

RESOLUTION OF THE CITY COUNCIL

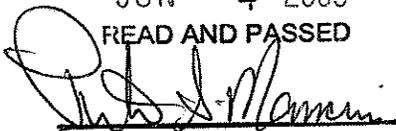
No. 286

Approved June 15, 2009

IT IS HEREBY RESOLVED, That the City hereby releases the Fill and Side Slope Easement for property adjacent to Ianthe Street near its intersection with Branch Avenue, granted by the Providence and Worcester Railroad Company, the Old Colony Railroad Company, the Boston and Providence Railroad Company, and the New York, New Haven and Hartford Railroad Company to the City for the sum of one dollar (\$1.00), described in the Land Evidence Records of the City of Providence in Book 762 at Page 30 and Plat Book 39, Page 65. Said easement shall be released specifically upon the following provisions:

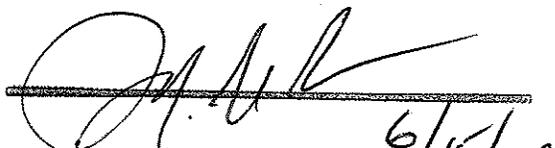
1. A qualified soils engineer shall certify that there will be no impact to the Branch Avenue Bridge as a result of the construction of a building foundation on the south-east corner of the intersection.
2. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Department of Law.

IN CITY COUNCIL
JUN 4 2009
READ AND PASSED


PRES.


CLERK

APPROVED


MAYOR 6/15/09



Department of Public Works
Engineering Division

David N. Cicilline, Mayor | John D. Nickelson PE, Director

MEMORANDUM

TO: Councilman Leon F. Tejada, Chairman, Committee on
Public Works

FROM: William C. Bombard, PE, City Engineer 

CC: John D. Nickelson, PE, Director

DATE: March 27, 2009

SUBJECT: Fill and Slope Easement on lanthe Street

I have reviewed the proposed *Resolution* pertaining the release of a *Fill and Side Slope Easement* on lanthe Street at Branch Avenue and I recommend provision 2 be amended as follows:

A qualified soils engineer, retained by the developer, shall certify to the City Engineer that the building foundation will not impact the existing bridge or any component thereof.

PROVIDENCE THE CREATIVE CAPITAL

700 Allens Avenue | Providence, Rhode Island 02905 | 401 467 7950 OFFICE | 401 941 2567 FAX
www.providenceri.com

Sheri Petronio

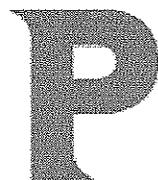
From: Christopher Ise
Sent: Monday, April 27, 2009 3:09 PM
To: Anna Stetson
Cc: Sheri Petronio
Subject: Fill and Slope Easement

Hi Anna -

This email is in response to the referral submitted to the City Plan Commission (CPC) by the Committee on Public Works regarding the resolution authorizing the city to release the 'fill and slope easement' for property adjacent to lanthe Street near its intersection with Branch Avenue. Because the easement is across private property, the CPC does not need to take any action on this matter and would defer to the City Engineer at the Department of Public Works for a recommendation.

Please contact me if you have any questions.

Chris



CHRISTOPHER J. ISE
Principal Planner
Department of Planning and Development
400 Westminster Street
Providence, Rhode Island 02903
401 351 4300 X521 OFFICE
401 454 0731 FAX
cise@providenceri.com
www.providenceri.com

PROVIDENCE THE CREATIVE CAPITAL

4/27/2009

PAUL B. ALDINGER & ASSOCIATES, INC.
Consulting in Geotechnical Engineering & Groundwater Hydrology
860A Waterman Avenue, Suite 9 East Providence, R.I. 02914 (401) 435-5570

May 26, 2009

Mr. John Cacciutti
Plaza Properties Corporation
504 South Heilbron Drive
Media, PA 19063

Re: Medical Office Building
30 Royal Little Drive
Providence, Rhode Island
PBA Job No. 09033

Dear Mr. Cacciutti:

In accordance with your request, Paul B. Aldinger & Associates Inc. (PBA) has developed this letter to provide additional information about the support of the proposed medical office building at 30 Royal Little Drive in Providence, Rhode Island. PBA previously completed a subsurface investigation program at the site and developed a geotechnical engineering report for the project dated March 31, 2009. It is our understanding that support of the building on drilled helical piers is currently under consideration.

