

RESOLUTION OF THE CITY COUNCIL

No. 102

Approved February 14, 2019

RESOLVED, That Resolution No. 2018-470, Approved October 9, 2018, relative to the permanent easement on Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 Westminster Street and 276-290 Westminster Street), is hereby rescinded.

IN CITY COUNCIL

FEB 07 2019

READ AND PASSED

PRES.

CLERK

I HEREBY APPROVE.

Mayor

Date: 2/14/19

RESOLUTION OF THE CITY COUNCIL

No. 470

Approved October 9, 2018

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant an easement to the properties located at 266-270 Westminster Street and 276- 290 Westminster Street collectively Plat 20/ Lots 165,166,167, & 169, in the City of Providence (the "Premises") to Cornish Associates ("Grantee"). Said easement shall be granted specifically upon the following provisions:

- 1.) The perpetual easement for the area identified as "Proposed Electrical Vault Easement #1" and "Proposed Electrical Vault Easement #2", attached hereto as Exhibit A (hereinafter the "Permanent Easement Area"), shall be utilized for the purposes of operating, installing, maintaining, repairing and/or replacing three electrical vaults and other utilities and utility lines, and necessary conduits and appurtenances thereto for the provision of utilities to and from Plat 20/ Lot 165, 166, 167, & 169 (hereinafter the "Utility Facilities").
- 2.) Grantor further grants to Grantee a license to temporarily use other areas of Westminster Street and other property owned by Grantor adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (hereinafter the "Temporary Construction Easement").
- 3.) That pursuant to the terms of this easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.
- 4.) Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: (i) The easements granted hereunder shall constitute covenants and easements running with, and appurtenant to, the Property. All terms, covenants and easements of this Grant of Easement shall be binding upon and inure to the benefit of each of Grantor and Grantee and their respective successors and assigns. This Grant of Easement shall be recorded by Grantee in the Office of Land Records for the City of Providence; (ii) At the time that construction or installation of the Utility Facilities is complete, Grantee shall restore the portions of public way and sidewalk affected by such construction to substantially their previous condition; (iii) Grantee shall indemnify and hold Grantor harmless for liabilities and losses arising from injury, loss or damage to any person or property arising from Grantee's (and its agents' and employees') gross negligence or willful misconduct in the exercise of Grantee's easement rights hereunder, except to the extent such claims result from the joint or sole negligence

or willful misconduct of Grantor and its agents and employees; (iv) Grantee shall maintain a comprehensive general liability insurance policy during the period of construction naming said Grantor, 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 Grantee has obtained and the City's Department of Law has approved as of the date hereof; (v) If at any time, Grantor determines the Permanent Easement Area should require re-pavement, or any other maintenance or improvements, Grantee shall remove any permanent structures affixed to the surface of the Permanent Easement Area, at its own expense, to allow Grantor to conduct said re-pavement, maintenance, or improvements; (vi) Grantee's use of the Permanent Easement Area and Temporary Construction Easement shall be in compliance with all applicable ordinances and regulations.

- 5.) Grantee shall tender to the City the sum of Twenty Four Thousand Eight Hundred Dollars (\$24,800.00) in legal tender of the United States of America.
- 6.) 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 Law Department.

IN CITY COUNCIL

OCT 04 2018

READ AND PASSED

[Signature]
 PRES.
[Signature]
 CLERK

I HEREBY

[Signature]
 Mayor
 Date: 10/5/18

6

GRANT OF EASEMENT
BY AND BETWEEN THE CITY OF
PROVIDENCE AND CORNISH ASSOCIATES

GRANT OF EASEMENT, made this _____ day of October, 2018, by and between the City of Providence, a municipality having a principal place of business at 25 Dorrance Street, Providence, Rhode Island 02903, and Cornish Associates, having a principal place of business at 46 Aborn Street, Providence, Rhode Island 02903.

