Agenda - Council - February 21, 2007

Report - Standing Policy Committee on Property and Development - January 30, 2007

Item No. 8 Encroachment Agreement - Downtown Transcona Merchants Association Inc.
File ED(33)

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That an Encroachment Agreement in favour of the Downtown Transcona Merchants Association Inc. for the development and maintenance of an identification sign within the Regent Avenue West Right-of-Way, shown as 'Encroachment Area' on Misc. Plan No. 13040, be approved in accordance with the terms and conditions outlined on Schedule 'A' to the report from the Director of Planning, Property and Development dated January 5, 2007, the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and the City Solicitor / Manager of Legal Services to protect the City's interests.

2. 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 - January 30, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2007, 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 January 30, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: **Proposed Encroachment Agreement in favour of the Downtown Transcona Merchants Association Inc. for the Development and Maintenance of an Identification Sign Encroaching onto the Regent Avenue West Right-of-Way**
East Kildonan-Transcona Committee
Transcona Ward

FOR SUBMISSION TO: **Standing Policy Committee on Property and Development**

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

REPORT DATE: **January 5, 2007**

RECOMMENDATION:

1. That Council approve an Encroachment Agreement in favour of Downtown Transcona Merchants Association Inc. for the development and maintenance of an identification sign within the Regent Avenue West Right-of-Way, shown as 'Encroachment Area' on Misc. Plan No. 13040 attached, in accordance with the terms and conditions outlined on the attached Schedule 'A'; the Agreement to provide for such other terms and conditions as are 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 interests.

2. 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:

- The Planning, Property and Development Department has negotiated proposed terms and conditions of an Encroachment Agreement in favour of Downtown Transcona Merchants Association Inc. for the development and maintenance of an identification sign.

- This report seeks approval of the Encroachment Agreement as negotiated.

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

Policy Implications

(x) No

( ) Yes

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Environmental Implications

(x) No

( ) Yes

Human Resources Implications

(x) No

( ) Yes

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Report

REASON FOR THE REPORT:

Council has the authority to permit or license the use of a public Right-of-Way.

The Planning, Property and Development Department has negotiated the terms and conditions of an Encroachment Agreement in favour of Downtown Transcona Merchants Association Inc. to develop and maintain an identification sign within the Regent Avenue West Right-of-Way.

This report seeks Council's approval of the proposed Encroachment Agreement.

HISTORY:

Connelly Signs, on behalf of the Transcona Biz, submitted an encroachment application to the City's Zoning and Permits Branch for the proposed development and maintenance of an identification sign within the Regent Avenue West Right-of-Way.

The application was circulated to various City departments and public utilities for consideration and comments. No objections were received for the proposed development and use of the subject Right-of-Way.

Upon receiving no objections from the various City departments, the Planning, Property and Development Department issued a Permit and entered into a Release and Indemnity Agreement to permit the installation of the identification sign.

DISCUSSION:

Pursuant to Section 4(1)(d) of the City's Encroachment By-law No. 692/74, the Department has concluded its negotiations of an Encroachment Agreement with Downtown Transcona Merchants Association Inc. and both parties concur that the proposed terms and conditions are fair and reasonable. As well, the proposed terms and conditions are consistent with other such Encroachments Agreements for similar uses.

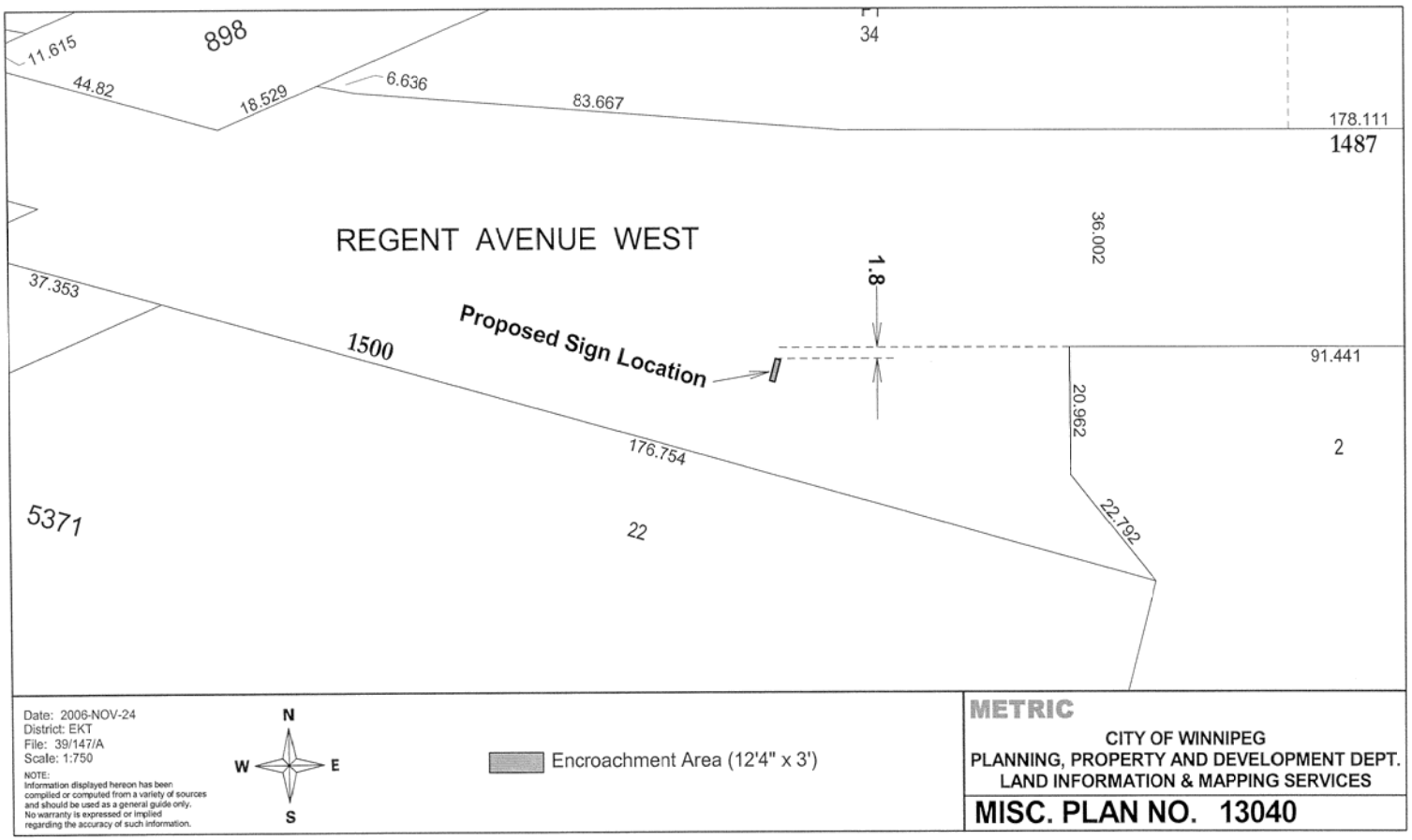
Briefly, the terms and conditions of the Encroachment Agreement agreed to by Downtown Transcona Merchants Association Inc. are as follows:

