

# RESOLUTION OF THE CITY COUNCIL

No. 493

*Approved* September 14, 2001

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Fones Alley in the City of Providence to Brown University (Brown). Said easement 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-five feet by three feet by three feet and is indicated by the shaded 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 aforesated purposes. Additionally, it shall be for a term of not more than twenty (20) years.

4. Brown shall tender the sum of One Thousand Fifty Dollars (\$1,050.00) 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.

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. Brown 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.

IN CITY COUNCIL  
JUL 12 2001  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS

Michael R. Comer  
Clerk

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution

Charles Best  
July 26, 2001 Clerk

10. Brown 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. Brown 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

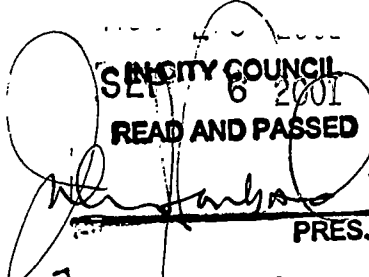


be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up 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.

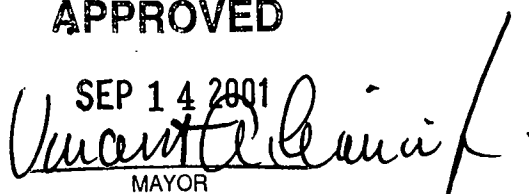
and Brown, for itself and its successors, agrees to comply with the same.

13. Brown 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, Brown shall, at its own expense, and without claim against the City, its officers, servants or employees, 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.

**CITY COUNCIL**  
**SEP 6 2001**  
**READ AND PASSED**  
  
**PRES.**  
  
**CLERK**  


**APPROVED**  
**SEP 14 2001**  
  
**MAYOR**

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

*"Building Pride In Providence"*

August 3, 2001

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

RE: Petition by Brown University  
Requesting an EASEMENT FOR UNDERGROUND CONDUIT  
FONES ALLEY... (For Corliss Brackett House)

Dear Councilman Clarkin:

This Department has no objection to the proposed easement in Fones Alley for Brown University's installation of underground conduit as shown on the accompanying plan, entitled, "Providence, R.I. - P.W. Dept. - Engineering Office, Plan No. 064670, Date: August 1, 2001".

Said proposed easement is shown as shaded area noted as A-B-C-D-A. The dimensions for said proposed underground easement are 35'x3'x3'. Total square footage for said proposed utility easement is 105'+, on the accompanying plan.

Lot numbers drawn on this plan were taken from City of Providence Assessor's Plat 12; a List of abutting property owners is attached hereto.

If we can further assist in this regard, please do not hesitate to contact this office.

(Said easement will provide service to Brown University's Corliss-Brackett House, Department of Admissions/45 Prospect Street, Providence, R.I. 02912)

Sincerely,

A handwritten signature in dark ink, appearing to read "F. C. Ihenacho", written over a series of horizontal lines.

Ferdinand C. Ihenacho, P.E.  
Director

CC: M. Clement  
J. D'Amico  
G. Florio  
JLC  
SZ

PROVIDENCE, R. I.  
 P. W. DEPT. - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064670  
 Date August 1, 2001

STREET

BROWN UNIVERSITY

Lot 154

83'

3'

A

B

FONES ALLEY

35'±

106'

Lot 205

3'

C

PROSPECT

BROWN UNIVERSITY

NOTES: Shaded area (A-B-C-D-A) indicates proposed easement for underground conduit.  
 Dimensions are 35' x 3' x 3'  
 Total square footage = 105' ±

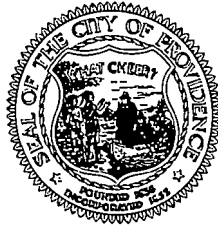
Lot numbers taken from A.P. 12.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing proposed easement on Fones Alley  
for Brown University.  
 Drawn by A. Zisiades Checked by JEC  
 Scale 1" = 20' Date Aug. 1, 2001  
 Correct Jamie P. Brown Associate Engr.  
 Approved [Signature] CHIEF ENGINEER

PROPOSED EASEMENT ON FONES ALLEY

A.P. 12 LOT 154 - 45 PROSPECT ST. • BROWN UNIVERSITY

LOT 205 - 64 WATERMAN ST. • BROWN UNIVERSITY



## DEPARTMENT OF PLANNING AND DEVELOPMENT

*"Building Pride in Providence"*

### MEMORANDUM

**DATE:** August 30, 2001

**TO :** Michael Clement, City Clerk

**FROM:** William G. Floriani, Assistant Director  
Project Management and Construction

**RE :** EASEMENT VALUE  
FONES ALLEY

---

Pursuant to your request I have visited the site . The purpose was to determine a fair market value of the easement rights for private underground utilities. The area in question is presently zoned R-1 and is on the East Side of Providence. Because the utilities will be underground the actual fair market value is reduced by 50%. The value of this property would be \$20.00 per sq. ft.

Given the above value of this easement is as follows:

105 sq. ft. @ \$10.00 per ft. = \$1,050.00





Department of Facilities Management  
Brown University  
Box 1941  
Providence, Rhode Island 02912

July 5, 2001

Mr. Michael R. Clement  
Department of the City Clerk  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02914

JAMES SISSON  
CONSTRUCTION  
MANAGER  
BROWN  
225-2254 (L)  
863-1706 (O)

Dear Sir:

The Brown University Department of Facilities Management is presently upgrading, replacing and expanding infrastructure in Fones Alley, west of Brown Street, in the City of Providence. We are seeking to amend and, hopefully, clarify an existing Resolution of the City Council #430, recorded and approved on August 6, 1948 in order for the above mentioned upgrade to move forward.

Please find enclosed a copy of Resolution #430 for your review. Thank you for your attention to this matter.

Sincerely,

Stephen Maiorisi, AIA  
Director of Project Management  
Brown University  
Department of Facilities Management

Cc. M. Guglielmo, John Cooke, James Sisson

IN CITY COUNCIL  
**JUL 12 2001**  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS

*Melale R. Clement*  
*RD*

THE COMMITTEE ON  
*Public Works*  
Recommends Approval  
*Clara E. Best*  
July 26, 2001  
Clerk

# RESOLUTION OF THE CITY COUNCIL

No. 430

Approved August 6, 1948.

