

**Attachment 13**

**City of Pawtucket Boat Landing Property Easement**

6

EASEMENT AGREEMENT

This EASEMENT AGREEMENT (the "Agreement") is made and entered into as of the 27<sup>th</sup> day of March, 2012, by and between The City of Pawtucket, with a mailing address of 137 Roosevelt Avenue, Pawtucket, RI 02860, hereinafter referred to as the "GRANTOR", and the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, with an address of 235 Promenade Street, Providence, RI 02908, hereinafter referred to as the "STATE".

WHEREAS, the City of Pawtucket is the owner of real property located on Taft Street and adjacent to the Blackstone River in the City of Pawtucket, County of Providence, State of Rhode Island (also identified as City of Pawtucket Assessor's Plat 54, Lot 827, a portion of which is hereinafter referred to as the "Premises," which real property is bounded and described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, the STATE desires to acquire certain easements to the Premises for the purpose of a staging area to be used for constructing a fish ladder on the Main Street Dam to provide access for migrating river fish.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTOR grants to the STATE, its successors and assigns, on the terms and conditions contained herein:

- A. The temporary easement and right of way to use the Premises as a staging areas for the construction of a fish ladder on the Blackstone River over the Main Street Dam to provide passage for migrating river fish, all within the area described on Exhibit "A" attached hereto. The temporary easement shall commence upon notification to GRANTOR of the commencement of construction and shall terminate no later than two years after commencement of construction unless mutually agreed to by STATE and GRANTOR.

It is the intention and agreement of the parties hereto that:

1. The exercise of the rights under this Agreement shall be at the sole cost and expense of the STATE.
2. The STATE shall be entitled to enter upon the Premises with such servants, agents, employees, machinery and equipment as may be required to construct the fish ladder on the Main Street Dam to provide access for migrating river fish as may be required to insure the safe and adequate functioning of the fishway.
3. In connection with all use of and work in the staging area to be performed by or on behalf of the STATE from time to time, the STATE agrees that such use and work shall be performed in a prompt, efficient and continuous manner.
4. The STATE shall be solely and completely obligated to repair any damage to the Premises caused by such use and work.

- 5. The STATE may cut and remove selected vegetation and debris on the Premises that may interfere with the use of the property as a staging area. Prior to the removal of any trees, the STATE must receive written permission from the GRANTOR.
- 6. This Agreement is executed, delivered and accepted upon the express terms, covenants and conditions contained herein, which terms, covenants and conditions shall be binding upon and inure to the benefit of the parties hereto and their successors, and assigns. This Agreement is intended to be governed by and construed in accordance with the laws of the State of Rhode Island. This Agreement may not be amended or modified except pursuant to a written agreement signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS:

[Signature]

CITY OF PAWTUCKET

[Signature: Joanna L'Heureux]

By: Joanna L'Heureux  
Its: Director of Finance

WITNESS

[Signature]

STATE OF RHODE ISLAND,  
DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

[Signature]

By: Janet L. Coit  
Its: Director

Approved this 27<sup>th</sup> day of March, 2012, by the State Properties Committee.

APPROVED AS TO  
TERMS AND CONDITIONS:

[Signature]  
Chairman, State Properties Committee

APPROVED AS  
TO FORM:

[Signature: Richard B. Wroolley] ASST. AG.  
Attorney General

APPROVED AS TO  
SUBSTANCE:

[Signature: John P. Ryan]  
Director of Administration, JOHN P. RYAN

APPROVED:

[Signature]  
Public Member, State Properties Committee

APPROVED:

[Signature]  
Public Member, State Properties Committee

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In Providence, in said County and State, on the 9 day of February, 2012, before me personally appeared Joanna L'Heureux, the Finance Director [title] of the CITY OF PAWTUCKET, to me known and known by me to be the party executing the foregoing instrument for and on behalf of the CITY OF PAWTUCKET and he acknowledged said instrument by him executed to be his free act and deed, his free act and deed in his capacity as aforesaid, and the free act and deed of the OLD SLATER MILL ASSOCIATION.

[Signature]  
Notary Public

My Commission Expires:

Richard M. Bianculli Jr.  
Notary Public # 58013  
My Commission Expires  
4-17-2014

