



THE CITY COUNCIL
OF THE
CITY OF PROVIDENCE, RHODE ISLAND

August 29, 2002



Mr. Michael R. Clement
City Clerk
Providence City Hall
Providence, RI 02903

Dear Mr. Clement:

We, the undersigned councilmembers request that the following matter be placed on the agenda for the next scheduled City Council meeting on September 5, 2002.

According to Rule 21, entitled "Discharge of Committee" of the Rules of the Providence City Council, the City Property Committee and the Public Works Committee hereby discharge "Resolution requesting His Honor, the Mayor, to execute any and all documents as may be necessary and appropriate, in order to grant to Rhode Island Hospital, its affiliates, and not for profit successors, and assigns an exclusive easement to use air space over a designated portion of Dudley Street in consideration of a one-time payment by Rhode Island Hospital to the City of Providence in the amount of Three Hundred Thousand (\$300,000.00) Dollars."

John J. Lombardi pm
Council President John J. Lombardi

Balbina A. Young pm
Council President Pro Tempore
Balbina A. Young

Ronald W. Allen pm
Majority Leader Ronald W. Allen

Rita M. Williams pm
Deputy Majority Leader
Rita M. Williams

Josephine J. DiRuzzo pm
Josephine J. DiRuzzo

Peter S. Mancini pm
Peter S. Mancini

Kevin Jackson pm
Kevin Jackson

Carol A. Romano pm
Carol A. Romano

Luis A. Aponte pm
Luis A. Aponte

AUG 29 3 40 PM '02

FILED

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 522

EFFECTIVE ~~APPROVED~~ SEPTEMBER 16, 2002

WHEREAS, Rhode Island Hospital is the owner of real estate located in the City of Providence in the area around Eddy Streets on which the principal part of its campus is located; and

WHEREAS, Emergency services provided by Rhode Island Hospital and furnished at the existing Davol Emergency Department which is located in the Davol Building on Dudley Street and which houses the only Level 1 trauma unit in the City of Providence and the State of Rhode Island and is one of the busiest emergency departments in the northeastern United States; and

WHEREAS, The Davol Emergency Department is currently over utilized and has inadequate space for medical professionals, patients, and their families; and

WHEREAS, The impact of the inadequacy of the Davol Emergency Department has been to inhibit the ability of Rhode Island Hospital to provide the level of quality, efficiency, accessibility, and safety of emergency services needed by the target population, a substantial number of whom are either residents of the City of Providence or individuals who are employed in the City of Providence; and

WHEREAS, Rhode Island Hospital proposes to expand its Emergency Department in order to address and reverse the overcrowded space conditions that have resulted in lower levels of quality and efficiency in the delivery of emergency care than desired, the lack of patient/family privacy and confidentiality, excessive waiting times before receiving treatment, and safety issues for both patients and employees; and

WHEREAS, The expanded Emergency Department will consist of a state-of-the-art emergency facility comprised of 51,000 square feet of usable space and an additional 5,000 square feet of space to support mechanical functions; and

WHEREAS, In order not to displace current services being provided to patients by Rhode Island Hospital and to minimize possible disruption of services during the construction period, the new facility will extend south from the current Davol Emergency Department, above Dudley Street, and connect with the existing Physicians Office Building located on the south side of Dudley Street; and

WHEREAS, The City of Providence desires for Rhode Island Hospital to maintain a first class Emergency Department which will have the capacity to serve residents of the City of Providence and

IN CITY COUNCIL
MAY 16 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS

AND

IN CITY COUNCIL
MAY 16 2002
FIRST READING
REFERRED TO COMMITTEE ON
CITY PROPERTY

THE COMMITTEE ON

Public Works & City Property
Recommends Be Continued
Claire Bestard
Aug. 19, 2002
CLERK

Councilwoman Young (By Request)

WHEREAS, The City of Providence agrees that locating the expanded Emergency Department over Dudley Street is not only the least disruptive method of expanding Rhode Island Hospital's emergency capacity, but is also a commendable design to improve the quality of care provided to patients and their families; and

WHEREAS, The City of Providence is willing to grant Rhode Island Hospital the exclusive right to use the air space over Dudley Street on the following conditions:

(1) Rhode Island Hospital will make a one time payment of Three Hundred Thousand (\$300,000.00) Dollars to the City of Providence;

(2) Rhode Island Hospital shall use the designated air space for its expanded Emergency Department, and supporting functions and systems allied thereto, and/or for such other hospital, clinical, research, administrative, and other uses as Rhode Island Hospital or its not-for-profit successors and assigns determine from time to time; and

(3) That location of a facility in the designated air space is not injurious to public health, safety, or welfare; and

(4) That the proposed facility to be constructed by Rhode Island Hospital, in part, in the designated air space, is within the Hospital's institutional zone; and

(5) That the proposed facility to be constructed by Rhode Island Hospital, in part, in the designated air space shall comply with the requirements of the City of Providence concerning the minimum distance between the grade of Dudley Street and the horizontal plane of the bottom of the proposed facility, which minimum distance, as of the date hereof, is fourteen (14) feet; and

(6) That a public liability insurance certificate in an amount not less than Ten Million (\$10,000,000) Dollars will be filed with the City of Providence, naming the City of Providence as an additional insured, as its interests may appear, in connection with any claims asserted against the City of Providence arising out of injuries or damages relating to the construction or location of a facility in the air space above a City street; and

(7) That the City of Providence formalize the right by Rhode Island Hospital and its not-for-profit successors and assigns, to use the designated air space by granting an easement to the air space above Dudley Street for the construction, operation, repair, maintenance, and possible upward expansion of a facility located, in part, in the designated air space; and