THE CITY OF PROVIDENCE (hereinafter "Grantor") for nominal consideration, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **CORNISH ASSOCIATES** (hereinafter "Grantee") a perpetual easement for the area identified as "Proposed Electrical Vault Easement #1" and "Proposed Electrical Vault Easement #2", attached hereto as Exhibit A (hereinafter the "Permanent Easement Area"), shall be utilized for the purposes of operating, installing, maintaining, repairing and/or replacing three electrical vaults and other utilities and utility lines, and necessary conduits and appurtenances thereto for the provision of utilities to and from Plat 20/ Lot 165, 166, 167, & 169 (hereinafter the "Utility Facilities").

Grantor further grants to Grantee a license to temporarily use other areas of Westminster Street and other property owned by Grantor adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (hereinafter the "Temporary Construction Easement"). Pursuant to the terms of this Grant of Easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.

That pursuant to the terms of this easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.

Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: (i) The easements granted hereunder shall constitute covenants and easements running with, and appurtenant to, the Property. All terms, covenants and easements of this Grant of Easement shall be binding upon and inure to the benefit of each of Grantor and Grantee and their respective successors and assigns. This Grant of Easement shall be recorded by Grantee in the Office of Land Records for the City of Providence; (ii) At the time that construction or installation of the Utility Facilities is complete, Grantee shall restore the portions of public way and sidewalk affected by such construction to substantially their previous condition; (iii) Grantee shall indemnify and hold Grantor harmless for liabilities and losses arising from injury, loss or damage to any person or property arising from Grantee's (and its agents' and employees') gross negligence or willful misconduct in the exercise of Grantee's easement rights hereunder, except to the extent such claims result from the joint or sole negligence or willful misconduct of Grantor and its agents and employees; (iv) Grantee shall maintain a comprehensive general liability insurance policy during the period of construction naming said Grantor, 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 Grantee has obtained and the City's Department of Law has approved as of the date hereof; (v) If at any time, Grantor determines the Permanent Easement Area should require repavement, or any other maintenance or improvements, Grantee shall remove any permanent structures affixed to the surface of the Permanent Easement Area, at its own expense, to allow Grantor to conduct said repavement, maintenance, or improvements; (vi) Grantee's use of the Permanent Easement Area and Temporary Construction Easement shall be in compliance with all applicable ordinances and regulations.

Grantee shall tender to the City the sum of Twenty Four Thousand Eight Hundred Dollars (\$24,800.00) in legal tender of the United States of America.

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 Law Department.

TO HAVE AND TO HOLD the above granted rights and easements, with all the privileges and conditions agreed to, unto and to the use of the Grantee.

IN WITNESS WHEREOF, the parties have caused this Grant of Easement to be duly executed as of the day and year found below.

[Signatures appear on the following pages.]

GRANTEE:

CORNISH ASSOCIATES

By: _____

Name:

Title:

STATE OF RHODE ISLAND

COUNTY OF PROVIDENCE, ss.

On this ____ day of October, 2018, before me, the undersigned notary public, personally appeared _____, _____ of Cornish Associates, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose in his/her capacity as the _____ of Cornish Associates.

Name:

Notary Public

My commission expires:

GRANTOR:

THE CITY OF PROVIDENCE

By: _____

Name:

Title:

STATE OF RHODE ISLAND

COUNTY OF PROVIDENCE, ss.

On this ____ day of October, 2018, before me, the undersigned notary public, personally appeared _____, _____ of The City of Providence, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose in his/her capacity as the _____ of The City of Providence.

Name:

Notary Public

My commission expires:

Approved as to form and correctness:

Jeffrey Dana, City Solicitor

EXHIBIT A

[Attached.]

57057713 v2



September 4, 2018

Lori L. Hagen
Providence City Clerk
25 Dorrance Street, Room: 311
Providence RI 02903

RE: Revised Easement Drawing

Ms. Hagen:

The attached survey illustrates a proposed request for permanent easement on Westminster Street.

