

RESOLUTION OF THE CITY COUNCIL

No. 595

Approved October 29, 2001

WHEREAS a petition for a subsurface easement was filed by Parkside Construction; and

WHEREAS, before the Council Committee on Public Works, the Petitioner sought amendment of the petition to provide the name of the owner rather than the contractor; and

WHEREAS, said Committee permitted that amendment,

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Broad Street in the City of Providence to Northeast Optic Co. (Northeast). 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 seven hundred twenty-five feet in length by two feet in width by three feet in depth and 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. Northeast shall tender the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00) Dollars 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.

IN CITY COUNCIL
AUG 2 2001
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael Clement

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Charles B. Butler
Aug. 29 2001 Clerk

IN CITY COUNCIL
SEP 6 2001
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael Clement
Back to

IN CITY COUNCIL
OCT 18 2001
READ AND PASSED

PRES.

CLERK

APPROVED

OCT 29 2001

MAYOR

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution, as amended
Charles B. Butler
Oct. 2, 2001 Clerk

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

13. Northeast 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, Northeast shall, at its own expense, and without claim against the City, its officers, servants or employees, for any damages whatsoever, 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.

Ferdinand C. Ihenacho, P.E.

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

August 16, 2001

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

Re: Easement on Broad Street for installation
of fiber optic for Northeast Optic

Dear Councilman Clarkin:

This department has no objection to the proposed easement on the above-captioned roadway noted above, for the installation of underground fiber optic on Broad Street for Northeast Optic. Limits are from Chestnut St. to Fenner St.

Proposed easement is shown as shaded area, (A-B-C-D-A) on the enclosed plan entitled, "Providence, R.I., P.W. Dept.-Engineering Office, Street Line Section, Plan No. 064670, Date: Aug. 15, 2001." Total square footage for said easement is 1,450 feet. Trench width is two (2) feet and depth is Three (3) feet. Lot numbers were taken from A.P. 24. (Total length is 725 feet)