(8) That the initial term of the easement shall commence on the date the written easement is recorded in the Land Evidence Records of the City of Providence and shall expire on the earlier to occur of (a) the date on which the facility in question is no longer used for hospital services by Rhode Island Hospital or its not-for-profit successors and assigns, which, for this purpose, shall include clinical, research, medical office, and/or associated administrative uses; and (b) fifty (50) years following the commencement date of the easement. If, upon the expiration of the initial term of the easement, the facility in question is still used by Rhode Island Hospital or its not-for-profit successors and assigns for hospital services, the term of the easement, for no additional consideration and without the need for the execution of any further documentation, shall automatically be deemed to have been extended for an additional term which shall expire on the earlier to occur of (a) the date on which the facility in question is no longer used by Rhode Island Hospital or its not-for-profit successors and assigns for hospital services and (b) fifty (50) years following the commencement date of the renewal term of the easement. The term of the easement shall be automatically extended thereafter for additional terms on the same basis.

(9) That Rhode Island Hospital agree to indemnify the City of Providence and hold it harmless against all claims and actions which may arise out of the negligence of Rhode Island Hospital and any of its affiliates in connection with their use of the designated air space; and

NOW, THEREFORE, BE IT RESOLVED, That His Honor, the Mayor, is hereby authorized and directed to execute any and all documents consistent with this Resolution as may be necessary and appropriate in order to grant to Rhode Island Hospital, its affiliates, and not-for-profit successors and assigns, an exclusive easement to use air space over a designated portion of Dudley Street in consideration of a one-time payment by Rhode Island Hospital to the City of Providence in the amount of Three Hundred Thousand (\$300,000) Dollars.

IN CITY COUNCIL
SEP 5 2003
READ AND PASSED

Baltona Gray
PRES. PRO TEMPORE
Michael R. Clement
CLERK

Effective without the
Mayor's Signature:

Michael R. Clement
Michael R. Clement
City Clerk

A.P. 22 LOT 349
N/F RHODE ISLAND
HOSPITAL

CITY LAYOUT LINE

445'± TO CENTER
LINE OF EDDY ST.

DUDLEY STREET
(PUBLIC - 50.15' WIDE)

AERIAL EASEMENT
6,284 SF±

FACE OF CURB

CITY LAYOUT LINE

A.P. 46 LOT 44
N/F RHODE ISLAND
HOSPITAL

A.P. 46 LOT 593
N/F RHODE ISLAND
HOSPITAL

A.P. 46 LOT 37
N/F RHODE ISLAND
HOSPITAL

CULVER STREET
(PUBLIC - 40.12' WIDE)

A.P.

BLACKSTONE STREET
(PUBLIC - 40.12' WIDE)

Vanasse Hangen Brustlin, Inc.

RHODE ISLAND HOSPITAL
EMERGENCY DEPARTMENT
PROPOSED AERIAL EASEMENT PLAN

Figure 1
July 11, 2002

↑
NO SCALE



NOTE: FOR CONCEPT REVIEW ONLY.



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: October 30, 2002

TO: Mr. Joseph Chiodo, City Controller

SUBJECT: CHECK DEPOSITED FOR AIR RIGHTS OVER DUDLEY STREET EMERGENCY DEPARTMENT

CONSIDERED BY: Anna M. Stetson, Second Deputy City Clerk

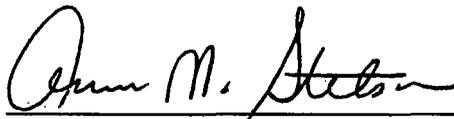
DISPOSITION: Accompanying is check number 102011101 with Bank Boston Maine, N.A. in the amount of \$300,000.00 from Rhode Island Hospital., for deposit for the air space over Dudley Street Emergency Department, to be deposited into the Sale of Real Estate Account (856-4-00000-2500).

cc: Samuel Shamon, Director of Planning and Development
John D'Amico, Senior Assistant City Solicitor
Barbara Troncy, Acting Recorder of Deeds
Irene Testa, Traffic Engineer
Ferdinand Ihenacho, Director of Public Works

Anna M. Stetson
Second Deputy City Clerk

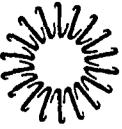
RECEIPT

Received of Rhode Island Hospital., Check No. 102011101,
Bank Boston Maine, N.A. , in the amount of Three Hundred
Thousand (\$300,000.00) Dollars, for deposit for air rights over
Dudley Street Emergency Department.



Anna M. Stetson
Second Deputy City Clerk

Dated: October 30, 2002



Rhode Island Hospital

A Lifespan Partner

PROVIDENCE, RI 02903

Vendor Number: 239608

Vendor Name: CITY OF PROVIDENCE

Check Number: 102011101

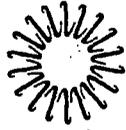
Check Date: 10/30/02

Customer Number:

Vendor Category: All

Invoice No.	Invoice Date	PO Number	Comments	Gross Amount	Discounts	Net Check Amount
DUDLEY102902	10/30/02		Air Space over Dudley St Emergency Dept	300000.00	0.00	300000.00
					Gross Check Amount	300000.00

BANK BOSTON MAINE, N.A.



Rhode Island Hospital

A Lifespan Partner

PROVIDENCE, RI 02903

52-153

112

CHECK NUMBER	DATE
102011101	10/30/02

AMOUNT
\$ 300,000.00

Pay *Three Hundred Thousand Dollars and 00 Cents*

TO THE
ORDER
OF

CITY OF PROVIDENCE
190 DYER STREET
PROVIDENCE, RI 02903

George A. Occlusione



⑈ 102011101 ⑈ ⑆ 011201539 ⑆ 80 045 37 ⑈