

# RESOLUTION OF THE CITY COUNCIL

No. 425

Approved September 11, 1992

WHEREAS, Petitioner has sought to encroach upon the public right-of-way in order to construct an access ramp.

NOW THEREFORE BE IT RESOLVED:

Resolution No. 92-303, approved June 29, 1992 is hereby rescinded.

BE IT FURTHER RESOLVED:

Lerner-Proctor Trust, is hereby granted permission to erect a ramp along the Wayland Avenue entrance to the premises located at 144 Wayland Avenue, Providence, Rhode Island. Said ramp shall extend not more than three (3) feet in width nor more than thirty one (31) feet in length into the public right of way. Said permission shall continue for fifty (50) years unless earlier abrogated by agreement or by condition broken as set out below. Said grant is conditioned upon:

a.) Lerner-Proctor Trust, undertaking all construction in accordance with the plans submitted to the Director of the Department of Inspection and Standards; the Department of Public Works, and the Department of Traffic Engineering;

b.) Lerner-Proctor Trust entering into an indemnification agreement acceptable to the Office of the City Solicitor;

c.) Lerner-Proctor Trust providing insurance coverage against loss or injury in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars, with the City of Providence being named as an additional insured.

d.) That should the City of Providence at any time hereafter be entitled to assess abutting property owners for the private use and occupation of the public highways, this resolution shall in no manner affect the right of the City to charge and collect rent for the use of Wayland Avenue or any successor or assign in interest.

e.) The City shall retain a right of reverter in the premises and should Lerner-Proctor Trust, fail to comply with or to abide by any of the above referenced conditions, the premises shall automatically revert to the full fee and control of the City of Providence; any agreement hereunder shall be null and void, and any right or fee created hereunder shall be forever extinguished without recourse by Lerner-Proctor Trust,

and upon such other terms and conditions as may be imposed by His Honor the Mayor and the City Solicitor.

The City has permitted the Petitioner to undertake the above activity based upon written and verbal representations made by the Petitioner. Those representations have been unsolicited or made in response to specific inquiry by a council member or counsel. The City has relied upon these representations, whether documentary or testimonial, in its consideration of the within. Such representations are, without limitation by the foregoing, made conditions of this grant; the breach of any of which shall result in the rights of reverter as specifically listed earlier.

IN CITY COUNCIL  
SEP 3 1992  
READ AND PASSED  
*James H. ...*  
PRES.  
*Michael R. Clement*  
CLERK

**APPROVED**  
SEP 1 1992  
*Vincent A. ...*  
MAYOR

**THE COMMITTEE ON  
PUBLIC WORKS**

**Approves Passage of  
The Within Resolution**

*Robert A. Poore*  
Chairman

8/27/92

*Clark*

LERNER ASSOCIATES ARCHITECTS & PLANNERS

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July 13, 1992

Mr. Michael R. Clement  
City Clerk  
City Clerk's Office  
City Hall  
Providence, Rhode Island 02903

Re: 144 Wayland Avenue  
Providence, Rhode Island 02906  
Ramp for Handicapped

Dear Mr. Clement:

Enclosed is a revised handicapped ramp petition.

The original petition did not address the required ramp length that will be parallel to a section of the building. From the draft resolution I saw, the length (which was incorrectly scaled from the drawings submitted with the petition) was not sufficient. As a result, the resolution requires revision.

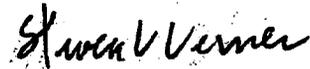
In review of the condition with Councilman Clarkin, I am submitting a new petition to clarify conditions. He expects to bring the issue before his committee later this month, so the petition can be brought before the City Council for the August 1st meeting.

All aspects of the original request remain the same. The ramp will be constructed in accordance with material previously submitted to the Department of Inspection and Standards. A copy is enclosed for your reference.

A prompt consideration of the matter will be appreciated.

Do not hesitate to call me if you seek clarification or additional information.