Use:	Development and maintenance of an identification sign
Area:	Shown and identified as 'Encroachment Area' on Misc. Plan No. 13040, attached
Term:	Annual Continuing, commencing January 1, 2007

Rental:	$43.00 per annum, plus GST, computed on the basis of the fees outlined in the City of Winnipeg encroachment By-Law No. 692/74 and amendments thereto, in event that the By-law is amended changing the fees charged for encroachments the rental paid under this agreement shall be adjusted accordingly, plus an initial administrative fee of $250.00 plus GST
Insurance:	Comprehensive General Liability Insurance of at least $2,000,000.00, naming City of Winnipeg as additional insured, policy to contain a cross-liability clause, contractual liability, evidence of Products and Completed Operations and provision to provide fifteen (15) days notice of cancellation/termination
Cancellation:	Ninety (90) days written notice
Conditions:	That the approval of this application by the Designated Officer – Encroachments is only valid for a period of six (6) months from the date of said approval unless the applicant enters into an Encroachment Agreement with the City of Winnipeg within the stated time frame, or alternatively, obtain an extension of time from the Designated Officer – Encroachments That if there are any existing Hydro/Gas or MTS facilities which require removal and/or relocation as a result of this application, the costs will be at the sole expense of the developer and/or customer That the applicant is required to phone 'Call Before You Dig' at 480-1212 to have the underground facilities at this site located as well as call the Manitoba Hydro Transcona District Office at 224-7371 so that any clearance and proximity issues can be addressed That a minimum distance of 3.0m be maintained between the nearest outside edge of the footings of the proposed sign and the nearest outside edge of each sewer (please note that there is a 300mm diameter Waste Water Sewer and a 600mm diameter Waste Water Sewer in close proximity to the proposed site) That all above ground parts are a minimum of 0.9 metres (3 feet) south of the south edge of the public sidewalk in order to accommodate sidewalk snow clearing activities. The applicant is also required to submit drawings for the work to the Underground Structures Branch, attention Jim Horne, to obtain all necessary underground clearances before undertaking any pile works

That all applicable permits be obtained prior to any development

That the proposed terms and conditions of the proposed Encroachment Agreement are subject to the final approval of the City's Standing Committees and Council and to the City Solicitor as to form and content


898
11.615
44.82
18.529
6.636
83.667
34
178.111
1487
REGENT AVENUE WEST
36.002
1.8
37.353
Proposed Sign Location
1500
91.441
20.962
2
176.754
22.792
5371
22
Date: 2006-NOV-24
District: EKT
File: 39/147/A
Scale: 1:750
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.
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S
Encroachment Area (12'4" x 3')
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13040

Financial Impact Statement

Date: December 18, 2006

Project Name:

First Year of Program 2007

Proposed Encroachment Agreement in favour of the Downtown Transcona Merchants Association Inc.

	2007	2008	2009	2010	2011
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
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	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	293	43	43	43	43
Net Cost/(Benefit)	$ (293)	$ (43)	$ (43)	$ (43)	$ (43)
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ (293)	$ (43)	$ (43)	$ (43)	$ (43)

Additional Comments: Incremental revenues consist of encroachment fees of $43 per annum + an initial administrative fee of $250.

original signed by

Manager of Finance & Administration

4118

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

N/A

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department Planning, Property and Development
Division: Real Estate Division
Prepared by: Maxine Clayton
PPD File No. 39/147/A

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