

RESOLUTION OF THE CITY COUNCIL

No. 452

Approved June 16, 2003

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below the sidewalk adjoining Harris Street in the City of Providence to Cox Com, Inc., d/b/a Cox Communications (Cox). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of underground conduit to serve Jefferson Place Condominiums. Said easement shall not exceed the area of approximately one thousand one hundred forty square feet, as delineated on the accompanying map 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 aforestated purposes.

4. The Assistant Director for Project Management and Construction has valued the easement at \$9,975.00 in legal tender of the United States of America. However, since Cox has appealed the assessment of such charges to the Rhode Island Public Utilities Commission, the Director of Public Works may issue the permit, subject only to the payment of a \$75.00 fee by Cox, pending the resolution of the Public Utilities Commission appeal.

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 mechanisms shall be to the approval of the Director of the Department of Inspections & Standards.

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.

IN CITY COUNCIL
SEP 5 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Michael R. Clement
Clerk
ams

From the Clerk's Desk

THE COMMITTEE ON
Public Works
Recommends - Be Continued
Ann M. Stebbins
10-17-02
CLERK

THE COMMITTEE ON
Public Works
Recommends - Approval
Ann M. Stebbins
11-17-02
CLERK

9. Cox 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. Cox 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.

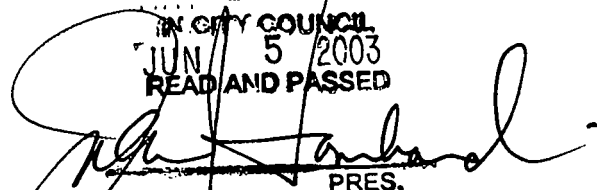
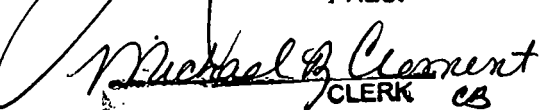
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned 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 Cox, for itself and its successors, agrees to comply with the same.

11. Cox shall repave the sidewalks in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works and Cox, its successors and assigns, shall guarantee the fitness of said repairing and shall make, at its own cost, all necessary modifications, alterations and repairs to said repaving for a period of not fewer than five (5) years.

12. 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 5 2003
READ AND PASSED

PRES.

CLERK CB

APPROVED

MAYOR 6/16/03

June 4, 2003



Michael Clement, City Clerk
City of Providence
City Hall
25 Dorrance Street
Providence, RI 02903

Dear Mr. Clement:

Please except this letter as notification to cancel easement requests at ~~89 Ship Street~~ and Jefferson Place Apartments located on Harris Ave. It is my understanding that final resolution is still pending with Adrian Southgate. I'm attaching copies of the petition for reference. The reason for the cancellation is the process took to long and the customers could not wait any longer. The petition for 89 Ship was filled on 8/7/02 and 8/27/02 for Jefferson Place Apartments. If you have any questions I can be reached at 615-1401.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Fontaine".

Barry Fontaine
Capital Support and Utilities Manager
Cox Communications New England

Cox Communications
You're Friend in the Digital Age

5

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

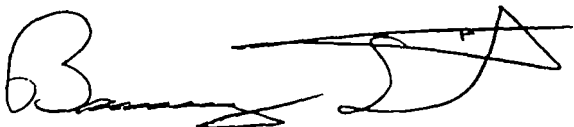
CITY OF PROVIDENCE
CITY COUNCIL
RECEIVED TO COMMISSIONER ON
FIRST READING
AUG 27 2002

Cox Com Inc. d.b.a. Cox Communications is hereby requesting permission from the city of Providence to excavate and place conduit at the following location to service new customers.

1. Jefferson Place Condominiums

From utility pole #11 Harris Avenue heading east for 380 feet terminating in a concrete vault in front of Providence Place Condominiums. All the work will be within the sidewalk boundaries and restored to city specifications.

Attached is a set of Engineered plans detailing the routes to be excavated and restored. Thank you for your time and I will be available to answer any questions that you may have regarding this request.



