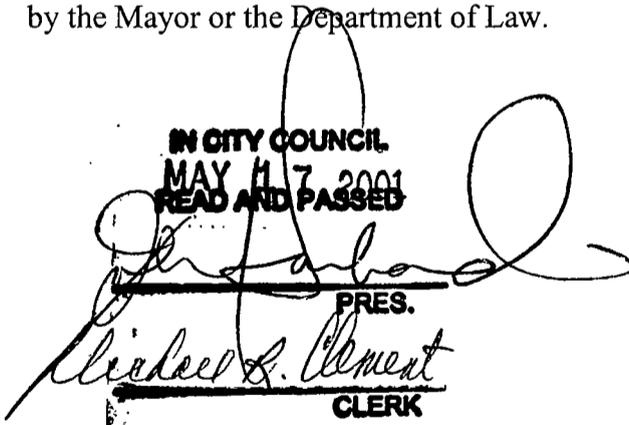
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned 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.

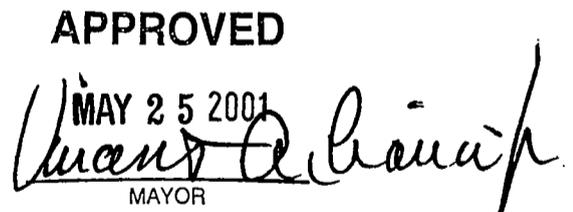
and NEESCOM, for itself and its successors, agrees to comply with the same.

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.

IN CITY COUNCIL
MAY 17 2001
READ AND PASSED

PRES.
Michael S. Clement
CLERK

APPROVED
MAY 25 2001

MAYOR

Copy to PW Comm.

FERDINAND C. IHENACHO, P.E., PTOE.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

April 2, 2001

Hon. Robert M. Clarkin
Chairman of the Public Works Committee
Providence City Council -- City Hall
Providence, R.I. 02903

RE: Easement Request from NEES Communications (Anthony C.Pini, Pres)
Install Single Four-Inch Conduit Between Existing Electric
Manhole on Greene St. and Existing Manhole at Intersection
Greene & Fountain Sts.

Dear Councilman Clarkin:

This Department has no objection to the installation be "easement" of one each, Four-Inch Conduit between existing electric manhole on Greene St. , and an existing intermediate manhole located at the intersection of Greene & Fountain Sts., in accordance with the accompanying plan entitled, "Providence, R.I., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064662, Date: March 28, 2001."

Area of proposed easement is noted as dashed-line from intermediate manholes as noted above, at Greene & Fountain Sts. Easement distance is 34.0 ± Ft. long by 2.0Ft. wide, and 3.0 Ft. Deep. Total Square Footage for said proposed NEES Easement is 68.0 Sq.Ft. Said Easement is located in City of Prov. A.P. 25.

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

Very truly yours,

Ferdinand C. Ihenacho

Ferdinand C. Ihenacho, P.E.

Director

FOR →

CC: M. Clement - City Clerk
J. D'Amico, Esq.
G. Florio
JLC
SZ

HENRY B. KATZ
Chairman

LESLIE A. GARDNER
Vice Chairman

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

KONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMON
Secretary



VINCENT A. CIANGI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

April 23, 2001

Mr. Michael Clement
City Clerk
City Hall
Providence, Rhode Island 02903

RE: EASEMENT VALUE
FOUNTAIN & GREENE ST. (intersection)

Dear Mr. Clement:

Pursuant to your request I have visited the site referenced above. The purpose of this visit was to determine Fair Market Value of the easement for private underground utilities. The area in question is presently zoned D-1 (150') and is in the DOWNCITY area at the Fountain St. Complex. Because the utilities will be underground the actual Fair Market Value is reduced by 50%. The value of this property would be \$85.00 per sq. ft.

Given the above value of the property value of the easement is as follows: **68 sq. ft. @ 42.50 per ft = \$2,900.00 (rounded)**

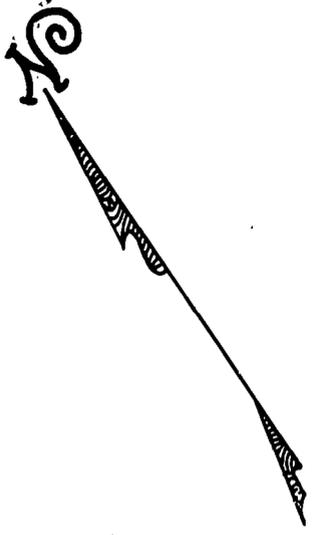
Should you have any questions please feel free to contact me, or William G. Floriani of my office.