Resolved,

That permission be and hereby is granted to Brown University in Providence in the State of Rhode Island and Providence Plantations, a corporation created and existing under the laws of the State of Rhode Island to construct, install and maintain underground Conduits for steam, electricity and private telephone lines under Waterman Street, Fones Alley and Angell Street in the City of Providence all in accordance with the accompanying plans attached hereto, as approved by the City Engineer of the City of Providence, and the Public Service Engineer, and in accordance with the provisions of "an act authorizing the City of Providence to permit the owner or owners of estates situated upon opposite sides of a street or highway to build and maintain a sub-way, conduit or pipe under or across such street or highway", being Chapter 1418 of the Public Laws, approved April 4, 1916.

The permission hereby granted is upon the condition that said underground conduit for steam, electricity and private telephone lines shall be so constructed as not to interfere with the use of said Waterman Street, Fones Alley or Angell Street, respectively, by the public or by any person or corporations having the right to maintain pipes or conduits under or in said street; and it is further provided that the permission hereby granted is upon the condition that said underground conduits for steam, electricity and private telephone lines shall be constructed under the supervision and control, and to the satisfaction of the Director of Public Works, and upon the condition that said underground conduits shall be removed upon 90 (ninety) days previous notice from the City Council whenever in the opinion of said City Council the public interest may require the removal of the same or any part thereof; and upon the condition that in case the City of Providence shall at any time hereafter be authorized to assess abutting owners for the private use and occupation of the public highway, the

# RESOLUTION OF THE CITY COUNCIL

No.

*Approved*

~~Resolved~~

~~That~~

passage of this resolution shall not in any manner affect the right of the City to charge and collect rent for the use of said Waterman Street, Fones Alley or Angell Street by said Brown University, its successors and assigns, or for maintaining thereunder said underground conduits for steam, electricity and private telephone lines; and upon condition that said Brown University, its successors and assigns, shall hold and keep said City of Providence harmless, safe and indemnified from and against all loss, cost, damage, payment and expense on account of any injuries to persons, or damage to property, for which said City may become liable on account of the construction, maintenance, use or repair, or neglect to properly maintain or repair, or any defect of said underground conduit, pipes, wires, or other facility for steam, electricity and private telephone lines under and across said Waterman Street, Fones Alley and Angell Street, respectively, unless the wrongful act or negligence of said City, its officers or employees, shall cause such injury or damage as mentioned aforesaid; and upon condition that said Brown University, its successors and assigns, before commencing the work of constructing said conduit file a bond in the sum of five thousand dollars (\$5,000.00), in form satisfactory to the City Solicitor to hold and keep said City harmless, safe and indemnified as aforesaid, and it is agreed by the acceptance hereof that the amount of said bond shall not be construed or held to limit their general obligation to hold and keep said City harmless, safe and indemnified as aforesaid; and upon the condition that said Brown University, its successors and assigns, shall repair and keep in repair so much of said Waterman Street, Fones Alley and Angell Street, respectively, and the sidewalks of said Waterman Street, Fones Alley and Angell Street, respectively, at and near where said underground conduits cross the same as shall be required by the Director of Public Works and to his satisfaction, and also upon the

# RESOLUTION OF THE CITY COUNCIL

No.

Approved

~~Resolved~~

~~That~~

condition that said Brown University, its successors and assigns, shall before commencing the construction of said underground conduits, file with the City Clerk a written acceptance of the terms and conditions of this Resolution and an agreement to perform and observe all of said terms and conditions.

A true copy,  
Attest:



D. Everett Whelan,  
City Clerk.

KNOW ALL MEN BY THESE PRESENTS, That  
BROWN UNIVERSITY IN PROVIDENCE IN THE STATE OF RHODE  
ISLAND, AND PROVIDENCE PLANTATIONS, a corporation organized  
under the laws of the State of Rhode Island and located in the  
City of Providence, therein, its successors and assigns, is holden  
and stands firmly bounden and obliged unto the City of Providence,  
a municipal corporation established by the General Assembly of  
the State of Rhode Island, in the full and just sum of Five  
Thousand Dollars (\$5,000), to the payment of which to said City  
of Providence, its successors and assigns, said Brown University  
in Providence in the State of Rhode Island, and Providence  
Plantations binds itself and its successors and assigns.

Sealed with its seal and dated the 24th day of  
August, in the year one thousand nine hundred forty-eight.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas  
said City of Providence by City Council Resolution No. 430, ap-  
proved August 6, 1948, has granted to said Brown University in  
Providence in the State of Rhode Island, and Providence Planta-  
tions permission to install and maintain underground conduits  
for steam, electricity and private telephone lines under Waterman  
Street, Fones Alley and Angell Street, in said City of Providence  
upon certain terms and conditions as set forth in said Resolution  
and has filed with the City Clerk of said City of Providence  
its written acceptance of said terms and conditions and its  
agreement to perform and observe the same;

NOW, THEREFORE, if said Brown University in Providence  
in the State of Rhode Island, and Providence Plantations, its  
successors and assigns, shall hold and keep said City of Provi-  
dence harmless, safe and indemnified from and against all loss,

costs, damage, payment and expense on account of any injuries to persons or damage to property for which said City may become liable on account of the laying, construction, maintenance or repair, or neglect properly to maintain or repair or any defect in, said conduits under and across said Waterman Street, Fones Alley and Angell Street, unless the wrongful act or neglect of said City, its officers or employees, shall cause such injury or damage as is mentioned aforesaid, then this obligation to be void, otherwise to be and remain in full force and effect.

IN WITNESS WHEREOF, said Brown University in Providence in the State of Rhode Island, and Providence Plantations has hereunto caused its name to be signed and its corporate seal to be affixed, by its officer thereunto duly authorized, the day and year first above written.

In presence of:

*Alma Allen*  
*John K. McIntyre*

BROWN UNIVERSITY IN PROVIDENCE  
IN THE STATE OF RHODE ISLAND,  
AND PROVIDENCE PLANTATIONS

By *Henry M. Whiston*

K N O W A L L M E N B Y T H E S E P R E S E N T S , That

BROWN UNIVERSITY IN PROVIDENCE IN THE STATE OF RHODE ISLAND, AND PROVIDENCE PLANTATIONS, a corporation organized under the laws of the State of Rhode Island and located in the City of Providence, therein, does hereby accept in writing the terms and conditions contained in City Council Resolution No. 430 approved August 6, 1948 granting to said Brown University in Providence in the State of Rhode Island, and Providence Plantations permission to install and maintain underground conduits for steam, electricity and private telephone lines under Waterman Street, Fones Alley and Angell Street, in said City of Providence, and agrees to perform and observe all of said terms and conditions.

