Minute No. 615
Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 22 **Manitoba Organization of Disc Sports Utilization of Maple Grove Park**
File PR-7(35)

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the concept plan outlined on Appendix A to the report from the Director of Planning, Property and Development dated May 29, 2006, for the redevelopment of Maple Grove Park be endorsed.

2. That the funding partnership model outlined on Appendix B to the report from the Director of Planning, Property and Development dated May 29, 2006, for Phase One of the development of a portion of Maple Grove Park be approved.

3. That the Land Lease Agreement be approved in favour of Manitoba Organization of Disc Sports, for the development and maintenance of Athletic Fields identified as "Leased Area" on Misc. Plan No. 12827 in accordance with the terms and conditions as outlined in the "Offer to Lease" shown as Appendix C to the report from the Director of Planning, Property and Development dated May 29, 2006, and any other such terms, conditions and amendments deemed necessary by the Director of Planning Property and Development and the City Solicitor/Manager of Legal Services to protect the City's interest.

4. That pursuant to Subsection 11(2.1) of The Municipal Assessment Act, the Community Groups Occupying City-owned Facilities By-law No. 89/2005 be amended to add the Leased Area identified on Misc. Plan No. 12827.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - June 6, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and directed the Administration to:

1. Establish a Project Advisory Committee with the stakeholders of the Park to ensure ongoing liaison and continuity with the stakeholders of the Park during the project implementation stage.

2. Negotiate a Project Development Agreement with the Manitoba Organization of Disc Sports including a provision that all drawings and specifications be subject to the approval of the Director of Planning, Property and Development.

3. Negotiate separate management agreements with the Maple Grove Park Dog Owner's Association and the Manitoba Organization of Disc Sports.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 18, 2005, the Riel Community Committee concurred in the administrative recommendation outlined in the administrative report dated October 7, 2005, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Manitoba Organization of Disc Sports Utilization of Maple Grove Park

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: May 29, 2006

RECOMMENDATION:

1. That the Standing Policy Committee on Property and Development endorse the attached concept plan (Appendix A) for the redevelopment of Maple Grove Park.
2. That the Standing Policy Committee on Property and Development approve the proposed funding partnership model (Appendix B) for phase one of the development of a portion of Maple Grove Park.
3. Subject to Recommendation No. 1, Council approve the propose Land Lease Agreement in favour of Manitoba Organization of Disc Sports, for the development and maintenance of Athletic Fields identified as "Leased Area" on Misc. Plan No. 12827 in accordance with the terms and conditions as outlined in attached "Offer to Lease" (Appendix C) and any other such terms, conditions and amendments deemed necessary by the Director of the Planning Property and Development Department and by the City Solicitor/Manager of Legal Services to protect the City's interest.
4. That Council amend by-law 89/2005 to add the Leased Area to the list of properties exempt from taxation, pursuant to section 11(2.1) of The Municipal Assessment Act.
5. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

Key Issues:

- Consensus has been reached among all major Maple Grove Park stakeholders, including representatives from the Maple Grove Rugby Park; St. Vital Mustangs Football Club; Manitoba Organization of Disc Sports (MODS), and the Maple Grove Park Dog Owner's Association, regarding the attached Concept Plan which enables the Manitoba Organization of Disc sports to construct up to nine Ultimate Frisbee fields.
- Only the first Phase of the project is considered in this report.
- Manitoba Organization of Disc Sports is a registered non-profit organization.
- All lands identified within this report are owned by the City and zoned PR2 – Park and Recreation District; therefore, the proposed Land Lease requires consideration and approval by Council by at least two-thirds majority.
- The Leased Area needs to be added to By-law 89/2005 in order that it be exempt from taxation.

Implications of the Recommendation(s):

General Implications

(X) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

On November 1, 2005 the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and directed the Administration to:

1. Establish a Project Advisory Committee with the Stakeholders of the Park to ensure ongoing liaison and continuity with the stakeholders of the Park during the project implementation stage.
2. Negotiate a Project Development Agreement with the Manitoba Organization of Disc Sports including a provision that all drawings and specifications be subject to the approval of the Director of Planning, Property and Development.
3. Negotiate separate management agreements with the Maple Grove Park Dog Owner's Association and the Manitoba Organization of Disc Sports.