Sincerely Yours,



Steven L. Lerner, AIA

SLL:ef  
way0710

enclosure

xc: John D'Amico  
Robert M. Clarkin  
James T. Morris  
Anthony G. Stanzione  
Ramzi Loqa

**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*

RECEIVED  
CITY CLERK  
CITY OF PROVIDENCE  
MAY 10 1990

to allow erection by the Lerner-Proctor Trust, Owners of 144 Wayland Avenue, Providence (Plat 14, Lot 503) of a new concrete ramp with metal railing for the handicapped. Because the building is minimally set back from the lot line, the ramp width will need to protrude onto the sidewalk by three (3) feet. The ramp length (ramp, rails, landing and stairs), parallel to the building, is thirty one (31) feet.

The ramp is necessary for the property to comply with the Americans With Disabilities Act (ADA of 1990).

The sidewalk is currently ten (10) feet wide. With the new ramp, the sidewalk would still have seven (7) feet for uninterrupted clearance. That is enough space to provide three (3), twenty two (22") inch units of egress as defined by the Rhode Island State Building Code with eighteen (18") inches in excess.

The handicapped ramp is consistent with others in the City.

A drawing is enclosed showing you the location of the required ramp.

Denial of this petition would provide an economic hardship on the Owners, as the building could not be occupied.

Samuel Lerner  
Samuel Lerner, Trustee  
Lerner-Proctor Trust  
236 Hope Street  
Providence, Rhode Island 02906

enclosure

xc: Michael R. Clement  
Anthony G. Stanzione  
James T. Morris  
Robert M. Clarkin  
John D'Amico  
Ramzi Loqa

IN CITY COUNCIL  
AUG 6 1992  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS

*Michael R. Clement*  
CLERK

THE COMMITTEE ON  
PUBLIC WORKS

Recommends *Approval*  
*Barbara A. Ferris*  
8/27/92  
Clerk

PROVIDENCE, R.I.  
JUL 15 11 05 AM '92  
FILE

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

**DATE:** August 19, 1992

**TO:** Merlin DeConti, Director of Inspection and Standards

**SUBJECT:** HANDICAPPED RAMPS

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

**DISPOSITION:** Attached are copies of three (3) petitions for Handicapped Ramps for your study and review, please report back in writing to the above named Committee as soon as possible.

Speidel Textron

Lerner Proctor

Fleet National Bank

*Barbara A. Poiret*  
City Clerk



## Department of Inspection and Standards

*"Building Pride In Providence"*

### M E M O

To: Councilman Robert M. Clarkin,  
Chairman-Committee on Public Works

From: Merlin A. DeConti, Jr. *MAD* Director

Date: Sept. 9, 1992

Re: Handicap Ramps

I am responding to your memo of Aug. 19, 1992, with regard to the petition of Lerner Proctor and Fleet National Bank's requests for handicap ramp approval. This Department is still studying the request of the Speidel Textron proposal. I will respond to that shortly.

The request of Lerner Associates to install a handicap ramp at 144 Wayland Avenue was approved by this Department some time ago, and a building permit has been issued for the construction of the ramp. It is my understanding that the wording of the Council Resolution was improper and, therefore, the entire procedure has to be undertaken again to correct it. This Department has no objection to the plans as submitted.

I have met with the officials from Fleet Bank with regard to their proposal to install a ramp to provide handicapped access to the main branch on Westminster Street. The ramp as requested does not meet all of the requirements of the Rhode Island State Building Code for handicapped access. However, due to the constraints of the site, including the location of a vault on the sidewalk, the proposed ramp is as large as possible, considering the situation. This Department has no objection to the proposed ramp, and I have notified the parties that certain variances must be obtained from the Providence Building Board of Review to install the ramp as proposed.

MAD, JR:np

**INDEMNIFICATION AGREEMENT**

WHEREAS, LERNER-PROCTOR TRUST (hereinafter "Petitioner") has sought to construct a ramp approach to its premises located at 144 Wayland Avenue, Providence, Rhode Island.

