

RESOLUTION OF THE CITY COUNCIL

No. 122

Approved March 12, 2001

WHEREAS, JBR/LLC represented by Joseph Manfredi (hereinafter "Petitioner"), has sought:

(a) to encroach upon the existing sidewalk located adjacent to 165 Poe Street, so as to construct a stairway and to construct a handicapped access ramp adjacent to said real estate to allow ingress and egress from said premises.

WHEREAS, said stairs and access ramp will encroach upon the public walkway; and

WHEREAS, after study of Petitioner's request, the City, acting through its appropriate authorities, has determined that the proposed encroachments are not adverse to the public interest,

NOW, THEREFORE, BE IT RESOLVED That the Petitioner is granted permission to encroach upon the public way for the purpose of constructing and maintaining a stairway and a handicapped-access ramp at or near the entrance to the building located at 165 Poe Street. No other encroachment for any purposes shall be permitted.

1. All construction with relation to the said stairway and ramp is to be completed in accordance with plans and specifications submitted by the Petitioner to the city Department of Inspection & Standards as those plans may have been modified and/or approved by said department, the Department of Public Works, and the Council Committee on Public Works. (Said plans shall be maintained on file in the Office of the City Clerk and the plan showing the encroachment are attached hereto as Exhibit "A").

2. The Petitioner shall supply and retain in effect a certificate of insurance in an amount of not less than one hundred thousand dollars (\$100,000.00) protecting the City of Providence and its successors and assigns, its agents, servants, officers and employees as additional-named insureds against claims for the construction, maintenance and/or existence of said ramp encroachment. Said insurance shall be from a company and in a form acceptable to the Department of Law.

3. The Petitioner shall execute an indemnification and hold harmless agreement satisfactory to the City Solicitor.

IN CITY COUNCIL
Sept. 2, 1999
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Jean M. Angelone CLERK

THE COMMITTEE ON
Public Works
Recommends Be Continued
Claire L. Butcher CLERK
Feb. 14, 2000

THE COMMITTEE ON
PUBLIC WORKS
Approves Passage of
The Within Resolution
Claire L. Butcher CLERK
Jan. 23, 2001

4. The Petitioner shall grant to the appropriate public utility(ies) and/or governmental agency(ies), by pertinent document, any easements, licenses, or the like, so as to maintain existing public services.

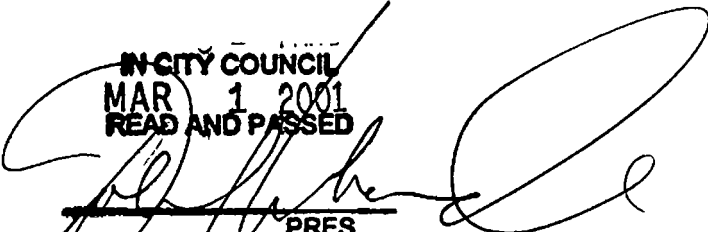
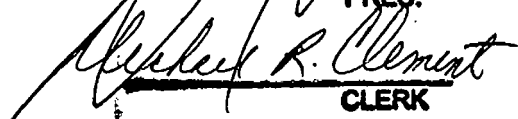
5. A certified copy of the within Resolution shall be recorded in the Office of Land Evidence of the City of Providence.

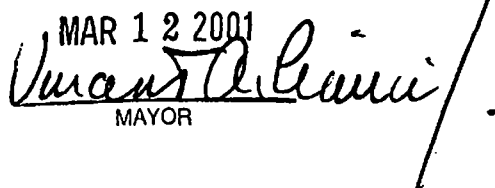
6. Any rights or obligations granted hereunder shall be deemed to run with the land and shall operate against any and all successors in interest and/or title .

7. The encroachment granted hereunder shall not extend into the public right-of-way more than 4" 10" (four feet ten inches) not more than 13' in length as shows in Exhibit "A".

