THE CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 101

Approved March 3, 2003

IT IS HEREBY RESOLVED, That His Honor the Mayor, is authorized to grant a non-exclusive sub-surface easement below George Street in the City of Providence to Brown University ("Petitioner"). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of electrical services. Said easement shall not exceed the area indicated by the cross-hatched area on the accompanying maps 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. Additionally, said easement shall be for a term of not more than twenty (20) years.

4. Petitioner shall tender the sum of One Thousand Eight Hundred ($1,800.00) Dollars in legal tender of the United States of America.

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 mechanism shall be to the approval of the Director of the Department of Inspection & 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 10 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. Stec

CLERK

THE COMMITTEE ON

PUBLIC WORKS

Approves Recommendation of

The Within Resolution

Ann M. Stec

11-7-02 C

9. Petitioner 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. Petitioner shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars ($100,000.00) which policy shall be approved by the Department of Law of the City of Providence.

11. Petitioner shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.

12. Petitioner recognizes the applicability of Sections 23-107, 23-108 and 23-109 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 our 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.

13. Petitioner shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works and Petitioner, 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.

14. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon the ninety (90) days notice hereinbefore mentioned, Petitioner shall, at its own expense, and without claim against the City, its Officers, servants or employees, for any damages whatsoever, remove said improvements to the easement area.

15. 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 and the Department of Law.

IN CITY COUNCIL
FEB 20 2003
READ AND PASSED

PRES.

