Minute No. 41
Report - Standing Policy Committee on Property and Development dated November 21, 2002

Item No. 3 Proposal to Establish Spirit Park and to Enter into a License Agreement with the West Broadway Development Corporation to Develop and Maintain the Open Space
File FI-2.3(32) (Vol. 4)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 Council authorize the establishment of Spirit Park on the City-owned lands shown as "subject properties" on the attached Misc. Plan 11656 and designate these lands as parks and open space.

2. That the proposed terms and conditions for a License Agreement between the West Broadway Development Corporation and the City as referenced herein be approved and that the Chief Administrative Officer be authorized to approve the final terms and conditions of the Agreement.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Pursuant to Section 156(2) of The City of Winnipeg Act, all leases of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

Report - Standing Policy Committee on Property and Development dated November 21, 2002

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 21, 2002, the Standing Policy Committee on Property and Development concurred in the City Centre Community Committee recommendation.

STANDING COMMITTEE DECISION:

On November 21, 2002, the Standing Policy Committee on Property and Development instructed the Director of Planning, Property and Development to initiate an application to rezone the subject City-owned property to a “PR-1” Parks and Recreation District.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 24, 2002, the City Centre Community Committee passed the following resolution:

WHEREAS the City Centre Community Committee wishes to go on record as confirming the need for and supporting the development and maintenance of "Spirit Park" by the West Broadway Development Corporation to be utilized by residents of the West Broadway neighbourhood and residents of the City of Winnipeg at large;

THEREFORE BE IT RESOLVED THAT the City Centre Community Committee recommend to the Standing Policy Committee on Property and Development that the Administration be directed to transfer the vacant lots located at 253 Langside Street and 206, 202 and 198 Young Street, into the Jurisdiction of Parks for utilization for the ‘Spirit Park' project and negotiate an agreement with the West Broadway Development Corp to allow for the development and maintenance of Spirit Park;

Report - Standing Policy Committee on Property and Development dated November 21, 2002

AND BE IT FURTHER RESOLVED THAT the City Centre Community Committee recommend to the Standing Policy Committee on Property and Development that the Administration be directed to initiate an application to rezone the subject properties from an "R2-T" Transitional District to a "PR-1" Parks and Recreation District.

Re: **Proposal to Establish Spirit Park and to Enter into a License Agreement with the West Broadway Development Corporation to Develop and Maintain the Open Space**
City Centre Community
Fort Rouge Ward

For submission to: **Standing Policy Committee on Property and Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: November 14, 2002

Recommendation(s):

1. That Council authorize the establishment of Spirit Park on the City-owned lands shown as "subject properties" on the attached Misc. Plan 11656 and designate these lands as parks and open space.

2. That the Director of Planning, Property and Development be directed to initiate an application to rezone the subject City-owned property to a "PR-1 Parks and Recreation District".

3. That the proposed terms and conditions for a License Agreement between the West Broadway Development Corporation and the City as referenced herein be approved and that the Chief Administrative Officer be authorized to approve the final terms and conditions of Agreement.

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

REPORT SUMMARY

KEY ISSUES:

- The West Broadway Development Corporation has requested the City to enter into an agreement to facilitate the Corporation's construction and maintenance of "Spirit Park".

- The Administration is requesting Council to consider the proposed initiative and if in agreement, to authorize the establishment of Spirit Park.

- The West Broadway Development Corporation requires a formal commitment from the City before December 31, 2002 that it will be entitled to develop the proposed park in order to meet a funding requirement from the Neighbourhoods Alive Program.

- The use of a License Agreement to facilitate the development and maintenance of a park space is a precedent and could be requested by other stakeholder groups whom initiate the development and maintenance of other parks and open spaces. It only provides for site development and maintenance; the right of ownership remains with the City; and the use of the park will be available to the public at large.

IMPLICATIONS

General implications

	None
X	For the organization overall and/or for other departments
X	For the community and/or organizations external to the City of Winnipeg
X	Involves a multi-year contract

Comment:

- This initiative affects the Public Works Department in that the subject site could become a future maintenance responsibility if WBDC is unable to fulfill the License terms and conditions. In that instance, the Department advised that will respond accordingly by removing the existing improvements and revert the site to a minimum level of maintenance.
- The License Agreement will be automatically renewed annually.