Barry Fontaine 8/27/02
Capital Support and Utilities Manager
Cox Communications New England
401-383-2261

7

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:

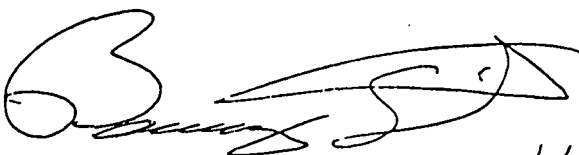
The undersigned respectfully petitions your honorable body

BUTCH HOCKEY
REFERRED TO COMMITTEE ON
FIRST READING
IN CITY COUNCIL

Cox Com Inc. d.b.a. Cox Communications is hereby requesting permission from the city of Providence to excavate and place conduit at the following locations to service new customers.

1. **89 Ship Street**, From side walk at intersection of Chestnut Street within sidewalk 23 ft. over to Ship Street, 65 ft. across Ship to sidewalk in front of 89 Ship Street.
- ✕ 2. **114 George Street**, From existing manhole 22 ft. to edge of sidewalk, another 11 ft. of concrete driveway to edge of property line.

Attached is a set of Engineered plans detailing the routes to be excavated for both locations. Thank you for your time and I will be available to answer any questions that you may have regarding this request.



Barry Fontaine
Capital Support and Utilities Manager
Cox Communications New England
401-383-2261

8/7/02

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

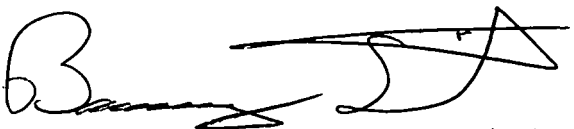
CITY OF PROVIDENCE
CITY CLERK
100 N. MAIN ST.
PROVIDENCE, RI 02903
TEL: 401-863-1000
FAX: 401-863-1001

Cox Com Inc. d.b.a. Cox Communications is hereby requesting permission from the city of Providence to excavate and place conduit at the following location to service new customers.

1. Jefferson Place Condominiums

From utility pole #11 Harris Avenue heading east for 380 feet terminating in a concrete vault in front of Providence Place Condominiums. All the work will be within the sidewalk boundaries and restored to city specifications.

Attached is a set of Engineered plans detailing the routes to be excavated and restored. Thank you for your time and I will be available to answer any questions that you may have regarding this request.



Barry Fontaine 8/27/02
Capital Support and Utilities Manager
Cox Communications New England
401-383-2261

FILED

AUG 27 12 15 PM '02

DEPT. OF PUBLIC WORKS
PROVIDENCE, R.I.