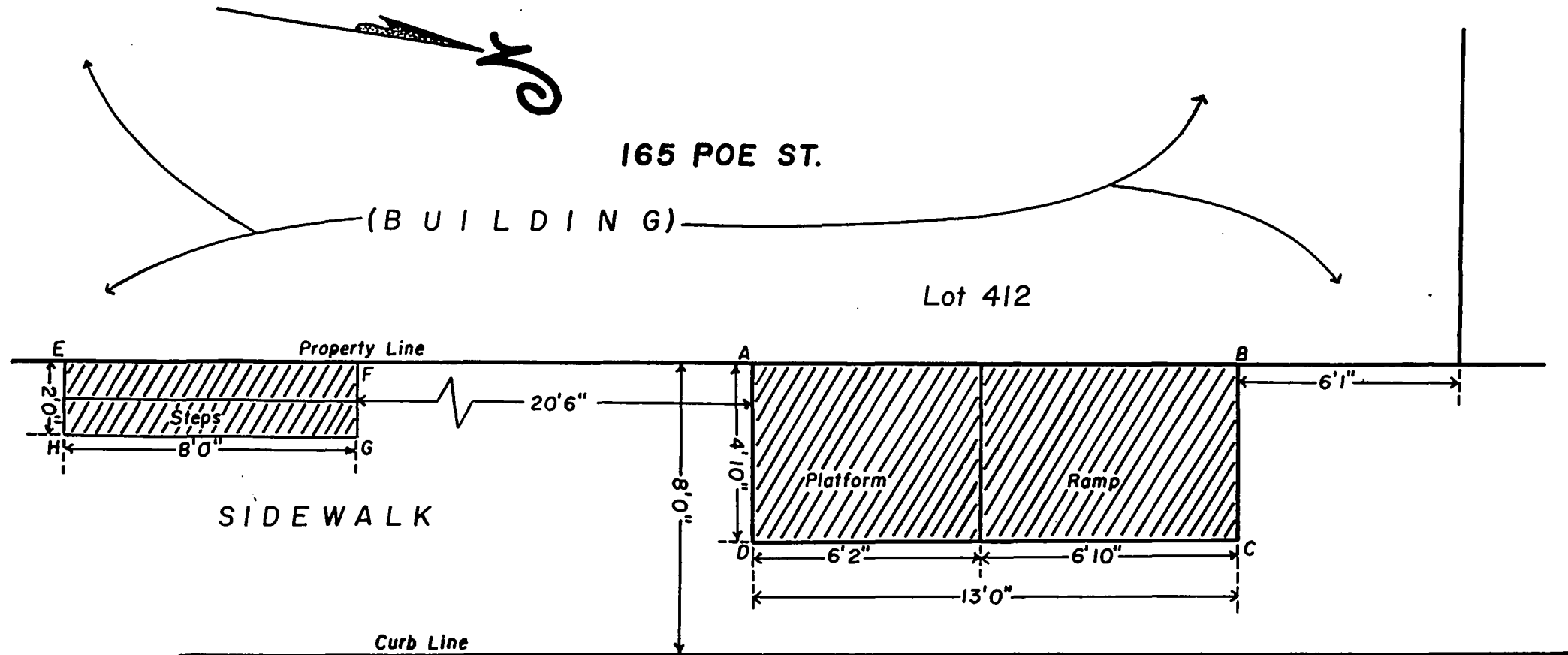
8. Any rights or obligations granted hereunder shall remain in full force and effect for so long as the encroachment permitted hereby does not cease to be utilized for the purposes for which it was granted provided, however, Petitioner shall at its own expense remove said encroachment in the event the City notifies said Petitioner or any successor in interest thirty (30) days in advance of the intent of the City to utilize said realty for any purposes. By commencing any alteration pursuant to this grant, Petitioner specifically agrees to the conditions enumerated herein and waives any claim for damages it may have for such use.

9. Such other reasonable conditions as the Mayor and/or the Department of Law may impose hereunder.

IN CITY COUNCIL
MAR 1 2001
READ AND PASSED

PRES.

CLERK

APPROVED
MAR 12 2001

MAYOR

Lot number taken from A.P. 47.



POE STREET

NOTES: Cross-hatched area (A-B-C-D-A) & (E-F-G-H-E) indicates proposed easement of sidewalk.