First Deputy CLERK

APPROVED

MAYOR

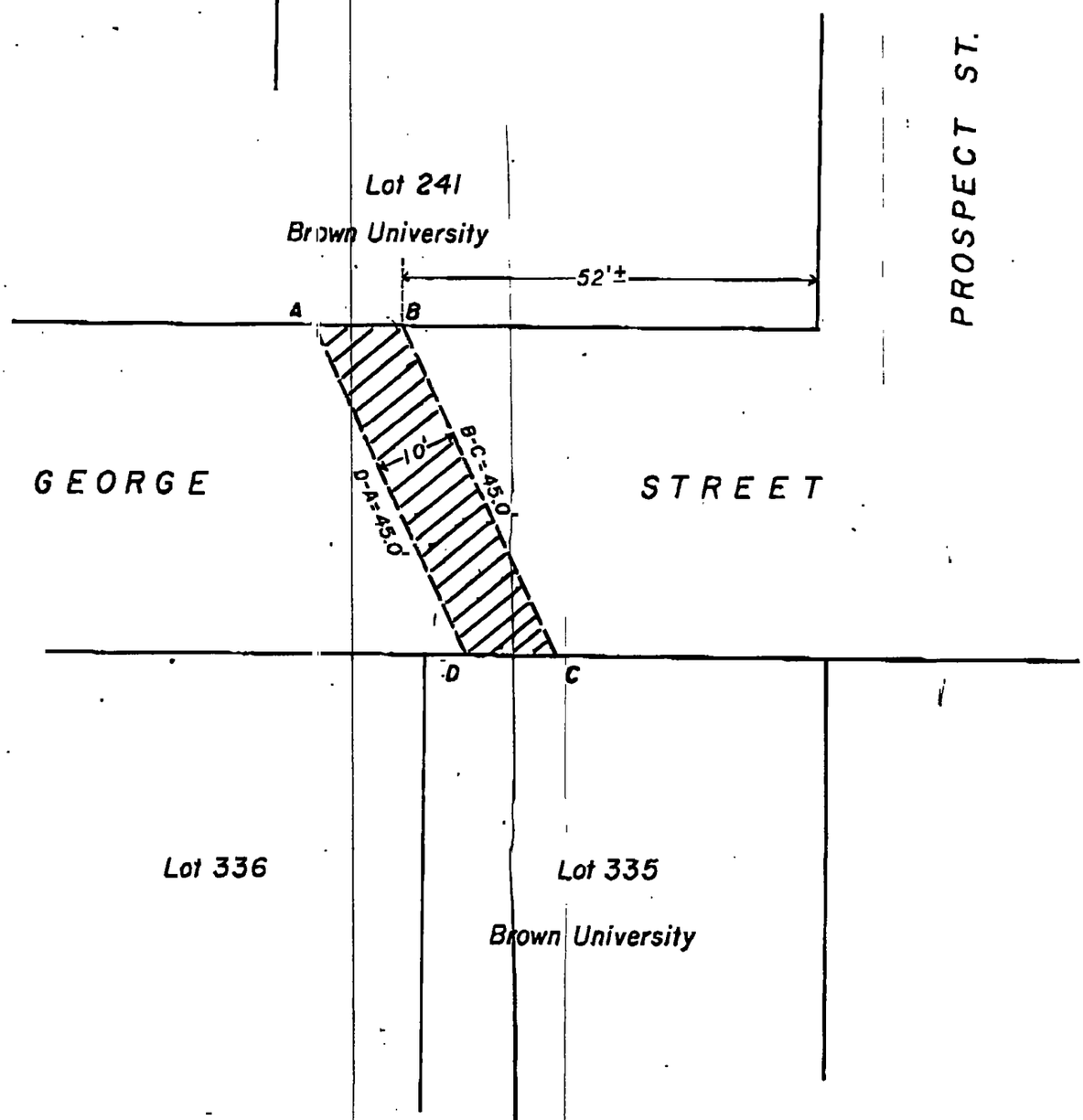
March 3, 2003

FILED

FEB 14 4 20 PM '03

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

PROVIDENCE, R. I.
P. W. DEPT. • ENGINEERING OFFICE
STREET LINE SECTION
Plan No 064722
Date Oct. 4, 2002



NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed easement for underground utilities. (electric and water)
Total square footage = 450± ft.

Lot numbers taken from A.F. 12.

CITY OF PROVIDENCE, R. I.
Public Works Dept. • Engineering Office
Showing proposed easement for underground utilities (Brown U.)
Drawn by A. Zisiades Checked by
Scale 1"=20' Date 10-4-2002
Correct James A. Marrin Associate Engr.
Approved Mahlon Nepali CHIEF ENGINEER

768
P-4

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IN CITY COUNCIL
FEB 20 2003
READ AND PASSED

PRES.

