

# RESOLUTION OF THE CITY COUNCIL

*No. 315*

**Approved September 24, 2020**

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a sub-surface easement below a portion of 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 underground facilities installed between AP 13, Lot 314 and AP 13, Lot 40. Said easement shall not exceed the area one hundred fifty square feet, plus or minus, and indicated on the accompanying map, Street Line Section Plan Nos. 064866 (dated August 24, 2020), attached and indicated by the 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 this Easement, Brown shall tender the sum of three thousand three hundred and seventy five dollars (\$3375.00) 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 ninety (90) days' notice, Brown University shall, at its own expense, and without claim against the 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/or as may be deemed appropriate by the Mayor or the Department of Law.

IN CITY COUNCIL

SEP 17 2020

READ AND PASSED

*Sabina Mota*  
PRES.

*Jina L. Mastropianni*  
CLERK

I HEREBY APPROVE.

*[Signature]*  
Mayor  
Date: 9/24/20

ACTING

**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*

The undersigned Brown University petitions for the grant of a permanent **underground** easement below a portion of Brook Street.

The easement will be for an **underground** concrete duct bank to provide electrical service to the new Wellness Center and Residence Hall.

See attached plan and associated documents, as indexed below:

Exhibit A – Locus Map

Exhibit B – Plans

Respectfully submitted May 19, 2020.

/s/ Andy Teitz

Brown University

By its Attorney,

Andrew M. Teitz, Esq., AICP (#3503)

Ursillo, Teitz & Ritch, Ltd.

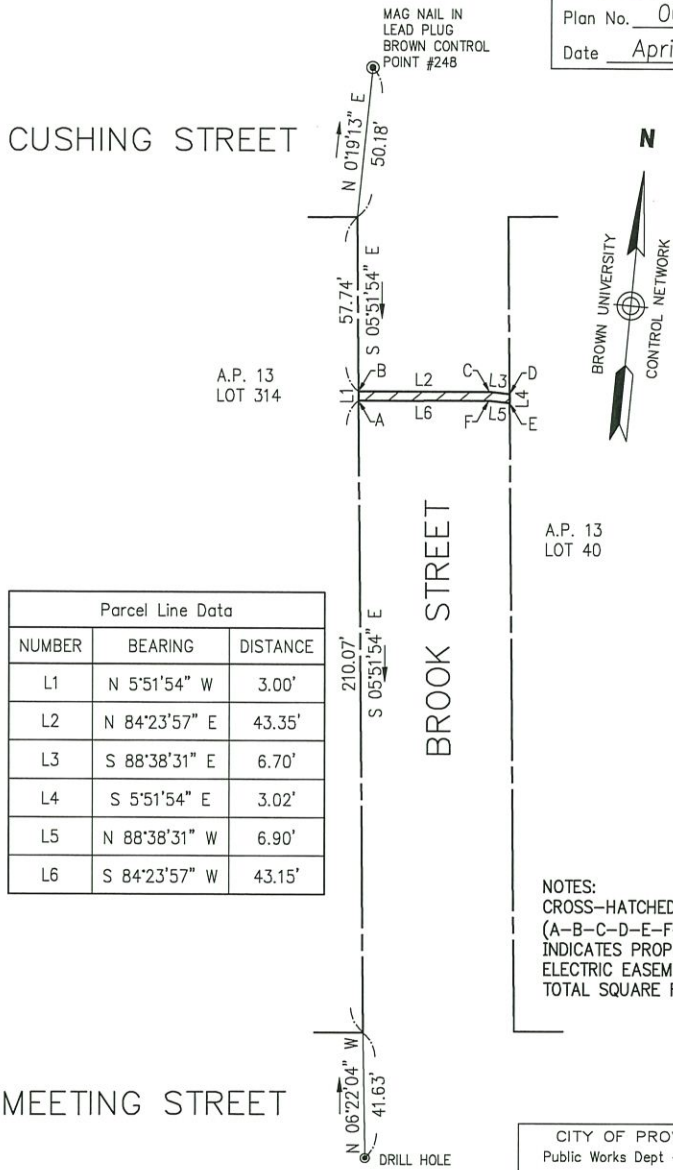
2 Williams St.