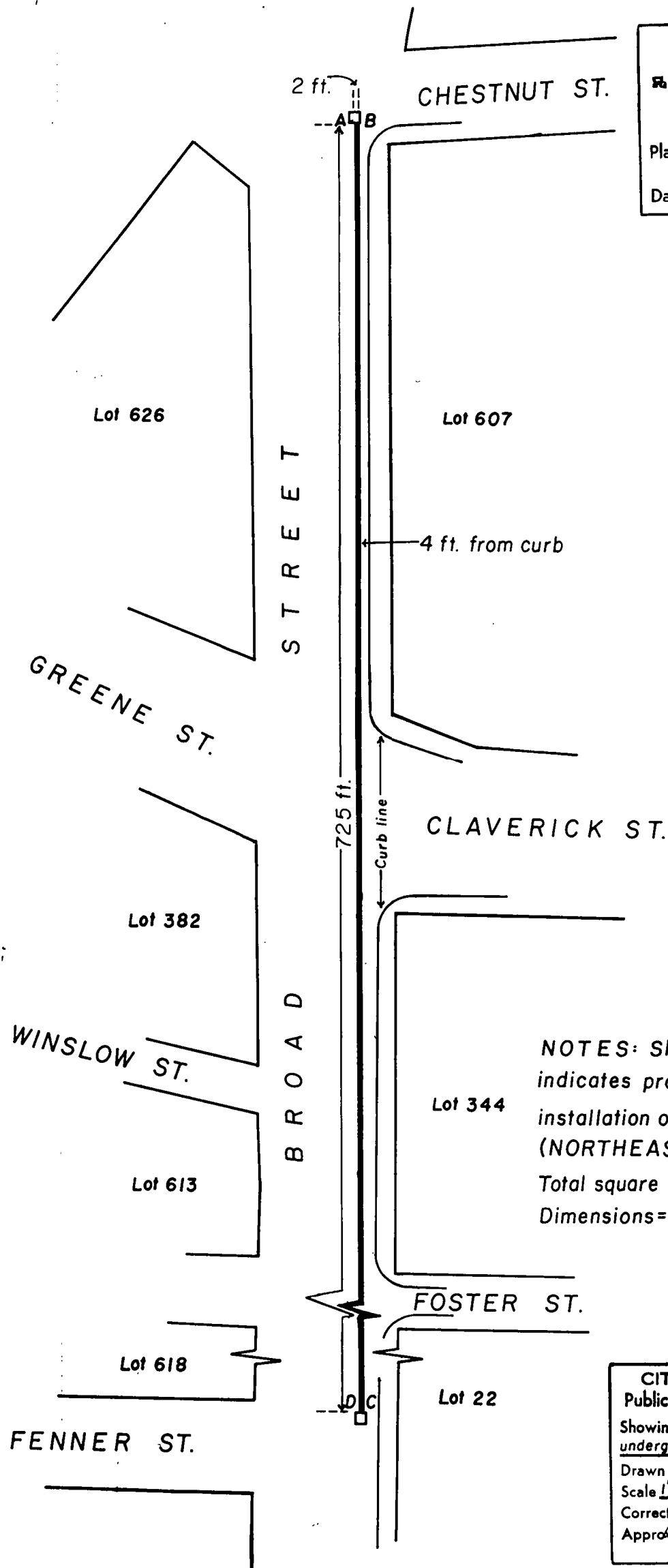
Sincerely,

A handwritten signature in black ink, appearing to read "F. Ihenacho", is written over a horizontal line.

Ferdinand C. Ihenacho, P.E.
Director

CC: M. Clement-City Clerk
J. D'Amico, Esq.
G. Florio
JLC
AZ

PROVIDENCE, R. I.
 DEPT. • ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064670
 Date Aug. 15, 2001



NOTES: Shaded area (A-B-C-D-A) indicates proposed easement for installation of fiber optic. (NORTHEAST OPTIC)
 Total square footage = 1,450 ft.
 Dimensions = 725'(L) x 2'(W) x 3'(D)

CITY OF PROVIDENCE, R. I.
 Public Works Dept. - Engineering Office
 Showing proposed easement for
underground fiber optic.
 Drawn by A. Zisiades Checked by _____
 Scale 1" = 60' Date 8-15-2001
 Correct James A. Morris Associate Engr.
 Approved _____ CHIEF ENGINEER

Lot numbers taken from A.P. 24.

HENRY E. KATES
Chairman

LESLIE A. GARDNER
Vice Chairwoman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMOON
Secretary



VINCENT A. CIANCI, JR.
Mayor

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

DATE: September 26, 2001

TO : Michael Clement, City Clerk

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

RE : EASEMENT – BROAD STREET

Pursuant to you and the petitioners request I have revisited my estimate of value regarding the site on Broad St. near Chestnut St. The purpose was to establish Fair Market Value of the easement for private utilities. It has been brought to my attention that the easement is only in the street and not the sidewalk.

This being the case it would not hinder any future development should the City need the property as it is unlikely the City would abandon this portion of Broad St. at Weybosset St.

The area in question is presently zoned D-1 150' and is on the outskirts of the Downtown area. Because the utilities will be underground the actual Fair Market Value of \$60.00 will be reduced by 50%.

The value of the property is as follows:
1126.5 s.f. @ \$12.00 per ft = \$13,500.00

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

PARKSIDE UTILITY CONSTRUCTION CORP. REQUESTS PERMISSION TO EXCAVATE APPROXIMATELY 725 LINEAL FEET ALONG BROAD STREET IN PROVIDENCE TO INSTALL FIBER OPTIC CABLE FOR NORTHEAST OPTIC, A PROVIDENCE BASED COMPANY LOCATED AT 300 CARPENTER STREET WHICH ALREADY HAS SEVERAL THOUSAND FEET OF CABLE IN VARIOUS CITY OF PROVIDENCE STREETS. COPY OF PLANS ARE INCLUDED.