Sincerely,


John F. Palmieri
Executive Director

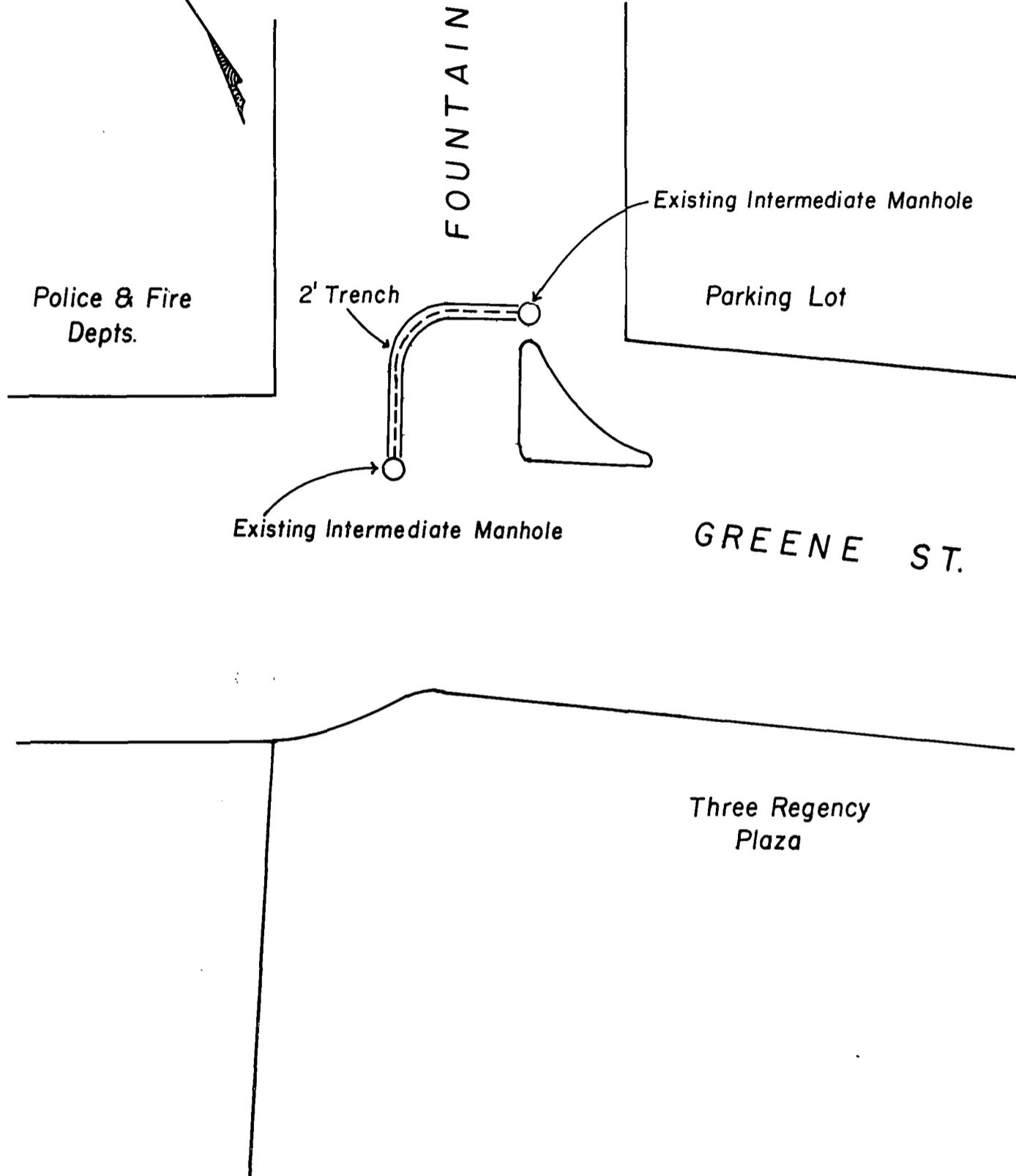
JFP:ajl
WGF

cc: Thomas O'Connor



PROVIDENCE, R. I.
 P. W. DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064662
 Date March 28, 2001

FOUNTAIN ST.



Police & Fire Depts.

2' Trench

Existing Intermediate Manhole

Parking Lot

Existing Intermediate Manhole

GREENE ST.