The Department has negotiated the terms and conditions of a proposed lease in favour of Manitoba Organization of Disc Sports for the development and maintenance of new athletic fields at Maple Grove Park.

Leases of parkland over five years in length are to be referred to Council for approval by at least two-thirds majority.

HISTORY:

In the spring of 2004 the Manitoba Organization of Disc Sports (MODS) approached the City requesting land for an Ultimate Frisbee Park. MODS asked that they be allowed to lease one of the following sites: The City-owned land immediately north of the Perimeter Hwy between the Red River and Main Street; land in the northwest corner of Waverley West; and land in Maple Grove Park.

On October 18, 2005, the Riel Community Committee concurred in the administrative recommendation and recommended that the Standing Policy Committee on Property and Development direct the Administration to:

1. Establish a Project Advisory Committee with the Stakeholders of the Park to ensure ongoing liaison and continuity with the stakeholders of the Park during the project implementation stage.
2. Negotiate a Project Development Agreement with the Manitoba Organization of Disc Sports including a provision that all drawings and specifications be subject to the approval of the Director of Planning, Property and Development.

3. Negotiate separate management agreements with the Maple Grove Park Dog Owner's Association and the Manitoba Organization of Disc Sports.

On November 1, 2005 the Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee.

DISCUSSION:

During the spring and summer of 2004, the Administration reviewed the proposal submitted by MODS. It was decided between the City Administration and MODS that the site at Maple Grove Park was the site best suited to the MODS proposal.

In September of 2004 a Working Group consisting of the major stakeholders of Maple Grove Park was established to review the MODS proposal. The Working Group included representatives of MODS, Maple Grove Rugby Park, St. Vital Mustangs Football Club, Maple Grove Park Dog Owner's Association, the Parks and Open Space Division of the Public Works Department, and the Planning and Land Use Division of the Planning, Property and Development Department.

The Project Advisory Committee (PAC), as directed by the Standing Policy Committee on Property and Development, was established in January of 2006 and included the same membership as the original Working Group with the exception of the addition of a representative of the Real Estate Division of the Planning, Property and Development Department.

The PAC reached consensus on a proposed concept plan for Maple Grove Park that will allow MODS to construct up to nine fields for the sport of Ultimate Frisbee. These fields will be designed in such a way so that secondary uses can be accommodated,(i.e. football, rugby, soccer etc.). A copy of the concept plan is attached as Appendix A and the proposed funding partnership model is illustrated in Appendix B.

It was confirmed by the PAC, as advised by the Real Estate Division, Planning Property and Development, that a formal Management Agreement was not the appropriate mechanism for either MODS or the Maple Grove Park Dog Owners. Neither of these groups is proposing the development of a building, as is the case in most formal Management Agreements.

The Maple Grove Park Dog Owner's Association was concerned with their ability to pay the insurance costs required for a Land Lease. As a result the Association requested that the City of Winnipeg increase the land area covered under the Association's current Adopt-a-Park agreement. A report regarding this change will be submitted at a future date by the Public Works Department.

In the case of MODS it was decided that a Land Lease would be a more appropriate mechanism. The Land Lease is the subject of the recommendations of this report.

The PAC has reached consensus on the general terms and conditions of the Project Development Agreement. The required elements of the project along with what group or groups are responsible for their funding is identified in Appendix B. In addition, the project has been divided into two phases to allow some of the project to be started this year.

- Phase one of the project is expected to begin construction this summer, subject to the final Project Development Agreement being signed by the Directors of Public Works and Planning, Property and Development Departments, and be finished in the spring of 2007. MODS and the Parks and Open Space of the Public Works department currently have identified the funding required to complete phase one of their part of the project.