WHEREAS, said ramp as proposed and approved will encroach upon the public walkway located in the City of Providence (hereinafter "the City");

WHEREAS, after study of Petitioner's request, the City, acting through its appropriate authorities, has deemed to allow said encroachment upon certain conditions as embodied in Resolution No. 425;

WHEREAS, Petitioner has agreed to execute the within so as to meet one of said conditions. In consideration of the sum of One (\$1.00) Dollar, receipt of which is hereby acknowledged, the grant of the relevant easement and other good and valuable consideration;

LERNER-PROCTOR TRUST who has represented its ownership of the relevant abutting property, for itself, its heirs, assigns, transferees, mortgagors and any and all successors in interest of whatever nature and wheresoever located, does agree to indemnify the City of Providence, its officers, agents, servants and employees against all claims, suits, costs, losses and expenses that may in any manner result or arise out of the laying, maintenance, repair, renewal, use or presence of its so-called ramp -approach or so-called handicapped ramp constructed pursuant to the above-referenced petition.

It is further agreed that the within agreement:

- (a) Shall be, together with a certified original of the above-referenced Resolution, recorded in the Office of Land Evidence of the City of Providence;
- (b) Shall be deemed to run with the land;
- (c) Shall remain in full force and effect for so long as the encroachment has been specifically granted above or in the absence of a specific term said encroachment ceases to be utilized for the purposes permitted by the City Council.

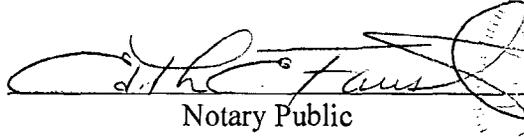
The undersigned hereby certifies that he/she is authorized to execute the within Agreement on behalf of the Petitioner.

LERNER-PROCTOR TRUST

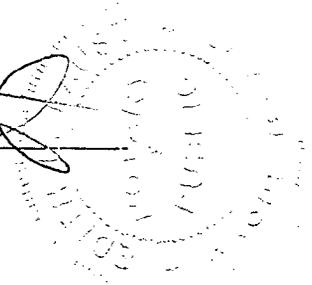
By: Steven L. Lerner POA Samuel Lerner

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

In Providence, on this 27<sup>th</sup> day of April, 1993, before me personally appeared the above-named Steven L. Lerner, of Lerner-Proctor Trust, 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 Lerner-Proctor Trust to be his/her free act and deed individually, and in his/her capacity aforesaid, and the free act and deed of Lerner-Proctor Trust.



Notary Public



Charles R. Mansolillo  
City Solicitor



Vincent A. Cianci, Jr.  
Mayor

**Department of Law**  
*"Building Pride In Providence"*

**MEMORANDUM**

**TO: BARBARA POIRIER**  
**OFFICE OF THE CITY CLERK**

**FROM: JOHN T. D'AMICO, JR.**  
**CITY SOLICITOR'S OFFICE**

*JTD:cc*

**DATE: AUGUST 12, 1993**

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Enclosed please find original indemnification agreement and certificate of insurance with respect to Lerner Associates' application for construction of a handicapped accessibility ramp at 144 Wayland Avenue in order to complete your file on the same.

Please be advised that I am forwarding photocopies to the Department of Public Works and the Department of Inspections and Standards so that their files might reflect the existence of the executed agreement.