Policy implications

	No (*There are no policy implications if the report is asking for a one-time decision.)*
X	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Comment:

- The endorsement of neighbourhood sponsored parks development and maintenance initiatives and the use of license agreements to facilitate same may lead to other groups requesting the same treatment. In those instances, the groups may wish to simply landscape and maintain the sites until such time as the sites are required for housing development purposes.

Financial implications

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
X	No financial implications

- The book costs on these properties in the amount of $58,265.61 have already been written off against the Land Operating Reserve Account.
- The conversion of this property into parks and open space will eliminate any potential for the generation of revenue through sale or lease, including the receipt of realty taxes.
- There is a risk that the Public Works Department will become responsible for the maintenance of the proposed park at some point in the future.

Comment:

REPORT

RECOMMENDATION(S):

1. That Council authorize the establishment of Spirit Park on the City-owned lands shown as "subject properties" on the attached Misc. Plan 11656 and designate these lands as parks and open space.

2. That the Director of Planning, Property and Development be directed to initiate an application to rezone the subject City-owned property to a "PR-1 Parks and Recreation District".

3. That the proposed terms and conditions for a License Agreement between the West Broadway Development Corporation and the City as referenced herein be approved and that the Chief Administrative Officer be authorized to approve the final terms and conditions of Agreement.

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

REASON FOR THE REPORT:

Council authorization of the subject parks project is required to implement the development of Spirit Park.

Pending Council approval of the Spirit Park Project, a 2/3 majority vote of Council is required to enter into an agreement for parks property.

HISTORY:

In late November, 2001, the Planning and Land Use Division was approached by the West Broadway Development Corporation regarding the feasibility of establishing a neighbourhood park space on City-owned lands situated at 253 Langside Street and 206, 202 and 198 Young Street.

Between the period of December, 2001 and August, 2002, representatives of the Planning and Land Use Division liased and assisted the West Broadway Development Corporation with the development of the neighbourhood park concept plan.

At its meeting held on March 20, 2002, Council approved a Community Incentive Grant to the West Broadway Development Corporation in the amount of $20,000.00 for the development of Spirit Park.

At its meeting held on September 24, 2002, the City Centre Community Committee considered a matter relating to the Spirit Park initiative and recommended as follows:

> *"Whereas the City Centre Community Committee wishes to go on record as confirming the need and supporting the development and maintenance of Spirit Park by the West Broadway Development Corporation to be utilized by residents of the West Broadway neighbourhood and residents of the City of Winnipeg at large;*
>
> *THEREFORE BE IT RESOLVED THAT the City Centre Community Committee recommend to the Standing Policy Committee on Property and Development that the Administration be directed to transfer the vacant lots located at 253 Langside Street 206, 202, 198 Young Street, into the jurisdiction of Parks for utilization for the Spirit Park project and negotiate an agreement with the West Broadway Development Corp to allow for the development and maintenance of Spirit Park;*
>
> *AND BE IT FURTHER RESOLVED THAT the City Centre Community Committee recommend to the Standing Policy Committee on Property and Development that the Administration be directed to initiate an application to rezone the subject properties from an "R2-T" District to a "PR-1" Parks and Recreation District"*

Coincident with the development of the Spirit Park concept plan, the Planning and Land Use and Real Estate Division(s) have proceeded with the development of a License Agreement to facilitate the development and maintenance of Spirit Park by the West Broadway Development Corporation.

DISCUSSION:

1. Proposal to Establish Spirit Park:

The West Broadway Development Corporation initiated a local neighbourhood idea to develop a neighborhood park on City-owned lands located east of Langside Street and west of Young Street as part of a community development process. Given that City capital for new park development is limited and that no new funding is available for parks maintenance purposes, the WBDC is attempting to develop a neighbourhood park space using external grant funds and to maintain the to be developed park using volunteer and student grant programs.

The Planning and Land Use Division has reviewed the subject proposal and has provided the following comments relative to the need for additional open space in the West Broadway Neighbourhood:

a) Need:

"The West Broadway Neighbourhood is currently deficient in open space by 16.5 acres in accordance with the open space standard of 3.86 acres per 1000 residents. There are only three other neighbourhoods in the City that are deficient in open space, St Matthews, Montcalm and Daniel McIntyre at 18.3, 17.1 and 16.8 respectively.