- Phase two is expected to commence in 2008 at the earliest and may take until 2013 to be completed. The Maple Grove Park Dog Owner's Association and the Maple Grove Rugby Park have not yet identified the funding required for their parts of the project. These elements have been postponed to Phase Two of the project so that the MODS proposal can proceed.

The park will be fully functional with the implementation of phase one.

Subject to the approval of MODS' concept plan, as attached in Appendix A and the funding partnership model illustrated in Appendix B, the Department and MODS have agreed to negotiate the terms and conditions for the development and on-going maintenance of the athletic fields at Maple Grove Park, to the satisfaction of the Directors of the Public Works and Planning, Property and Development Departments.

The Leased Area is currently owned by the City and is therefore exempt from both municipal and school taxes. The Legal Services Division advised that with the development of the Leased Area and given the non-profit status of the organization and the intended use of the property, the Leased Area will meet the criteria necessary to be added to the list of properties exempted from taxation in accordance with Subsection 11(2.1) of The Municipal Assessment Act. By-law 89/2005 must be amended to effect this exemption.

Financial Impact Statement

Date: May 26, 2006

Project Name:

First Year of Program **2006**

Manitoba Organization of Disc Sports Utilization of Maple Grove Park

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ 41,458	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	41,458	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ 3,731	$ 3,731	$ 3,731	$ 3,731
Less: Incremental Revenue/Recovery	1,208	-	-	-	-
Net Cost/(Benefit)	$ (1,208)	$ 3,731	$ 3,731	$ 3,731	$ 3,731
Less: Existing Budget Amounts	(1,208)	3,731	3,731	3,731	3,731
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The above analysis reflects only phase 1 of this project. Capital expenditures in 2006 consist of the $40,250 in project costs + $805 in short-term financing charges + $403 in corporate admin fees. The latter two costs are offset by equal recoveries in the Corporate Finance Department's current budget. Direct costs from 2007 consist of debt and finance charges on the 2006 capital expenditure and will be charged to the Public Works Department's current budget.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Public Works Department

Legal Services Division, Corporate Services

Property Assessment Department

Corporate Finance Department

External Consultation With:

Manitoba Organization of Disc Sports

Maple Grove Rugby Park

St. Vital Mustangs Football Club

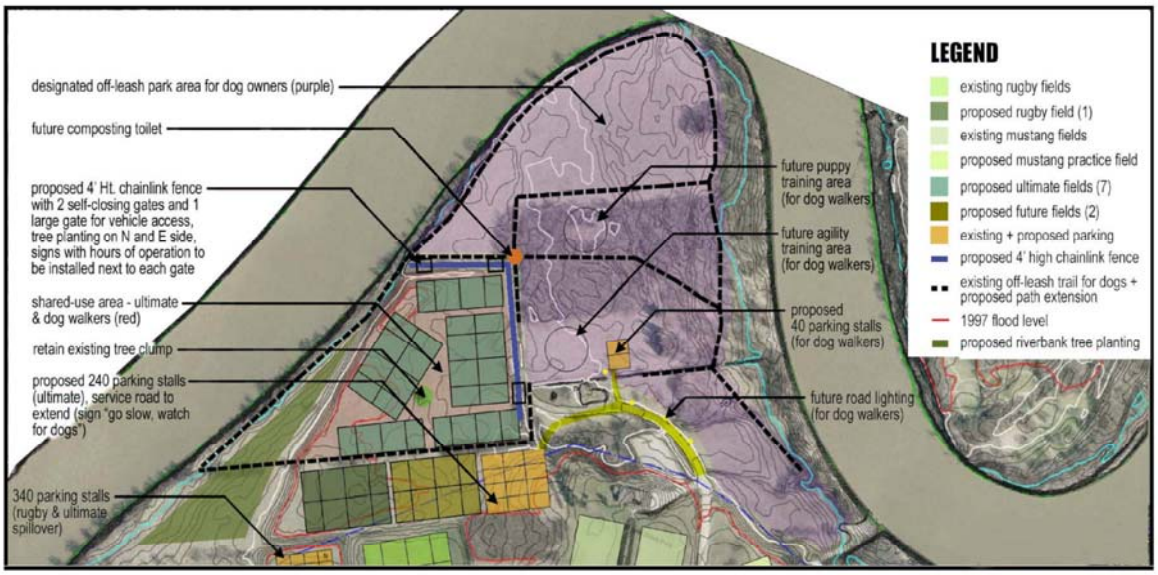
Maple Grove Park Dog Owner's Association

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: Kevin Nixon, Park Strategic Planner
PPD File No.