IN WIT NESS WHEREOF, said Brown University in Providence in the State of Rhode Island, and Providence Plantations has hereunto caused its name to be signed and its corporate seal to be affixed, by its officer thereunto duly authorized, this 24th day of August , A. D. 1948.

In presence of:

*Hilma Allen*  
*John K. McIntyre*

BROWN UNIVERSITY IN PROVIDENCE  
IN THE STATE OF RHODE ISLAND,  
AND PROVIDENCE PLANTATIONS

By *Henry M. Wriston*  
Henry M. Wriston, President



D. EVERETT WHELAN  
CITY CLERK



VINCENT VESPIA  
FIRST DEPUTY  
JAMES J. KELLY  
SECOND DEPUTY

OFFICE OF THE CITY CLERK  
PROVIDENCE 3, RHODE ISLAND

August 12, 1948

Brown University  
c/o Tillinghast Collins & Tanner  
1030 Hospital Trust Building  
Providence, R. I.

Gentlemen:

I am enclosing herewith a certified copy of City Council Resolution No. 430 and Resolution No. 437 which are self-explanatory.

Very truly yours,

D. Everett Whelan,  
City Clerk.

DEW:dlm  
Enc. 2.

WILLIAM R. TILLINGHAST  
1892-1931  
JAMES C. COLLINS  
HAROLD B. TANNER  
COLIN MACR. MAKEPEACE  
HAROLD E. STAPLES  
RUSSELL P. JONES  
GEORGE C. DAVIS  
WESTCOTE H. CHESEBROUGH

TILLINGHAST, COLLINS & TANNER  
ATTORNEYS AT LAW  
HOSPITAL TRUST BUILDING  
PROVIDENCE 3, R.I.

TILLINGHAST & COLLINS  
1909 - 1934

AUG 17 1948

WILLIAM M. SLOAN  
EDWIN H. HASTINGS  
BENJAMIN A. SMITH

August 18, 1948

Mr. F. Morris Cochran  
Brown University  
Providence, Rhode Island

Dear Morris:

I received today from Bill McCabe a form of bond to be filed by the University in connection with the tunnels under Waterman Street, Fones Alley and Angell Street and have prepared a bond in this same form to be executed and filed by the University. The same is enclosed herewith and also a form of acceptance which should also be signed. The seal of the University should be placed upon both documents and both should then be returned to me for filing.

Very truly yours,

*Russell P. Jones*

Encs.

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August 25, 1948

Mr. Russell P. Jones  
Tillinghast, Collins & Tanner  
1030 Hospital Trust Building  
Providence 3, Rhode Island

Dear Russell:

Mr. Wriston was in the office yesterday and signed the acceptance and bond which you sent me with your letter of August 18. I am returning both documents herewith, retaining the carbon copies for our files.

Sincerely yours,



F. Morris Cochran  
Vice President  
and Business Manager

FMC:Q  
Enclosures

EARLY INSTALLATION AND  
INDEMNIFICATION AGREEMENT

WHEREAS, Brown University ("the University" or "Brown") has filed a petition requesting certain easements within the public way in the City of Providence; and

WHEREAS, those easements have been approved by a City Council Committee on Public Works; and

WHEREAS, the resolution emanating from that petition is scheduled to be heard at the September 6, 2001 Council meeting of the City Council.

WHEREAS, the University wishes to commence installation of the duct work prior to that date, it is agreed that:

1. The University may commence the installation of the duct work in the public right-of-way prior to council passage and mayoral action upon the following conditions:

(a) The University explicitly acknowledges that such work is undertaken at its sole expense and risk. The University explicitly acknowledges that no promises or guarantees of council or mayoral approval have been given.

(b) The University also acknowledges that any modification by the full council or the mayor shall be incorporated into the enabling resolution and shall be complied with by the University whether installation of the duct work has not begun, is in the process of being installed or installation has been completed.

(c) The University shall do all breakout and rehabilitation, of the public ways in conformity with the proposed rules and regulations of the Department of Public Works and such breakout and rehabilitation shall be to the approval of the Director of that department.

(d) The University shall provide an insurance policy in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) and said policy shall name the City of Providence as an additional-named insured and shall provide coverage for the installation, replacement, repair and maintenance of the duct work.

(e) The University shall situate its ducts so as not to interfere with existing or planned utilities and shall provide acceptable easements to the existing utilities which have requested the same as evidenced in communications received by the City Council Committee on Public Works with respect to the University's application.

(f) The University agrees that it will abide by the terms of the enabling resolution as the same is finalized.

(g) In the event that either the full council or the mayor do not give approval to the University resolution, the University shall immediately remove all duct work from the municipal way and restore the same to the approval of the Director of the Department of Public Works.

(h) The University expressly agrees that this document shall not in any way operate so as to estop the City of Providence from forcing the removal of the ductwork nor shall the University claim any detrimental reliance nor any damages arising out of this agreement.

(i) The University further agrees to hold harmless the City of Providence, its agents, assigns, officers, successors and employees from any claim or liability for personal injury or property damage resulting from the installation or maintenance of the proposed duct work.

(j) The University agrees that this is an interim document so as to provide an expedited work schedule and that the final documents arising out of the Council's Resolution shall supersede the within. ~~The University agrees that this is an interim document so as to provide it with an expedited work schedule and that the final documents arising out of the Council's Resolution shall supersede the within.~~

(k) The University recognizes the applicability of Sections 23-107 and 23-109 of the Providence Code of Ordinances and the agrees to the same.

Respectively those ordinances state:

**Sec. 32-107. Public work of city to take precedence over 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 public work in 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 in such street or way 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 a reasonable time in advance of any 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.

**Sec. 23-109. Indemnity of city against claims arising out of electrical installations.**

Every person erecting, maintaining or using electrical wires or poles, fixtures or structures, for the support of 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 on 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.

The undersigned declares that he/she is authorized to execute the within on behalf of the University.

Walter C. Hunter

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In Providence, on this 14<sup>th</sup> day of August, <sup>2001</sup>~~2000~~, before me personally appeared the above-named Walter C. Hunter, of BROWN UNIVERSITY, to me known and known by me to be the party executing the foregoing instrument, and he/she acknowledged said instrument, by him/her executed on behalf of BROWN UNIVERSITY, to be his/her free act and deed individually, and in his/her capacity aforesaid, and the free act and deed of BROWN UNIVERSITY.