The project consists of the construction of a steel framed, single-story medical office building with a footprint of approximately 8,500 square feet. The proposed building site is in a relatively level area bordered by Branch Avenue to the north and Ianthe Street to the west. The site is currently being utilized as a parking lot with pavement in the middle portion of the site and a mixture of grass and soil along the northern and southern parts of the site. Along the east side of the project site, the ground steeply slopes down towards Royal Little Drive from approximate elevation +70 feet to approximate elevation +40 feet.

We have reviewed the drawings developed by Gordon R. Archibald, Inc. (GRA) entitled *General Plan* and *Approximate Slope Easement*, both dated April 2009. The drawings indicate the proposed layout of the new facility with respect to the adjacent Branch Avenue bridge and a slope easement on the subject property located at the northern corner of the site. The new building is located approximately 40 feet from the edge of the existing bridge and has a planned floor elevation of +70 feet. We anticipate that the drilled helical piers proposed to support the building will likely extend to a depth of approximately 20 feet (approximate elevation +50 feet).

Based upon the locations of the adjacent bridge and slope easement and the proposed building layout and intended method of support, PBA was asked to review the implications of development of the facility adjacent to the existing bridge and slope. It is our understanding that the bridge is located approximately 40 feet away from the planned building location and the bottom of the bridge footings

FACSIMILE (401) 435-5569

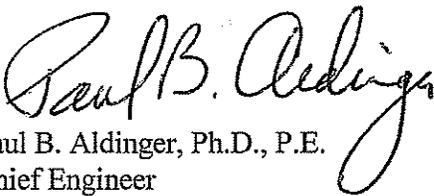
PAUL B. ALDINGER & ASSOCIATES, INC.

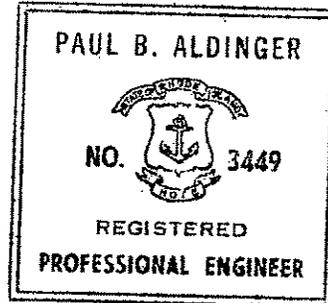
are at approximate elevations between +30 and +35 feet. We also anticipate that the helical piers which will support the new building will derive support at a depth of approximately 20 feet below the ground surface (approximate elevation +50 feet). Since the bridge foundation is located outside the zone which will provide support to the building (outside a line drawn at 1 horizontal to 1 vertical), we do not believe that the building will have an impact on the adjacent bridge.

We appreciate the opportunity to have been of service to Plaza Properties Corporation and we trust that the information contained in this report is adequate for your needs at this time. Please contact the undersigned if there are questions on these recommendations or if you need additional information.

Very truly yours,

PAUL B. ALDINGER & ASSOCIATES, INC.


Paul B. Aldinger, Ph.D., P.E.
Chief Engineer





Gordon R. Archibald, Inc.
Professional Engineers

200 Main Street, Pawtucket, Rhode Island 02860 (401) 726-4084
Fax: (401) 726-1533
E-Mail: gra@graengs.com

May 26, 2009

William C. Bombard, P.E.,
City of Providence
Department of Public Works
700 Allens Avenue,
Providence, RI 02905

Re: Proposed Medical Office Building
Plat 74 Lot 304
30 Royal Little Drive
Providence, Rhode Island
Fill and Slope Easement

Dear Mr. Bombard:

As you are aware, an existing fill and slope easement is present on Assessor's Plat 74 Lot 304 as indicated on the Survey Plan prepared by Seven Twenty One Associates dated April 28, 2009. A portion of the proposed building will be located within this easement, reference Attachment I. The proposed building will consist of a single story building placed on a concrete foundation slab. The building will be placed approximately 30 to 40 feet from the existing permanent highway easement. It is our opinion that construction of the building foundation walls, assuming proper construction methods in accordance with State and Local building codes and general industry practices are utilized, will not result in adverse impacts to the existing walls adjacent to Branch Avenue or to the Branch Avenue Bridge.

Should you have any questions or require any additional information please call our office.