IN CITY COUNCIL
SEP 5 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

Michael R. Clement CLERK

THE COMMITTEE ON

Public Works

Recomm. plus

Ann M. Steen

CLERK

10-17-02

- Be Continued

THE COMMITTEE ON

P. Works.

Recomm. plus

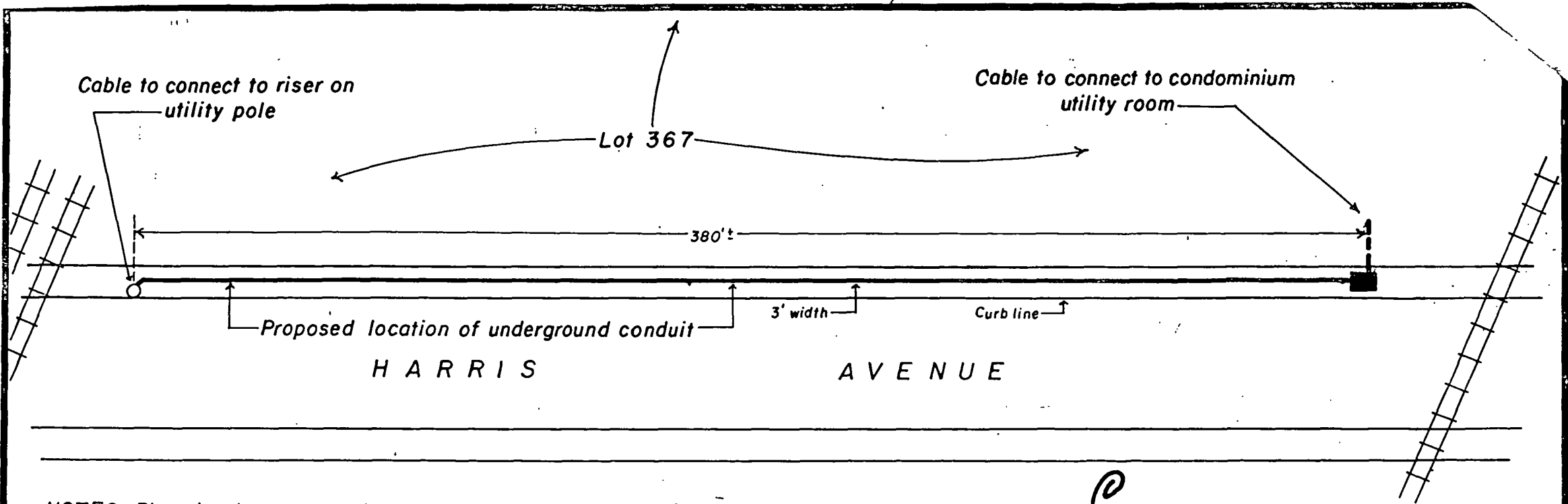
Ann M. Steen

CLERK

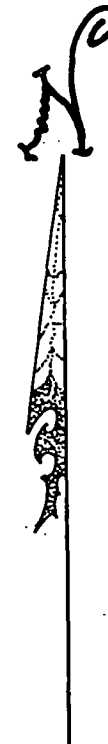
11-7-02

Approved

From The Clerk's Desk



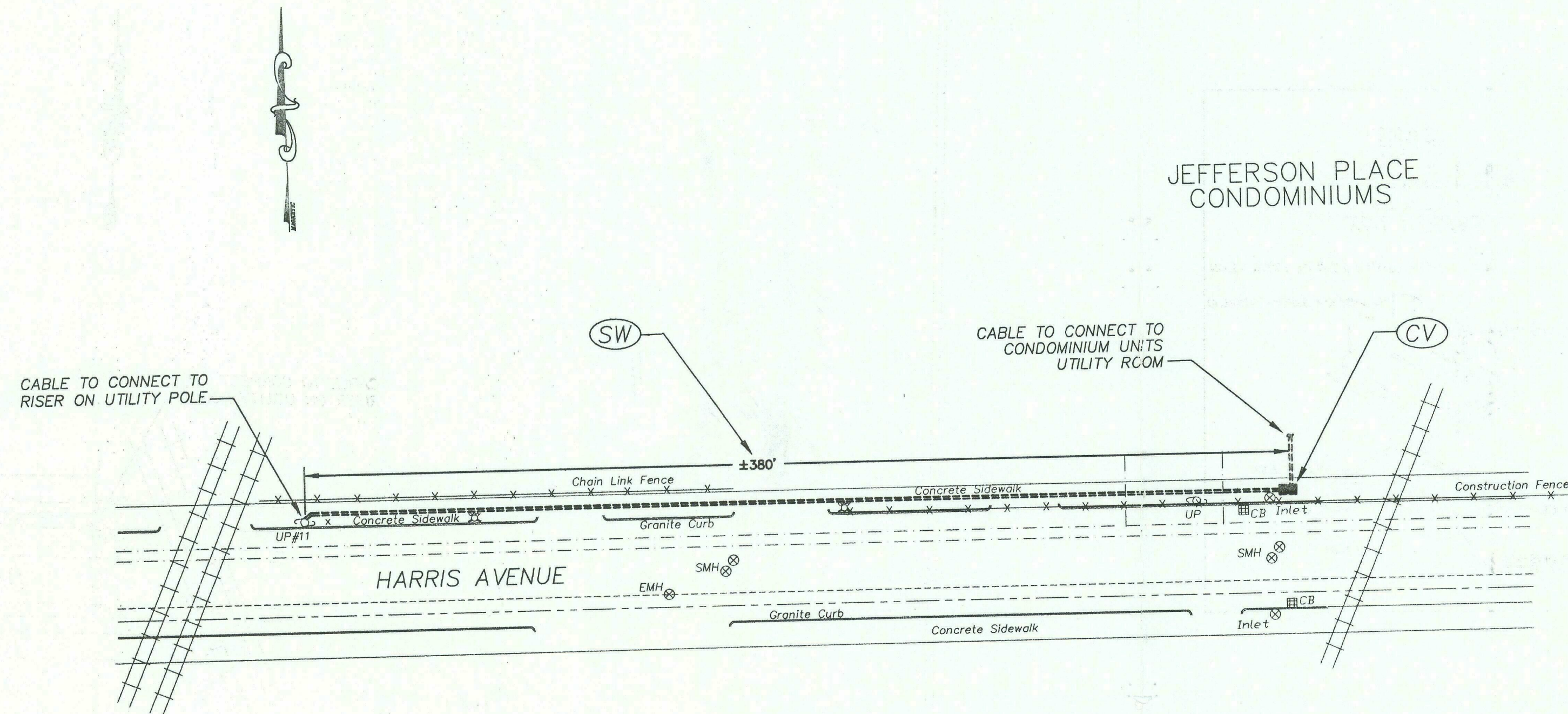
NOTES: Plan showing proposed easement for underground conduit for Cox Communications.
Total square footage=1,140[±]