The request is compelled by the pending redevelopment of buildings and land located at the following locations:

- Plat-Lot | Map 20 | Lots 165, 166, 167, 169 & 179
- Address | 266-270 Westminster + 276-290 Westminster Street

The redevelopment involves an investment of roughly \$38M to restore vacant historic buildings and convert infill land area into modern and efficient mixed-use apartments, office and retail space. The schedule has demolition and construction starting in May of 2018 and being completed in 2019.

As an integral component of the development projects, the existing electrical service must be upgraded and enhanced. In working closely with project professionals and with National Grid, the project will require three new electrical vaults within the Southeastern sidewalk of Westminster Street in sections between Union Street and Clemence Street and between Clemence Street and Mathewson Street. The vaults and transformers will require access for operations and maintenance via subsequent easements, as is standard procedure, with the utility provider.

The accompanying survey and images reflect the locations, access and level of finish as planned.

We appreciate your timely support on this matter.

Please do not hesitate to contact us with any questions, concerns, or a need for additional information.

Given development timelines, time is of the essence – and your cooperation in improving this area of the City is much appreciated.

Thank You,

A handwritten signature in black ink, appearing to read "A. B. Unzueta", written over a horizontal line.

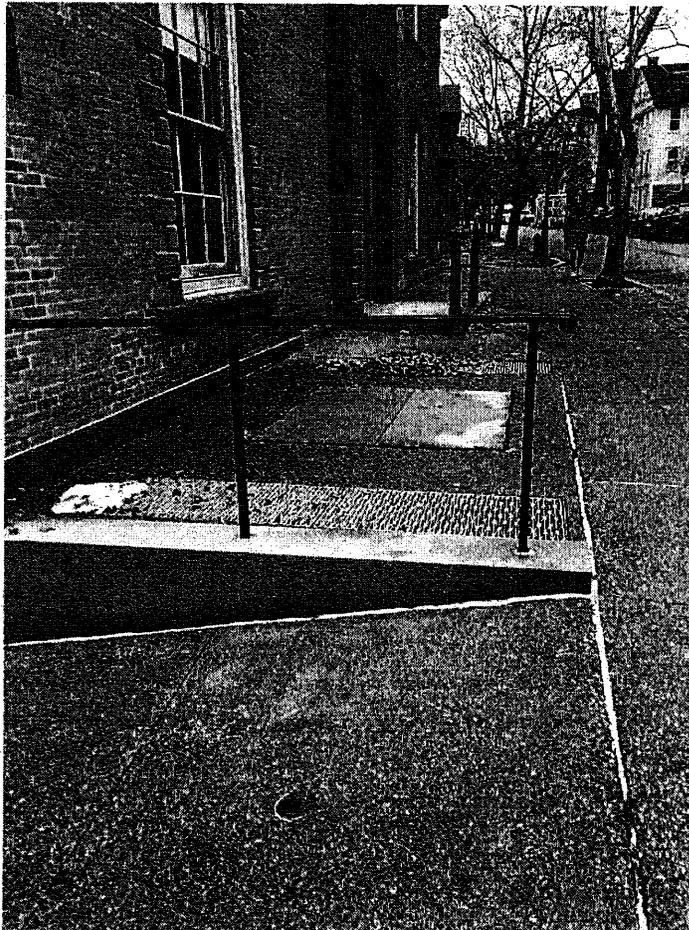
Cornish Associates, LP
46 Aborn St, 4th Floor
Providence, RI. 02903
(401) 421-0254

