

# RESOLUTION OF THE CITY COUNCIL

No. 450

Approved September 25, 1992

WHEREAS, the City of Providence has or will acquire, for the rights-of-way of Steeple Street and Memorial Boulevard in the City of Providence, Rhode Island, certain tracts of land formerly or presently owned by the United States of America and;

WHEREAS, the City of Providence granted and conveyed unto the United States of America an easement for the construction, maintenance and use of a mail-handling tunnel under and across Washington Street (formerly known as Exchange Place) between the John O. Pastore Federal Building and the U.S. Federal Courthouse, on the 24th day of October 1938 as recorded in book 817, page 455 in the records of deeds; and

WHEREAS, certain portions of the foundations for the John O. Pastore Federal Building and its parking and driveway structure, as well as the existing tunnel under and across Washington Street (formerly known as Exchange Place) connecting the John O. Pastore Federal Building and the U.S. Federal Court House are now and will be within City rights-of-way for Steeple Street, Memorial Boulevard and Washington Street, as shown on the accompanying plan entitled "John O. Pastore Building, Permanent Easement Modifications", prepared by Mcguire Group Inc. A copy of this plan is attached and by reference made a part hereof; and

WHEREAS, it is necessary that there be granted to the United States of America easements to maintain and use the said tunnel and foundations as shown on the accompanying plan entitled "John O. Pastore Building, Permanent Easement Modifications",

NOW THEREFORE, BE IT RESOLVED, as follows:

A.) The proposal seeks to permit the extinguishment of and existing easement. To the extent any action is required on behalf of the municipality, the City accepts that extinguishment.

B.) The proposal seeks creation of certain easements to ensure the foundational integrity of these buildings. The requested easements are more fully delineated in a map, a copy of which is on record in the Office of the City Clerk and which map is incorporated herein by reference. Further descriptions of said easements are contained in

Exhibit "A" a copy of which are attached hereto and incorporated herein.

C.) Said easements are granted and the Mayor is authorized to execute any and all documents necessary to effect the extinguishment and grants of easement contained herein.

D.) The grant of those easements referenced in sub-paragraph "C" herein are expressly conditioned upon.

1.) Notification of the Department of Public Works, the Providence Water Supply Board, the Department of Planning and Development, the Commissioner of Public Safety, the Department of Traffic Engineering, the Narragansett Bay Commission and the various utility companies. Said entities shall have no objection to the proposed easement(s) or, in the alternative shall agree upon said easement(s) to the approval of the relevant municipal agency. The City Clerk shall correspond in the appropriate manner and, review the responses.

2.) The easements granted herein shall automatically extinguish without necessity of further action by the City of Providence, and said City shall be entitled to reentry upon the premises upon the occurrence of either of the following events:

a.) The buildings referenced herein are conveyed; or

b.) the buildings referenced herein are no longer utilized for federal governmental purposes.

3.) The grantor herein shall execute an indemnification and hold harmless agreement acceptable to the City Solicitor.

4.) The extinguishment and grants of easement contained herein shall be to the satisfaction of the City Solicitor.

IN CITY COUNCIL  
SEP 17 1992  
READ AND PASSED  
*James J. P. Smith*  
PRES.  
*Jean M. Angelone*  
CLERK

APPROVED  
SEP 25 1992  
*Vincent A. Crum*  
MAYOR

#### PARCEL I

The land of the City of Providence to be affected by the maintenance and use of the tunnel under Washington Street (formerly Exchange Place) is a tract of land beginning at a point in the northwesterly side of Washington Street, which point is North 46 degrees 12 minutes 47 seconds East a distance of 111 feet 1-3/4 inches measured along the northwesterly side of Washington Street from the intersection of the northwesterly side of Washington Street with the northeasterly side of Exchange Street; running thence along the northwesterly side of Washington Street a distance of 25 feet to a point; thence southeastwardly along a line forming an interior angle of 90 degrees with the last mentioned line a distance of 50 feet to a point; thence in a northeastwardly direction along a line forming an interior angle of 270 degrees with the last mentioned line a distance of 8 feet to a point; thence in a southeastwardly direction along a line forming an interior angle of 90 degrees with the last mentioned line a distance of 10 feet to point in the northwesterly side of the present U.S. Federal Courthouse site; thence southwestwardly along the northwesterly side of the present U.S. Federal Courthouse site on a line forming an interior angle of 90 degrees with the last mentioned line a distance of 33 feet to a point; thence in a northwestwardly direction along a line forming an interior angle of 90 degrees with the last mentioned line a distance of 60 feet to the point or place of beginning, the last mentioned line forming at its point of intersection with the first mentioned line an interior angle of 90 degrees.

The above described parcel being the same of as the "PARCEL I" described in the easement recorded in the City of Providence, Rhode Island, deed book 817, page 455 and file with the Deputy Recorder of Deeds of December 14, 1938.

#### PARCEL II

The existing easement on PARCEL II is to be abandoned. This parcel being the same as the "PARCEL II" described in the easement recorded in the City of Providence, Rhode Island, deed book 817, page 455 and filed with the Deputy Recorder of Deeds on December 13, 1938.

#### PARCEL III

The lands of the City of Providence affected by the maintenance of the structural members, piers, footings and foundations for the support of the existing John O. Pastore Building and parking and driveway structures are those five (5) tracts of land within the Proposed City Highway Lines of Steeple Street, Washington Street and Memorial Boulevard on the northeast and northwest sides of the building, as shown on the drawing entitled "John O. Pastore Building, Permanent Easement Modifications",

prepared by Maguire Group Inc. A copy of this plan is attached and by reference made a part hereof.

The above described parcel is in part made up of "PARCEL III" described in the easement recorded in the City of Providence, Rhode Island, deed book 817, page 455 and filed with the Deputy Recorder of Deeds of December 13, 1938.



Department of Law

*"Building Pride In Providence"*

September 10, 1992

The Honorable Robert M. Clarkin  
Chairman  
Committee on Public Works  
City Council Office  
City Hall  
Providence, Rhode Island

Dear Chairman Clarkin:

As you may be aware, the Capital Center Project calls for an extended period of development and/or rehabilitation of a portion of the downtown area. This development/rehabilitation has been categorized in a series of planned phases. Each of these phases manifests another step in the whole of the Capital Center Project.

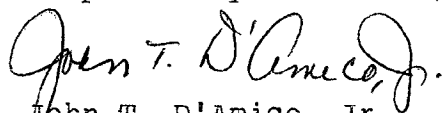
This department is aware that certain construction concerning the Federal Buildings on Kennedy Plaza, if approved, requires:

- (a) the reaffirmation of two existing easements;
- (b) the extinguishment of an existing easement; and
- (c) the creation of four (4) structural easements.

The fact that no formal petition has been filed may well be attributable to the idea that these proposed easements had been incorporated into an earlier document approved by the Council. This department has suggested that the better approach would be for the Committee to review each of these proposals.

Thus, I am respectfully requesting that the Committee consider this communication a document sufficient to review the proposed easements concerning the Federal Buildings.

Respectfully submitted,

  
John T. D'Amico, Jr.  
Second Deputy Solicitor

JTD: cmr