Marsha G. Rice  
Notary Public

MARSHA G. RICE, NOTARY PUBLIC, ID# 24048  
MY COMMISSION EXPIRES JUNE 25, 2005

## MARSH USA INC.

## CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER  
CLE-000523204-00PRODUCER  
MARSH USA INC.  
TWO LOGAN SQUARE  
PHILADELPHIA, PA 19103-2797

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

## COMPANIES AFFORDING COVERAGE

COMPANY

A UNITED STATES FID &amp; GUARANTY

COMPANY

B N/A

COMPANY

C

COMPANY

D

J09524-BROWN-AGL-

INSURED

BROWN UNIVERSITY  
ATTN: JEANNE HEBERT  
164 ANGELL STREET  
P.O. BOX 1914  
PROVIDENCE, RI 02912

## COVERAGES

This certificate supersedes and replaces any previously issued certificate for the policy period noted below.

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THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	DRE2829400	07/01/01	07/01/02	GENERAL AGGREGATE \$ 4,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COM/OP AGG \$ 2,000,000
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 2,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 2,000,000
					FIRE DAMAGE (Any one fire) \$ 2,000,000
	AUTOMOBILE LIABILITY				MED EXP (Any one person) \$ 2,500
	<input type="checkbox"/> ANY AUTO				COMBINED SINGLE LIMIT \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				PROPERTY DAMAGE \$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
					EACH OCCURRENCE \$
	EXCESS LIABILITY				AGGREGATE \$
	<input type="checkbox"/> UMBRELLA FORM				
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$
					EL DISEASE-POLICY LIMIT \$
					EL DISEASE-EACH EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS (LIMITS MAY BE SUBJECT TO DEDUCTIBLES OR RETENTIONS)

Utility easement work on Fones Alley - August 2001. The City of Providence is named as as additional insured with respect to this work.

## CERTIFICATE HOLDER

City of Providence  
City Hall  
Providence, RI

## CANCELLATION

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES.

MARSH USA INC.

BY: Martin J Samchalk

MM1(9/99)

*Martin J. Samchalk*

VALID AS OF: 07/11/01



**Brown University – Department of Admissions  
Fones Alley Easement**

July 26, 2001

Purpose

- Amend / clarify existing Resolution of City Council # 430 to allow Brown University to upgrade, replace and expand existing utilities in Fones Alley, west of Brown Street.

Resolution of City Council # 430

- Approved August 6, 1948
- Plans not available, destroyed in hurricane
- Permission granted to-
  - Construct, install and maintain underground conduits for.....
  - Steam, electricity and private telephone lines under.....
  - Waterman Street, Fones Alley and Angell Street
- In accordance with provisions of "an act authorizing the City of Providence to permit the owner or owners of estates situated upon opposite sides of the street to build and maintain a sub-way, conduit or pipe under or across such street or highway", Chapter 1418 of Public Laws, approved April 4, 1916.
- \$ 5000 Bond filed with city

Scope of work

- Includes the installation of four conduits across Fones Alley within 25 feet of the existing utility crossing which services Brown University's Admissions Department. The four conduits will facilitate the upgrade of the electrical service to the building as required to accommodate ADA and building code improvements.

-10-  
JULY 26, 2001

CHAIRMAN CLARKIN: All those in favor.

COMMITTEE: Aye.

CHAIRMAN CLARKIN: All those opposed.

Motion Carries.

**COMMUNICATION FROM STEPHEN MAIORISI, AIA, DIRECTOR OF PROJECT MANAGEMENT, BROWN UNIVERSITY, DATED JULY 5, 2001, REQUESTING TO AMEND RESOLUTION NUMBER 430, DATED AUGUST 6, 1948, RELATIVE TO THE UPGRADE, REPLACEMENT AND EXPANDING INFRASTRUCTURE IN FONES ALLEY.**

CHAIRMAN CLARKIN: I am going to allow you to explain what this is.

JAMES SISSON: I have a packet here that you can look at with a copy of the resolution number 430 that is described in the letter. I want to go on record as thanking Councilman Clarkin for getting us on this agenda. Our confusion is we didn't want to do the wrong thing so we came to Claire who has always been helpful and directed us to the various recorded documents and one of them being resolution number 430 which generically mentions our ability to work in existing conditions to install and maintain underground conduits for steam and electricity. We are talking about Fones Alley, this particular document relates to Fones Alley, Waterman Street and Angell Street and it also mentions certain documentation and drawings along with the resolution that when we went to Archives we discovered that in the hurricane of 1954 several documents and including these particular drawings that specified the location of existing conditions were destroyed in the hurricane. What we want to do is put a new electrical conduit and you can see that in the attached drawings. In Fones Alley running from the north side to the south side in a diagonal fashion within twenty five feet of an existing easement that is mentioned in resolution number 430. There was some discussion with Mr. D'Amico, Mr. Clarkin and again with Claire as to what we should do procedurally in order to allow us to get this work completed before October. Occupancy and space which is part of the documents that you have there are from our Admissions

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JULY 26, 2001

Department. We have sent a letter in asking for clarification and a recommendation from this committee as to what to do and if you have any questions we would be happy to help you.

CHAIRMAN CLARKIN: Basically, let me see if I understand. The work you are trying to do right now is basically just going to follow the same lines that are there.

JAMES SISSON: Well, it is running in parallel with what is there. What is going to happen is the existing conduit that is in the road is going to be abandoned in place and a new conduit put in within relative distance to the existing condition. We didn't know whether we needed another easement or an amendment to the easement, we just didn't want to do the wrong thing by proceeding. We went down to DPW and they didn't have what they call a day sheet, I think it is called that indicates an existing condition and as a result Janice said we can't really give you a permit until we know the exact location and what you are attempting to do so that is why we went back and found some of these drawings to show what was in place.

FERDINAND IHENACHO: We don't have a record of a 1948 easement in our files so that kind of through a curve ball because we don't have a record of it. We don't know particularly where that resolution references.

CHAIRMAN CLARKIN: It seems from what I can see here although the city may not have it but I guess they have a resolution from the City Council approved August 6, 1948 and it seems to be all here. Where these drawings from that?

JAMES SISSON: These are drawings that we had on file at the University, they were not specifically the drawings that were attached to the resolution. The drawings that are missing and the drawings that were destroyed were from Hurricane Carol of 1954. We found the resolution in your book of resolutions stacked in your front office with the same language in them indicating that there

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JULY 26, 2001

were drawings attached but then we went to Archives and that is the direction they sent us in and said that well from I guess the period of 1948 to 1954 those drawings were destroyed in a flood.