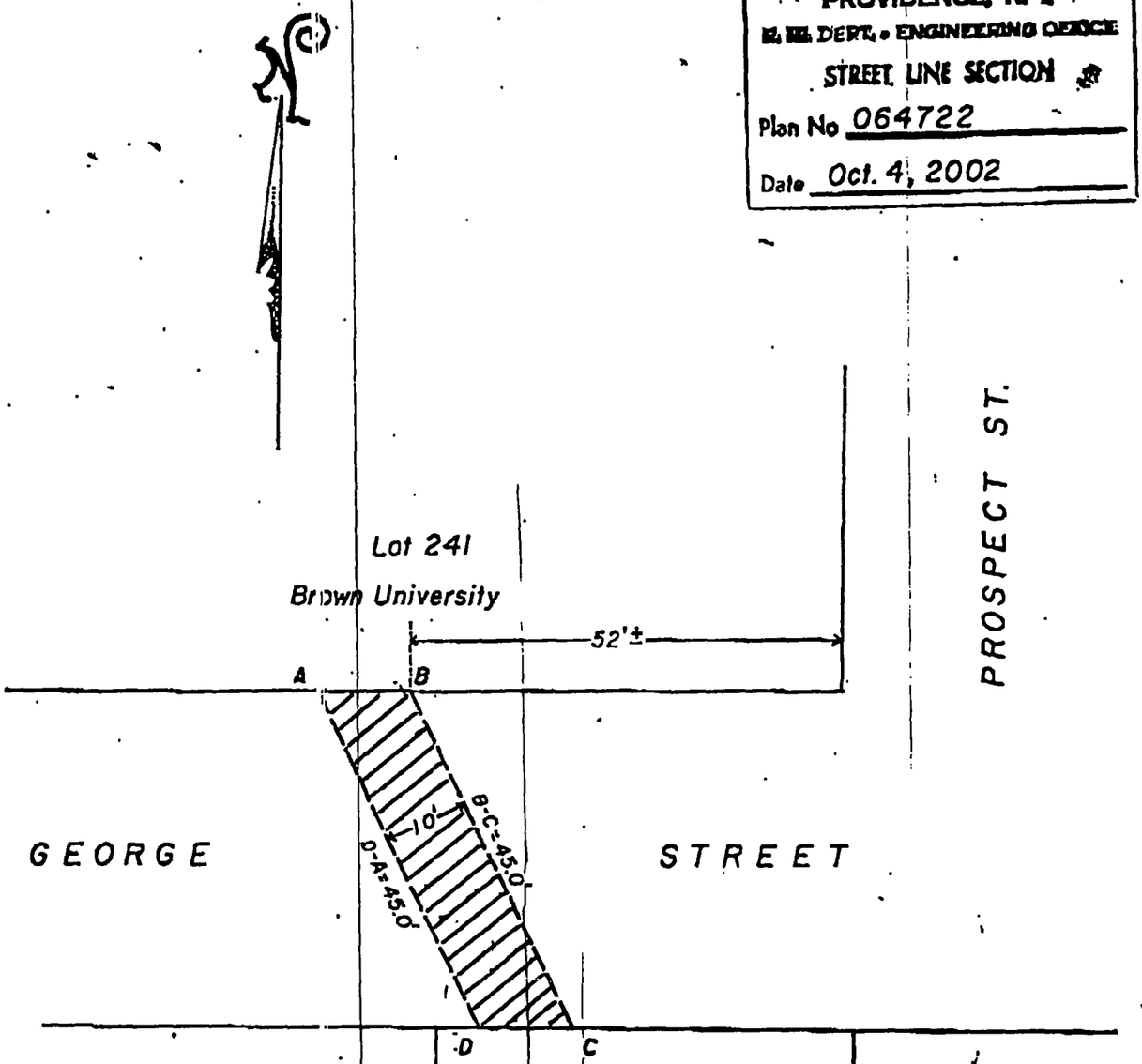
First Deputy CLERK

APPROVED

MAYOR March 3, 2003

A true copy
Attest:
Michael R. Clement
City Clerk

PROVIDENCE, R. I.
E. & W. DEPT. • ENGINEERING OFFICE
STREET LINE SECTION
Plan No 064722
Date Oct. 4, 2002



PROVIDENCE, RI
RECEIVED FOR RECORD
2003 MAR 27 P 2:50
ACTING RECORDER OF DEEDS
Acting Recorder of Deeds

NOTES: Cross-hatched area (A-B-C-D-A) indicates proposed easement for underground utilities. (electric and water)
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CITY OF PROVIDENCE, R. I.
Public Works Dept. • Engineering Office
Showing proposed easement for underground utilities (Brown U.)
Drawn by A. Zisiades Checked by JLC
Scale 1"=20' Date 10-4-2002
Correct James A. Mercier Associate Engr.
Approved Melvin Nigelli CHIEF ENGINEER

Lot numbers taken from A.F 12.