Total square footage = $62.83' + 16.0' = 78.83'$

CITY OF PROVIDENCE, R. I.
Public Works Dept. - Engineering Office
Showing Proposed easement of a portion of a sidewalk on Poe St.
Drawn by A. Zislaides Checked by APC
Scale 1/4" = 1' Date 12-27-99
Correct James A. MacArthur, Jr., Eng.
Approved [Signature] CHIEF ENGINEER

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. 064646
Date Dec. 2, 1999

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

Director



VINCENT A. CIANCI, JR.

Mayor

Department of Public Works

"Building Pride In Providence"

February 23, 2000

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

Re: Portion Abandonment
Sidewalk at 165 Poe St.
(One (1) Set of Stairs & One (1) Pedestrian Ramp)

Dear Councilman Clarkin:

This department has no objection to the portion abandonment of portions of the sidewalk at 165 Poe St., between Oxford St. and Pleasure St., as shown on the accompanying plan, entitled "Providence, R.I., P.W. Dept. -- Engineering Office, Street Line Section, Plan No. 064646, Date: Dec. 2, 1999".

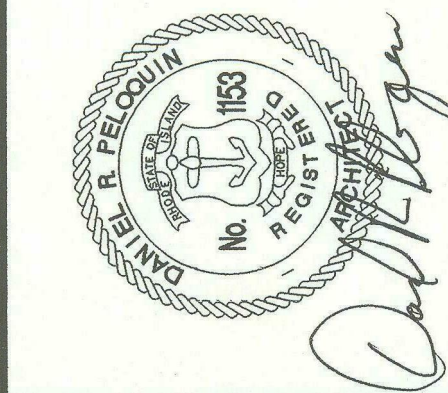
The proposed portion abandonment is depicted as cross-hatched area on the accompanying plan, noted as A-B-C-D-A and E-F-G-H-E. The total square footage related to this proposed portion abandonment is 62.83 plus 16.0 ft. = 78.83. Lot number taken from AP 47.

Further note that indemnification and liability insurance will be required, absolving the City of liability, as long as these structures will remain within the (Pedestrian) Right-of-Way. If we can further assist in this regard, please advise.

