

RESOLUTION OF THE CITY COUNCIL

No. 397

Approved June 9, 1993

WHEREAS, DORAN BUILDING CONDOMINIUM ASSOCIATION (hereinafter "Petitioner") has sought to place decorative planters adjacent to its real estate located at 150 Chestnut Street, Providence, RI.

WHEREAS, said encroachment has been proposed in order to facilitate certain construction requirements;

WHEREAS, upon the filing of said petition by DORAN BUILDING CONDOMINIUM ASSOCIATION, various municipal departments and public utility concerns were informed of said petition and their comments solicited;

WHEREAS, inter alia, the Department of Public Works upon investigation has found that the proposed placement of planters will not unduly impede other pedestrian traffic;

IT IS HEREBY RESOLVED; petitioner is granted permission to place decorative planters not exceeding 21 inches square at the above referenced location. Said grant is specifically conditioned upon the following:

a.) Grantee shall undertake all construction in accordance with the plans submitted to the Director of the Department of Inspection and Standards; the Department of Public Works, and the Department of Traffic Engineering; as the same may have been amended or modified.

b.) The Grantee shall enter into an indemnification and hold harmless agreement with the City in a form satisfactory to the office of the City Solicitor.

c.) The Grantee shall provide insurance coverage against loss or injury in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars, with the City of Providence its agents, servants, officers and employees being named as an additional insured.

d.) Easements, satisfactory to those entities soliciting the same, are expressly reserved and, if necessary, Petitioner shall execute the appropriate documents to convey the same.

e.) the City shall retain a right of reverter in the premises.

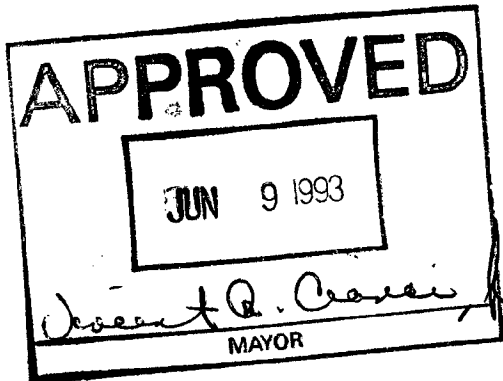
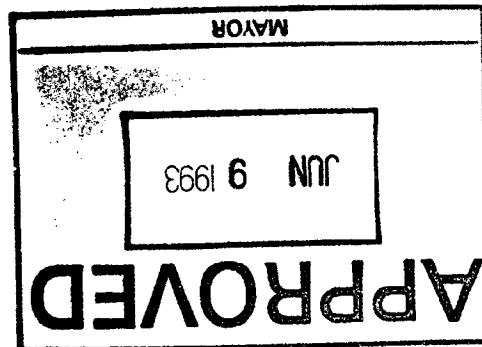
Should the Grantee fail to comply with or to abide by any of the above referenced conditions, or should said encroachment cease to be used for decorative planters, the premises shall automatically revert to the full fee and control of the City of Providence; any agreement hereunder shall be null and void, and any right or fee created hereunder shall be forever extinguished without recourse by the Grantee or any successor in interest.

f.) Further, the Grantee expressly agrees - which agreement shall be evidenced by the commencement of any construction provided hereunder that:

1. All documents obtained in connection with Grantee's petition including any minutes, voice recording or transcription of the same shall comprise the official record of Grantee's position;
2. The Grantee is presumed to assent to and comply with all recommendations, requests and the like - including but not limited to: modifications of Grantee's original plan, landscaping alteration, set-back adjustments, rights of access to utility concerns and federal, state and municipal departments or agencies - which are contained in the official record presented to the City Council Committee on Public Works;

g.) Such other amendments or modifications as the Mayor or Office of the City Solicitor may deem necessary to effect the purpose of this Resolution and to promote the health and safety of the citizenry.

IN CITY COUNCIL
JUN 3 1993
READ AND PASSED
James H. Peterson
PRES.
Michael L. Clement
CLERK