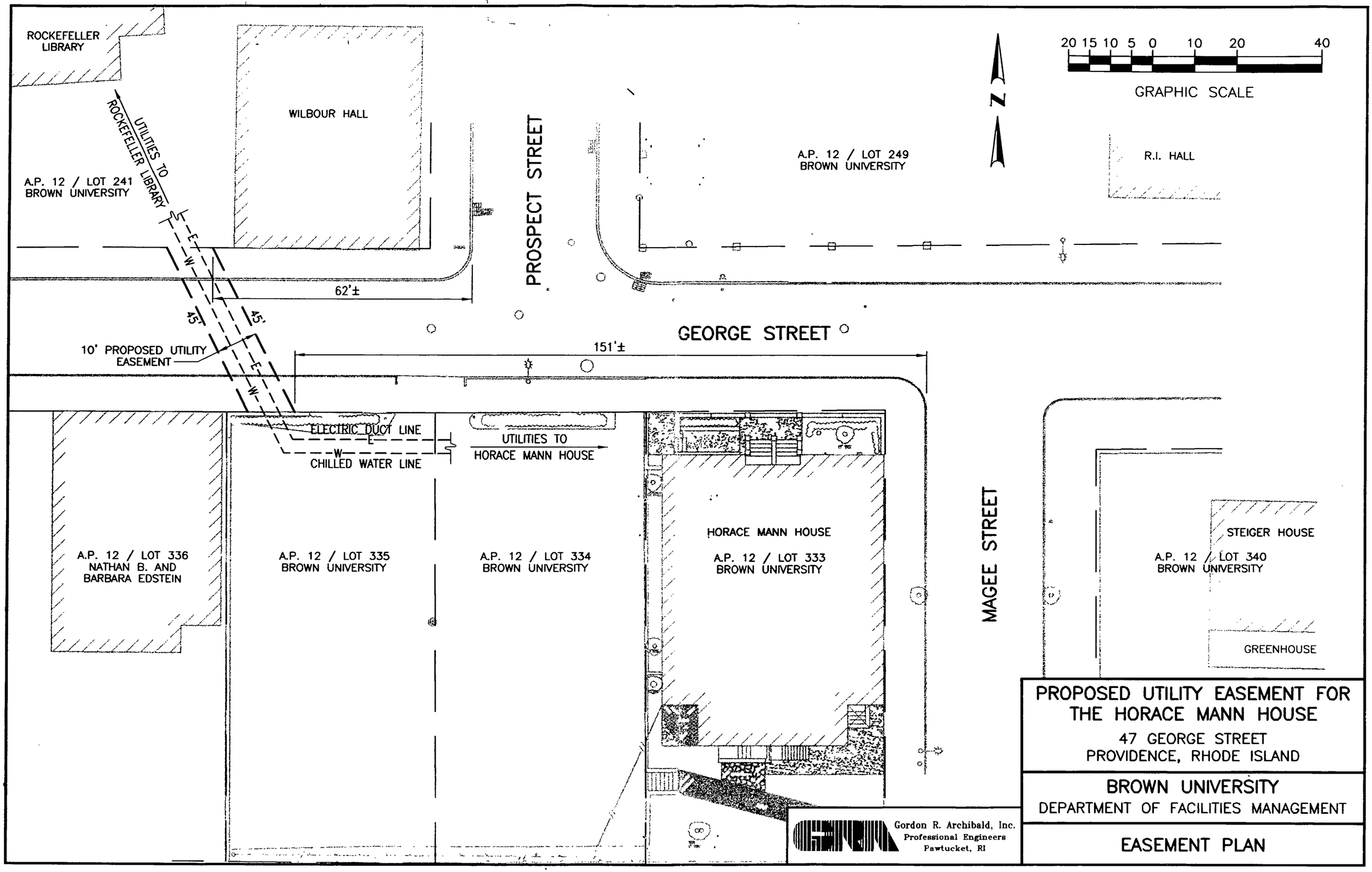
5667 / 171-174

PROVIDENCE, RI
RECEIVED FOR RECORD

2003 MAR 27 P 2:50

ACTING RECORDER OF DEEDS

23722

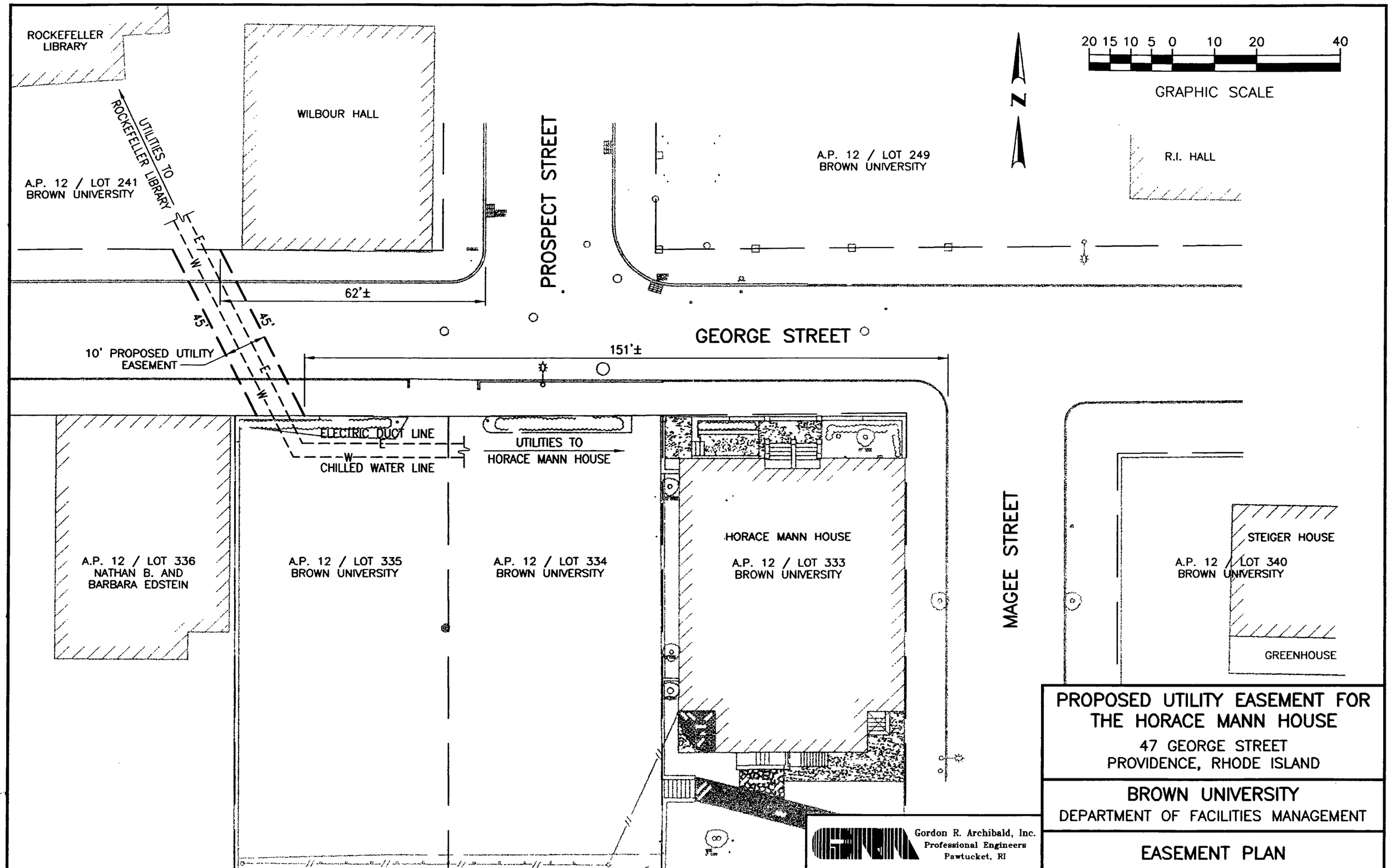


PROPOSED UTILITY EASEMENT FOR THE HORACE MANN HOUSE

47 GEORGE STREET
PROVIDENCE, RHODE ISLAND

BROWN UNIVERSITY
DEPARTMENT OF FACILITIES MANAGEMENT

EASEMENT PLAN



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PROVIDENCE, RHODE ISLAND

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