Providence, RI 02903

(401) 331-2222

zoning@utrlaw.com

PROVIDENCE, R. I.  
P. W. DEPT. - ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 000000  
Date April 23, 2020



Parcel Line Data		
NUMBER	BEARING	DISTANCE
L1	N 5°51'54" W	3.00'
L2	N 84°23'57" E	43.35'
L3	S 88°38'31" E	6.70'
L4	S 5°51'54" E	3.02'
L5	N 88°38'31" W	6.90'
L6	S 84°23'57" W	43.15'

NOTES:  
CROSS-HATCHED AREA  
(A-B-C-D-E-F-A)  
INDICATES PROPOSED  
ELECTRIC EASEMENT  
TOTAL SQUARE FOOTAGE=150±



CITY OF PROVIDENCE, R. I.  
Public Works Dept - Engineering Office  
Showing proposed easement for a portion  
of Brook Street  
Drawn by VHR Checked By \_\_\_\_\_  
Scale 1"=40' Date April 23, 2020  
Correct \_\_\_\_\_ Associate Engr.  
Approved \_\_\_\_\_ CHIEF ENGINEER

000  
0-00



[illegible]

REVISIONS:		REVISED	REVIEWED
1	01.04.2020		FIELD EVALUATION
2	04.27.2020		ELECTRICAL SERVICE

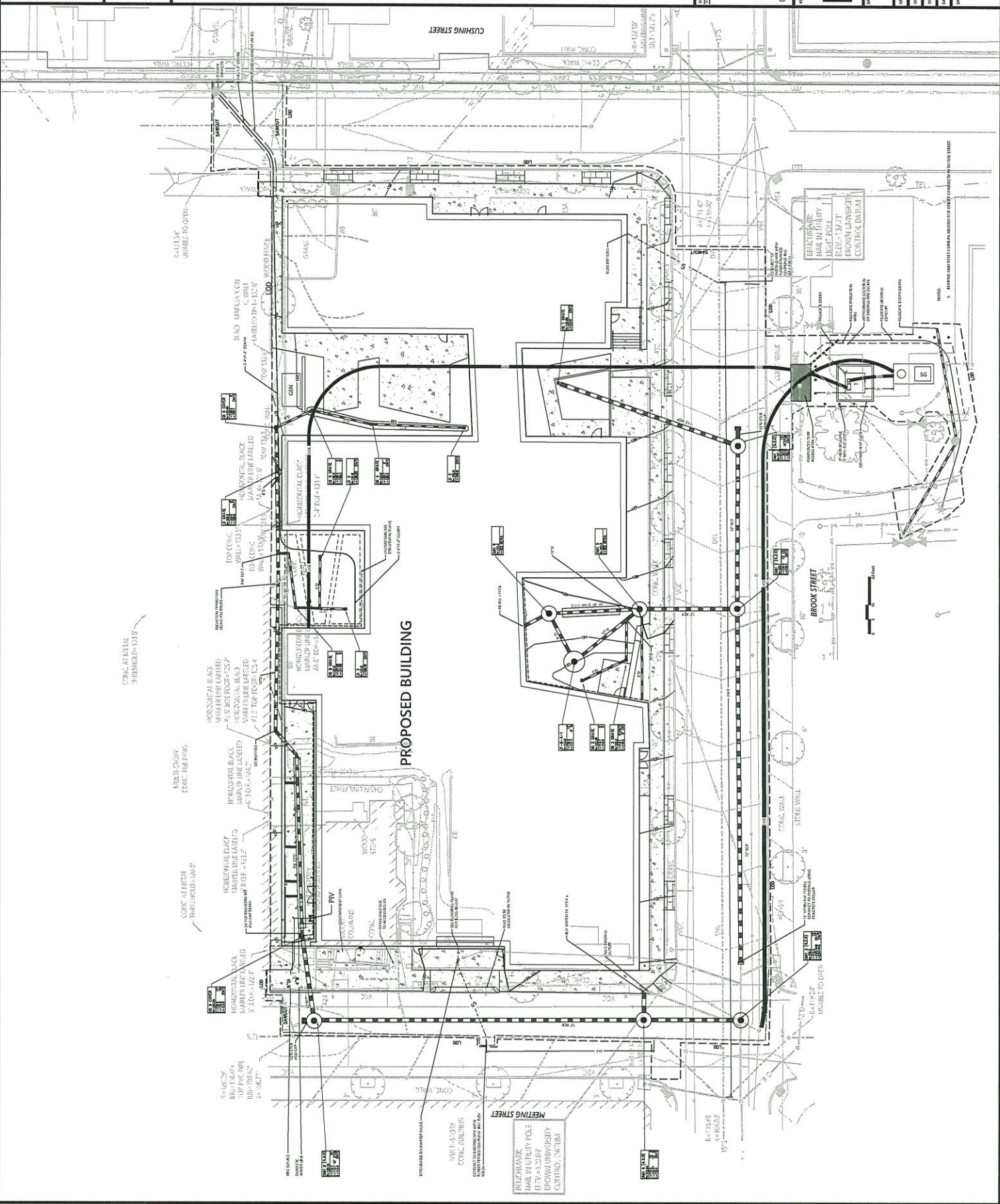
DRAFT - FOR REVIEW ONLY

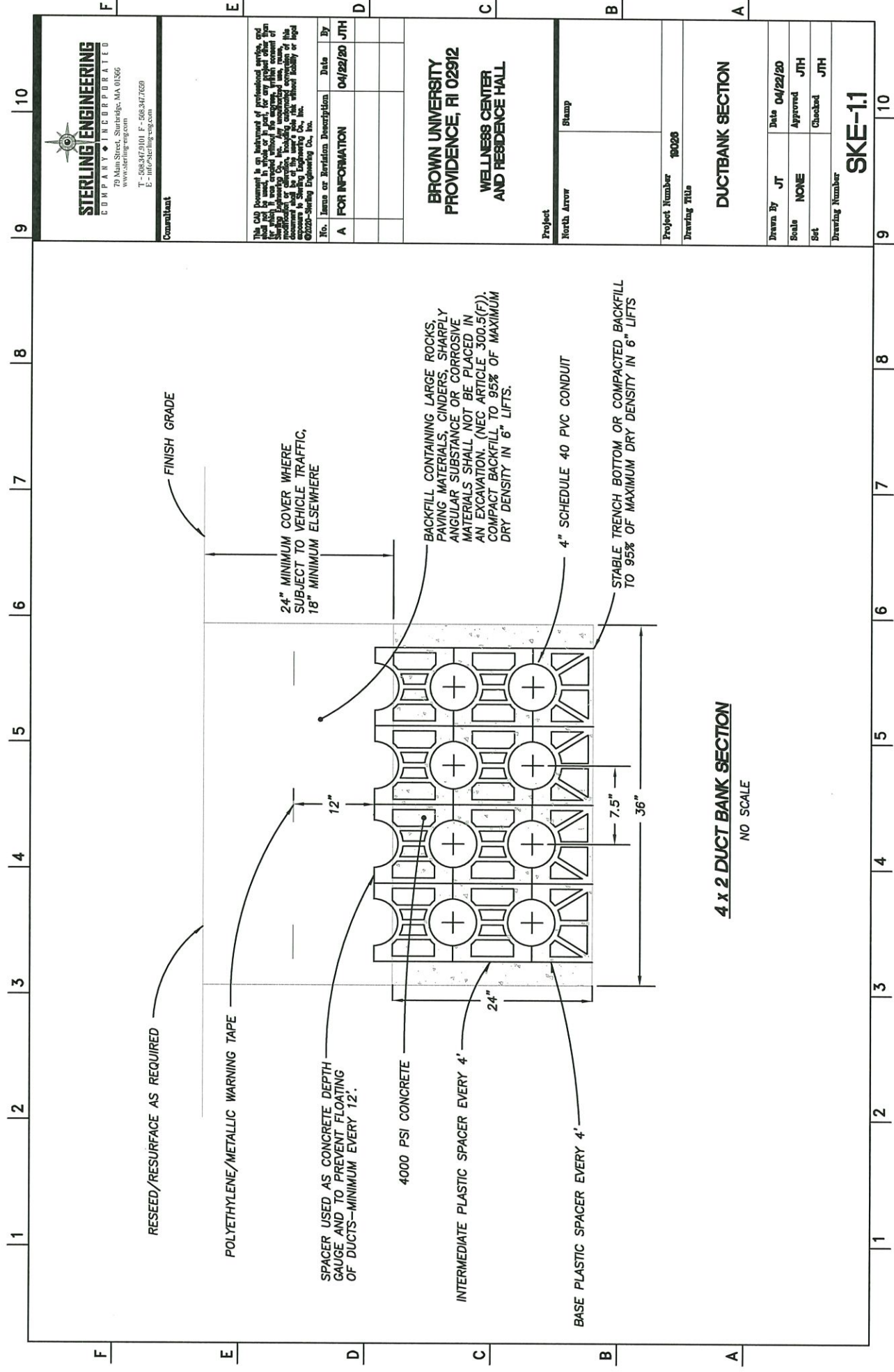


SAVINGS TITLE:

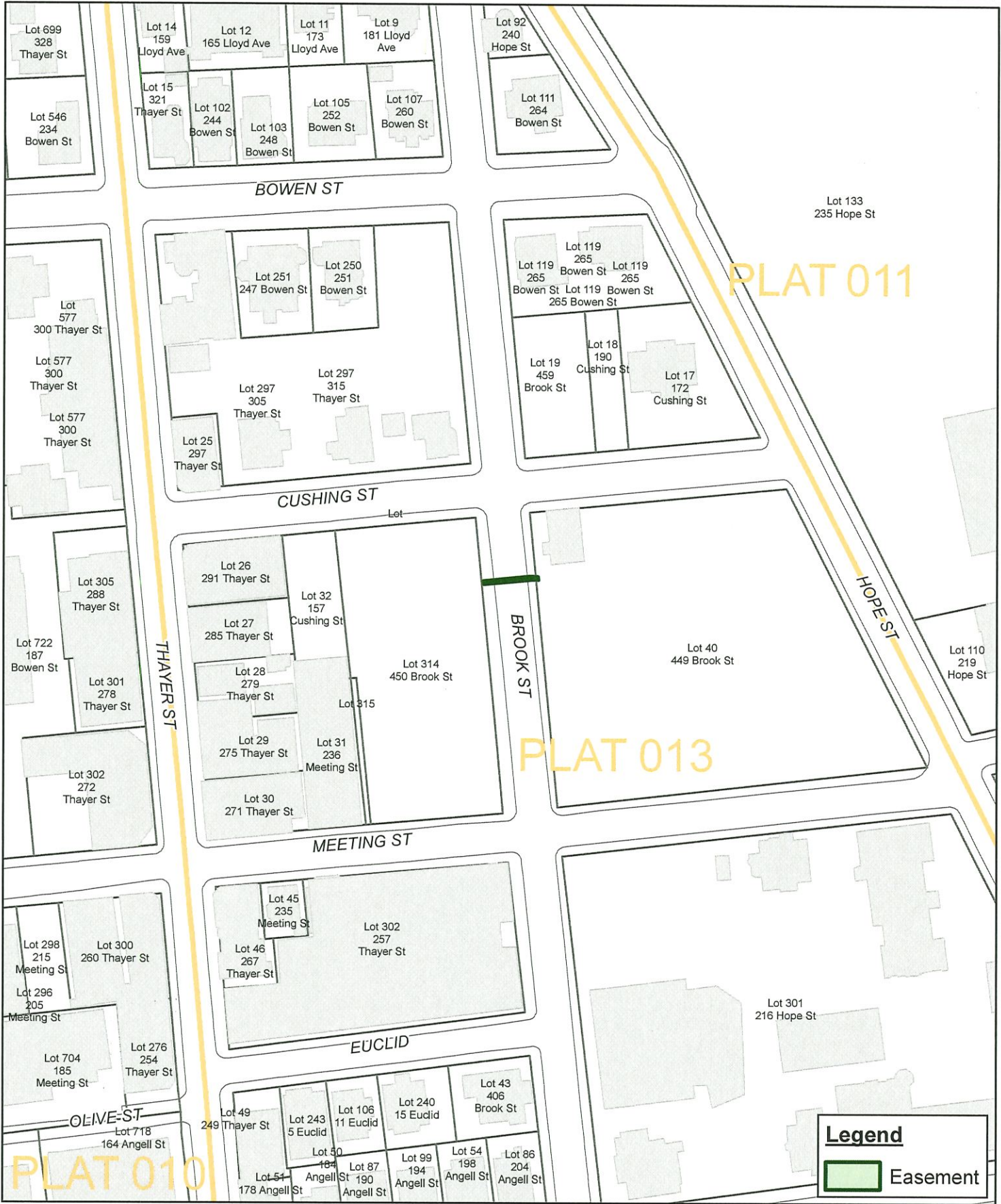
SUNNYBAY, A.C.
CHECKED BY: J.B.
SALE: As indicated
REF: 12060819