FERDINAND IHENACHO: Here in City Hall?

JAMES SISSON: Yes, our approach is to supply documentation of the existing conditions and then amend to your liking whatever language you want in the resolution. We just want to be able to get the conduit in place so we can utilize the space. These are two drawings, one is the existing conditions from the plat with all the utilities in place and then here is a site drawing and as you can see on the flip side, you will see this being the existing condition and this being where we want to put the new one and this is approximately twenty five feet away from that.

FERDINAND IHENACHO: I don't have that drawing?

JAMES SISSON: I realize that.

CHAIRMAN CLARKIN: If I may ask the committee, if we could pass this on the condition that Fred at the Public Works Department and his crew down there can sit down together because I am afraid that it is needed.

VICE-CHAIRMAN DE LUCA: May I ask what is in the conduit?

JAMES SISSON: Electrical, it is a new electrical service. It is coming from a new transformer coming out of the Corliss Building and extending southerly across Fones Alley to a new transformer.

VICE-CHAIRMAN DE LUCA: For electric service?

JAMES SISSON: That is correct.

VICE-CHAIRMAN DE LUCA: No phone lines or fiber optics or anything like that.

JAMES SISSON: No.

VICE-CHAIRMAN DE LUCA: So you are basically upgrading your electrical service.

JAMES SISSON: That is exactly what we are doing.

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JULY 26, 2001

CHAIRMAN CLARKIN: Mr. Solicitor, do you have an opinion?

JOHN D'AMICO: There are two things, one is the area that you occupy now, you are now longer going to occupy at all for anything, is that true.

JAMES SISSON: In terms of the existing conduit, yes.

JOHN D'AMICO: So you wouldn't need the old easement anymore. The other thing is the committee has of late instituted fees for the easements because what it sounds like is the cleanest way to do it is to have them abandon the old easement and whatever exist there and have a new one. I don't know what the committee wants to do about charges but perhaps there is a value to their abandonment that could be credited to the new one but that is for the committee to decide. It sounds like it is really a different easement and it is not a foot or two away.

CHAIRMAN CLARKIN: If we abandon the easement we have to abandon the easement some date in the future when this new one is installed.

JOHN D'AMICO: Right, because you need a continuing service, you need what is existing so that it would be over time but I don't think that is a problem.

JAMES SISSON: Let's say that we were to follow the path of the existing easement as opposed to being off that, would the same consideration be made for abandoning this. I mean would that create a new easement in doing that or would we be within the bounds of the existing easement because it is not clear on the resolution as to what it means because it is saying in the resolution is that Fones Alley, Waterman Street and Angell Street there is all kinds of utility crossing those areas and that is what we need clarification on.

JOHN D'AMICO: This is what they have the right to. For the city to charge and collect rent for the use of said Waterman Street, Fones Alley or Angell Street by said Brown University, its successors and assigns, or for maintaining thereunder said underground conduits for steam, electricity and private telephone

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JULY 26, 2001

lines. So if this is maintaining or updating and they can use the existing line it would be the same easement.

CHAIRMAN CLARKIN: Is it easier for you to do it now?

JAMES SISSON: Well, I think more than anything is being able to do it at all because of our schedule. What we are looking for is basically a direction and then the ability to get the new service in place for our construction schedule.

CHAIRMAN CLARKIN: Can we come up with a figure that seems reasonable and if we don't want to do it then we go through the old one so what is the best thing.

JOHN D'AMICO: You can approve it subject to a reply from Floriani.  
When is the Council Meeting?

CLAIRE E. BESTWICK: August 2<sup>nd</sup>.

VICE-CHAIRMAN DE LUCA: Next Thursday.

JOHN D'AMICO: That means this had to be done Friday. Realistically that is not going to happen. I want to be forthright I'm just not going to get this done for it to be on the Council Meeting for the second and there is not meeting until September after that?

CLAIRE E. BESTWICK: I think Bill Floriani is on vacation too.

JOHN D'AMICO: You have to be out by October or in by October.

JAMES SISSON: We have the transformer in place but we want to be able to dig the trench so that we can bring the new power to the space.

JOHN D'AMICO: Among the many things the committee can do is if you approve it with certain conditions when people are under a construction deadline there is an exchange of correspondence that essentially says that they are going to do this and they understand that this is the resolution and it may not get passed by the council or signed by the Mayor but they are prepared to dig everything up in that eventuality. Didn't we do something with you folks a while ago?

JAMES SISSON: Years ago.

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JULY 26, 2001

JOHN D'AMICO: I think you should reject this petition if I am older to have done something years ago. I thought it was about six or seven months.

JAMES SISSON: Well, we did another easement in Thayer Street and then again up on Brown Street. It was a clear cut easement as opposed to existing conditions in trying to amend an existing resolution.

JOHN D'AMICO: You can do it in that situation and that seems to have worked. Fred that is what I was talking about with those other folks today, being in that kind of situation where they execute that kind of agreement and it has happened in the past, so you can do it that way. They can start on time and perhaps they can speak with Fred and get it clarified exactly which way you are going to go and how much they are going to need because right now how much width do you need?

JAMES SISSON: Three feet.

JOHN D'AMICO: I think he has to get the plans.

JAMES SISSON: Well, I have worked with Steve and Janice before.

CHAIRMAN CLARKIN: Basically, we can pass this and that they have the approval to do this in the new easement.

JOHN D'AMICO: Because the sense is you have to have a new easement rather than use the existing one.

CHAIRMAN CLARKIN: I am taking it because they might interfere with the electrical lines from this old easement and they have to shut it off to be working in there. So it is going to be a new easement to go through with the conditions that whatever Floriani says it is worth but you have to take into consideration that they are giving back some so it might be a wash, I don't know.

JOHN D'AMICO: It would be in the format that you have seen before. Generally you can't disturb existing easements, etc.

JAMES SISSON: Right.

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JULY 26, 2001

COUNCILMAN BUTLER: Do they pay on this easement now, is there a dollar amount every year?

CHAIRMAN CLARKIN: This was 1948 young man.

JAMES SISSON: I am not sure because there is no documentation.

VICE-CHAIRMAN DE LUCA: Well, they put up a \$5,000.00 bond but I don't if they paid \$5,000.00.

On motion of Vice-Chairman DeLuca, seconded by Councilwoman Romano, it is voted to pass the foregoing communication pending that the petitioner will accept the assessed value of this conduit that the Department of Planning will come up with and that whatever other easements plus utilities that exist are understood.