IN CITY COUNCIL

April 1, 1993

FIRST READING
REFERRED TO COMMITTEE ON

PUBLIC WORKS

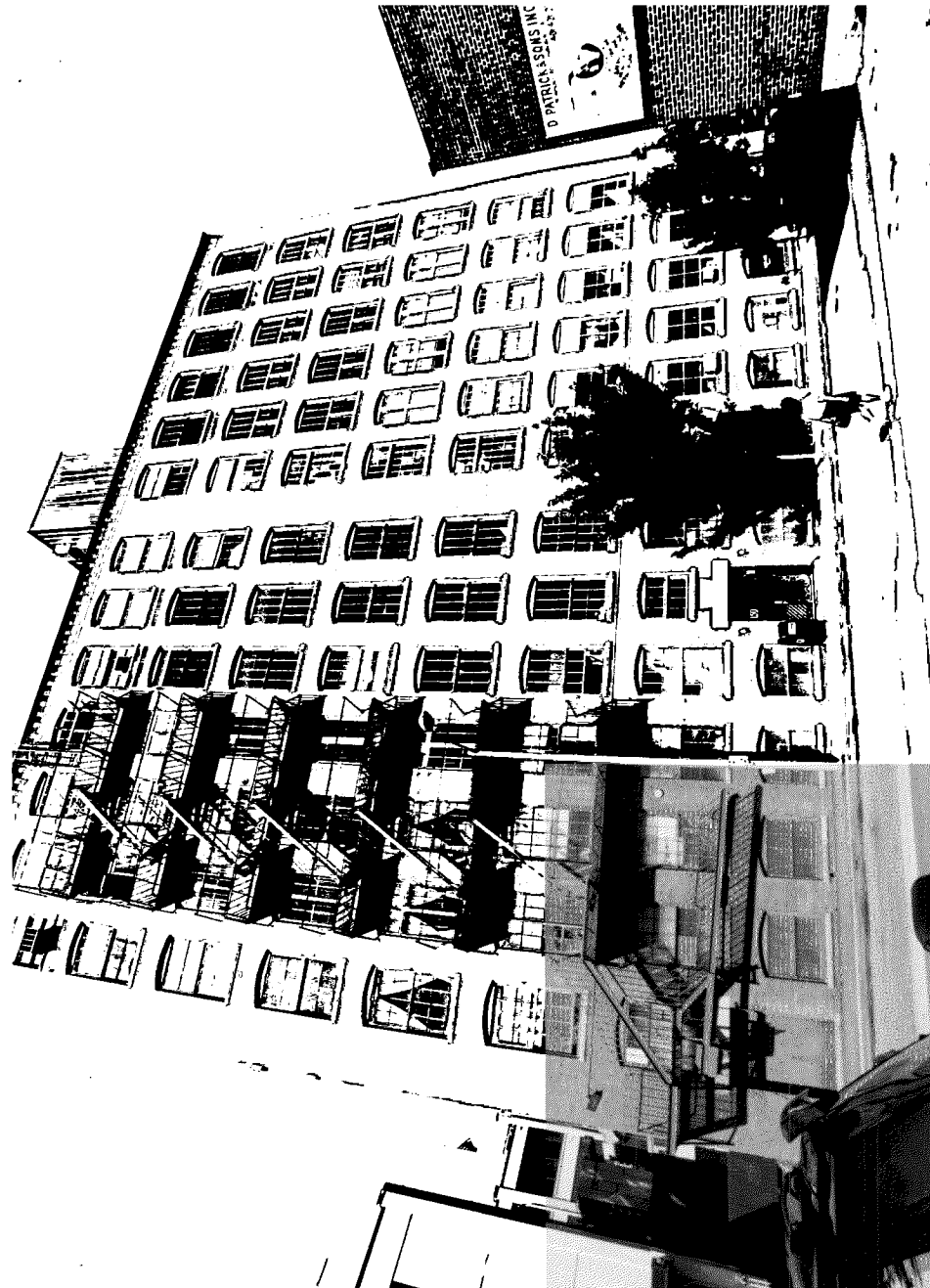
Michael J. Genua

THE COMMITTEE ON
PUBLIC WORKS

Approves Passage of
The Within Resolution

Barbara A. Fairer
Chairman

5/26/93 Clerk



PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

To allow us to put planters on the sidewalk on both sides of our entryway at 150 Chestnut St. These 21" wide planters were requested by the Dept of Public Works to act as an obstruction so pedestrians (in particular blind people) won't get blind-sided by our new door. When fully opened, the door can swing 20" out onto the 8' wide sidewalk.

One of the planters will be replacing a U.S. Post Office Mailbox which has acted as an obstruction previously, but has been moved down the block.

We have written a "Hold-Harmless Agreement" to the Dept of Public Works, but their legal department wants a decision from you. Our insurance company says we are covered for any incident that may occur.

The planters will not move, as they are bolted to the sidewalk. We hope their seasonal plantings will add a human touch to the Jewelry District.

Jim Egan
U.P. Doran Building Condominium Association

FILED
MAR 25 8 35 AM '93
DEF.
PROVIDENCE, R.I.