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

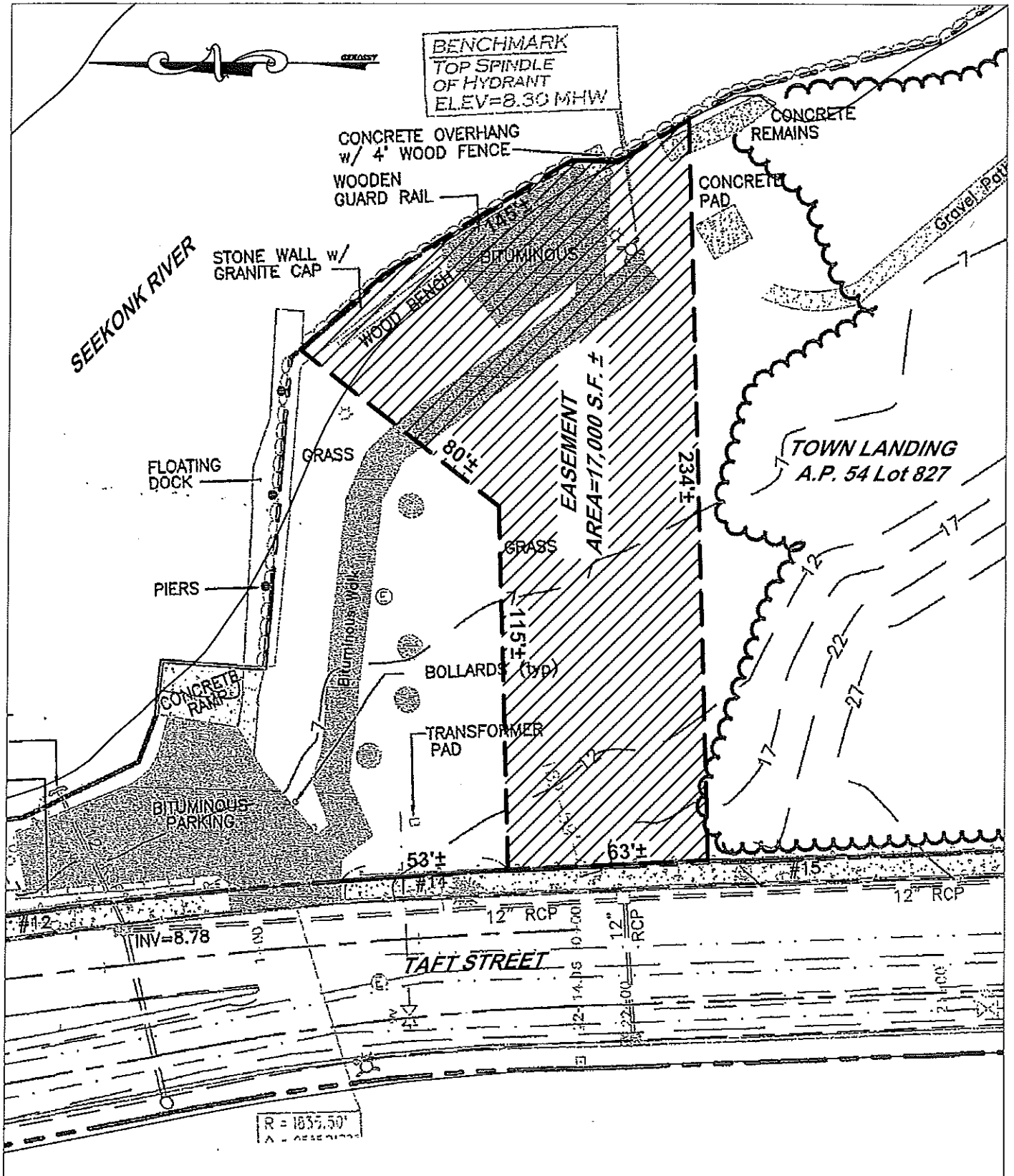
In Providence, in said County and State, on the 26 day of March, 2012, before me personally appeared Janet L. Coit, Director of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, to me known and known by me to be the party executing the foregoing instrument for and on behalf of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and she acknowledged said instrument by her executed to be her free act and deed, her free act and deed in her capacity as aforesaid, and the free act and deed of the STATE OF RHODE ISLAND, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

[Signature]  
Notary Public

My Commission Expires:

5170 3/2015

# ATTACHMENT "A"



**PLAN OF EASEMENT AT TOWN LANDING**  
 CITY OF PAWTUCKET TO RHODE ISLAND  
 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 FOR THE FISH LADDER PROJECT

SCALE: 1"=40'  
 JANUARY 19, 2012

# City of Pawtucket

## RESOLUTION OF THE CITY COUNCIL

APPROVED 1/26/2012

### RESOLUTION OF THE CITY COUNCIL CONVEYING A TEMPORARY EASEMENT FOR A PORTION OF THE TOWN LANDING SITE (ASSESSOR'S PLAT 54, LOT 827) TO THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### *Resolved,*

WHEREAS, Rhode Island Department of Environmental Management (the State) is undertaking the construction of Fish Ladders at the Slater Mill and Main Street dams in the City of Pawtucket, and

WHEREAS, the State has requested that the City of Pawtucket grant them a temporary construction easement over, through, across and upon a portion of Town Land (Lot 827 on Plat 54), which is owned by the City of Pawtucket, for the purposes of storing construction equipment and having access to the Blackstone River, and

WHEREAS, the State has offered the sum of Ten Dollars (\$10.00) for the approximately 17,000 square foot easement, and

WHEREAS, said easement shall contain approximately 17,000 square feet of land and is located and configured in accordance with the attached plan; and

WHEREAS, said temporary easement shall commence upon notification to the City of Pawtucket of the commencement of construction and shall terminate no later than June 1, 2014, unless mutually agreed to by the State and City of Pawtucket, and

WHEREAS, the granting of this construction easement will facilitate the construction of the two fish ladders at the Slater Mill and Main Street dams, which will provide significant statewide environmental benefits, and