

RESOLUTION OF THE CITY COUNCIL

No. 303

Approved May 21, 2002

WHEREAS, the State of Rhode Island, Department of Transportation, is constructing the Freight Rail Improvement Project (FRIP); and

WHEREAS, inter alia, FRIP seeks to add a third track for freight services along the northeast rail corridor; and

WHEREAS, that improvement and some ancillary construction require improved drainage; and

WHEREAS, the upgraded drainage can best be had by connection of the improvement to the existing municipal system,

NOW, THEREFORE, BE IT RESOLVED, that the State of Rhode Island, Department of Transportation may, in connection with the FRIP, utilize and connect to the existing municipal drainage system located at Agnes and Magnolia Streets at or near the former "Harris Lumber Yard," so-called.

Said grant is specifically and precedentially conditioned upon the following:

1. Said connection shall be utilized only for the drainage from the "third rail" of FRIP, and for no other purposes.
2. Petitioner shall conduct all environmental testing and remediation required by any municipal, state or federal agency.
3. Said connection shall be subject to a right of reverter/right of reversion in the event that the connection is no longer utilized for the aforesated purposes.
4. Any necessary installation and/or repair or replacement shall be to the approval of the Director of the Department of Public Works and of the Director of Inspection and Standards. Additionally, Petitioner shall notify the Director of Public Works, the Chief of the Fire Department, the Chief of the Police Department, and the Traffic Engineer, of the start of construction two (2) weeks before start of the same. Additionally, the Petitioner shall coordinate any necessary traffic control with the Traffic Engineer and the Commissioner of Public Safety.
5. Petitioner shall ascertain that the connection results in no adverse impact on any existing drainage capacity has quality and shall ensure the continued integrity of the drainage system existing.

IN CITY COUNCIL
FEB 7, 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. Clement
ans

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution

Ann M. Stetsu
5-6-02 CL

From the Clerk's Desk

6. State of Rhode Island, Department of Transportation, 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.

7. FRIP 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) or suitable evidence of self-insurance, either of which shall be approved by the Department of Law of the City of Providence.

8. Grantee shall not lay, construct or affix to the drainage system any temporary or permanent structure other than that described earlier herein. Further, Grantee shall, at its own expense, maintain the drainage duct so that the same complies with all regulations and remains in good working order.

9. The State of Rhode Island, Department of Transportation, 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.

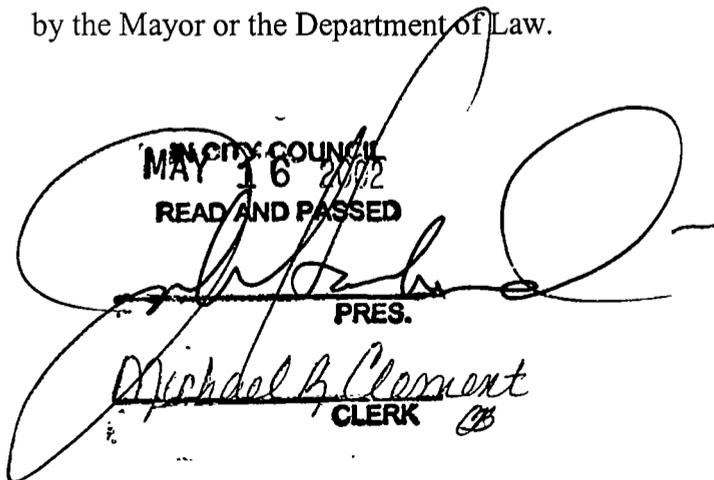
23-109. Indemnity of city against claims arising out of electrical installation.

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 State of Rhode Island, Department of Transportation, for itself and its successors, agrees to comply with the same.

10. In addition to Paragraph 9 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of any right created herein and upon the ninety (90) days notice hereinbefore mentioned, State of Rhode Island, Department of Transportation, 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.

MAY CITY COUNCIL
MAY 16 2002
READ AND PASSED

PRES.
Michael B. Clement
CLERK

APPROVED
MAY 21 2002

MAYOR



Department of Public Works

"Building Pride In Providence"

February 27 , 2001

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

Dear Councilman Clarkin:

Re: Petition of RIDOT Requesting Approval to Install a
Drainage System From the Railroad Thru Agnes & Magnolia
Streets and Tying into the City Drainage System.