CITY OF PROVIDENCE, R. I.
Public Works Dept. Engineering Office
Showing proposed easement on Harris Ave.
for Cox Communications
Drawn by A. Zisides Checked by [Signature]
Scale 1" = 40' Date 10-17-2002
Correct [Signature] Associate Engr.
Approved [Signature] CHIEF ENGINEER

PROVIDENCE, R. I.
R. I. DEPT. • ENGINEERING OFFICE
STREET LINE SECTION
Plan No 064729
Date Oct. 17, 2002

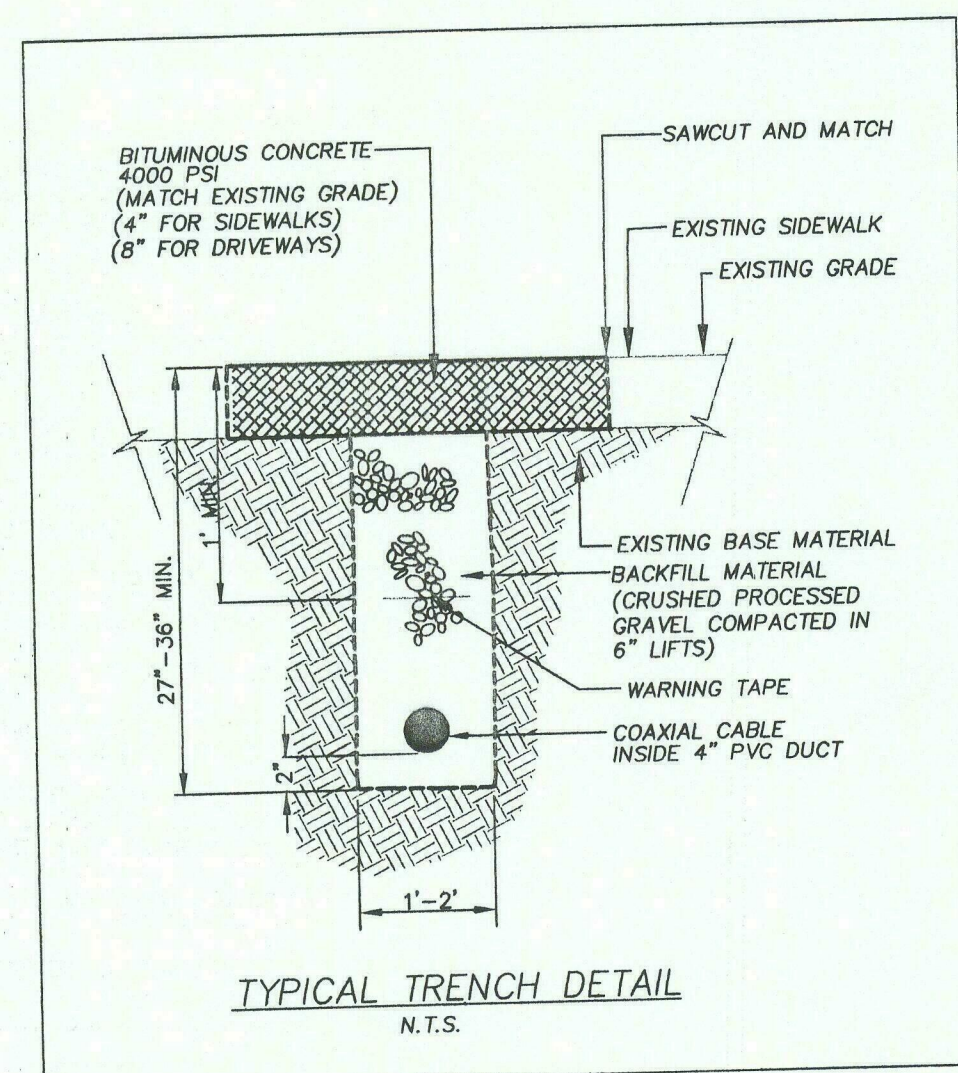
Lot number taken from A.P. 26.