Document name: 0:\Reports Directive\Planning and Land Use\Parks, Riverbanks and Community Initiatives\Kevin Nixon\Mods at maple Grove council Approval.doc

Appendix A



Proposed MODS Ultimate Fields Site at Maple Grove Park - Concept Plan
May 2005

Manitoba Organization Of Disc Sports

Appendix B

Maple Grove Park Redevelopment Project - Class D Cost Estimate - with Phasing (May. 18, 2006)

Element	City	MODS	Dog Owners	Rugby	Total
Phase One					
4 Ultimate Fields		$160,000.00			$160,000.00
120 Stall Parking Lot		$120,000.00			$120,000.00
					$ -
Road Way	$16,666.67	$ 16,666.67			$ 33,333.34
Chain Link Fence (300 m; 4 ft)	$15,000.00	$ 15,000.00			$ 30,000.00
Planting	$ 1,666.67	$ 1,666.67			$ 3,333.34
Trash	$ 1,666.67	$ 1,666.67			$ 3,333.34
Sub total	$35,000.01	$315,000.01	$ -	$ -	$350,000.02
15% Contingency	$ 5,250.00	$ 47,250.00	$ -	$ -	$ 52,500.00
Total	**$40,250.01**	**$362,250.01**	**$ -**	**$ -**	**$402,500.02**
Phase Two					
5 Ultimate Fields		$200,000.00			$200,000.00
120 Stall Parking Lot		$120,000.00			$120,000.00
Field irrigation (9 fields)		$ 75,000.00			$ 75,000.00
Roadway Lighting	$ 6,000.00		$ 6,000.00		$ 12,000.00
1 Rugby Field				$80,000.00	$ 80,000.00
40 Stall Parking lot			$ 40,000.00		$ 40,000.00
Road Way			$ 16,666.67		$ 16,666.67
Planting			$ 1,666.67		$ 1,666.67
Trash			$ 1,666.67		$ 1,666.67
Dog Agility Area					$ -
Puppy Training Area					$ -
Composting Toilet	$66,666.67	$ 66,666.67	$ 66,666.67		$200,000.01
Sub Total	$72,666.67	$461,666.67	$132,666.68	$80,000.00	$747,000.02
15% Contingency	$10,900.00	$ 69,250.00	$ 19,900.00	$12,000.00	$112,050.00
Total	**$83,566.67**	**$530,916.67**	**$152,566.68**	**$92,000.00**	**$859,050.02**

Appendix C

OFFER TO LEASE

City Owned Property, Shown As "LEASED AREA"
On Attached Misc. Plan No. 12827
In Favour of Manitoba Organization of Disc Sports (MODS)

Use:	For the development, maintenance and use of athletic fields.
Initial Term:	One ten (10) year term, commencing on a mutually acceptable date.
Renewal Option:	Two five (5) year options to renew.
Initial Rental Rate:	**$1.00** per annum, plus GST.
Taxes:	Subject to MODS meeting the criteria under By-law 89/2005, exempt community groups from municipal taxes, to pay all municipal taxes, school taxes, local improvements, license fees, business tax, etc., plus GST, as may be applicable.
Insurance:	General Liability Insurance of at least $2,000,000.00, naming The City of Winnipeg as additional insured and containing a cross-liability clause.
City's Option To Cancel:	365 days written notice, unless the Leased Area is required for flood control or riverbank restoration, then the City will provide as much reasonable notice as possible.
Other:	The tenant understands and agrees that it is leasing the Leased Area on an **"as is"** basis. The development and maintenance of the Leased Area will be performed at the sole cost, expense and effort of MODS. And in accordance with the terms and conditions of a Project Agreement to be negotiated, including, obtaining all permits required to develop, occupy and utilize the Leased Area for its intended use. Any other terms and conditions and amendments as are deemed necessary by the Directors of the Planning, Property and Development Department, Public Works and by the City Solicitor/Manager of Legal Services to protect the City's interests.