IN CITY COUNCIL

APR

FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael K. Clement CLERK

THE COMMITTEE ON
PUBLIC WORKS

Approves P.
The Within 1

Barbara A. Poirier
5/26/93 Clerk

From The Clerk's Desk

B. JAMES SUZMAN

Director



VINCENT A. CI JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 3 1993

Mr. James Egan
150 Chestnut St.
Providence, R.I. 02903

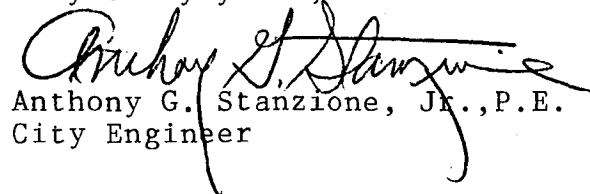
Dear Mr. Egan:

After careful review of your problem, i.e. your door opening onto sidewalk area, I cannot be responsible for any claims that may be incurred by your door, and/or planters being placed on the City sidewalk area.

I will accept a "Hold Harmless Agreement" against the City when the door is opened onto the sidewalk area for any claims or damages brought forth by a pedestrian.

If you have further questions, please advise.

Very truly yours,


Anthony G. Stanzione, Jr., P.E.
City Engineer

AGS

Enc. Enclosed find "Hold Harmless Agreement", please sign, have notarized, and return to my office for filing with the City's Law Department.

AG Stanzone Jr. P.E.

Feb 22/1993

City Engineer

Dept of Public Works

700 Allens Ave

Providence, RI 02903

Dear Mr. Stanzone,

The Doran Building Condominium Association is replacing the front door at 150 Chestnut St. As the fire department requires "open out" egress, the door will open onto the sidewalk. To prevent any injury from door swinging out we are placing two obstructions on each side of the door - in the form of planters (21" diameter). We will not hold the Department of Public Works responsible for any injury to persons due to the planters.

Sincerely,

Jim Egan

Vice President Doran Building Condominium Association



DEPARTMENT OF CITY CLERK
PROVIDENCE, RHODE ISLAND

TELECOPY COVER SHEET

DATE:

March 25, 1993

FROM:

Michael R. Clement, City Clerk
City Clerk's Department

PLEASE DELIVER TO:

John D. Arnes
Law Dept.

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE

5

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (401) 421-6492 AT
YOUR EARLIEST CONVENIENCE.

OUR TELECOPY NUMBER IS (401) 421-6492

John -

*Would you kindly review the attached
petition and get back to me with a
title for the April 1st Docket.*

Thank you.

Mike

(Deadline for Docket is Fri., April 26th @ 2pm)

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B. JAMES SUZMAN

Director



VINCENT A. CI

JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 3 1993

Mr. James Egan
150 Chestnut St.
Providence, R.I. 02903

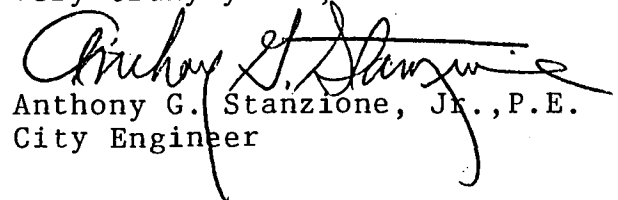
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Sincerely,

Jim Egan

Vice President Doran Building Condominium Association

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: April 6, 1993

TO: Mr. Merlin DeConti, Director of Inspection and Standards

SUBJECT: THE ATTACHED PETITION

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman - Committee on Public Works

DISPOSITION: The accompanying petition is referred to you for study, report and recommendation and report back in writing to the above-named Committee as soon as practical.

Barbara A. Cairns
Second Deputy City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: May 10, 1993

TO: Mr. Merlin De Conti, Director of Inspection and Standards

SUBJECT: THE ATTACHED PETITION

CONSIDERED BY: Councilman Robert M. Clarkin, Chairman - Committee on Public Works

DISPOSITION: The accompanying petition is referred to you for study, report and recommendation and report back in writing to the above-named Committee as soon as practical.

SECOND REQUEST

A handwritten signature in cursive script, reading "Barbara A. Fairies".

City Clerk

MERLIN A. DeCONTI, JR., P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Inspection and Standards

"Building Pride In Providence"

MEMO

To: Councilman Robert M. Clarkin,
Chairman, Committee on Public Works

From: Merlin A. DeConti, Jr., *MAD* Director

Date: April 20, 1993

This Department has reviewed the petition of Doran Building Condominium Association to place planters on the sidewalk on both sides of the entry-way to 150 Chestnut St.

This Department has no objection to the petition as requested.

MAD, JR:np

FILED

APR 21 11 09 AM '93

DEPT. OF JUSTICE
PROVIDENCE, R.I.

MERLIN A. DeCONTI, JR., P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Inspection and Standards

"Building Pride In Providence"

MEMO

To: Councilman Robert M. Clarkin,
Chairman, Committee on Public Works

From: Merlin A. DeConti, Jr., Director

Date: April 20, 1993

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This Department has no objection to the petition as requested.

MAD,JR:np