Three Regency Plaza

NOTES: Showing proposed easement for installation of a single 4" conduit. Distance = 34.0'±
 (NEES Communications, Inc.)
 Total square footage = 68.0'±
 Depth = 3.0'

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement for 4" conduit on Fountain & Greene Sts.
 Drawn by A. Zisiades Checked by JLC
 Scale = 1" = 20' Date 3-28-2001
 Correct James A. Morris Associate Engr.
 Approved Richard Johnson
 FOR CHIEF ENGINEER

A.P. 25

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: APPLICATION FOR AUTHORITY TO OPERATE AS CLASS VI TELECOMMUNICATIONS PROVIDER
FILED BY NEES Communications, Inc. DOCKET NO. 3217

ORDER

WHEREAS, On October 16, 2000, NEES Communications, Inc. ("Company") filed with the Public Utilities Commission ("Commission") an application seeking authority to operate as a Class VI Telecommunications Provider in Rhode Island; and

WHEREAS, Approval of the application will allow the Company to lease or license dark fiber to Competitive Local Exchange Carriers, cable companies, enterprise customers and Intranet Service Providers without bandwidth capabilities; and

WHEREAS, On October 23, 2000, after examination, the Division of Public Utilities and Carriers ("Division") filed a memorandum indicating that the Company complied with the filing requirements necessary to obtain authorization to operate as a Class VI Telecommunications Provider, and therefore, endorsed the application; and

WHEREAS, The Commission is of the opinion that the application is proper, reasonable and in the interest of the ratepayers, and hereby grant the Company authorization to operate as a Class VI Telecommunications Provider;

ACCORDINGLY, IT IS

(16436) ORDERED:

- 1) That NEES Communications, Inc. is hereby granted authorization to operate as a Class VI Telecommunications Provider in Rhode Island.

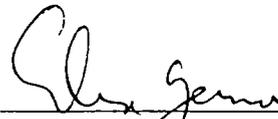
2) That the proposed intrastate tariffs are hereby approved effective November 15, 2000.

3) That the Company shall send notification to the Commission when actual operation commences in Rhode Island.

EFFECTIVE AT PROVIDENCE, RHODE ISLAND ON OCTOBER 26, 2000

PURSUANT TO OPEN MEETING DECISION.

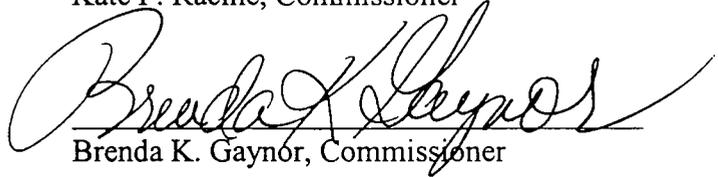
PUBLIC UTILITIES COMMISSION



Elia Germani, Chairman



Kate F. Racine, Commissioner



Brenda K. Gaynor, Commissioner

REV	DATE	DESCRIPTION	BY	CHKD	APPD
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NOTE:
 USE CAUTION WHILE DIGGING
 NEAR OTHER FACILITIES.
 BEFORE EXCAVATING
 CALL: 1-888-DIGSAFE

CONFIGURATION:

DRAWN BY: UCI

CHECKED BY:

APPROVED BY:

PREPARED FOR:



PREPARED BY:



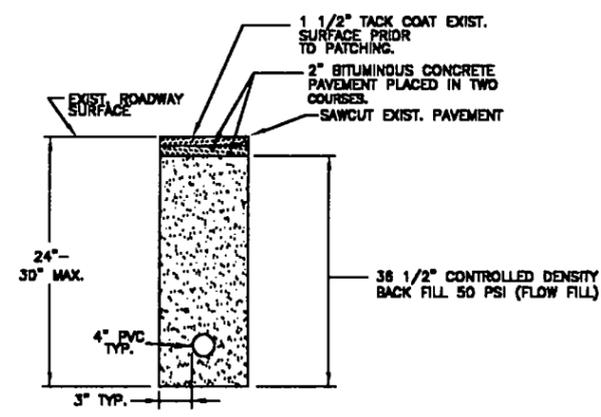
SITE NUMBER:

BUILDING ID:

SITE ADDRESS:
 GREENE ST. AND
 FOUNTAIN ST.
 PROVIDENCE R.I.

TITLE:
 PETITION PLAN

CONTRACT NO.: -	SHEET:
FILE NAME: GREENE AND FOUNTAIN	1
DATE DRAWN: NOV. 21, 2000	
SCALE: 1" = 40'	SHEET: 1 OF 1.



NeesCom PROPOSED DUCT CONFIGURATION
 ROADWAY PATCH AND DUCT
 BANK INSTALLATION DETAIL
 NOTE: INFRARED HEAT TREATMENT
 TO BE USED TO BOND EXISTING
 ASPHALT TO NEW
 MH#2493 TO
 EXISTING INTERMEDIATE MH