C-4.00









Source: Providence City Hall



Project Location Area  
Brook Street - Brown University electric easement  
Providence, Rhode Island

Figure 2



PROVIDENCE POLICE DEPARTMENT  
Patrol Bureau  
325 Washington St., Providence, RI 02903

6-16-20

To: Shawn Selleck, City of Providence City Clerk  
From: Cpt Luis F. San Lucas, Traffic Bureau Commanding Officer  
Subject: Petition to the City Council for Permanent underground easement-Portion below Brook St

Sir,

After reviewing the petition for permanent underground easement over a portion of Brook St request by Brown University, The Providence Police Department has no objection to the request.

Respectfully Submitted

Luis F. San Lucas  
/////original signed////////



**STEVEN M. PARÉ**  
Commissioner of Public Safety  
Acting Chief of Department



**JORGE O. ELORZA**  
Mayor

Department of Public Safety, Fire Department  
*"Building Pride in Providence"*

July 13, 2020

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

**RE: Petition for Permanent Underground Easement-Brook Street**

Dear Councilman Correia:

I am in receipt of your memorandum regarding the petition that was filed by Andrew M. Teitz, Esquire, AICP, and Ursillo, Teitz & Ritch, Ltd. who are requesting a permanent underground easement below a portion of Brook Street.

This matter concerns buried utilities, therefore, it has been determined that this request would not have any impact on the Providence Fire Department and 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  
Acting Chief of Department

cc: Shawn Selleck, City Clerk

PROVIDENCE  
JUL 13 2020 12:08 PM

FILED

Public Safety Complex | 325 Washington Street | Providence, RI 02903  
401-243-6060 phone | 401-243-6487 fax

Leo Perrotta  
Acting Director



Jorge O. Elorza  
Mayor

**DEPARTMENT OF PUBLIC WORKS**

*"Building Pride in Providence"*

August 20, 2020

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

**RE: Proposed Easement on a Portion of Brook St.**

Dear Councilman Correia:

This department has no objection to the proposed easement on a portion of Brook St. in conjunction with the attached plan, entitled "Prov., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064866. Area of easement is designated as cross-hatched area (A-B-C-D-E-F-A) on the accompanying plan.

Total square footage equals 150 ft. +/-  
See accompanying plan for plat and lot numbers.

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

Leo Perrotta

A handwritten signature in black ink, appearing to be "Leo Perrotta", written over a horizontal line.