UNION STUDIO

April 18, 2018

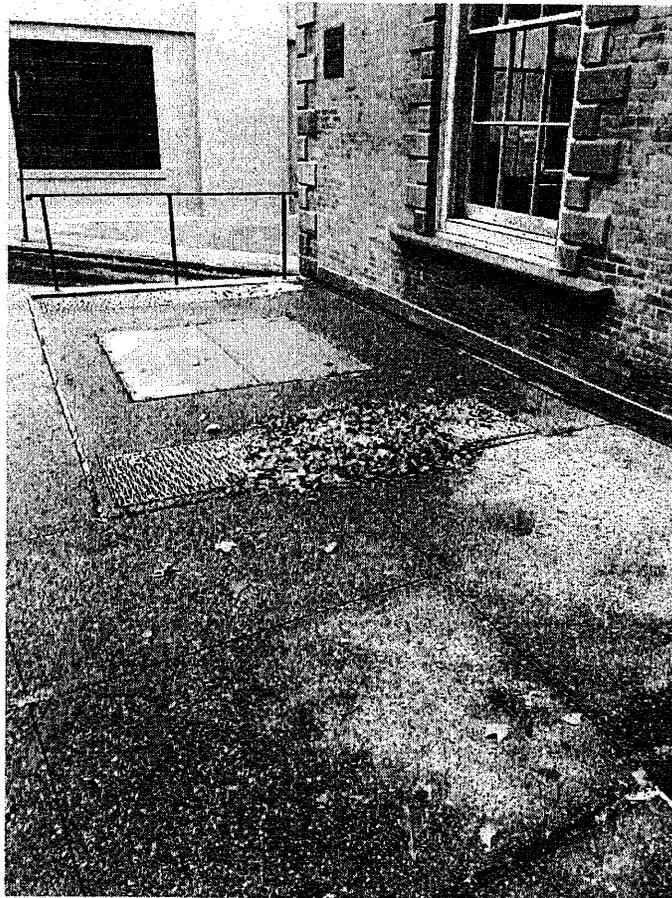
**RE: Old State House, Providence RI Transformer Vault images
150 Benefit Street, Providence, RI 02903**

Below, please find images that depict the electrical transformer vault condition at the sidewalk located at 150 Benefit Street in Providence, the location of the Old State House. These image are intended to give a general idea of what the final sidewalk condition might be like along Westminster Street for the projects currently being proposed by Cornish Associates. Although our vault requirements may vary, the general approach will most likely be similar in terms of access and ventilation requirements.