ANTHONY F. ROSCITI
VICE-PRESIDENT

351-6681

Anthony F. Rosciti
Vice-President
Parkside Utility
Construction, Corp.
123 King Philip
Street
Johnston, R.I.
02919

IN CITY COUNCIL
AUG 2 2001
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. Clement
130

THE COMMITTEE ON
Public Works
Recommends Approval

Charles Bennett
Aug. 20, 2001

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 595

Approved October 29, 2001

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WHEREAS, before the Council Committee on Public Works, the Petitioner sought amendment of the petition to provide the name of the owner rather than the contractor; and

WHEREAS, said Committee permitted that amendment,

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Broad Street in the City of Providence to Northeast Optic Co. (Northeast). 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 seven hundred twenty-five feet in length by two feet in width by three feet in depth and 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.

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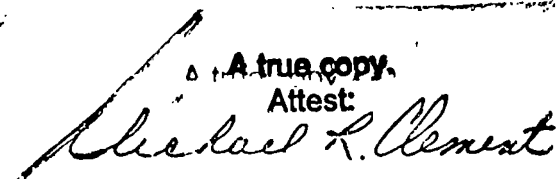
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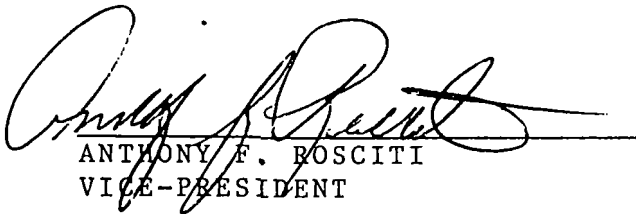
A true copy.
Attest:

Michael R. Clement
City Clerk

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ANTHONY F. ROSCITI
VICE-PRESIDENT