Very truly yours,

Ferdinand C. Ihenacho, P.E., PTOE
Director of Public Works

CC: M. Clement - City Clerk
J. D'Amico, Esq.
G. Florio, Dir/OPER/DPW
JLC
SZ



Architect
Daniel R. Pelouin
Woonsocket, RI
401-762-5082

Addition & renovations
Platforms for
J.B.R. LLC
165 Poe street
Providence, RI

Issued for
Construction

Revised: 8-11-99

Date: 06-28-99

Drawn by: DRP

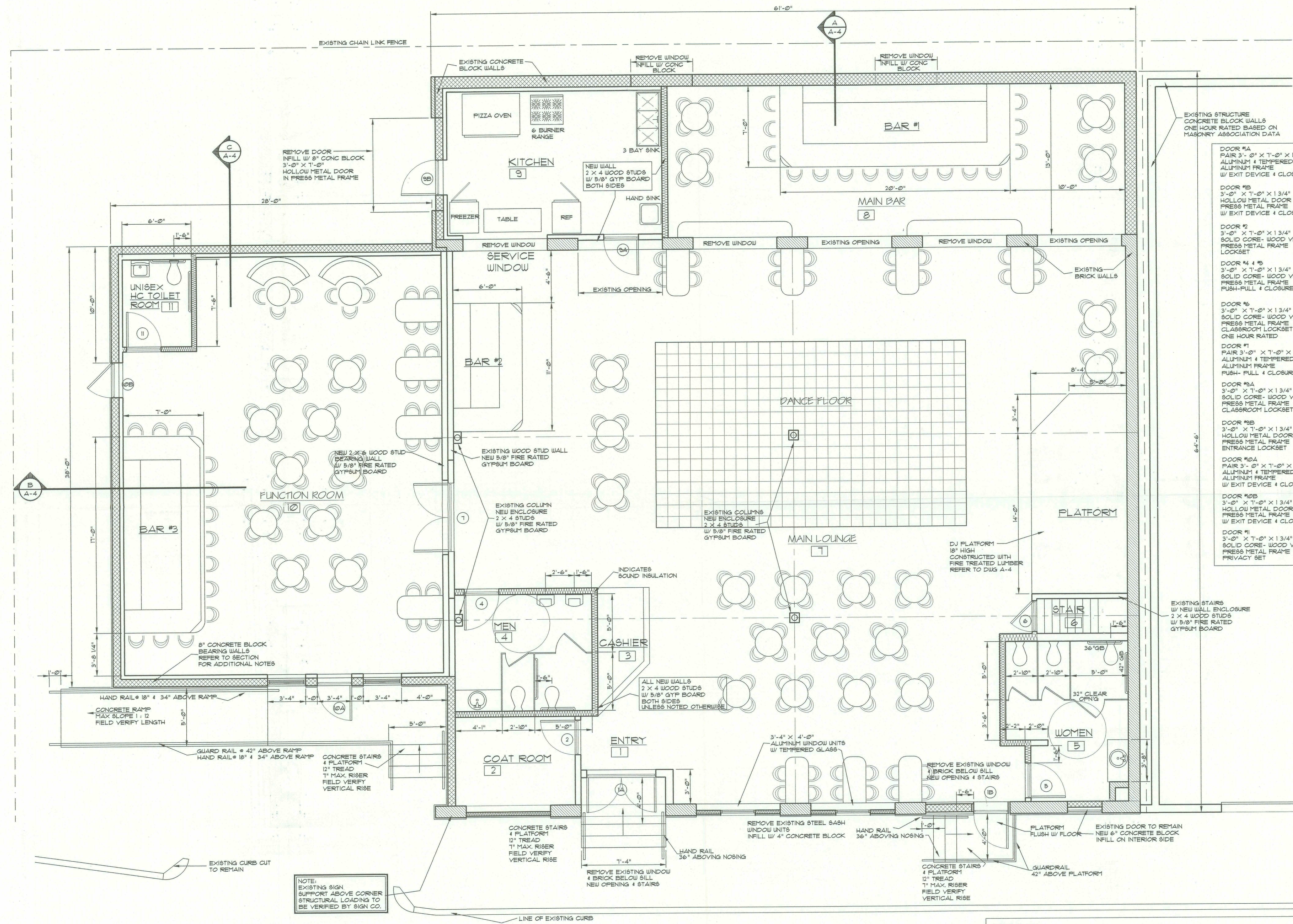
Sheet Contents

Floor
Plan

Drawing No.

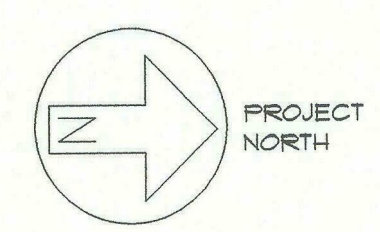
A-1

Sheet 2 of 5



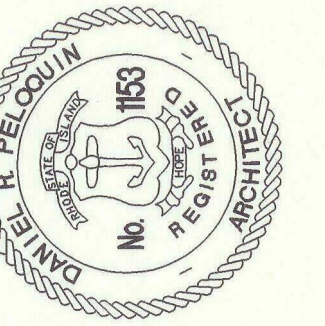
Floor Plan

SCALE: 1/4" = 1'-0"



CODE DATA
BUILDING USE GROUP - A2 - ASSEMBLY
TYPE OF CONSTRUCTION - 3A - PROTECTED
AREA - EXISTING - 3934 SF
ADDITION - 1064 SF
TOTAL AREA - 4998 SF
NET INTERIOR AREA - 3486 SF
OCCUPANCY DESIGN - 15 SF PER PERSON
CAPACITY - 233 PEOPLE

BUILDING PERIMETER - 306'
PERIMETER ACCESS - 168'
54% FRONTAGE
TABLE 503
BASE AREA - 3300
INCREASE FOR FRONTAGE - 58% = 1914 SF
ALLOWABLE AREA FOR 3A - 5214 SF