JTD:cc  
Enclosures

CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

05/06/93

PRODUCER

Burns & Cotter, Inc.  
206 Waterman St.  
Providence, RI 02906

(401) 421-0100

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

COMPANIES AFFORDING COVERAGE

COMPANY Peerless Insurance  
LETTER A  
COMPANY  
LETTER B  
COMPANY  
LETTER C  
COMPANY  
LETTER D  
COMPANY  
LETTER E

INSURED

Lerner Proctor Trust  
c/o Samuel Lerner  
72 Prospect Street  
Providence, RI 02906

COVERAGES

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

CD LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT. <input type="checkbox"/>	BOP4214374	08/14/93	08/14/94	GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OPS AGGREGATE \$ PERSONAL & ADVERTISING INJURY \$ 1,000,000 EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ 1,000,000 MEDICAL EXPENSE (Any one person) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY <input type="checkbox"/>				COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	EXCESS LIABILITY <input type="checkbox"/> Umbrella Form <input type="checkbox"/> Other Than Umbrella Form				EACH OCCURENCE \$ AGGREGATE \$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$ DISEASE - POLICY LIMIT \$ DISEASE - EACH EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Premises at 144 Wayland Avenue, Providence, R. I. which includes a handicap ramp to sidewalk. City of Providence is named as additional insured on policy

CERTIFICATE HOLDER

City of Providence  
Department of Law  
100 Fountain Street  
Providence, R. I. 02903-1845

Attn: John T. D'Amico, Jr.  
Senior Assistant City Solicitor

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OF REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Anne K. Corkey*

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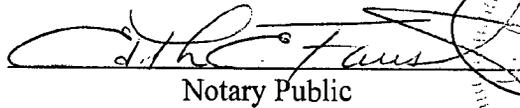
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LERNER-PROCTOR TRUST

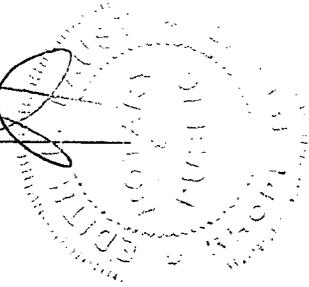
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STATE OF RHODE ISLAND  
PROVIDENCE, SC.

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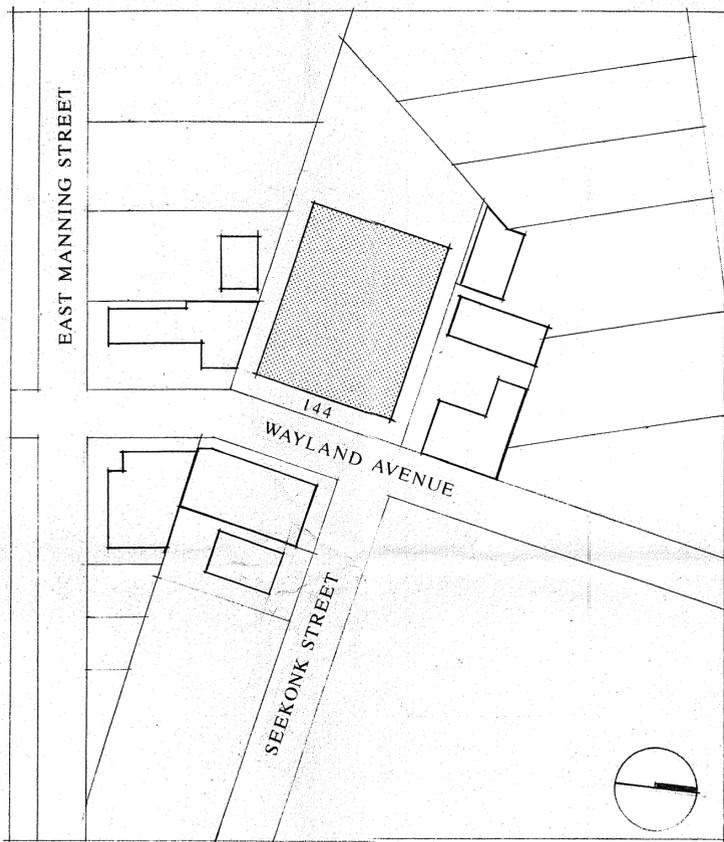