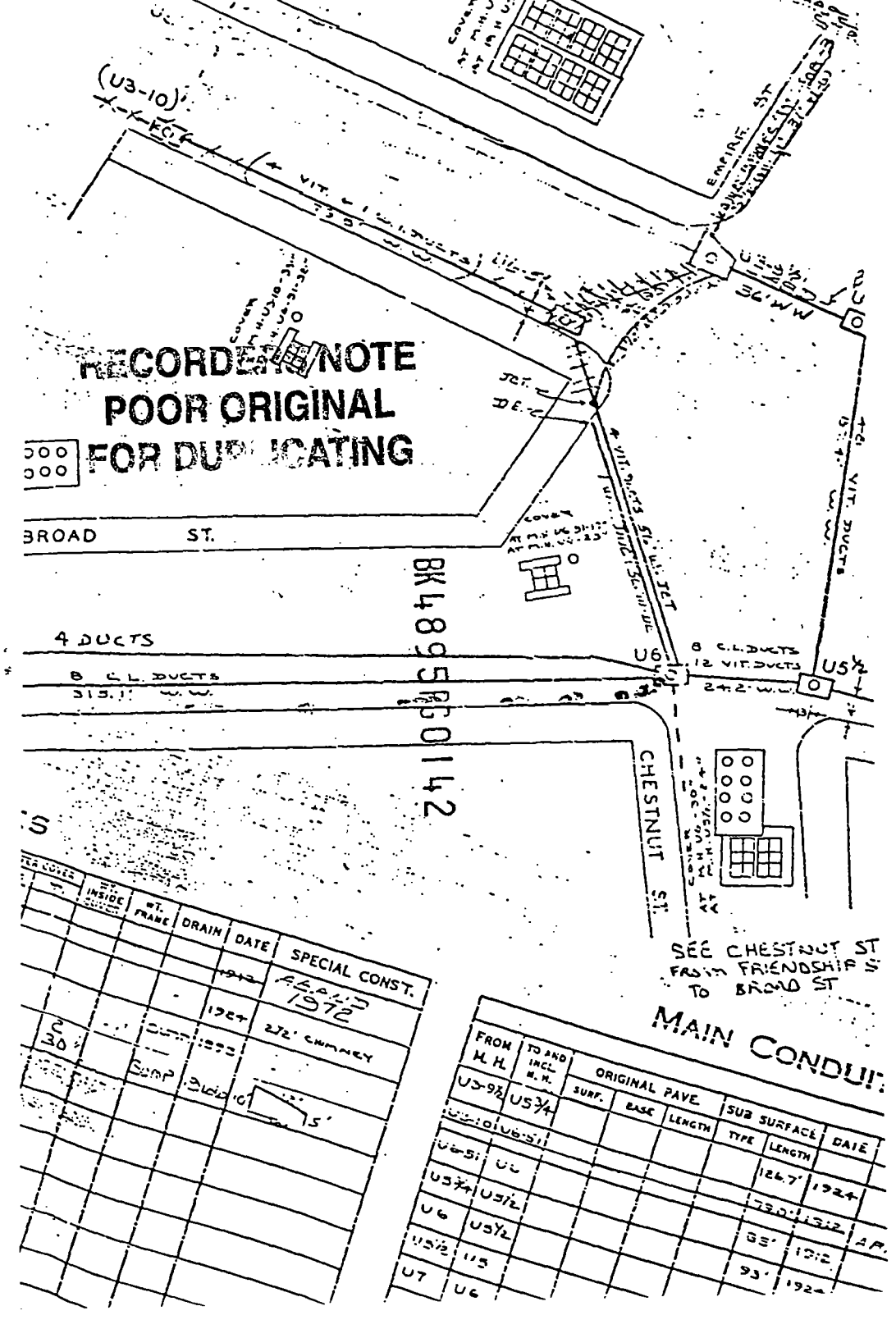