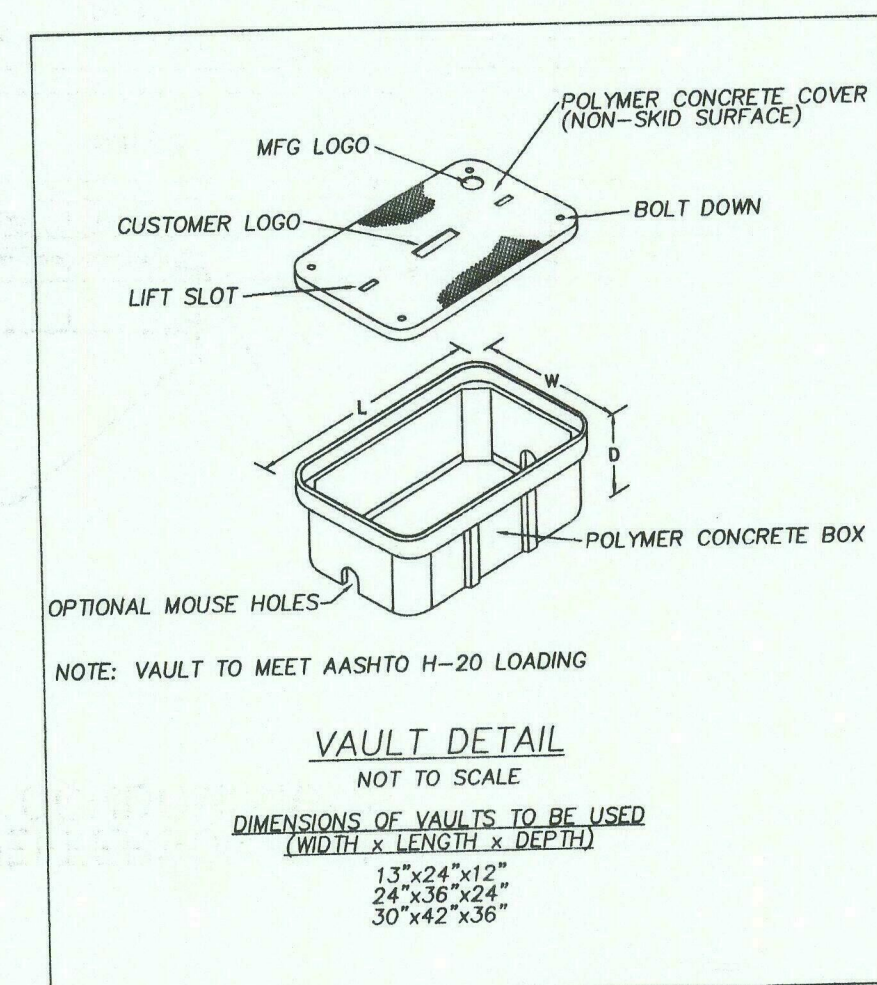
PROPOSED UNDERGROUND COAXIAL CABLE ROUTING PLAN
1" = 40'

GENERAL NOTES:

- EXISTING UTILITIES AND STRUCTURES ARE SHOWN FROM BEST AVAILABLE INFORMATION. THIS PLAN DOES NOT GUARANTEE THE ACCURACY OF THE UNDERGROUND UTILITIES SHOWN, NOR THAT ALL UNDERGROUND UTILITIES PRESENT ARE SHOWN ON THIS PLAN. THE CONTRACTOR SHALL CONTACT "DIG-SAFE" AND ALL LOCAL UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION.
- ALL TRAFFIC CONTROL DEVICES AND OPERATIONS MUST BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), 1988 EDITION WITH LATEST ADDENDA.
- ALL SIGNS AND MOUNTINGS SHALL CONFORM TO THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION'S STANDARD DETAILS AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 1988 EDITION WITH LATEST ADDENDA.
- ALL SIGNS SHALL HAVE A BLACK LEGEND ON A RETROREFLECTIVE ORANGE BACKGROUND.
- ALL CONES SHALL BE 28" IN HEIGHT AND CONFORM TO THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION'S STANDARD DETAIL 26.6. CONE SPACING FOR TAPERS SHALL BE 20' O.C. ALL OTHER CONE SPACING SHALL BE 40' O.C.
- ALL WORK PERSONNEL SHALL WEAR RETROREFLECTIVE VESTS AT ALL TIMES.
- ALL WORK SHALL BE PERFORMED DURING THE DAYLIGHT HOURS OF 1/2 HOUR AFTER SUNRISE TO 1/2 HOUR BEFORE SUNSET.
- IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTINUE TO PERFORM ALL WORK IN COMPLIANCE WITH THE TRAFFIC CONTROL REQUIREMENTS OF THE MUTCD AND THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION BEYOND THE LIMITS OF THE WORK ZONE SHOWN ON THIS PLAN.
- THE CONTRACTOR SHALL UTILIZE A MINIMUM OF 1 UNIFORMED LAW ENFORCEMENT OFFICER AT ALL TIMES TO DIRECT TRAFFIC.
- ALL SIGNS SHALL BE REMOVED WHEN THEY ARE NO LONGER APPLICABLE AND AT THE END OF EACH WORK DAY, THE CONTRACTOR SHALL ENSURE THAT ADEQUATE TIME IS ALLOWED AT THE END OF EACH DAY TO PERFORM THIS WORK DURING THE DAYLIGHT HOURS.
- EXISTING CONDITIONS SHOWN ON THIS PLAN HAVE BEEN COMPILED FROM THE BEST AVAILABLE DATA ALONG WITH FIELD MEASUREMENT. EXISTING CONDITIONS HAVE NOT BEEN SURVEY LOCATED.
- ALL WORK AND MATERIALS SHALL MEET OR EXCEED THE LATEST STANDARDS OF THE MUNICIPALITY, AND THE LATEST RHODE ISLAND STANDARDS AND SPECIFICATION, PUBLISHED FOR ROAD AND BRIDGE CONSTRUCTION.
- CONTRACTOR TO RESTORE ALL DISTURBED AREAS TO EXISTING CONDITIONS.