Notary Public



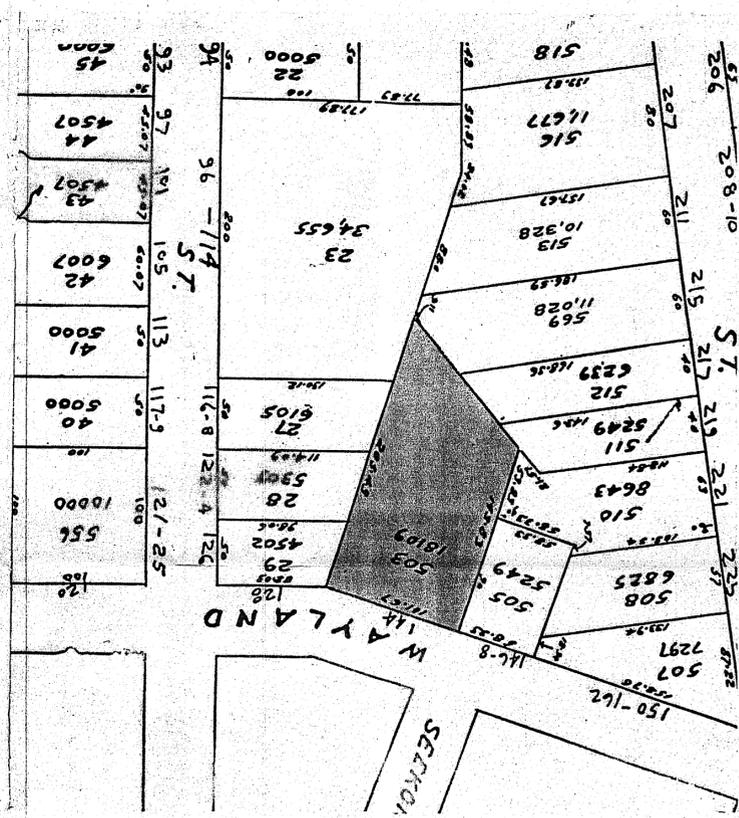
ALTERATIONS TO  
 144 WAYLAND AVENUE • PROVIDENCE • RHODE ISLAND