MODS agrees to enter into with the City a Lease Agreement embodying the within terms and conditions and a Project Agreement terms and conditions to be negotiated all in a form satisfactory to the City Solicitor/Manager of Legal Services.

This proposed Offer to Lease is subject to final consideration and approval by the City of Winnipeg's Council, or its delegated authority.

I, Kyle Parker, on behalf of MODS hereby agree to enter into a lease agreement with the City of Winnipeg for the use of City owned lands identified as "Lease Area" on Misc. Plan No. 12827, attached, in accordance with the terms and conditions as outlined herein on this Offer to Lease.

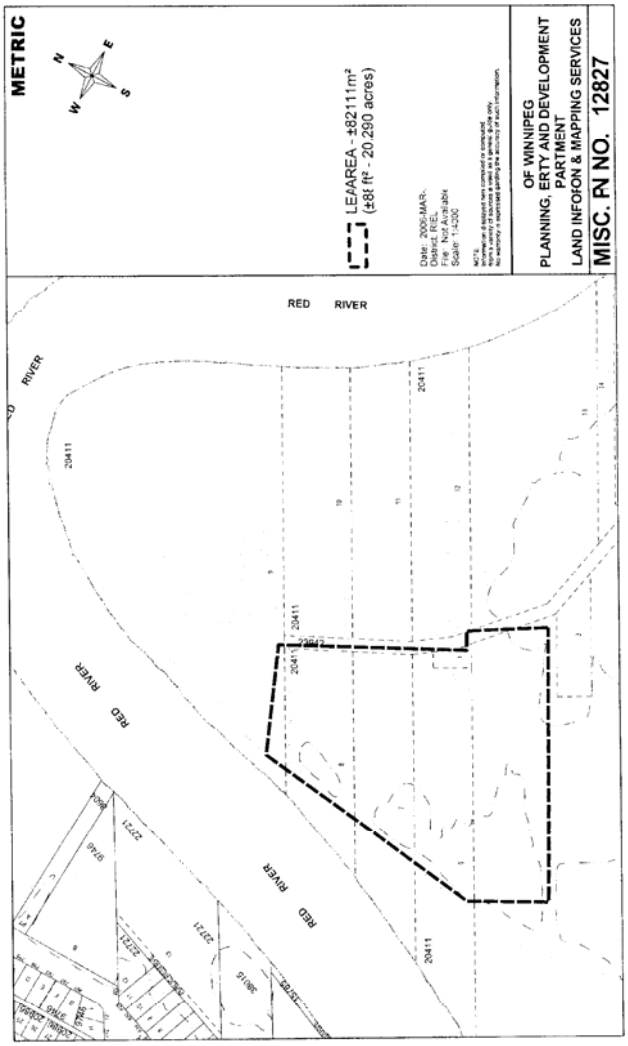