This Department has no objection to the above-referenced subject for the granting of permission to the Rhode Island Department of Transportation (RIDOT), to construct a storm drainage system within the City's Right-of-Way on Agnes Street & Magnolia Street, relative to the Rhode Island Freight Rail Improvement Project.

However, permission should include these following conditions to be fulfilled by RIDOT:

1. Notify the City's Public Works, Traffic Engineering, Police & Fire Departments two (2) weeks prior to the beginning of construction.
2. Coordinate traffic control with the City's Traffic Engineering & Police Departments.
3. Restore all affected properties, upon completion of construction, in accordance with City Specifications and to the satisfaction of the Public Works Department.

Should you have any questions, please do not hesitate to contact me, and thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Ihenacho".

Ferdinand C. Ihenacho, P.E.
Director

CC: Patricia McLaughlin, Esq.
Gerry Florio
John D'Amico, Esq.
John Palmieri
M. Clement - City Clerk

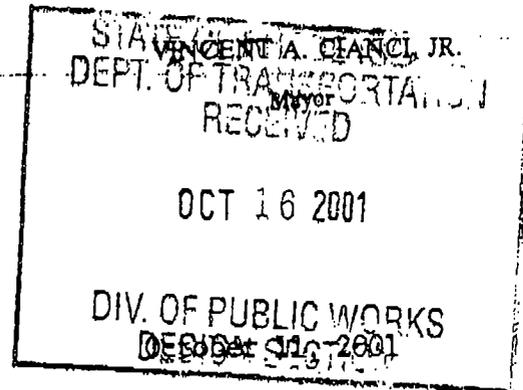
FERDINAND C. IHENACHO, P.E., PTOE.

Director



Department of Public Works

"Building Pride In Providence"



James R. Capaldi, P.E.
Chief Engineer
R.I.D.O.T.
Two Capitol Hill -- Room 226
Providence, Rhode Island 02903-1124

RE: Freight Rail Improvement Project (FRIP)
(Connection to Existing Drain Line along Agnes/Magnolia Street &
Connection to Existing Line in the Vicinity of the Former Harris Lumber)

Dear Mr. Capaldi:

Thank you for forwarding this office a Drainage Report justifying the hydraulic adequacy of the above-referenced Project. Following a review, the following comments are respectfully submitted:

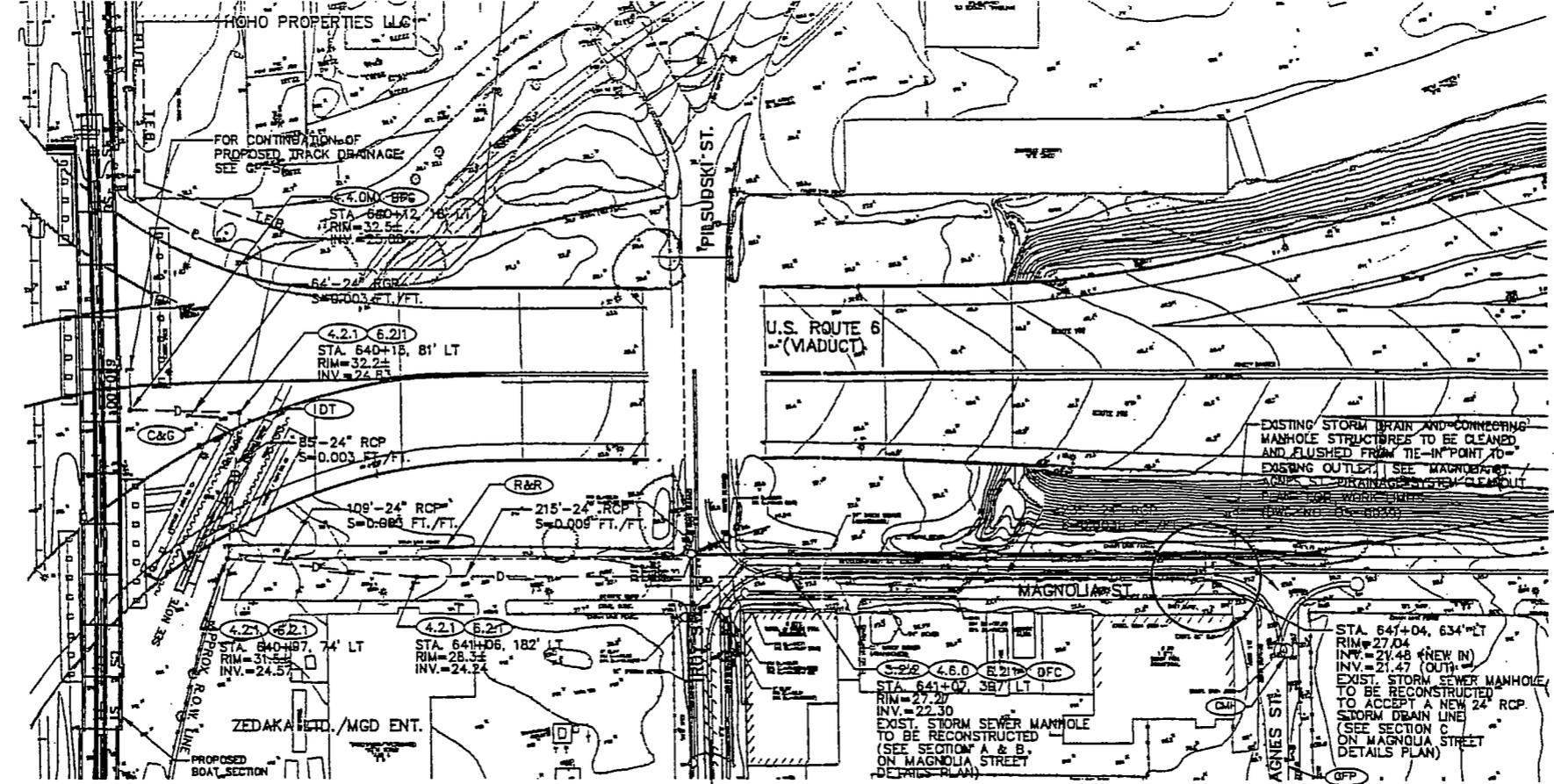
1. This letter is not a construction permit.
2. City Council permission is required; forward a petition for a temporary/construction easement to the City Council. Said petition should indicate a scale engineering plan delineating the streets being traversed, their widths, the bearings, length, width of the construction easement, the proposed pipe sizes and alignment, etc.
3. Note that the manhole/catchbasin rims and covers shall correspond to the Providence Standards for future maintenance purposes.

In conclusion and with the terms in your May 30, 2001 letter, this Department has no objection to the connection(s) as proposed. Should you have any questions, please do not hesitate to contact me.