1. Image of vault condition at Benefit Street (looking north)

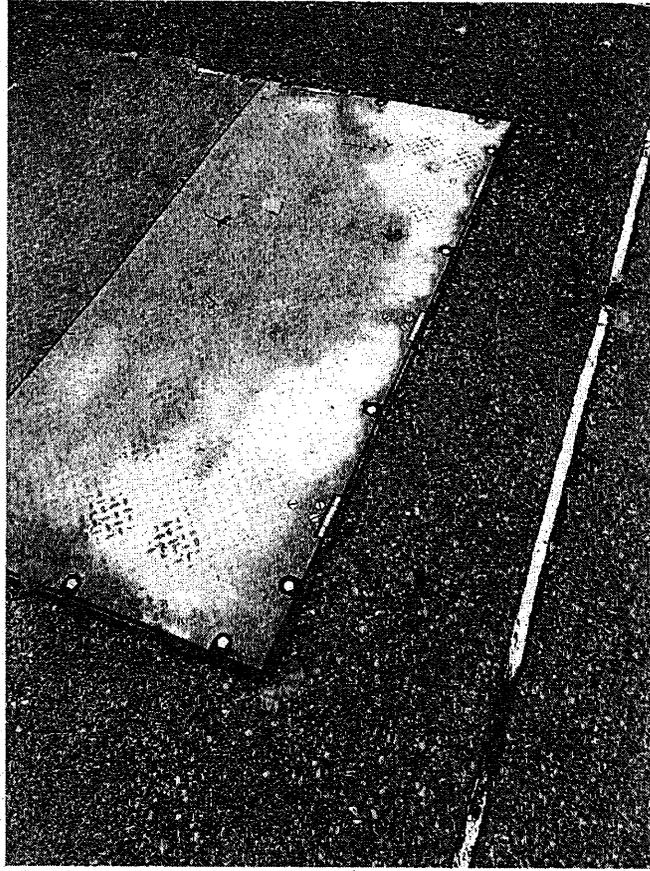
UNION STUDIO



2. Image of vault condition at Benefit Street (looking south)



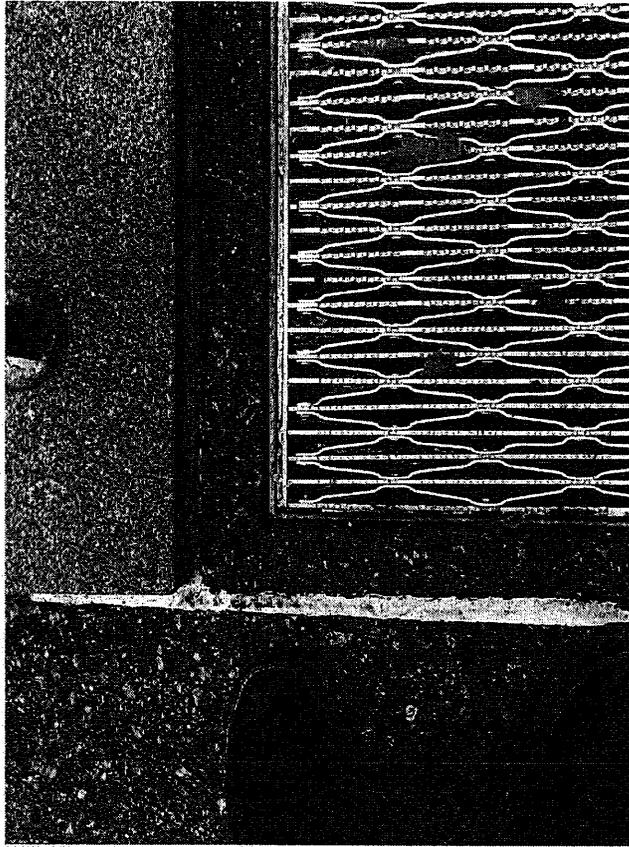
UNION STUDIO



3. Image of vault condition at Benefit Street (detail at access hatch)

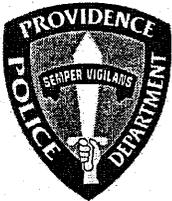


UNION STUDIO



4. Image of vault condition at Benefit Street (detail at ventilation grate)

End of Document



PROVIDENCE POLICE DEPARTMENT



TRAFFIC BUREAU

Lt. John Ryan Commanding

To Lori L. Hagen, City Clerk

From : Lt. John K. Ryan

Re: Easements for 266-270 Westminster Street and 276-290 Westminster Street

Ma'am;

After reviewing the requested easements for 266-270 Westminster Street and 276-280 Westminster Street, the Police Department has no objections to the request.

Respectfully Submitted,



Lt. John K. Ryan #19
Providence Police/ Traffic Bureau



OFFICE OF THE COMMISSIONER OF PUBLIC SAFETY
Steven M. Paré, Commissioner of Public Safety | Jorge O. Elorza, Mayor

September 10, 2018

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

RE: Request for a Permanent Easement on Westminster Street

Dear Councilman Correia:

I am in receipt of your memorandum regarding the above-referenced request. Please be advised that this office does not object to the request for a permanent easement on Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 Westminster Street and 276-290 Westminster Street) provided that there are no permanent alterations to egress from any affected buildings without AHJ (Authority having Jurisdiction) approval and NFPA 241, Standard for Safeguarding Construction, Alteration, and Demolition Operations are adhered to. I do not have any public safety concerns at this time.

If you have any questions, please feel free to contact my office.