Sincerely,

GORDON R. ARCHIBALD, INC.

Todd Ravenelle, P.E.
Senior Vice President

Cc: John Cacchitti, Plaza Properties

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KNOW ALL MEN BY THESE PRESENTS, That the PROVIDENCE AND WORCESTER RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Rhode Island, the OLD COLONY RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Rhode Island, the BOSTON AND PROVIDENCE RAILROAD CORPORATION, a corporation organized and existing under the laws of the State of Rhode Island, and THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Rhode Island, in its own right and as lessee of the said Providence and Worcester Railroad Company and the Old Colony Railroad Company, for and in consideration of the sum of One (1) Dollar and other valuable considerations to them paid by the CITY OF PROVIDENCE, a municipal corporation created by the General Assembly of the State of Rhode Island, the receipt whereof is hereby acknowledged, DO HEREBY GIVE, GRANT, BARGAIN, SELL AND CONVEY to said City of Providence, its successors and assigns, forever, the right or easement to fill and to side-slope over and upon so much of the land of the Grantors in said Providence, shaded red on the accompanying plat entitled, "Providence, R.I., City Engineer's Office, City Property Dept., April 20, 1925, 047713," as may be necessary to give lateral support to all the streets abutting on said Grantors' land, as said streets are at present laid out and the grades thereof marked on said accompanying plat; said side slopes to be constructed on a true grade of one and one-half feet measured horizontally to one foot measured vertically with a berm three feet wide outside of the highway limits, to be approximately parallel with and $\frac{3}{100}$ ths of a foot above the grades of the curbs for each foot in width of sidewalk as said grades are indicated on said accompanying plat, said side slopes to consist of clear gravel, sand or dirt and free from all rubbish or foreign matter.

TO HAVE AND TO HOLD the aforesaid rights, with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said City of Providence, its successors and assigns, forever.

AND for the consideration aforesaid the Rhode Island Hospital Trust Company, Trustee under that certain mortgage of said Providence and Worcester Railroad Company, and said The New York, New Haven and Hartford Railroad Company, dated June 1st, 1897, does hereby release the easement hereinbefore described from the lien and operation of said mortgage, but this release shall not in any way affect or impair the right of the Trustee with respect to the remainder of the premises conveyed by said mortgage and not heretofore released.

(BRANCH AVE)

Notes
For Record of Plat referred to in
the Instrument here Recorded
see Plat Book No. 39 Page 65

TO HAVE AND TO HOLD the same with all the rights, privileges and appurtenances thereunto belonging, unto and to the use of the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said corporations have caused these presents to be signed and their respective corporate seals to be hereunto affixed by their respective officers hereunto duly authorized this 28th day of October A.D. 1936.

Signed, sealed and delivered in presence of:

Clarence D. Lamp


PROVIDENCE AND WORCESTER RAILROAD COMPANY by THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, its Attorney in fact,

BY *[Signature]*
Secretary.



OLD COLONY RAILROAD COMPANY

BY *[Signature]*
President.



BOSTON AND PROVIDENCE RAILROAD CORPORATION

BY *[Signature]*
President.


THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
BY *[Signature]*
Secretary.

RHODE ISLAND HOSPITAL TRUST COMPANY

BY *[Signature]*
[Signature]
Asst. Trust Officer

Approved as to form,

Description Approved.

R.N. Hill

Eng'r of Surveys.

STATE OF CONNECTICUT)
County of New Haven) SS.:

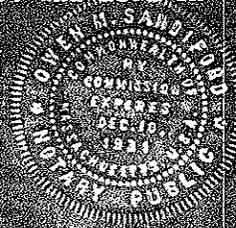
In New Haven, Connecticut, on this 17th day of DECEMBER A.D. 1930, before me personally appeared the within named ~~Arthur~~ E. Clark, to me known and known by me to be the Secretary of The New York, New Haven and Hartford Railroad Company, and one of the parties executing the foregoing instrument, and acknowledged said instrument by him so executed to be the free act and deed of the Providence and Worcester Railroad Company, by virtue of the power of attorney contained in the lease of the Providence and Worcester Railroad Company to The New York, New Haven and Hartford Railroad Company, bearing date the seventeenth day of December, 1892, the free act and deed of The New York, New Haven and Hartford Railroad Company, and his free act and deed in his said capacity as Secretary.