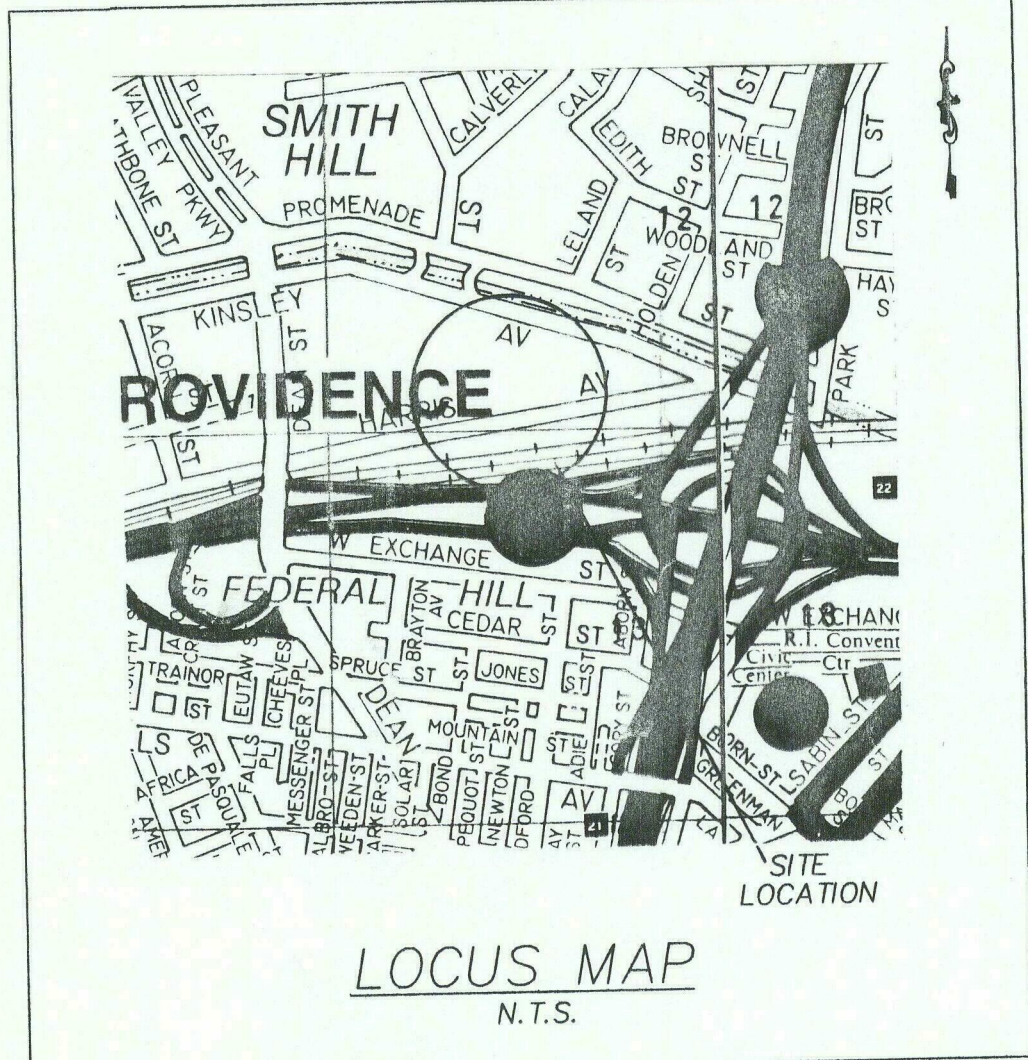


TYPICAL TRENCH DETAIL
N.T.S.



NOTE: VAULT TO MEET AASHTO H-20 LOADING

VAULT DETAIL
NOT TO SCALE
DIMENSIONS OF VAULTS TO BE USED
(WIDTH x LENGTH x DEPTH)
13' x 24' x 12'
24' x 36' x 24'
30' x 42' x 36'



LEGEND

- | | |
|-------|---|
| ===== | PROPOSED COAXIAL CABLE |
| ■ | PROPOSED COAXIAL VAULT |
| --- | PROPERTY LINE |
| --- | GRANITE CURB/STREETLINE |
| --- | EXISTING GAS LINE |
| --- | UNDERGROUND ELECTRIC LINE |
| --- | EXISTING WATER LINE |
| CB | CATCH BASIN |
| EMH | ELECTRIC MANHOLE |
| TMH | TELEPHONE MANHOLE |
| SMH | SEWER MANHOLE |
| HH | ELECTRIC HANDHOLE |
| TR | TREEBOX |
| HY | HYDRANT |
| UP | UTILITY POLE |
| PED | CABLE PEDESTAL |
| SW | PROPOSED LOCATION OF UNDERGROUND 4" DUCT CARRYING COAXIAL CABLE TO BE INSTALLED WITHIN SIDEWALK (27'-36" DEPTH). EXISTING SIDEWALK TO BE REMOVED AND DISPOSED AND NEW SIDEWALK RECONSTRUCTED PER CITY OF PROVIDENCE SPECIFICATIONS (SEE TRENCH DETAIL). |
| CV | PROPOSED PRECAST CONCRETE VAULT, TO MEET AASHTO H-20 LOADING (TO BE PLACED FLUSH TO GRADE). (SEE VAULT DETAIL) |

COX COMMUNICATIONS
9 J.P. HIGHWAY WEST WARWICK, RHODE ISLAND
PROPOSED UNDERGROUND COAXIAL CABLE ROUTING
PLAN AND DETAIL
HARRIS AVENUE
RHODE ISLAND



CATALDO ASSOCIATES
CIVIL ENGINEERS
ONE COMMERCE WAY
JOHNSTON, RI 02919
(401) 488-8900
FAX: (401) 488-4117
cataldow@earthlink.net

PROJECT NO.: 3003-123		
DATE: AUGUST, 2002		
SCALE: 1" = 40'		
DESIGNED: GS		
DRAWN: GS		
CHECKED: GS		
SHEET NO. 1 OF 1		
NO.	DATE	REVISIONS

RESOLUTION OF THE CITY COUNCIL

No. 452

Approved June 16, 2003

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below the sidewalk adjoining Harris Street in the City of Providence to Cox Com, Inc., d/b/a Cox Communications (Cox). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of underground conduit to serve Jefferson Place Condominiums. Said easement shall not exceed the area of approximately one thousand one hundred forty square feet, as delineated on the accompanying map 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.