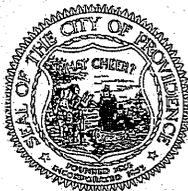
Respectfully,

Steven M. Paré
Commissioner of Public Safety

cc: Lori Hagen, City Clerk

PROVIDENCE THE CREATIVE CAPITAL
Public Safety Complex | 325 Washington Street | Providence, RI 02903
401-243-6021 phone | 401-243-6444 fax
www.providenceri.gov

Michael Borg
Director



Jorge O. Elorza
Mayor

Department of Public Works
"Building Pride in Providence"
ENGINEERING DIVISION

June 22, 2018

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

RE: Proposed Easements (2) of portions of Westminster St.

Dear Councilman Correia:

This department has no objection to the proposed easements (2) of portions of Westminster St. in conjunction with the attached plan, entitled "Prov., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064856. Area of easements is designated as cross-hatched area (A-B-C-D) & (1-2-3-4) on the accompanying plan.

Total square footage equals 829 ft. +/- (2 combined)
See accompanying plan for plat and lot numbers.

Easements are for the installation of underground electric transformer vaults.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Borg".

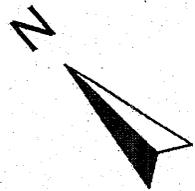
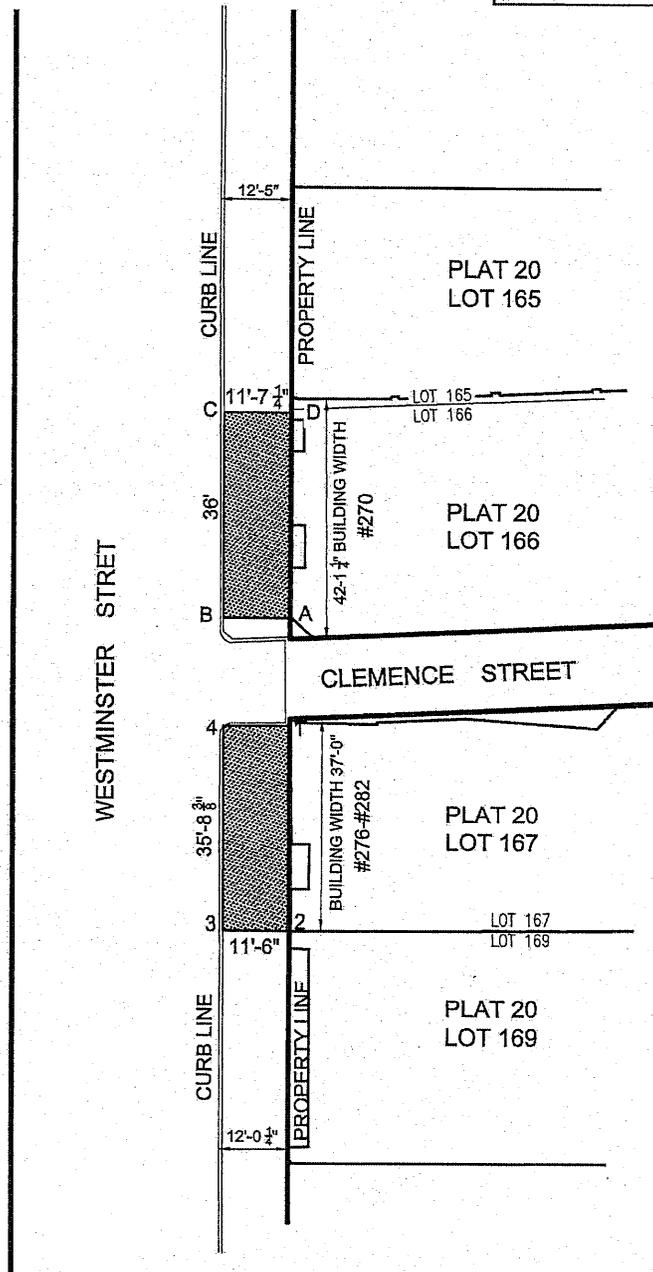
Michael Borg
Director-D.P.W.