[Signature]
Notary Public



COMMONWEALTH OF MASSACHUSETTS)
County of Suffolk) SS.:

In Boston, Massachusetts, on this Ninth day of December A.D. 1930, before me personally appeared the within named C. Peter Clark, to me known and known by me to be the President of the Old Colony Railroad Company, and one of the parties executing the foregoing instrument, and acknowledged said instrument by him so executed to be the free act and deed of the Old Colony Railroad Company and his free act and deed in his said capacity as President.



[Signature]
Notary Public.

COMMONWEALTH OF MASSACHUSETTS)
) ss.:
 County of Suffolk)

In *Boston*, on this *28th* day of *October*,
 A.D. 1930, before me personally appeared the within named Philip
 Dexter, to me known and known by me to be the President of said
 Boston and Providence Railroad Corporation, and one of the parties
 executing the foregoing instrument, and he acknowledged said instru-
 ment by him so executed to be the free act and deed of said Company
 and his free act and deed in his said capacity as President.



Ralph J. Abbott
 Notary Public.
 My Commission Expires
 Jan. 29, 1937

STATE OF CONNECTICUT)
) ss.:
 County of New Haven)

In New Haven, Connecticut, on this *17th* day of *DECEMBER*
 A.D. 1930, before me personally appeared the within named *A. E.*
 Clark, to me known and known by me to be the Secretary of The New
 York, New Haven and Hartford Railroad Company, and one of the
 parties executing the foregoing instrument, and he acknowledged
 said instrument by him so executed to be the free act and deed of
 said Company and his free act and deed in his said capacity as
 Secretary.

[Signature]
 Notary Public.

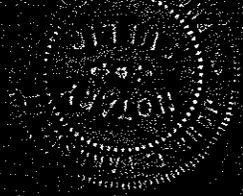
STATE OF RHODE ISLAND)
) ss.:
 County of Providence)

In Providence in said County, on this *16th* day of *December*
 A.D. 1930, before me personally appeared the within named *P. H. Gardner*
and P. F. Arnold, to me known and known by me to be the
Vice President and Asst. Trust Officer of said Rhode Island Hospital
 Trust Company, and one of the parties executing the foregoing

instrument, and they acknowledged said instrument by them so executed to be their free act and deed in their capacity as Vice-President and Trust Officer and the free act and deed of said Company.

John P. Jamesworth
Notary Public.

My Commission Expires
June 30, 1931.



The Within description is satisfactory to me.

S. Frank Nolan
City Engineer.

Approved as to form.

James S. McNamus
2nd Ass't. City Solicitor.

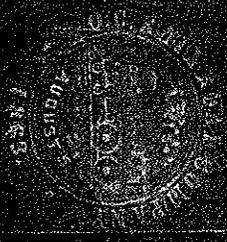
At a stated meeting of the Board of Directors of the Old Colony Railroad Company held pursuant to legal notice in the City of Boston, Massachusetts, on Thursday, December 4, 1930, it was VOTED, That the President upon the request of The New York, New Haven and Hartford Railroad Company be and hereby is authorized, in the name and on behalf of this Company and under its corporate seal, to join with the President, a Vice-President or the Secretary of The New York, New Haven and Hartford Railroad Company, the Boston and Providence Railroad Corporation and The New York, New Haven and Hartford Railroad Company as lessee and as attorney in fact of the Providence and Worcester Railroad Company, by virtue of the power of attorney contained in the lease of the Providence and Worcester Railroad Company to The New York, New Haven and Hartford Railroad Company bearing date the 17th day of December, 1892, in the execution and delivery of a quit-claim deed conveying to the City of Providence, Rhode Island, the right or easement to fill and to side-slope over and upon so much of the land of said Railroad Companies in said Providence, shaded red on the accompanying plat entitled, "Providence,

R. I., City Engineer's Office, City Property Dept., April 20, 1925, C47713," as may be necessary to give lateral support to all the streets abutting on said Railroad Companies' land, as said streets are at present laid out and the grades thereof marked on said accompanying plat; said side slopes to be constructed on a true grade of one and one-half feet measured horizontally to one foot measured vertically with a berm three feet outside of the highway limits, to be approximately parallel with and 3/100ths of a foot above the grades of the curbs for each foot in width of sidewalk as said grades are indicated on said accompanying plat, said side slopes to consist of clear gravel, sand or dirt and free from all rubbish or foreign matter.