On Behalf of Manitoba Organization

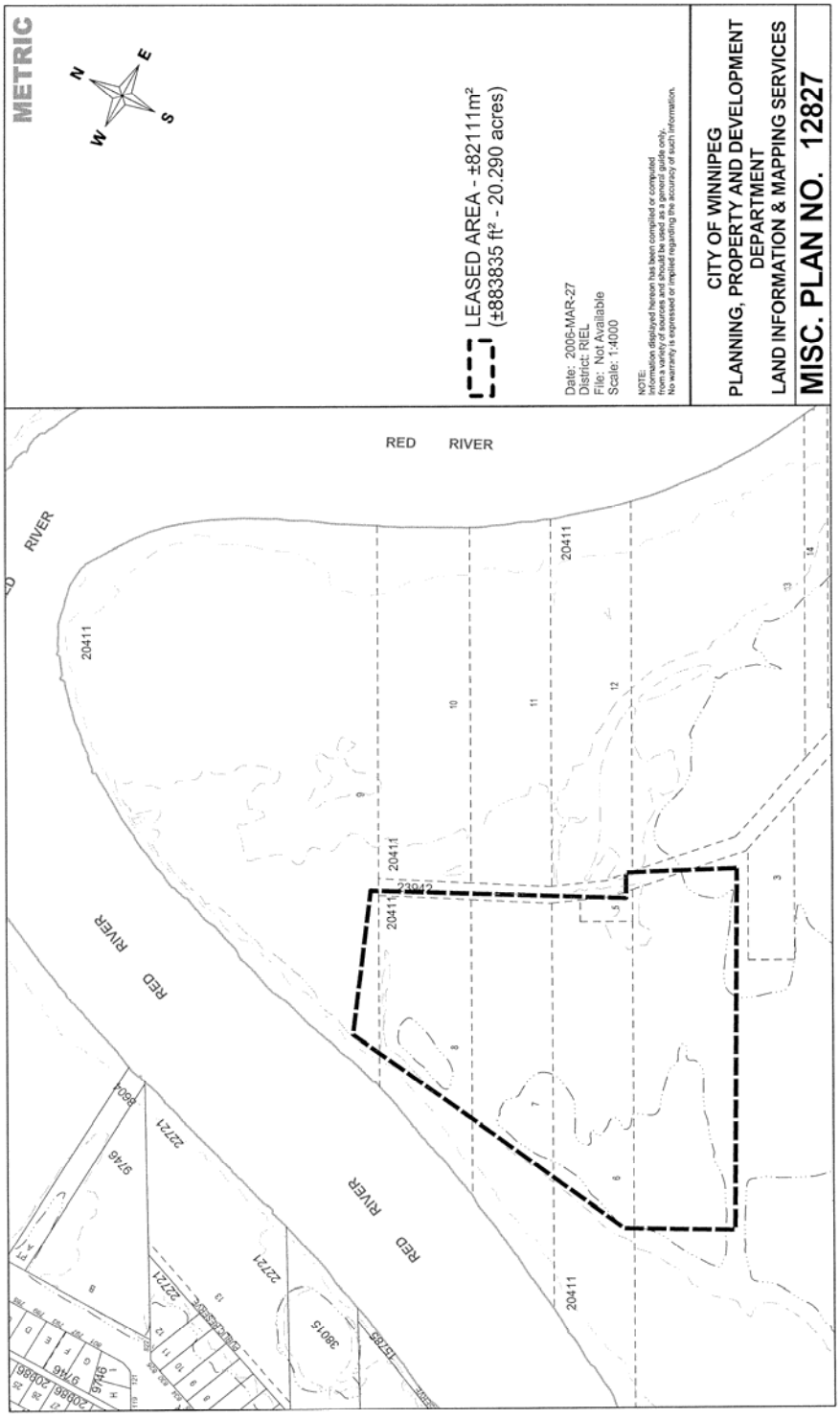
Of Disc Sports

April 20, 2006

Date

g:\leasing\mods - maple grove\offer to lease .doc


METRIC
N
E
S
W
LEA AREA - ±82111m²
(±8£ ft² - 20.290 acres)
Date: 2006-MAR-
District: REL
Fgr: Not Available
Scale: 1:4000
OF WINNIPEG
PLANNING, ERTY AND DEVELOPMENT
PARTMENT
LAND INFOIFON & MAPPING SERVICES
MISC. PI NO. 12827
RED RIVER
RED RIVER
RED RIVER
RED RIVER
20411
20411
20411


METRIC
N
E
S
W
LEASED AREA - ±82111m²
(±883835 ft² - 20.290 acres)
Date: 2006-MAR-27
District: RIEL
File: Not Available
Scale: 1:4000
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12827
RED RIVER
RED RIVER
RED RIVER
20411
23942
22721
38015
15785
9746
8604