4. The Assistant Director for Project Management and Construction has valued the easement at \$9,975.00 in legal tender of the United States of America. However, since Cox has appealed the assessment of such charges to the Rhode Island Public Utilities Commission, the Director of Public Works may issue the permit, subject only to the payment of a \$75.00 fee by Cox, pending the resolution of the Public Utilities Commission appeal.

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 mechanisms shall be to the approval of the Director of the Department of Inspections & Standards.

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. Cox 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. Cox 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.

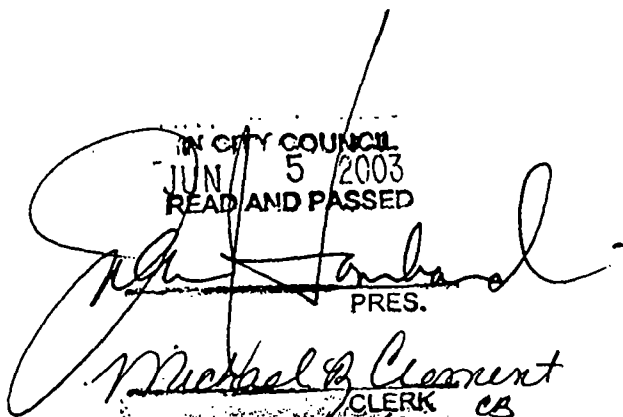
Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned 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 Cox, for itself and its successors, agrees to comply with the same.

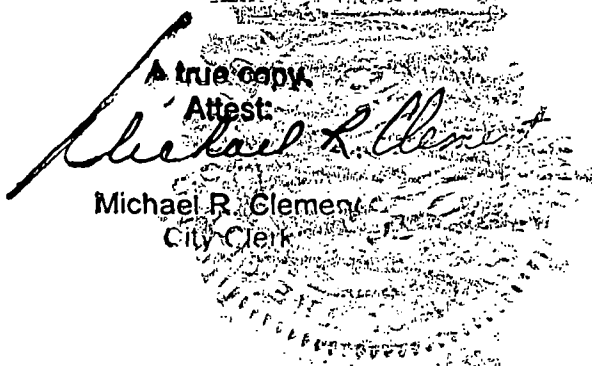
11. Cox shall repave the sidewalks in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works and Cox, its successors and assigns, shall guarantee the fitness of said repairing and shall make, at its own cost, all necessary modifications, alterations and repairs to said repaving for a period of not fewer than five (5) years.

12. 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 5 2003
READ AND PASSED

PRES.
Michael R. Clement
CLERK CB

APPROVED

MAYOR 6/16/03

A true copy
Attest:

Michael R. Clement
City Clerk

June 4, 2003

Michael Clement, City Clerk
City of Providence
City Hall
25 Dorrance Street
Providence, RI 02903



Dear Mr. Clement:

Please except this letter as notification to cancel easement requests at 89 Ship Street and Jefferson Place Apartments located on Harris Ave. It is my understanding that final resolution is still pending with Adrian Southgate. I'm attaching copies of the petition for reference. The reason for the cancellation is the process took to long and the customers could not wait any longer. The petition for 89 Ship was filled on 8/7/02 and 8/27/02 for Jefferson Place Apartments. If you have any questions I can be reached at 615-1401.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Fontaine".

Barry Fontaine
Capital Support and Utilities Manager
Cox Communications New England

PROVIDENCE, RI
RECEIVED FOR RECORD
2003 JUL -7 A 10: 00
BARBARA A. JONCEY
ACTING RECORDER OF DEEDS

Barbara A. Joncey
Acting Recorder of Deeds

Cox Communications
You're Friend in the Digital Age

5884 / 232-235

PROVIDENCE, RI
RECEIVED FOR RECORD

2003 JUL -7 A 10:00

BARBARA A. TRONCY
ACTING RECORDER OF DEEDS

4/10/12