Cc: Lori Hagen-City Clerk
MB, AZ-DPW
A. Southgate, Esq.-Law Dept.
L. Garzone-Tax Assessors
B. Nickerson-Planning & Development

PROVIDENCE, RI.
 DET. ENGINEERING OFFICE
 STREET LINE SECTION

Plan No. 064856

Date _____



NOTES: Cross-hatched area (A-B-C-D) and (1-2-3-4) indicate proposed easements for the installation of under-ground electric transformer vaults. Easement corner "A" is located 3'-8" from the intersection of East line of Clemence St with Westminister St. Easement corner "1" is located 1'-3 3/8" from the intersection of the West line of Clemence St with Westminister St. Total square footage of Easement (A-B-C-D) is 418± S.F. Total square footage of Easement (1-2-3-4) is 411± S.F.

CITY OF PROVIDENCE, RI.
 Public Works Dept. & Engineering Office
 Showing: Proposed Electric Vault Easements on Westminister Street
 Drawn by: KW Checked by: BJM
 Scale: 1/32"=1' Date: 6-11-2018
 Correct: A. Zisias Associate Engr.
 Approved: William C. Brouse
 CHIEF ENGINEER

Michael D. Borg
Director



Jorge O. Elorza
Mayor

DEPARTMENT OF PUBLIC WORKS
"Building Pride in Providence"

MEMORANDUM

RESOLUTION NUMBER 1

TO: COUNCILMAN MICHAEL J. CORREIA, CHAIRMAN, COMMITTEE ON PUBLIC WORKS
FROM: WILLIAM BOMBARD, CHIEF ENGINEER
CC: MICHAEL BORG *WJ 25 SEP 18*
DATE: SEPTEMBER 25, 2018
Re: SEPTEMBER 25, 2018 PUBLIC WORKS SUBCOMMITTEE MEETING AGENDA ITEMS RESOLUTION ITEM 1

Councilman

The following memo is a response to resolution 1 to be heard at the 9/25/18 Public Works Committee Meeting

1. Communication from Cornish Associates, LP, 46 Aborn Street 4th Floor, Providence, RI 02903, requesting a permanent easement on Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 Westminster street and 276-290 Westminster Street).

Response: No objection to Item No. 1. Note that a third vault will be needed per application. Additional petition to follow.

700 Allens Avenue Providence, Rhode Island 02905
Phone 401-467-7950/Fax 401-941-2567
www.providenceri.com/dpw



CITY OF PROVIDENCE

Memo

To: Councilman Michael J. Correia, Chairman, Committee on Public Works
From: Antonio J. Morabito III, Acting Director of Public Works
CC: William C. Bombard, PE, City Engineer
Date: January 23, 2019
Re: **Agenda Item 18 - January 23, 2019 Public Works Committee Meeting**

Request to Rescind an Easement

Resolution Requesting Approval to Rescind Resolution No. 2018-470,
Approved October 9, 2018, relative to the permanent easement on
Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 Westminster Street
and 276-290 Westminster Street).

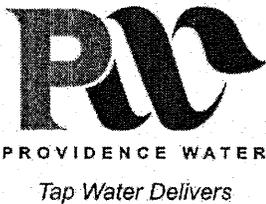
This Department has no objection to this request.

DEPARTMENT OF PUBLIC WORKS

700 Allens Avenue Providence, Rhode Island 02905

401 467 7950 ph | 401 941 2567 fax

www.providenceri.com



June 1, 2018

Ms. Lori Hagen
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

The Hon. Jorge O. Elorza
Mayor

Ricky Caruolo
General Manager

Subject: Petition for Easement
266-270 Westminster St. and 276-290 Westminster St., Providence

Dear Ms. Hagen:

BOARD OF DIRECTORS

Xaykham Khamsyvoravong
Chairperson

Joseph D. Cataldi
Vice Chairperson

Sabina Matos
Councilperson

Michael J. Correia
Councilperson

Lawrence J. Mancini
Ex-Officio

Cristen L. Raucci, Esq.
Member

Kerri Lynn Thurber
Member

Carissa R. Richard
Secretary

William E. O'Gara, Esq.
Legal Advisor

The referenced Westminster 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 two active 8-inch and 12" water mains, located near your requested site. There are active services on both mains. Accordingly, these mains and services must remain active.