A review of the current distribution of open space within the neighborhood indicates that existing open spaces are located south of Broadway and that no open spaces are located north of Broadway. In addition, it should be noted that residents are isolated from the existing open spaces by Broadway, Portage Avenue and Osborne Street."

b) Conceptual Plan and Development:

The West Broadway Development Corporation has developed a preliminary concept and design for the development of Spirit Park in consultation with community stakeholders, a copy of which is attached as Appendix "A". It is proposed that the park include the following amenities: informal passive park space, planting beds, picnic area, reflection corner, play area with structures and park benches.

The Planning and Design Branch has reviewed the proposal and it supports the concept and design and are continuing to finalize a final design plan for the proposed open space.

The matter of access between the parcels was also reviewed with the Public Works Department whom subsequently provided design advice with respect to safe circulation across the public lane.

c) Rezoning:

The subject City-owned lands identified on the attached Misc. Plan No. 11656 are currently zoned R2-T. To utilize the lands for parks and open space purposes, the Planning and Land Use Division advise that a rezoning of the lands to PR-1 is required. The Urban Planning Branch is prepared to initiate the required rezoning application on behalf of the Department and to pay for all costs related thereto.

d) Transfer of Jurisdiction:

The subject City-owned lands were acquired via tax sale and are currently held under the jurisdiction of the Planning, Property and Development Department. It is proposed that the subject properties be designated for parks and open space use. It should be noted that the Department's Land Operating Reserve Account has incurred costs of $58,265.61 to acquire 253 Langside Street and 198, 202 and 206 Young Street. This liability has already been written off against this Account. If Council approves this project, then there will be no recovery to the Account.

e) Funding:

The West Broadway Development Corporation identified an initial cost of $71,250.00 to develop the lands as a park. The WBDC proposes to obtain all funding required to proceed with the project development and to maintain the improved site at its sole cost.

The following is a summary of fund raising efforts as of the date of writing the subject report.

Funding:	Confirmed	To be Confirmed	
Community Incentive Grant	$20,000.00		
Neighbourhoods Alive		$35,000.00	
Eco Action	$ 2,250.00		
Assiniboine Credit Union	$ 2,000.00		
Jewish Foundation	$ 2,000.00		
Investors Group	$ 5,000.00		
EGLB Foundation	$ 5,000.00		
Sub-total	$36,250.00	$35,000.00	
Total			**$71,250.00**

Note: It should be noted that approval for the development and maintenance of Spirit Park is required prior to December 31, 2002 in order for the WBDC to obtain funding from the Neighbourhood Alive Program."

2. Proposed License Agreement:

The above method of park development and maintenance is one of several alternatives to create and maintain new parks and open space as opposed to the direct delivery of same by the City.

In order to facilitate this method of park development and maintenance, the administration met with the WBDC to clarify the agreement parameters. The Administration understands the parameters to be as follows:

a) WBDC to develop improvements subject to Planning, Property and Development and Public Works Department approvals;
b) WBDC to provide all capital funding to develop the park;
c) WBDC to maintain the improvements at their sole cost;
d) Access to the lands to be provided in a clear and vacant state at no cost to WBDC;
e) Lands to remain fully accessible to the general public;
f) Lands to be realty tax exempt;
g) City to retain ownership of the land and all improvements placed thereon;
h) City to provide Insurance;
i) City to rezone lands;
j) If maintenance responsibility reverts back to the City, the City may remove certain park improvements which are beyond their maintenance capability.

The Planning and Land Use and Real Estate Division(s) reviewed the above referenced parameters and determined that no existing forms of agreement could achieve the proposed

intent and that various issues had to be resolved. The Division(s) subsequently liased with representatives of the Legal Services Division, the Property Assessment Department, the Risk Management Branch and the Public Works Department to develop a form of agreement that would meet the proposed parameters of agreement and achieve the intent of the project. It was determined that an enhanced form of License Agreement could be used to facilitate the above referenced matter.

In addition to the form of agreement, the Planning, Property and Development Department also dealt with the following issues:

- Designation as part of Public Open Space System:

  Originally, consideration was given to transferring Title to the subject properties to the WBDC by sale under the non-profit policy of the City. Subsequently, it was determined that the City should retain ownership of the lands and the future improvements. This change was considered by the Planning and Land Use Division and Public Works Department whom agreed that the property could become part of the City's open space system. A license agreement with WBDC will facilitate the park development and ongoing maintenance.