CHAIRMAN CLARKIN: All those in favor.

COMMITTEE: Aye.

CHAIRMAN CLARKIN: All those opposed.

Motion Carries.

**PETITION FROM MILDRED AHARONIAN, ET. AL.,  
REQUESTING TO CHANGE BOLTON AVENUE FROM A TWO-  
WAY STREET TO A ONE-WAY STREET FROM MOUNT  
PLEASANT AVENUE TO KIMBALL STREET.**

CHAIRMAN CLARKIN: This has been approved by the Traffic Engineer.

On motion of Vice-Chairman DeLuca, seconded by Councilwoman Romano, it is voted to pass the foregoing petition.

CHAIRMAN CLARKIN: All those in favor.

COMMITTEE: Aye.

CHAIRMAN CLARKIN: All those opposed.

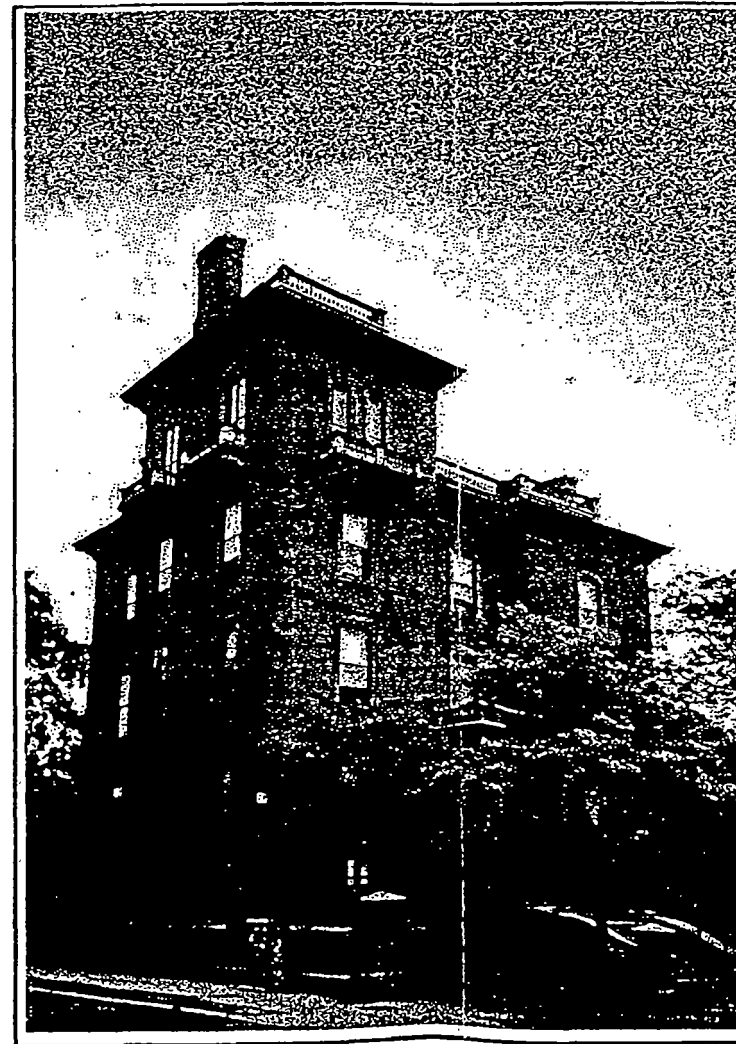
Motion Carries



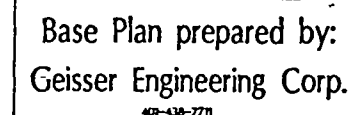
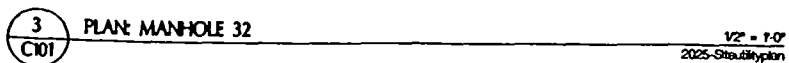
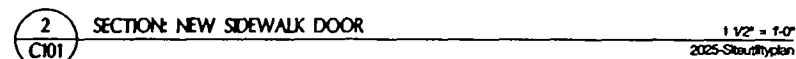
# CORLISS-BRACKETT HOUSE

DEPARTMENT OF ADMISSIONS

## BROWN UNIVERSITY







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Site Plan: M  
Elec. Service

C10

# RESOLUTION OF THE CITY COUNCIL

No. 430

*Approved* August 6, 1948.

Resolved,

That permission be and hereby is granted to Brown University in Providence in the State of Rhode Island and Providence Plantations, a corporation created and existing under the laws of the State of Rhode Island to construct, install and maintain underground Conduits for steam, electricity and private telephone lines under Waterman Street, Fones Alley and Angell Street in the City of Providence all in accordance with the accompanying plans attached hereto, as approved by the City Engineer of the City of Providence, and the Public Service Engineer, and in accordance with the provisions of "an act authorizing the City of Providence to permit the owner or owners of estates situated upon opposite sides of a street or highway to build and maintain a sub-way, conduit or pipe under or across such street or highway", being Chapter 1418 of the Public Laws, approved April 4, 1916.

The permission hereby granted is upon the condition that said underground conduit for steam, electricity and private telephone lines shall be so constructed as not to interfere with the use of said Waterman Street, Fones Alley or Angell Street, respectively, by the public or by any person or corporations having the right to maintain pipes or conduits under or in said street; and it is further provided that the permission hereby granted is upon the condition that said underground conduits for steam, electricity and private telephone lines shall be constructed under the supervision and control, and to the satisfaction of the Director of Public Works, and upon the condition that said underground conduits shall be removed upon 90 (ninety) days previous notice from the City Council whenever in the opinion of said City Council the public interest may require the removal of the same or any part thereof; and upon the condition that in case the City of Providence shall at any time hereafter be authorized to assess abutting owners for the private use and occupation of the public highway, the

# RESOLUTION OF THE CITY COUNCIL

No.