Director-D.P.W.

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

700 Allens Avenue Providence, Rhode Island 02905  
Phone 401-467-7950/Fax 401-941-2567  
[www.providenceri.com/dpw](http://www.providenceri.com/dpw)



PROVIDENCE, R. I.  
P. W. DEPT. — ENGINEERING OFFICE  
STREET LINE SECTION  
Plan No. 064866  
Date April 23, 2020

CUSHING STREET

A.P. 13  
LOT 314

Parcel Line Data		
NUMBER	BEARING	DISTANCE
L1	N 5°51'54" W	3.00'
L2	N 84°23'57" E	43.35'
L3	S 88°38'31" E	6.70'
L4	S 5°51'54" E	3.02'
L5	N 88°38'31" W	6.90'
L6	S 84°23'57" W	43.15'

MEETING STREET



MAG NAIL IN  
LEAD PLUG  
BROWN CONTROL  
POINT #248

N 0°19'13" E  
50.18'

57.74'  
S 05°51'54" E

210.07'  
S 05°51'54" E

N 06°22'04" W  
41.63'

DRILL HOLE

BROOK STREET

A.P. 13  
LOT 40

NOTES:  
CROSS-HATCHED AREA  
(A-B-C-D-E-F-A)  
INDICATES PROPOSED  
ELECTRIC EASEMENT  
TOTAL SQUARE FOOTAGE=150±

CITY OF PROVIDENCE, R. I.  
Public Works Dept — Engineering Office  
Showing proposed easement for a portion  
of Brook Street  
Drawn by VHB Checked By \_\_\_\_\_  
Scale 1"=40' Date April 23, 2020  
Correct \_\_\_\_\_ Associate Engr.  
Approved William O. [Signature] CHIEF ENGINEER  
8-24-20



[illegible]