- Long term responsibility:

  Community Development organizations have a life cycle and the Department needed to deal with a potential eventuality of whom would be responsible for the park site should the WBDC not be able to maintain the site. The Public Works Department has agreed to assume the responsibility for site maintenance should the WBDC not be able to fulfill this requirement and in that event, it will respond accordingly by removing the existing improvements and revert the site to a minimum level of maintenance.

- Realty tax:

  The WBDC indicated that they did not wish to be responsible for the payment of realty taxes on this park site. A License Agreement permits the WBDC to develop and maintain the site without creating a liability for the payment of realty taxes.

- Insurance:

  The proposed License Agreement will include indemnification and insurance provisions as are acceptable to the Risk Management Branch.

- Construction control and funding:

  Appropriate clauses will be provided in the proposed License Agreement to control design, construction and funding.

- Rezoning

The Agreement will be terminated if the land is not rezoned to PR-1.

Following the resolution of any outstanding or unforeseen issues, the Planning, Property and Development Department is now proposing to enter into a License Agreement for the use of City-owned properties in accordance with the following particulars:

Owner:	City of Winnipeg
Licensee:	WBDC
Location:	253 Langside Street, 198, 202 and 206 Young Street,
Legal:	Lots 20, 21, 22 and 30, Plan 34000
Misc. Plan:	11656
Zoning:	R2-T to be rezoned to PR-1
Term:	Annual continuing
Insurance:	To be determined by the Risk Management Branch
Development Responsibility:	Licensee
Maintenance Responsibility:	Licensee
Special Events:	Programming (Community events, picnics, farmers markets, seasonal Festivals) via individual Facility Use Agreements (to be administered by the Community Services Department)
Proposed Use:	Park
Realty taxes:	Not applicable
Cancellation:	If rezoning not successful or on default by the Licensee
Termination:	Either party upon 180 days written notice

The proposed terms and conditions have not yet been reviewed and finalized with the West Broadway Development Corporation. However, approval to enter into a License Agreement is being sought in order to provide a commitment to the WBDC to develop and maintain the subject city properties before December 31, 2002 to allow the Corporation to meet a January 1, 2003 funding deadline. It is anticipated that revisions will be made to the terms and conditions; however, Council's intent of establishing a park at this location in conjunction with the WBDC will be respected.

Therefore, the Planning, Property and Development Department is requesting Council to authorize the Chief Administrative Officer to approve the final terms of Agreement.

3. Establishment of a Precedent:

This is the first instance where the City is entering into this form of agreement to facilitate a park development.

The endorsement of neighbourhood sponsored parks development and maintenance initiatives and the use of license agreements to facilitate same may lead to other groups participating in Community Revitalization and Housing Renewal Initiatives requesting the same treatment. In those instances, the groups may wish to simply landscape and maintain the sites until such time as the sites are required for housing development purposes.

Financial Impact Statement

Date: Nov. 14/02

Project Name:

First Year of Program 2003

Proposal to Establish Spirit Park and to Enter into a License Agreement with the West Broadway Development Corporation to Develop and Maintain the Open Space

	2003	2004	2005	2006	2007
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	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

This proposed project will result in a conversion of this LOR asset to a Park. Therefore, there will be no potential for the receipt of recoveries either by way of sale or of lease including realty taxes. In addition, the Department will be financing the cost to rezone the property to PR-1. As well, there is a risk to the Public Works Department as it may potentially inherit the annual maintenance costs. Given the variables, the quantum of these potential financial impacts could not be estimated.

Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning and Land Use Division

Real Estate Division

Public Works Department

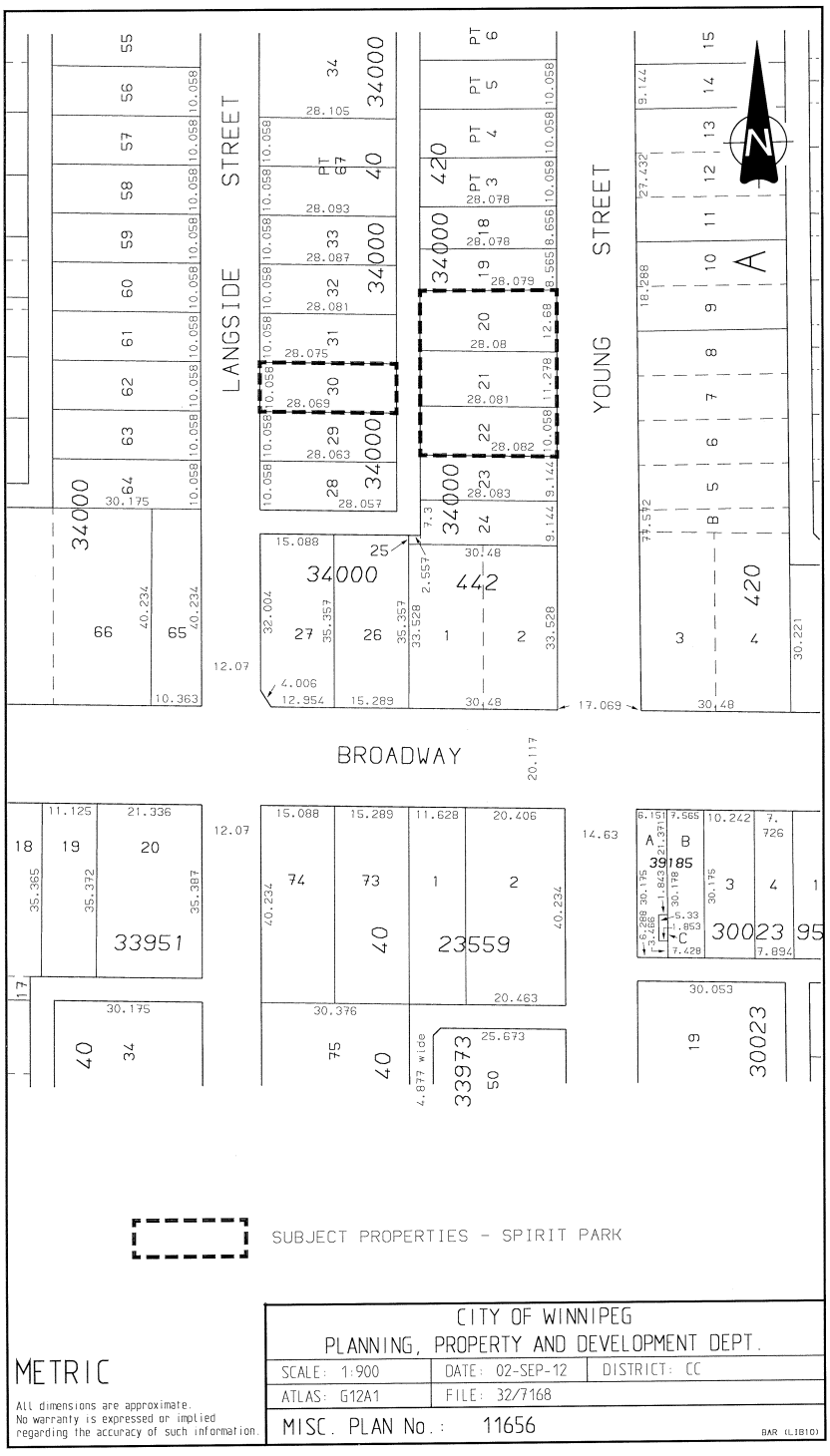
Legal Services Division

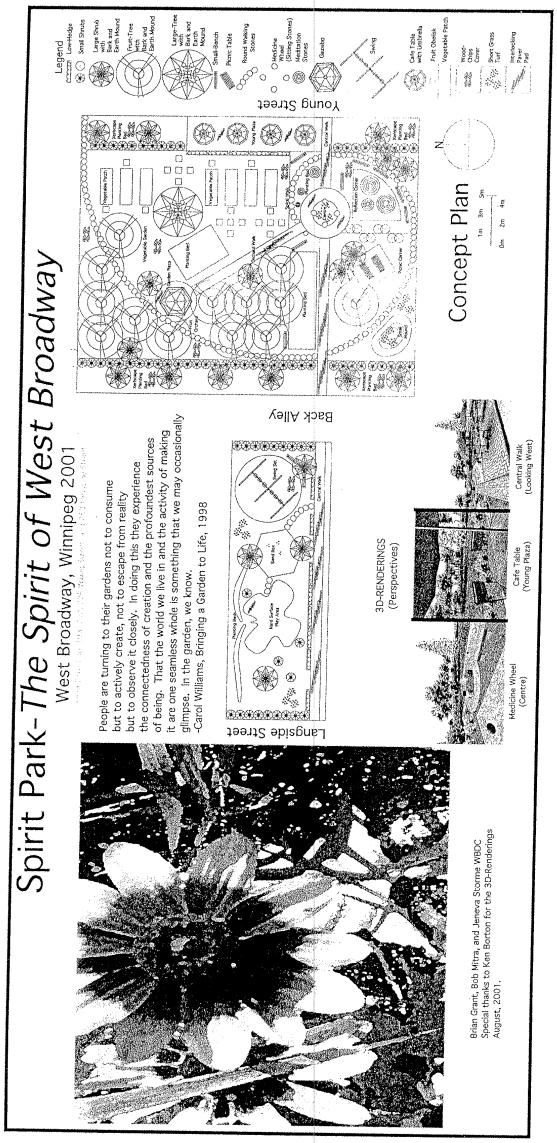
Risk Management Branch

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: D. Armstrong
PPD File #: 32/7168

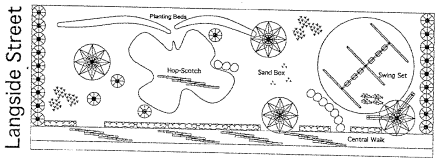
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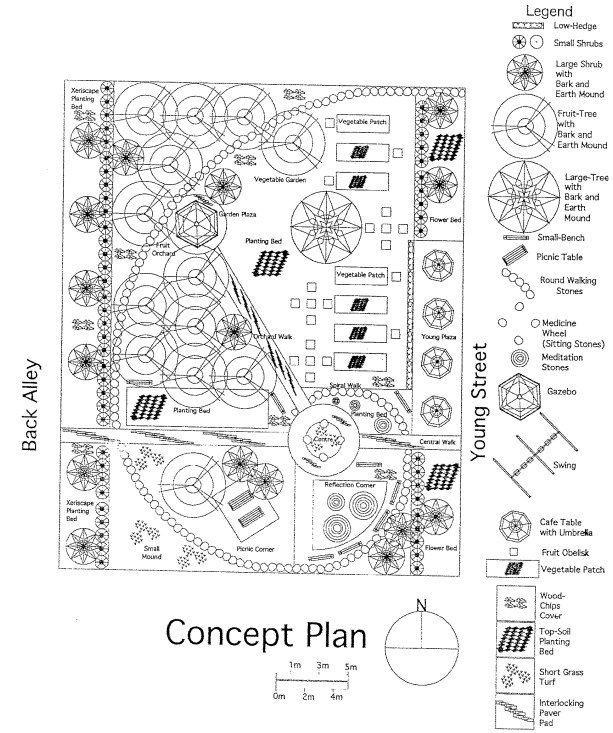

LANGSIDE STREET
YOUNG STREET
BROADWAY
SUBJECT PROPERTIES - SPIRIT PARK
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:900
DATE: 02-SEP-12
DISTRICT: CC
ATLAS: G12A1
FILE: 32/7168
MISC. PLAN No.: 11656
BAR (L1B10)


Spirit Park- The Spirit of West Broadway
West Broadway, Winnipeg 2001
People are turning to their gardens not to consume
but to actively create, not to escape from reality
but to observe it closely. In doing this they experience
the connectedness of creation and the profoundest sources
of being. That the world we live in and the activity of making
it become seamless whole is something that we may occasionally
glimpse in the garden, we know.
-Carol Williams, Bringing a Garden to Life, 1998
Langside Street
Back Alley
Young Street
Legend
Concept Plan
3D-RENDERINGS
(Perspectives)
Medicine Wheel
(Centre)
Cafe Table
(Young Plaza)
Central Walk
(Looking West)
Brian Grant, Bob Mitra, and Jameva Storme WRDC
Special thanks to Ken Borton for the 3D-Renderings
August, 2001.

Spirit Park

West Broadway





Concept Plan