I, E. W. Martin, Clerk of the Old Colony Railroad Company do hereby certify that the foregoing is a true copy of record.

Attest:

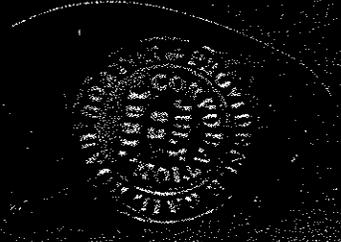
E. W. Martin
Clerk



At a meeting of the Board of Directors of the Boston and Providence Railroad Corporation, held in the City of Boston on Tuesday, October 28, 1930, it was

VOTED, That the President be and hereby is authorized, in the name and on behalf of this Company and under its corporate seal, to join with the President, a Vice-President or the Secretary of The New York, New Haven and Hartford Railroad Company, the Old Colony Railroad Company and The New York, New Haven and Hartford Railroad Company as lessee and as attorney in fact of the Providence and Worcester Railroad Company, by virtue of the power of attorney contained in the lease of the Providence and Worcester Railroad Company to the New York, New Haven and Hartford Railroad Company bearing date the 17th day of December, 1892, in the execution and delivery of a quit-claim deed conveying to the City of Providence, Rhode Island, the right or easement to fill and to side-slope over and upon so much of the land of the Railroad Companies in said Providence, shaded red on the accompanying plat entitled, "Providence, R.I., City Engineer's Office City Property Dept., April 20, 1925, C47713," as may be necessary to give lateral support to all the streets abutting on said Railroad Companies' land, as said streets are at present laid out and the grades thereof marked on said accompanying plat; said side slopes to be constructed on a true grade of one and one-half feet measured horizontally to one foot measured vertically with a berm three feet wide outside of the highway limits, to be approximately parallel with and 3/100ths of a foot above the grades of the curbs for each foot in width of sidewalk as said grades are indicated on said accompanying plat, said side slopes to consist of clear gravel, sand or dirt and free from all rubbish or foreign matter.

I, C. H. Knights, Clerk of the Boston and Providence Railroad Corporation hereby certify the foregoing to be a true copy of record.



Attest:
C. H. Knights
Clerk

At a stated meeting of the Board of Directors of The New York, New Haven and Hartford Railroad Company held pursuant to legal notice in the City of New York, N.Y., on Tuesday, September 23rd, 1930, the following vote was adopted:

"WHEREAS, this Company, in connection with the enlargement and improvement of the Northrup Avenue Classification Yard, entered into two certain agreements with the City of Providence, dated respectively October 5, 1917 and September 3, 1924, under which it was agreed among other things that this Company should convey to the City of Providence the right or easement hereinafter described; and

WHEREAS, this Board authorized the execution of said agreements by votes adopted at its meetings of June 26, 1917 and August 26, 1924; and

WHEREAS, the highway changes for which said right or easement is to be granted have been completed and the City now desires that the aforementioned conveyance be carried out; and

WHEREAS, the proper operating officers and the Chief Engineer have approved the conveyance to said City of the aforesaid right or easement;

VOTED, That the President, a Vice-President or the Secretary be and he hereby is authorized, in the name and on behalf of this Company and as Attorney in fact of the Providence and Worcester Railroad Company, by virtue of the power of Attorney contained in the lease of the Providence and Worcester Railroad Company to The New York, New Haven and Hartford Railroad Company bearing date the seventeenth day of December, A.D. 1892, to execute a deed to the City of Providence, a municipal corporation created by the General Assembly of Rhode Island, and located in the County of Providence therein, by which the Providence and Worcester Railroad Company, the Old Colony Railroad Company, the Boston and Providence Railroad Corporation and this Company, in its own right and as lessee of said Providence and Worcester Railroad Company and said Old Colony Railroad Company, convey to said City of Providence, in accordance with the provisions of Section 3 of said agreement dated October 4, 1917, and Clause 6 of said agreement dated September 3, 1924:

The right or easement to fill and to side-slope over and upon so much of the land of said Railroad Companies in said Providence, shaded red on plat submitted to this Board and filed with the Secretary, entitled 'Providence, R.I. City Engineer's Office, City Property Dept., April 20, 1925, 047713', as may be necessary to give lateral support to all the streets abutting on land of said Railroad Companies, as said streets are at present laid out and the grades thereof marked on said accompanying plat; said side slopes to be constructed on a true grade of one and one-half feet measured horizontally to one foot measured vertically with a berm three feet wide outside of the highway limits, to be approximately parallel with and $\frac{3}{100}$ ths of a foot above the grades of the curbs for each foot in width of sidewalk as said grades are indicated on said accompanying plat, said side slopes to consist of clear gravel, sand or dirt and free from all rubbish or foreign matter; and

That said Providence and Worcester Railroad Company be and it hereby is requested to affix its corporate seal to said deed and to request the Rhode Island Hospital Trust Company, Trustee under the mortgage of said Providence and Worcester Railroad Company and this Company dated June 1, 1897, to release the

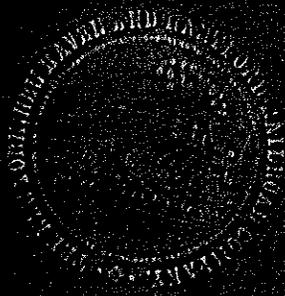
easement hereinbefore described from the lien and operation of said mortgage; and

That said Rhode Island Hospital Trust Company, Trustee as aforesaid, be and it hereby is requested by this Company to release said easement from the lien and operation of said mortgage; and

That said Boston and Providence Railroad Corporation be and it hereby is requested to join in the conveyance to said City of Providence of said easement; and

That said Old Colony Railroad Company be and it hereby is requested to join in the conveyance to said City of Providence of said easement."

I, A. E. Clark, Secretary of The New York, New Haven and Hartford Railroad Company, do hereby certify that the foregoing is a true copy of record, and in testimony thereof I have hereunto set my hand, and affixed the seal of said Company this twenty-third day of December, 1930.



A. E. Clark

Secretary.

Recorded March 11, 1932
at 11:21 A.M.

Witness:

J. William Geary
Recorder of Deeds

WHITE INSURANCE AGENCY, INC., a corporation created under the laws of the State of Rhode Island, and located in the City of Providence therein, for consideration paid, grants to PATRICK J. CONNOR and ELLEN J. CONNOR, his wife, both of the City and County of Providence, State of Rhode Island, as joint tenants and not as tenants in common, with warranty covenants:

Those six certain lots or parcels of land with all the buildings and improvements thereon, situate on the northwesterly side of Cathedral Avenue in the City of Providence, State of Rhode Island, and laid out and designated as lots No. 12, 15, 16, 17, 18 and 19 on that plat entitled, "Academy Park Owned by White Insurance Agency Inc. March, 1931 C. A. Thayer, Engr." which plat is recorded in the office of the Recorder of Deeds in said City of Providence in Plat Book 38 at page 38.

This conveyance is made subject to the following restrictions:

1. That all buildings erected or placed on any of said lots shall be placed and set back not less than 20 feet from the street line, as measured on the shorter side line of each of said lots. In case of a lot bounding on two streets, however, this restriction may be waived as to one of said streets by the White Insurance Agency, Inc. in the deed given by it of said lot.
2. That no house costing less than \$7000.00 nor for more than one family shall be built or placed upon each of said lots. This restriction shall not apply to lots No. 1 and 2 on said plat.
3. That no building or structure of any kind shall be erected or placed upon any of said lots unless complete plans and specifications therefor, showing amongst other things the location of the proposed building and all projections relative to the lot lines, shall have been previously submitted to and approved by White Insurance Agency, Inc., or its duly authorized agent, and all building lines, batter-boards and grades shall be set by an engineer designated by said White Insurance Agency, Inc. to conform with any and all restrictions that are called for in this deed.