PLOT PLAN



PLAT 14

LOT 503



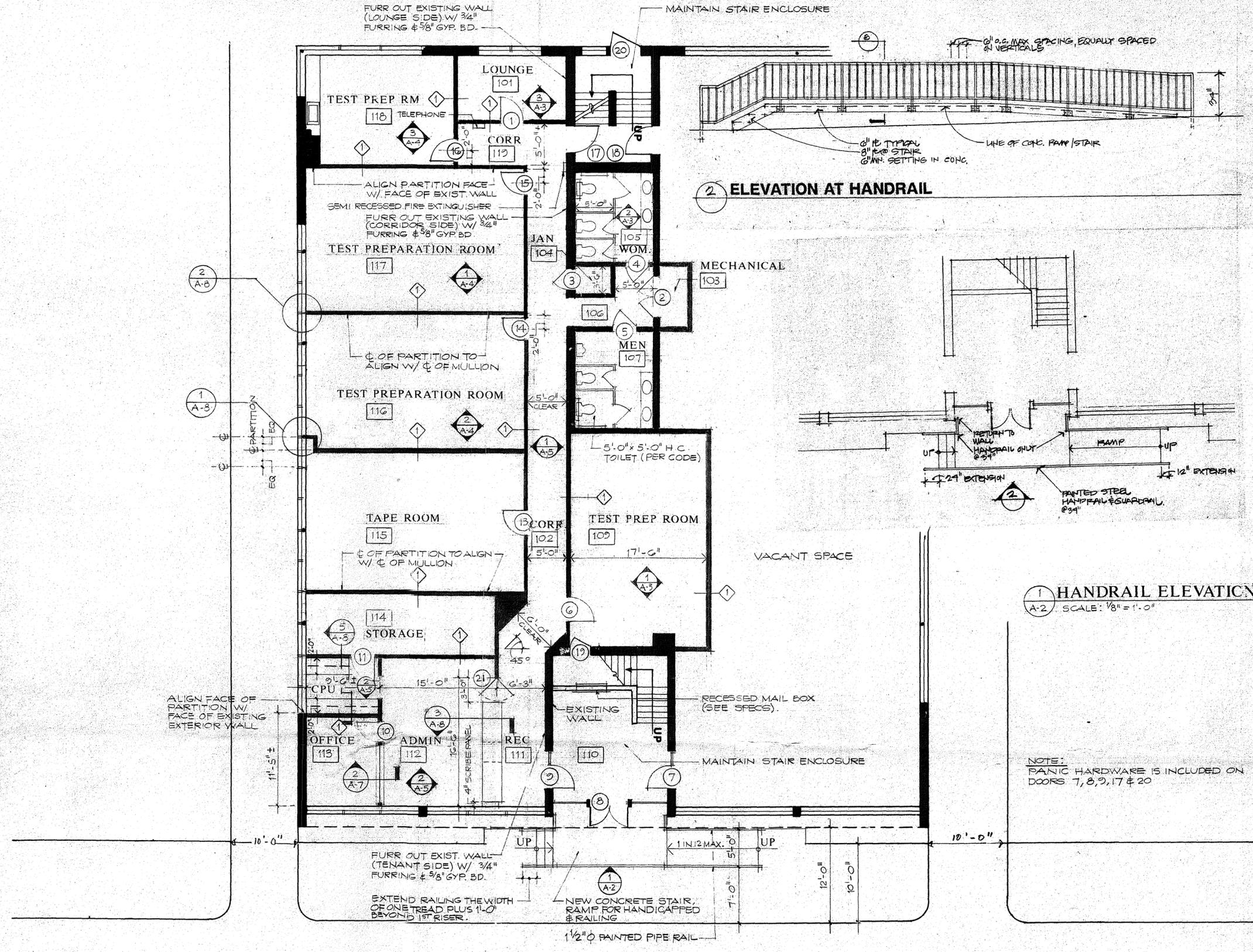
LERNER ASSOCIATES ARCHITECTS

236 HOPE STREET • PROVIDENCE • RHODE ISLAND 02906 (401) 421-7715



MAR 12, 1992  
REVISED - FEB 14, 1992  
JANUARY 3, 1992

STANLEY H. KAPLAN EDUCATIONAL CENTER, LTD.  
144 WAYLAND AVENUE  
PROVIDENCE, RHODE ISLAND 02906  
ERNER ASSOCIATES INCORPORATED ARCHITECTS  
236 HOPE STREET  
PROVIDENCE, RHODE ISLAND 02906



WAYLAND AVENUE

THE PREMISES IS INTENDED AS A TEST PREPARATION CENTER UNDER THE BUSINESS USE CLASSIFICATION. THE CENTER INCLUDES ROOMS FOR GROUP INSTRUCTION, A TAPE LISTENING LIBRARY, OFFICES, AND ANCILLARY SPACES FOR A MAXIMUM OCCUPANCY OF 149 OCCUPANTS.