Architect
Daniel R. Peloquin
Woonsocket, RI
401-762-5082

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Date: 06-28-99

Drawn by: DRP

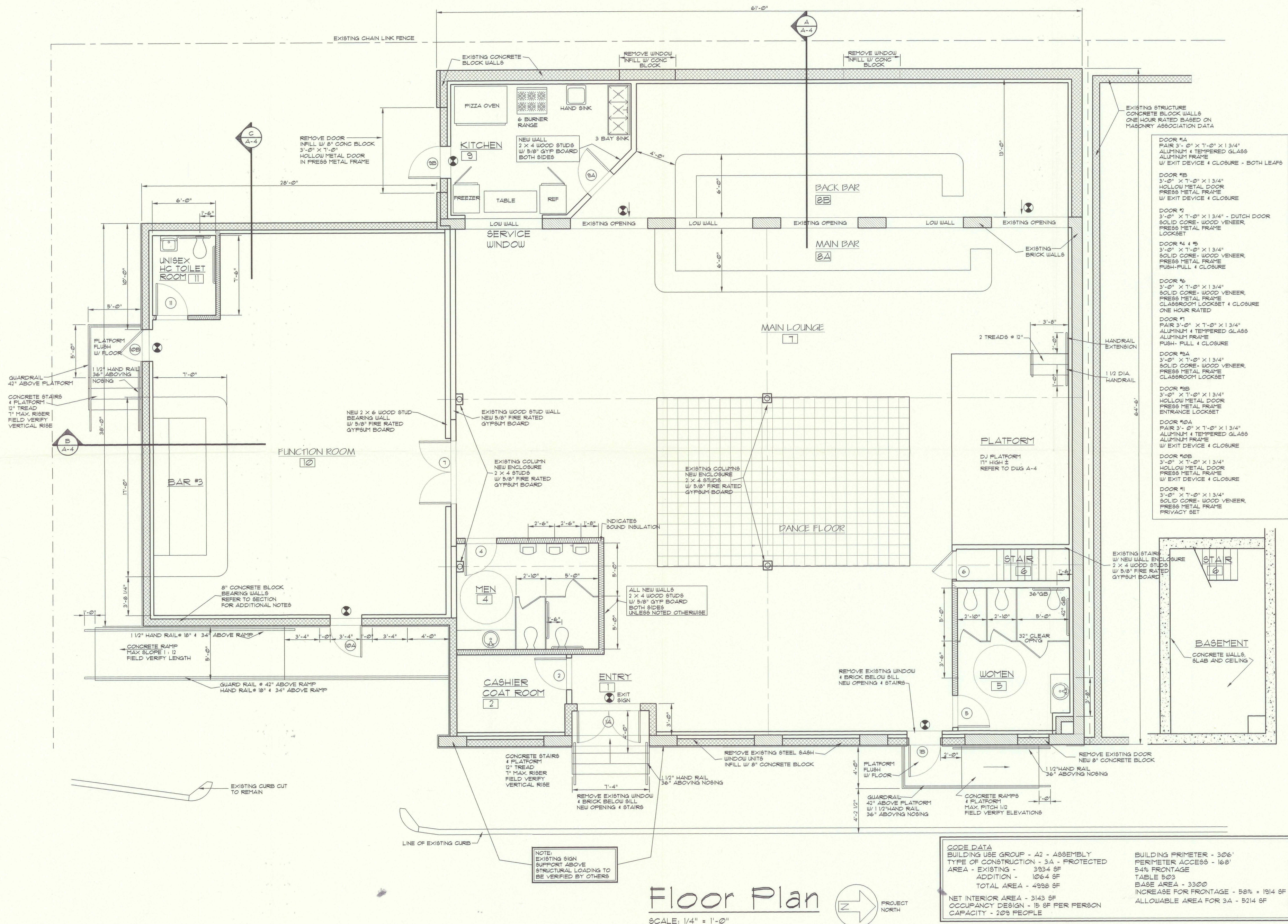
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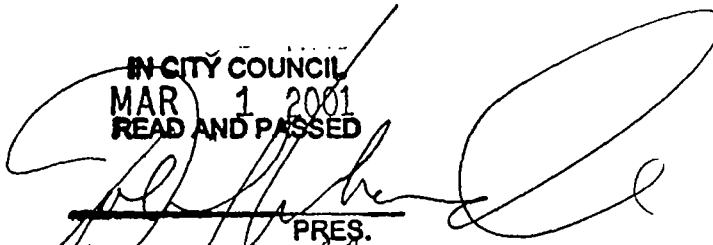
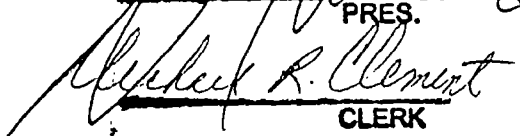
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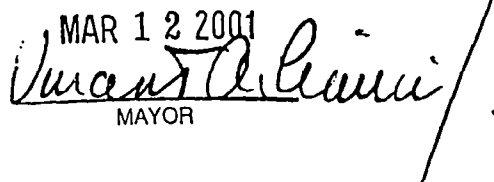
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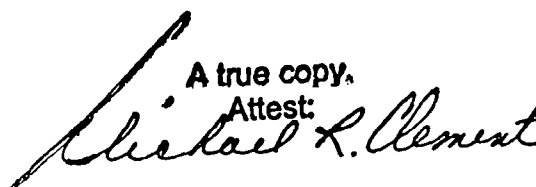
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MAR 12 2001