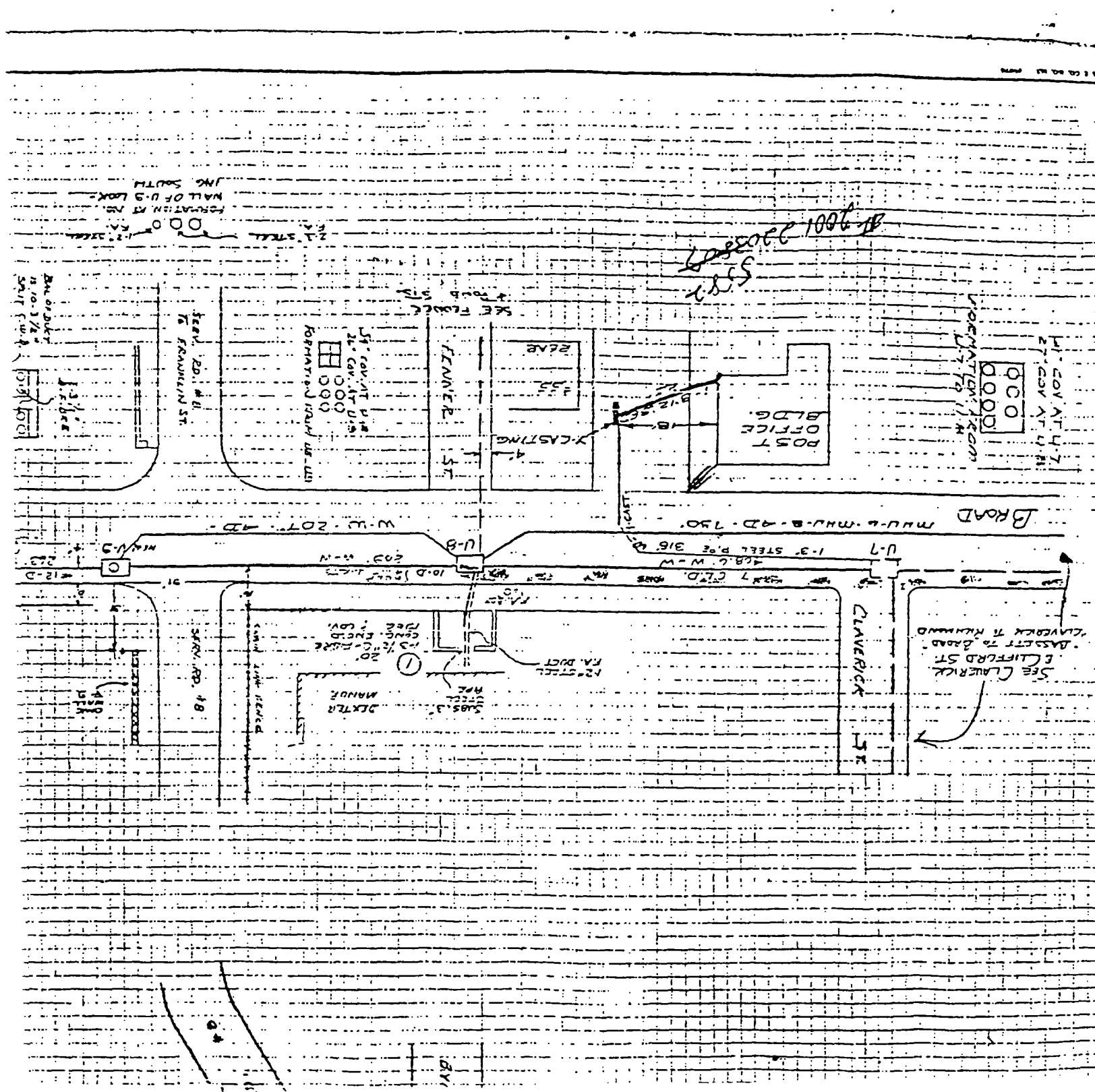
351-6681