ATTENTION:		REVISED	
DATE	BY	DATE	BY
1	01/24/2019		FIELD MAINTENANCE
2	04/23/2019		ELECTRIC SERVICE

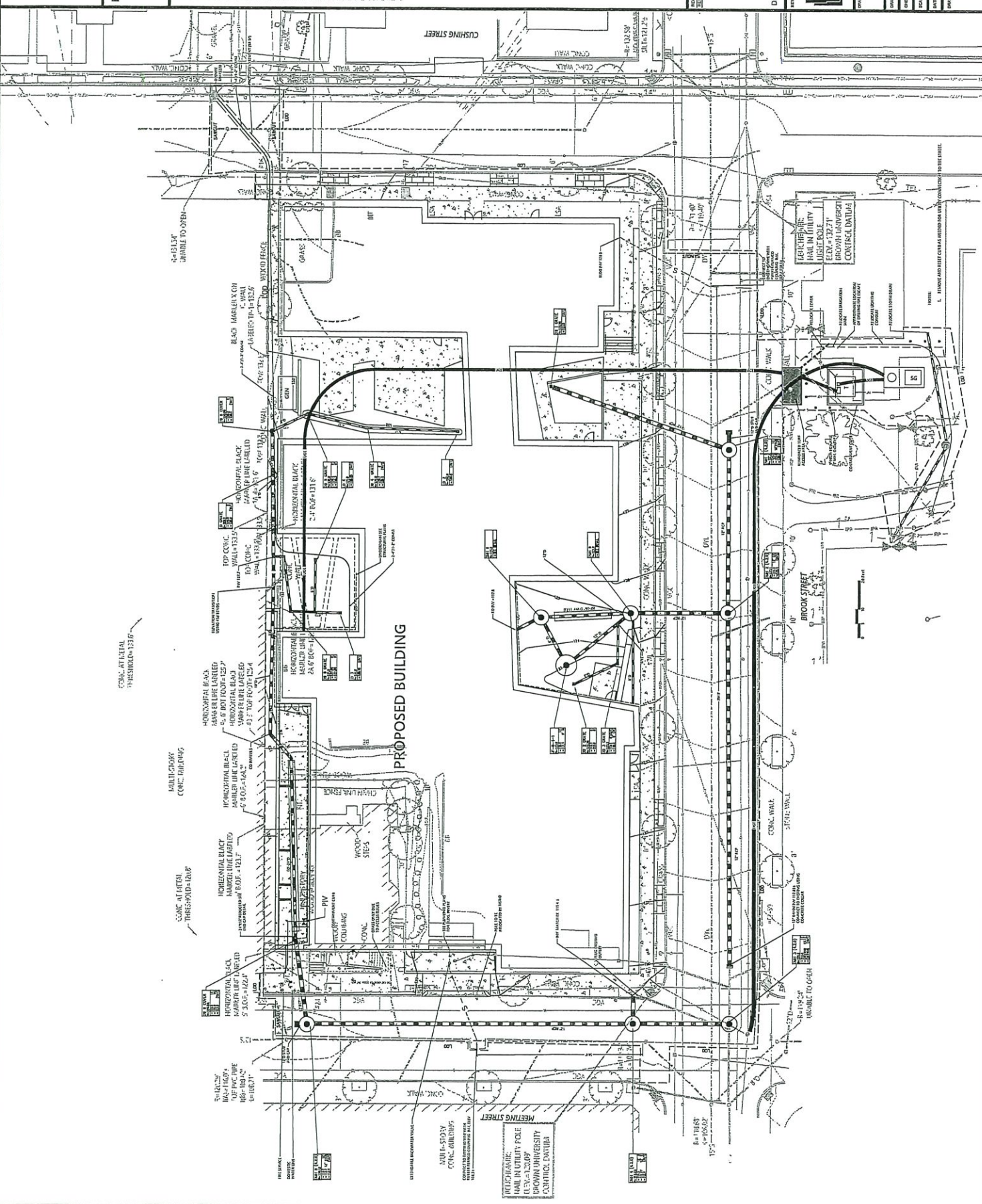
DRAFT - FOR REVIEW ONLY



## UTILITY PLAN

NAME: A/C	
CATED BY: JG	
EE: Albedin	
E: 1202211	

C-4.00







June 19, 2020

Ms. Sheri A. Petronio  
First Deputy City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

The Hon. Jorge O. Elorza  
Mayor  
  
Ricky Caruolo  
General Manager

Subject: Petition for Permanent Easement Below a portion of Brook St., Providence  
  
Dear Ms. Petronio:

The referenced Brook 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 6-inch water main, located near your requested site. There are active services on both mains. Accordingly, this main and services must remain active.

PW has no objection to the easement provided that the Petitioner grants a full utility easement to PW to maintain, construct, repair, etc. the existing water main and its appurtenances and that no permanent construction, whatsoever, be allowed within the easement. 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 SUPPLY BOARD

Kathleen Topp  
Water Quality Supervisor

cc: P. LePage  
A. Pion  
File

BOARD OF DIRECTORS

- Xaykham Khamsyvoravong  
Chairperson
- Joseph D. Cataldi  
Vice Chairperson
- Michael J. Correia  
Council President Pro Tempore
- Jo-Ann Ryan  
Councilperson
- Sara Silveria  
Ex-Officio
- Cristen L. Raucci, Esq.  
Member
- Dr. Alma M. Guerrero Bready  
Member
- Carissa R. Richard  
Secretary
- William E. O’Gara, Esq.  
Legal Advisor

- 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  
  
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Like us at:  
facebook.com/Providencewater

Elyse Paré  
Tax Assessor

Jorge O. Elorza  
Mayor



PROVIDENCE A CITY THAT WORKS

Janesse Muscatelli  
Deputy City Assessor

**Finance Department  
Office of Tax Assessment**

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

August 12, 2020

Re: Proposed easement portion of Brook Street

Dear Mr. Selleck

At your request we have reviewed the information provided regarding an underground easement proposed by Brown University. The proposed easement would be subterranean and would run under Brook Street between plat 13 lots 40 and 314.