PW has no objection to the sidewalk 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

cc: P. LePage
File

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

Thaddeus J. Jankowski Jr.
City Tax Assessor



Jorge O. Elorza
Mayor

**Finance Department
Office of Tax Assessment**
"Providence a City that works"

June 26, 2017

Department of the City Clerk
Lori L Hagan, City Clerk
25 Dorrance Street
Providence, RI 02903

RE: proposed permanent easements (2) of portions of Westminster Street

Dear Ms. Hagan,

At your request, our office has inspected the real estate located at assessors plot 20 lots 166 and 167 also known as 270 and 280 Westminster St., the two lots in question are on the opposite side of Clements street with frontage on Westminster Street the easements in question I located between the fronts of the buildings and the street itself located within the sidewalk area the proposed easements are intended to be subterranean. Based on the information provided we understand that they would be used for underground transformer vaults. The plans provided with your request indicate the easement in front of Lot 166 contains 418 ft.² the area in front of Lot 167 contains 411 ft. Based on the land value assessed in the immediate area square footage of this type would have a value of \$60 per square foot since the easements are subterranean the calculation typically would be for 50% of its value there for \$30 per square foot has been utilized. Value for the easement at Lot 166 of 418 ft.² would be \$12,500 and the easement for Lot 167 of 411 ft.² would be \$12,300.

I hope this information is useful for your purposes if you require any additional data please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thaddeus J. Jankowski Jr.", written over a white background.

Thaddeus J. Jankowski Jr.
Tax Assessor

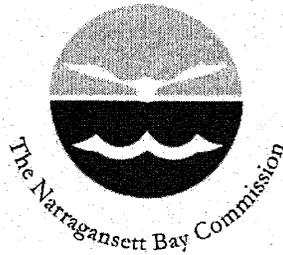
**City Assessor's Office
25 Dorrance St, Room 208
Providence, Rhode Island 02903**

(401) 421-7740

The Narragansett Bay Commission
Interceptor Maintenance
One Service Road
Providence, Rhode Island 02905

401 • 461 • 8848
401 • 784 • 3527 FAX

<http://www.narrabay.com>



Vincent J. Mesolella
Chairman

Raymond Marshall, P.E.
Executive Director

June 13, 2018

Lori L. Hagen
Providence City Clerk
25 Dorrance Street, Room 311
Providence, RI 02903

RE: Cornish Associates, LP - Request for Permanent Utility Easement
Proposed Electrical Vaults within the Southeastern Sidewalk of Westminster Street
Assessor's Plat 20, Lots 165, 167, 169 and 170 (266-270 and 276-290 Westminster St.)
Westminster St, Providence, RI

Dear Ms. Hagen,

I have received your May 22, 2018 Memorandum regarding the request for a report back on the proposed permanent electrical utility easements on Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 and 276-290 Westminster Street). It is my understanding that the easements are needed to install, operate and maintain the proposed electrical vaults.

The NBC has reviewed the information and determined that there are no NBC facilities within the impacted sidewalk areas. Based on our findings, the NBC has no comment pertaining to the request for permanent easements within the areas mentioned. Therefore, all inquiries in this regard should be forwarded to the City of Providence.

Please note that all public works correspondence for the Narragansett Bay Commission which was previously addressed to John Zuba should be directed to my attention.

Should you have any questions or comments regarding this matter please do not hesitate to call.

Regards,

A handwritten signature in black ink that reads "David C. Bowen, P.E." with a horizontal line underneath.

David C. Bowen, PE
Engineering Manager
Narragansett Bay Commission