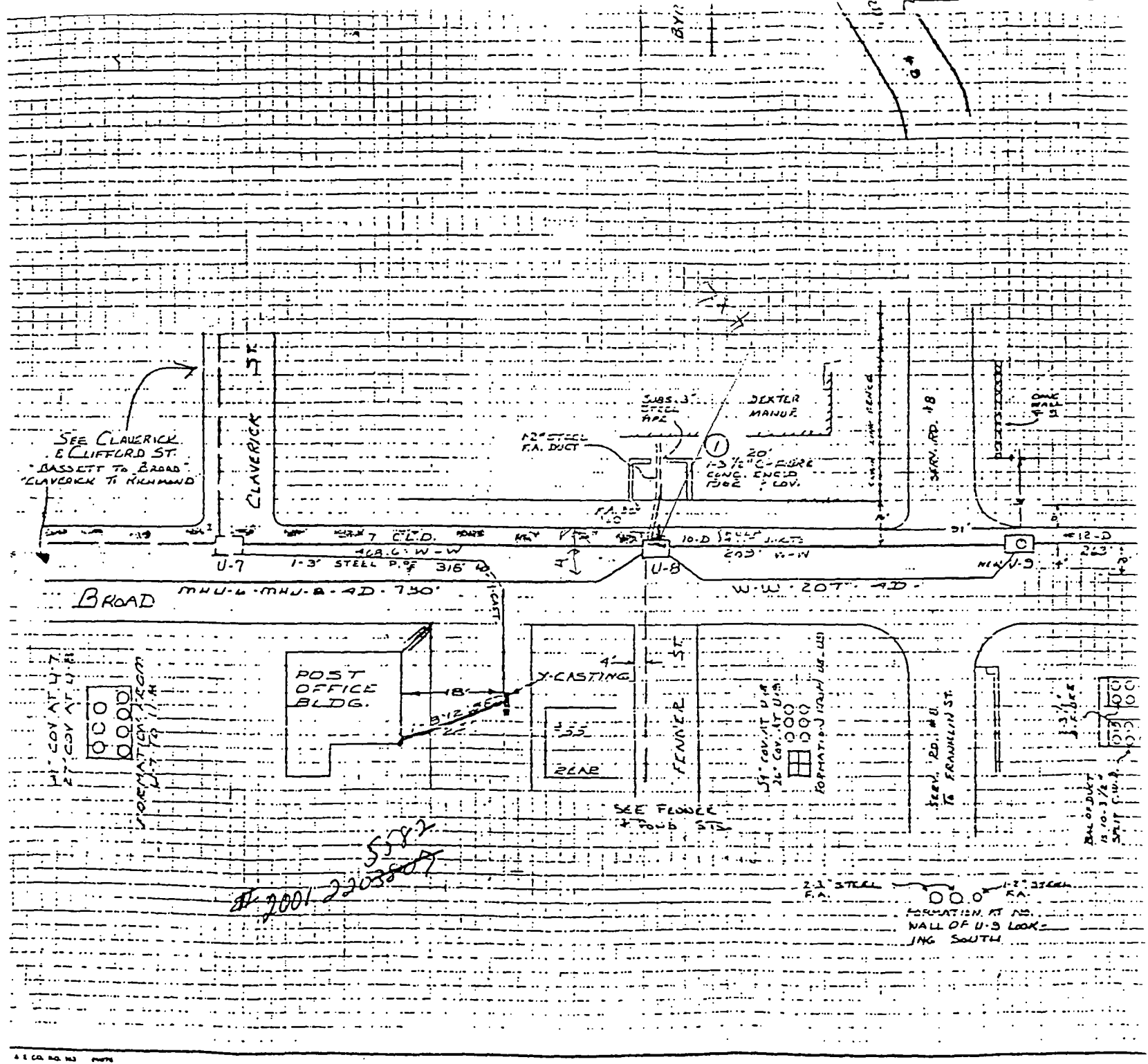