Based on the plans and specifications provided the easement will consist of approximately 150 ft.<sup>2</sup>±. The easement as noted will be subterranean we have valued that subterranean portion only. No information has been presented that would give us information to value any surface easements be it temporary or permanent. The land in the subject locus for smaller lots is approximately \$45 per square foot. Since the property is subterranean we would apply a 50% adjustment because all of the fee rights are not being acquired. Therefore, the valuation would be 150 ft.<sup>2</sup> times \$45 per square foot would equal \$6750. Taking half of that value for the subterranean interest the total valuation would be \$3,375

We hope this information is useful for your consideration we may be of any further assistance please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elyse M. Paré".

Elyse M. Paré, Tax Assessor

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



June 25, 2020

Sheri A. Petronio, First Deputy City Clerk  
City of Providence  
25 Dorrance Street  
Providence, RI 02903

VIA Email: [Spetronio@providenceri.gov](mailto:Spetronio@providenceri.gov) and US Mail

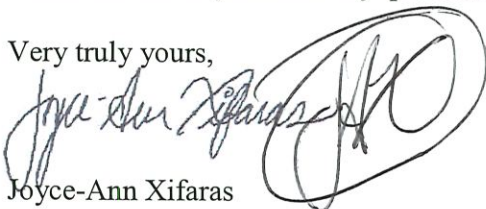
Re: Petition for a Permanent Easement Over a Portion of Brook Street

Dear Ms. Petronio:

Please be advised that after review, it has been determined that The Narragansett Electric Company, DBA National Grid, has gas and electric facilities in the proposed easement area. We do not object to the proposed easement, however, as a condition of approval we request that it be explicitly stated that 1) the Grant of Easement shall in no way exclude or restrict National Grid, its agents, successors or assigns, to conduct any activities that in our opinion are necessary to maintain, inspect, repair, replace, remove, add or install facilities within the easement area, to the extent that such activities and facilities are permitted within the public way; and 2) all proposed construction on or about National Grid facilities is to be done in accordance with National Grid standards and specifications.

Please call me if you have any questions.

Very truly yours,



Joyce-Ann Xifaras  
Real Estate Representative  
National Grid  
(401) 784-7513  
[Joyce-ann.xifaras@national.grid.com](mailto:Joyce-ann.xifaras@national.grid.com)

Enclosures: Letter

Cc (Via email): J. Stabach, VHB; A.Teitz, Ursillo Teitz & Ritch Ltd.; L. Spangler, National Grid; T. Bellrose, National Grid

5050 707 13 15 5:43

ED



385 Myles Standish Blvd  
Taunton, MA 02780

June 18, 2020

City of Providence  
Office of the City Clerk  
25 Dorrance Street – Rm 311  
Providence, Rhode Island 02906

ATTN: Sheri A. Petronio, First deputy City Clerk

RE: PETITION TO GRANT EASEMENT ON A PORTION OF BROOK STREET NEAR #449

Dear Ms. Petronio,

Upon investigation it has been determined that Verizon presently has aerial facilities on said portion of Brook Street

These facilities include a pole line with cables and wires that provides service to the surrounding area.

Verizon will not object to the granting of said Easement, provided that in the event the Petition is granted, the Petitioner will adhere to Verizon's existing Petition Rights in this area, which will permit retention of its facilities in existing locations with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities.

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

(508) 398-5754 - 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 OPERATOR 711)

<http://www.narrabay.com>



Rep. Vincent J. Mesolella  
Chairman

Laurie A. Horridge  
Executive Director

June 23, 2020

Sheri A. Petronio, First Deputy City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

**Re: Brown University-Wellness Center & Residence Hall  
Permanent Easement  
Brook Street (portion of), Providence  
Utility Notification/Verification**

Dear Ms. Petronio:

We have reviewed the above-referenced plans sent with your letter dated June 8, 2020.  
The Narragansett Bay Commission does 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,

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

Cc: Andrew M. Teitz, Esq., AICP, Ursillo, Teitz & Ritch, Ltd.