FLOOR PLAN



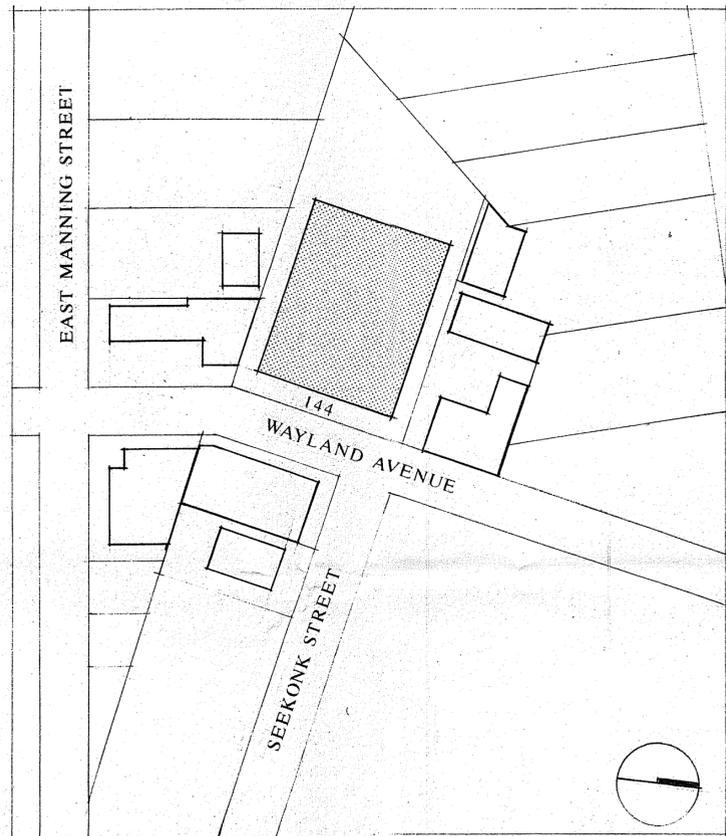
FLOOR PLAN

SCALE: 0 2 4 8 12 FT

A-2

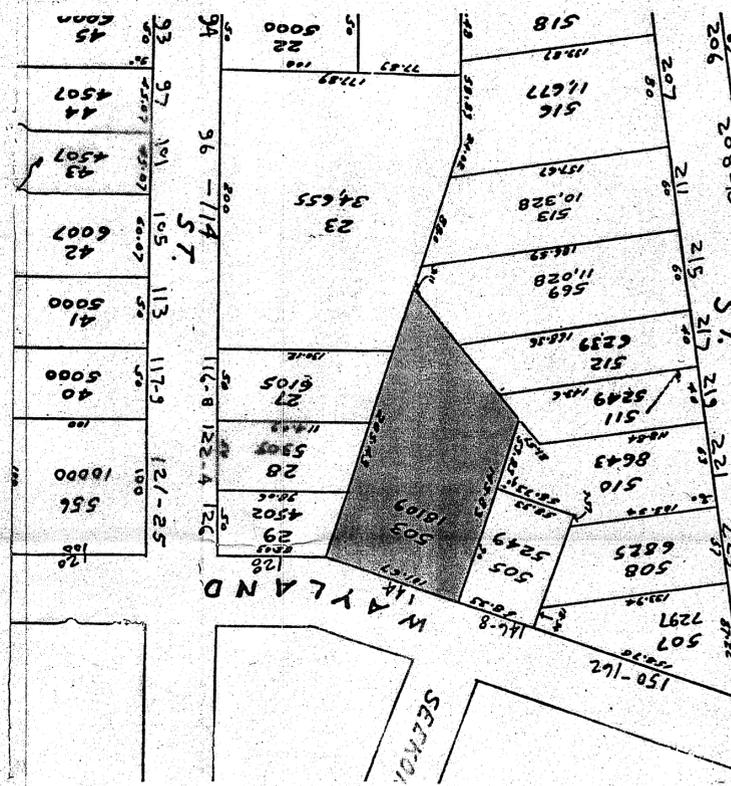
ALTERATIONS TO  
 144 WAYLAND AVENUE • PROVIDENCE • RHODE ISLAND