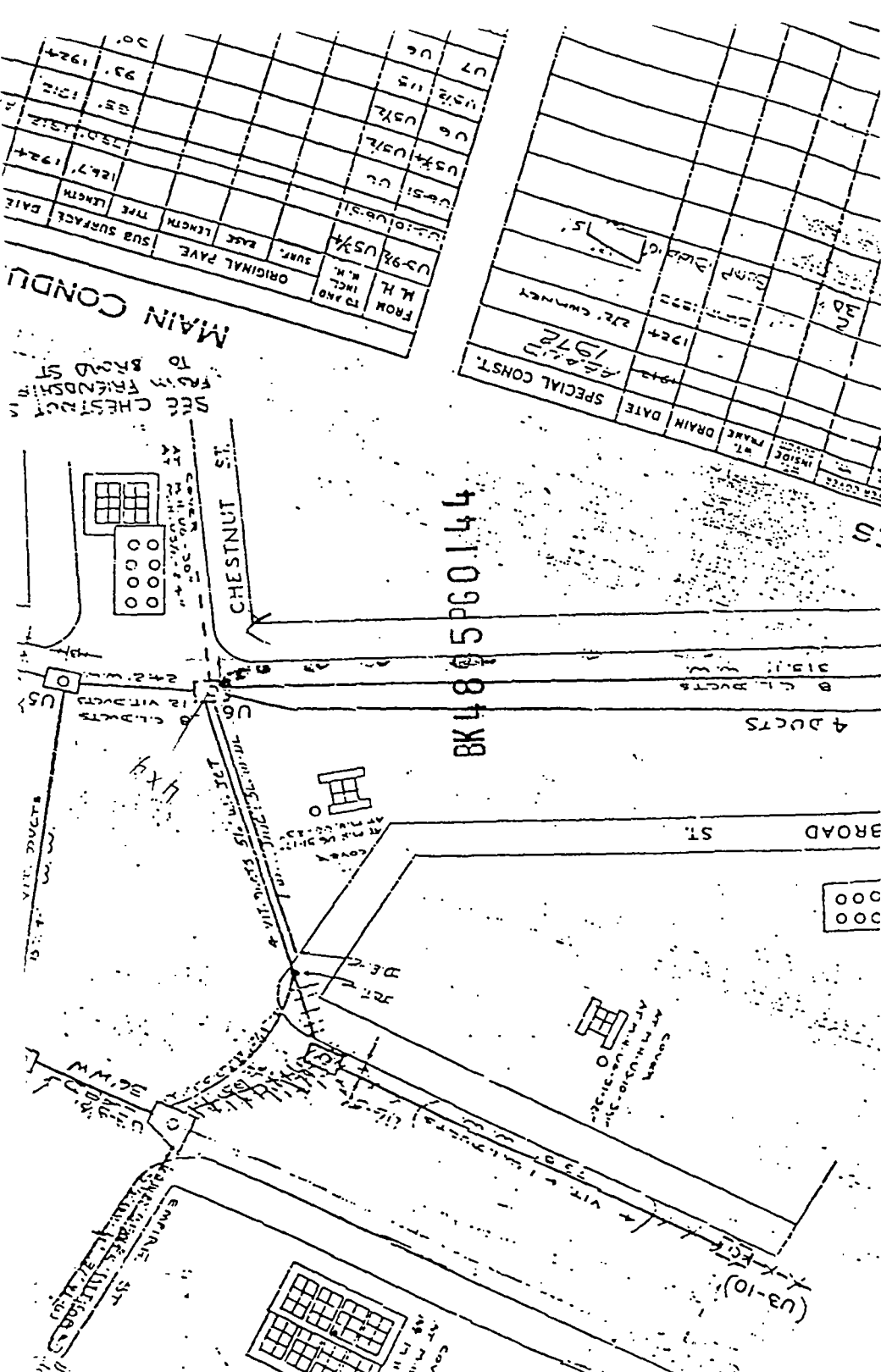
Anthony F. Rosciti
Vice-President