Approved

~~Resolved~~

~~That~~

passage of this resolution shall not in any manner affect the right of the City to charge and collect rent for the use of said Waterman Street, Fones Alley or Angell Street by said Brown University, its successors and assigns, or for maintaining thereunder said underground conduits for steam, electricity and private telephone lines; and upon condition that said Brown University, its successors and assigns, shall hold and keep said City of Providence harmless, safe and indemnified from and against all loss, cost, damage, payment and expense on account of any injuries to persons, or damage to property, for which said City may become liable on account of the construction, maintenance, use or repair, or neglect to properly maintain or repair, or any defect of said underground conduit, pipes, wires, or other facility for steam, electricity and private telephone lines under and across said Waterman Street, Fones Alley and Angell Street, respectively, unless the wrongful act or negligence of said City, its officers or employees, shall cause such injury or damage as mentioned aforesaid; and upon condition that said Brown University, its successors and assigns, before commencing the work of constructing said conduit file a bond in the sum of five thousand dollars (\$5,000.00), in form satisfactory to the City Solicitor to hold and keep said City harmless, safe and indemnified as aforesaid, and it is agreed by the acceptance hereof that the amount of said bond shall not be construed or held to limit their general obligation to hold and keep said City harmless, safe and indemnified as aforesaid; and upon the condition that said Brown University, its successors and assigns, shall repair and keep in repair so much of said Waterman Street, Fones Alley and Angell Street, respectively, and the sidewalks of said Waterman Street, Fones Alley and Angell Street, respectively, at and near where said underground conduits cross the same as shall be required by the Director of Public Works and to his satisfaction, and also upon the

# RESOLUTION OF THE CITY COUNCIL

No.

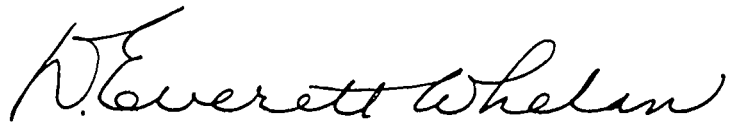
Approved

~~Resolved~~

~~That~~

condition that said Brown University, its successors and assigns, shall before commencing the construction of said underground conduits, file with the City Clerk a written acceptance of the terms and conditions of this Resolution and an agreement to perform and observe all of said terms and conditions.

A true copy,  
Attest:



D. Everett Whelan,  
City Clerk.

D. EVERETT WHELAN  
CITY CLERK



VINCENT VESPIA  
FIRST DEPUTY  
JAMES J. KELLY  
SECOND DEPUTY

OFFICE OF THE CITY CLERK  
PROVIDENCE 3, RHODE ISLAND

August 12, 1948

Brown University  
c/o Tillinghast Collins & Tanner  
1030 Hospital Trust Building  
Providence, R. I.

Gentlemen:

I am enclosing herewith a certified copy of City Council Resolution No. 430 and Resolution No. 437 which are self-explanatory.

Very truly yours,

D. Everett Whelan,  
City Clerk.

DEW:dlm  
Enc. 2.

KNOW ALL MEN BY THESE PRESENTS, That  
BROWN UNIVERSITY IN PROVIDENCE IN THE STATE OF RHODE  
ISLAND, AND PROVIDENCE PLANTATIONS, a corporation organized  
under the laws of the State of Rhode Island and located in the  
City of Providence, therein, its successors and assigns, is holden  
and stands firmly bounden and obliged unto the City of Providence,  
a municipal corporation established by the General Assembly of  
the State of Rhode Island, in the full and just sum of Five  
Thousand Dollars (\$5,000), to the payment of which to said City  
of Providence, its successors and assigns, said Brown University  
in Providence in the State of Rhode Island, and Providence  
Plantations binds itself and its successors and assigns.

Sealed with its seal and dated the 24th day of  
August, in the year one thousand nine hundred forty-eight.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas  
said City of Providence by City Council Resolution No. 430, ap-  
proved August 6, 1948, has granted to said Brown University in  
Providence in the State of Rhode Island, and Providence Planta-  
tions permission to install and maintain underground conduits  
for steam, electricity and private telephone lines under Waterman  
Street, Fones Alley and Angell Street, in said City of Providence  
upon certain terms and conditions as set forth in said Resolution  
and has filed with the City Clerk of said City of Providence  
its written acceptance of said terms and conditions and its  
agreement to perform and observe the same;

NOW, THEREFORE, if said Brown University in Providence  
in the State of Rhode Island, and Providence Plantations, its  
successors and assigns, shall hold and keep said City of Provi-  
dence harmless, safe and indemnified from and against all loss,



costs, damage, payment and expense on account of any injuries to persons or damage to property for which said City may become liable on account of the laying, construction, maintenance or repair, or neglect properly to maintain or repair or any defect in, said conduits under and across said Waterman Street, Fones Alley and Angell Street, unless the wrongful act or neglect of said City, its officers or employees, shall cause such injury or damage as is mentioned aforesaid, then this obligation to be void, otherwise to be and remain in full force and effect.

IN WITNESS WHEREOF, said Brown University in Providence in the State of Rhode Island, and Providence Plantations has hereunto caused its name to be signed and its corporate seal to be affixed, by its officer thereunto duly authorized, this day and year first above written.

In presence of:

*Alma Allen*  
*John K. McIntyre*

BROWN UNIVERSITY IN PROVIDENCE  
IN THE STATE OF RHODE ISLAND,  
AND PROVIDENCE PLANTATIONS

By *Henry M. Whiston*


August 25, 1948

Mr. Russell P. Jones  
Tillinghast, Collins & Tanner  
1030 Hospital Trust Building  
Providence 3, Rhode Island

Dear Russell:

Mr. Wriston was in the office yesterday and signed the acceptance and bond which you sent me with your letter of August 18. I am returning both documents herewith, retaining the carbon copies for our files.

Sincerely yours,

  
F. Morris Cochran  
Vice President  
and Business Manager

FMC:Q  
Enclosures

WILLIAM R. TILLINGHAST  
1892-1931  
JAMES C. COLLINS  
HAROLD B. TANNER  
COLIN MACR. MAKEPEACE  
HAROLD E. STAPLES  
RUSSELL P. JONES  
GEORGE C. DAVIS  
WESTCOTE H. CHESEBROUGH

WILLIAM M. SLOAN  
EDWIN H. HASTINGS  
BENJAMIN A. SMITH

TILLINGHAST, COLLINS & TANNER  
ATTORNEYS AT LAW  
HOSPITAL TRUST BUILDING  
PROVIDENCE 3, R.I.

AUG 1 1948

TILLINGHAST & COLLINS  
1909 - 1934

August 18, 1948

Mr. F. Morris Cochran  
Brown University  
Providence, Rhode Island

Dear Morris:

I received today from Bill McCabe a form of bond to be filed by the University in connection with the tunnels under Waterman Street, Fones Alley and Angell Street and have prepared a bond in this same form to be executed and filed by the University. The same is enclosed herewith and also a form of acceptance which should also be signed. The seal of the University should be placed upon both documents and both should then be returned to me for filing.