Sincerely,

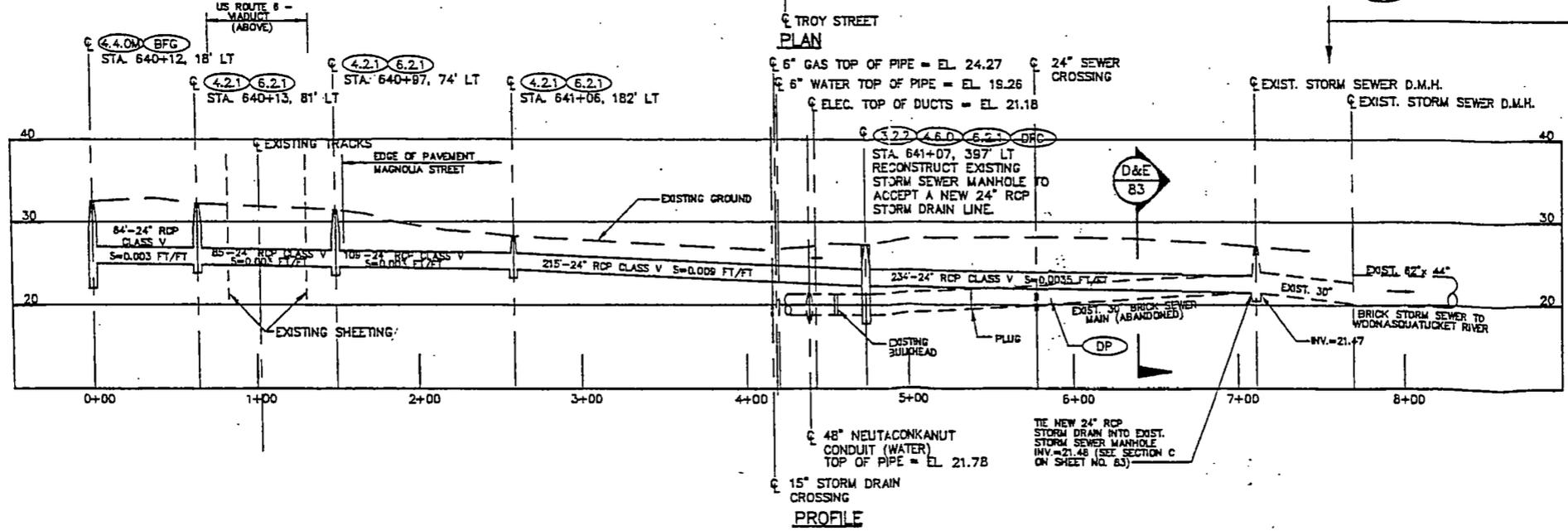
Ferdinand C. Ihenacho, P.E.
Director

CC: Patricia McLaughlin, Esq.
Gerald Florio
Kazeem Farhoumand/DOT
Engineering



PROPOSED DRAINAGE TIE-IN LOCATION

TO WOONASQUATUCKET RIVER



PROFILE

N.T.S.

REVISIONS		
NO.	DATE	BY

RHODE ISLAND
DEPARTMENT OF TRANSPORTATION
RHODE ISLAND FREIGHT RAILROAD
IMPROVEMENT PROJECT

PROVIDENCE
PROPOSED MAGNOLIA STREET
STORM DRAIN TIE-IN

FREDERIC R. HARRIS, INC.

S. S. VINCIGUERRA, INC. ENGINEERS AND ARCHITECTS, PROVIDENCE, R.I. DRAWING NO. 08/22/01 DATE: 08/22/01 SHEET 1 OF 30

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 303

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CITY COUNCIL
MAY 16 2002
READ AND PASSED
[Signature]
PRES.
Michael R. Clement
CLERK *CB*

APPROVED
MAY 21 2002
[Signature]
MAYOR

A true copy.
Attest:
Michael R. Clement
Michael R. Clement
City Clerk

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 27, 2001

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

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 Gerry Florio
 John D'Amico, Esq.
 John Palmieri
 M. Clement - City Clerk

RI DOT

Fax:4012221271

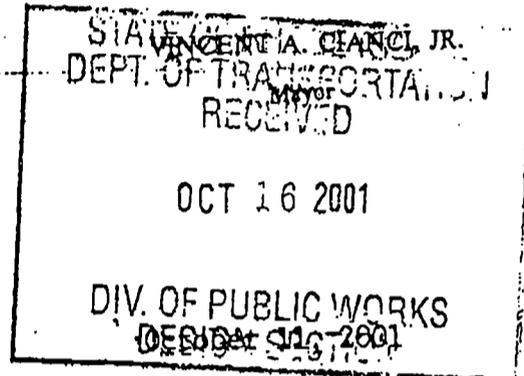
Oct 22 2001 11:28 P.02

FERDINAND C. IHENACHO, P.E., PTOB.

Director



Department of Public Works

"Building Pride In Providence"R192745

James R. Capaldi, P.E.
 Chief Engineer
 R.I.D.O.T.
 Two Capitol Hill -- Room 226
 Providence, Rhode Island 02903-1124

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 Director

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 Gerald Florio
 Kazeem Farhoumand/DOT
 Engineering

5193/231-237

PROVIDENCE, RI
RECEIVED FOR RECORD

2002 JUN 18 A 9:47

BARBARA A. TRONCY
ACTING RECORDER OF DEEDS



C.