Parkside Utility
Construction, Corp.

123 King Philip
Street

Johnston, R.I.
02919





Ferdinand C. Ihenacho, P.E.
Director



4895PG0145

VINCENT A. CIANCI, JR.
Mayor

Department of Public Works

"Building Pride In Providence"

August 16, 2001

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Chairman of the Public Works Comm./Prov. City Council
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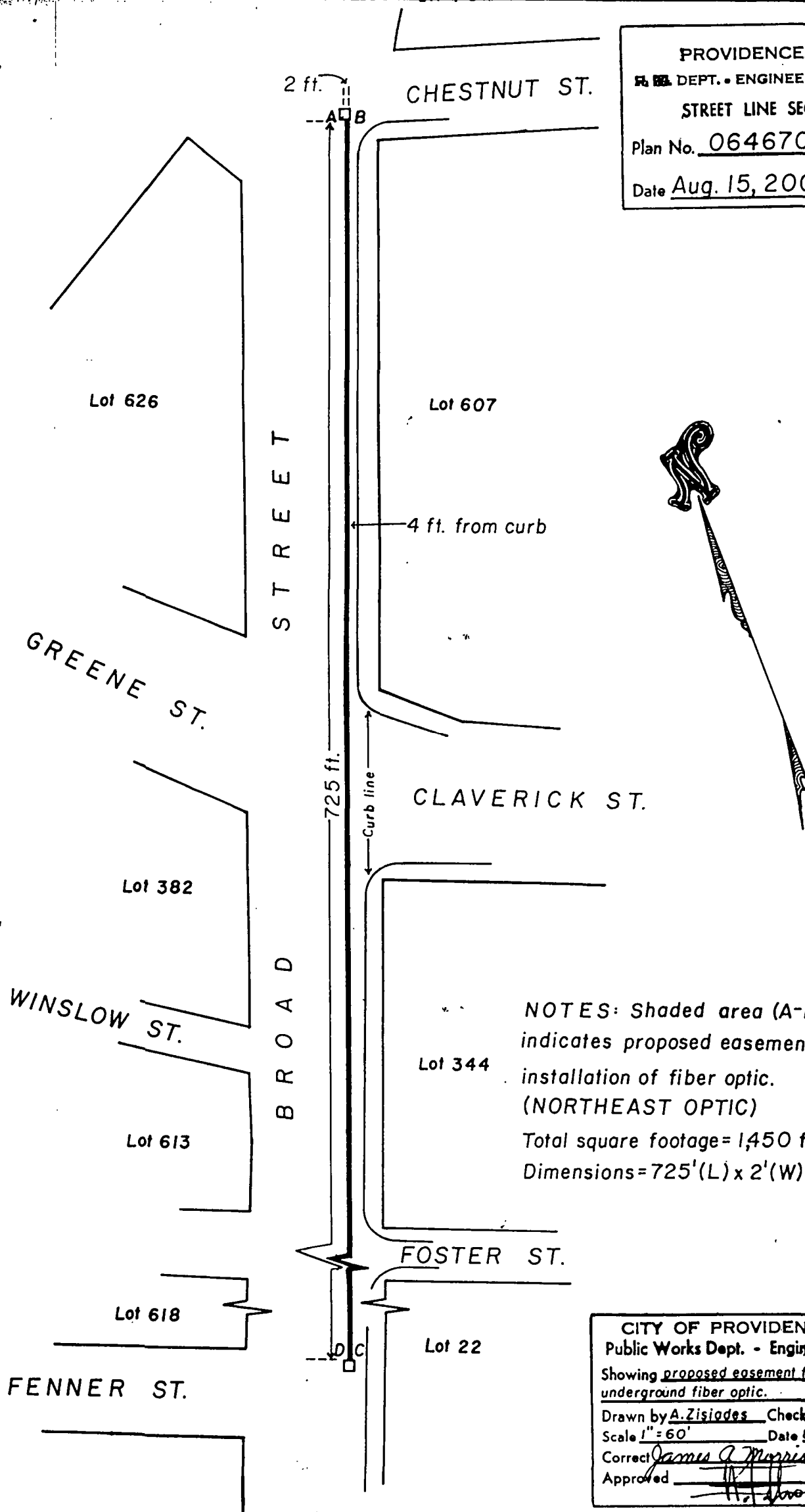
Ferdinand C. Ihenacho, P.E.
Director

CC: M. Clement-City Clerk
J. D'Amico, Esq.
G. Florio
JLC
AZ

700 Allens Avenue • Providence, Rhode Island 02905

(401) 467-7950 (Voice) • 751-0203 (TDD) • 941-2567 (Facsimile)

PROVIDENCE, R. I.
 PUBLIC WORKS DEPT. - ENGINEERING OFFICE
 STREET LINE SECTION
 Plan No. 064670
 Date Aug. 15, 2001



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underground fiber optic.
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 Scale 1" = 60' Date 8-15-2001
 Corrected James A. Morris Associate Engr.
 Approved [Signature] CHIEF ENGINEER

Lot numbers taken from A.P. 24.

HENRY E. KATES
Chairman

LESLIE A. GARDNER
Vice Chairwoman

ROBERT H. MONTECALVO
JOSE V. MONTEIRO
MICHAEL A. SOLOMON
Members

RONALD W. ALLEN
LUIS A. APONTE
Councilmen

JOHN F. PALMIERI
Executive Director

SAMUEL J. SHAMOON
Secretary



VINCENT A. CIANCI, JR.
Mayor

BK4895PG0147

PROVIDENCE REDEVELOPMENT AGENCY

"Building Pride in Providence"

MEMORANDUM

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FROM: William G. Floriani, Assistant Director
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PROVIDENCE, RI
RECEIVED FOR RECORD
2001 NOV - 5 A 10: 35
JANBARA A. TRUCCY
ACTING RECORDER OF DEEDS
Barbara A. Truccy
Acting Recorder of Deeds

4895 138.147

PROVIDENCE, RI
RECEIVED FOR RECORD

2001 NOV -5 A 10:35

 BARBARA A. TRONCY
ACTING RECORDER OF DEEDS

49613