Very truly yours,

*Russell P. Jones*

Encs.

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K N O W   A L L   M E N   B Y   T H E S E   P R E S E N T S ,   T h a t

BROWN UNIVERSITY IN PROVIDENCE IN THE STATE OF RHODE ISLAND, AND PROVIDENCE PLANTATIONS, a corporation organized under the laws of the State of Rhode Island and located in the City of Providence, therein, does hereby accept in writing the terms and conditions contained in City Council Resolution No. 430 approved August 6, 1948 granting to said Brown University in Providence in the State of Rhode Island, and Providence Plantations permission to install and maintain underground conduits for steam, electricity and private telephone lines under Waterman Street, Fones Alley and Angell Street, in said City of Providence, and agrees to perform and observe all of said terms and conditions.

IN WIT NESS WHEREOF, said Brown University in Providence in the State of Rhode Island, and Providence Plantations has hereunto caused its name to be signed and its corporate seal to be affixed, by its officer thereunto duly authorized, this 24th day of     August     , A. D. 1948.

In presence of:

*Hilma Allen*  
*John K. McIntyre*

BROWN UNIVERSITY IN PROVIDENCE  
IN THE STATE OF RHODE ISLAND,  
AND PROVIDENCE PLANTATIONS

By *Henry M. Wriston*  
Henry M. Wriston, President

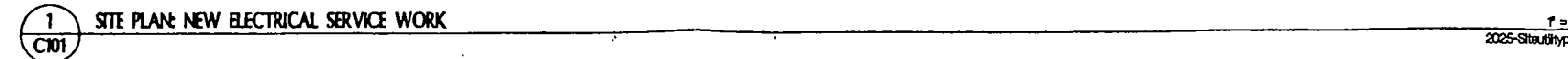
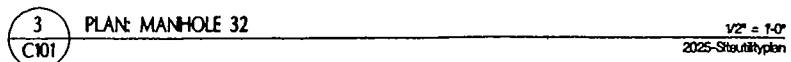
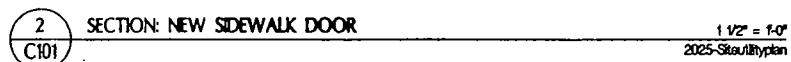
*Brown*



**BROWN UNIVERSITY**

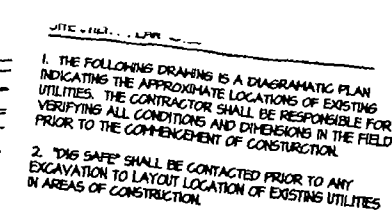
Providence, Rhode Island 02912

MR. MICHAEL R. CLARKE  
DEPARTMENT OF THE CITY CLERK  
PROVIDENCE CITY HALL  
25 NOBAMER ST.  
PROV. RI



Site Plan: New  
Elec. Service Work

C101



**DURKEE & BROWN  
VIVEIROS & WERENFELS  
ARCHITECTS**  
300 WEST EXCHANGE STREET  
PROVIDENCE, RHODE ISLAND 02903  
401-831-1240  
fax 401-337-1945  
email [architects@durkeebrown.com](mailto:architects@durkeebrown.com)

[illegible]

Site Utility Plan:  
Existing

C100

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: July 18, 2001

TO: Ferdinand Ihenacho, Director of Public Works

SUBJECT: **COMMUNICATION FROM STEPHEN MAIORISI, AIA, DIRECTOR OF PROJECT MANAGEMENT, BROWN UNIVERSITY, DATED JULY 5, 2001, REQUESTING TO AMEND RESOLUTION NUMBER 430, DATED AUGUST 6, 1948, RELATIVE TO THE UPGRADE, REPLACEMENT AND EXPANDING INFRASTRUCTURE IN FONES ALLEY.**

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

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

*Chaire E. Bostwick*  
Second Deputy City Clerk



THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 493

Approved September 14, 2001

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Fones Alley in the City of Providence to Brown University (Brown). Said easement 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-five feet by three feet by three feet and is indicated by the shaded 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. Brown shall tender the sum of One Thousand Fifty Dollars (\$1,050.00) 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.

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. Brown 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. Brown 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. Brown 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

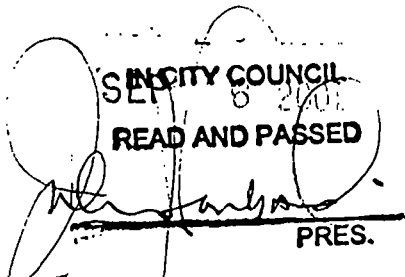

be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up 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.

13. Brown 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, Brown shall, at its own expense, and without claim against the City, its officers, servants or employees, 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.

**CITY COUNCIL**  
**READ AND PASSED**  
SEP 6 2001  
  
**PRES.**  
  
**CLERK**

**APPROVED**

SEP 14 2001

  
**MAYOR**

**A true copy.**  
**Attest:**

  
**Michael R. Clement**  
**City Clerk**

BR 4042100054

PROVIDENCE, R. I.  
 P. W. DEPT. - ENGINEERING OFFICE  
 STREET LINE SECTION  
 Plan No. 064670  
 Date August 1, 2001

STREET

BROWN UNIVERSITY

Lot 154

83'

3'

A

B

FONES ALLEY

35' ±

106'

Lot 205

3'

C

BROWN UNIVERSITY

PROVIDENCE, RI  
 RECEIVED FOR RECORD  
 2001 SEP 21 P 2:10  
 BARBARA A. TRONCY  
 ACTING RECORDER OF DEEDS  
*Barbara A. Troncy*  
 Acting Recorder of Deeds

NOTES: Shaded area (A-B-C-D-A) indicates proposed easement for underground conduit.  
 Dimensions are 35' x 3' x 3'  
 Total square footage = 105' ±

Lot numbers taken from A.P. 12.

CITY OF PROVIDENCE, R. I.  
 Public Works Dept. - Engineering Office  
 Showing proposed easement on Fones Alley  
 for Brown University.  
 Drawn by A. Zisiades Checked by JEC  
 Scale 1" = 20' Date Aug. 1, 2001  
 Correct Jasmy [Signature] Associate Engr.  
 Approved [Signature] CHIEF ENGINEER

4842/051-054

PROVIDENCE, RI  
RECEIVED FOR RECORD

2001 SEP 21 P 2:10

BARBARA A. TRONCY  
ACTING RECORDER OF DEEDS

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