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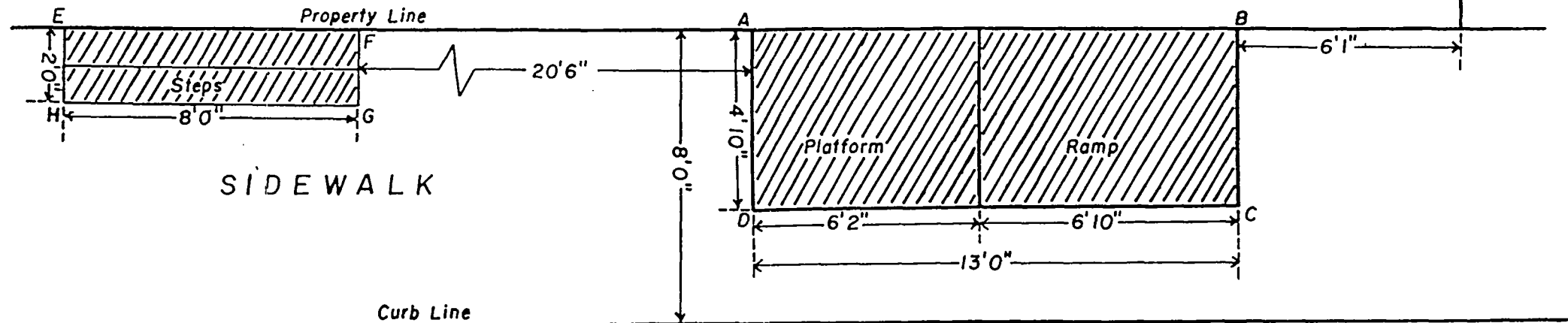
A true copy,
Attest:

Michael R. Clement
City Clerk

PROVIDENCE, R. I.
P. W. DEPT. - ENGINEERING OFFICE
STREET LINE SECTION
Plan No. **064646**
Date **Dec. 2, 1999**

P O E S T R E E T

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Public Works Dept. - Engineering Office
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Correct Barbara A. Troncy Engr.
Approved [Signature] CHIEF ENGINEER



Lot number taken from A.P. 47.

PROVIDENCE, R. I.
RECEIVED FOR RECORD
2001 MAR 21 A 9:25
BARBARA A. TRONCY
ACTING RECORDER OF DEEDS

Barbara A. Troncy

(B U I L D I N G)

165 POE ST.

Lot 412

S I D E W A L K

Curb Line

4626 - 142-144



PROVIDENCE, RI
RECEIVED FOR RECORD

2001 MAR 21 A 9:25

BARBARA A. TRONCY
ACTING RECORDER OF DEEDS

12934