PLOT PLAN



PLAT 14

LOT 503



LERNER ASSOCIATES ARCHITECTS

236 HOPE STREET • PROVIDENCE • RHODE ISLAND 02906 (401) 421-7715



MAR. 12, 1992  
REVISED FEB. 14, 1992  
JANUARY 3, 1992

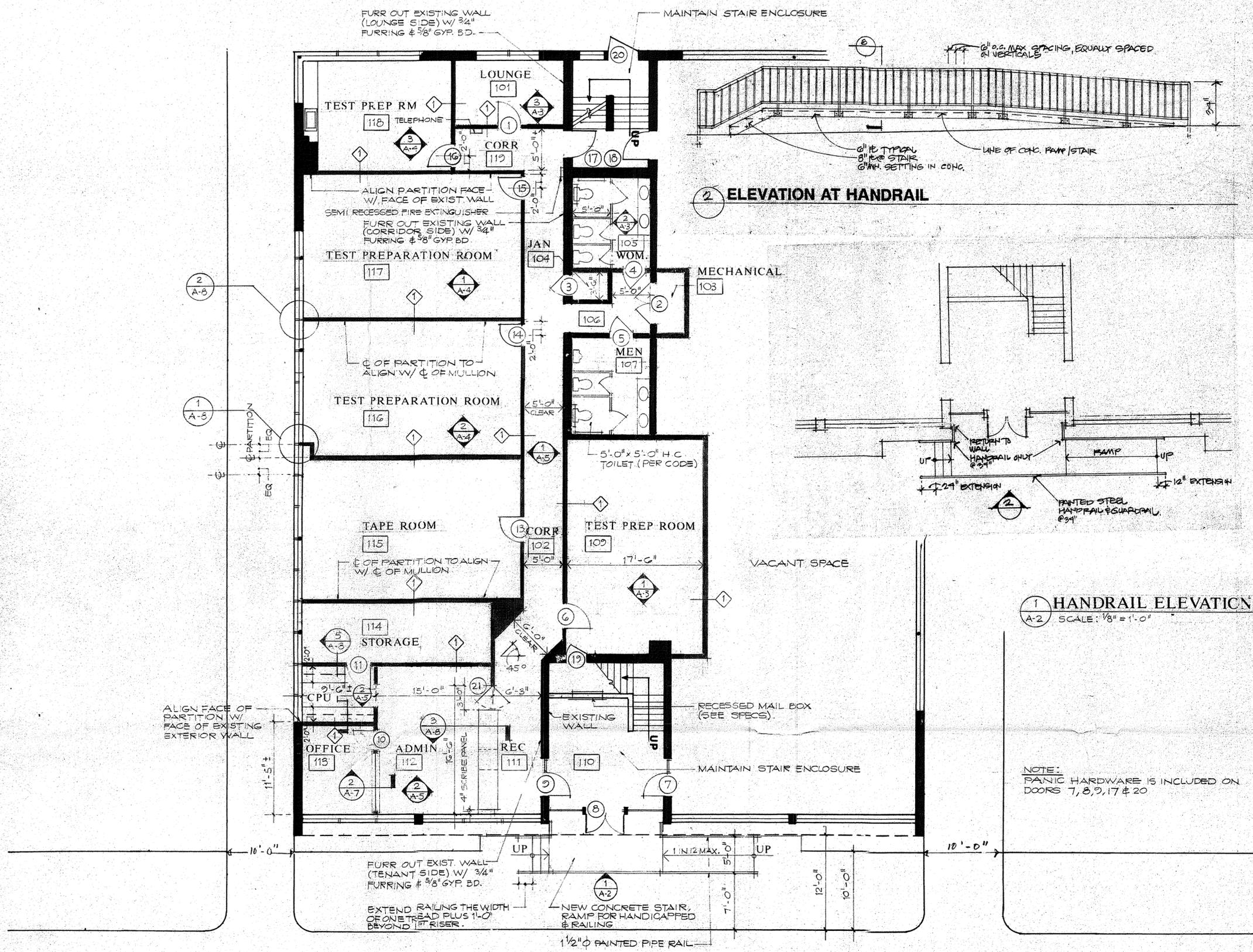
STANLEY H. KAPLAN EDUCATIONAL CENTER, LTD.  
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236 HOPE STREET  
PROVIDENCE, RHODE ISLAND 02906

FLOOR PLAN

SCALE: 0 2 4 8 12 FT

A-2



WAYLAND AVENUE

FLOOR PLAN

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