Minute No. 627
Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 19 **Encroachment Agreement - Corydon Avenue Right-of-Way - Corydon Avenue Business Improvement Zone (Fort-Rouge-East Fort Garry Ward) File ED(32)**

COUNCIL DECISION:

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

1. That an Encroachment Agreement be approved in favour of Corydon Avenue Business Improvement Zone Inc. for the development and maintenance of an archway within the Corydon Avenue Right-of-Way, shown as 'Encroachment Area' on Misc. Plan No., 13295, in accordance with the terms and conditions outlined on Schedule 'A' to the report from the Director of Planning, Property and Development dated July 28, 2008; the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to protect the City's interest.

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 – September 2, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2008, 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 September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: **Proposed Encroachment Agreement in favour of the Corydon Avenue Business Improvement Zone Inc. for the Development and Maintenance of an Archway Encroaching onto the Corydon Avenue Right-Of-Way**
City Centre Community
Fort-Rouge-East Fort Garry Ward

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

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

REPORT DATE: July 28, 2008

RECOMMENDATION:

1. That Council approve an Encroachment Agreement in favour of Corydon Avenue Business Improvement Zone Inc. for the development and maintenance of an archway within the Corydon Avenue Right-of-Way, shown as 'Encroachment Area' on Misc. Plan No., 13295 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 interest.

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 Corydon Avenue Business Improvement Zone Inc. for the development and maintenance of an archway.

- The Public Works Department has no objection to the proposed encroachment.

- The Corporate Finance Department, Risk Management Branch, reviewed the insurance requirements for this proposed encroachment and their comments have been incorporated into the proposed terms and conditions.

- 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
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:

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 Corydon Avenue Business Improvement Zone Inc. to develop and maintain an archway within the Corydon Avenue Right-of-Way.

HISTORY:

McGowan Russell Group, on behalf of the Corydon Avenue Biz, submitted an encroachment application to the City's Zoning and Permits Branch for the proposed erection and maintenance of an archway within the Corydon Avenue Right-of-Way, along with a proposed elevation as shown on the attached Schedule A.

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.

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 Corydon Avenue Business Improvement Zone Inc. 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 Encroachment Agreements for similar uses.

In summary, the terms and conditions of the Encroachment Agreement agreed to by Corydon Avenue Business Improvement Zone Inc. are as follows:

Use:	Development and Maintenance of an archway
Area:	Shown and identified as 'Encroachment Area' on Misc. Plan No. 13295, attached
Term:	Annual Continuing, commencing October 1, 2008
Rental:	$294.46 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 the 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 applicable GST.

Insurance: Property and Liability insurance requirements have been updated by the Risk Management Branch staff as deemed appropriate to cover the scope, terms and conditions of the agreement.

Cancellation: Ninety (90) days written notice by either party.

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 obtains 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 expense of the developer and/or customer. The applicant is required to use extreme caution when excavating in the vicinity of the MTS buried plant and that the Buried Plan Location Service (941-7267) is contacted 48 hours prior to excavation for further confirmation in the field;

That a minimum distance of 3.0m be maintained between the nearest edge of the fire hydrant in the immediate vicinity and the nearest edge of the proposed encroachment be it the sign, its base or its pile(s);

That there shall be no illumination of any of the features of the archway and there shall be no use of the colours red, amber or green on any part of the archway including the text displayed on either the side;

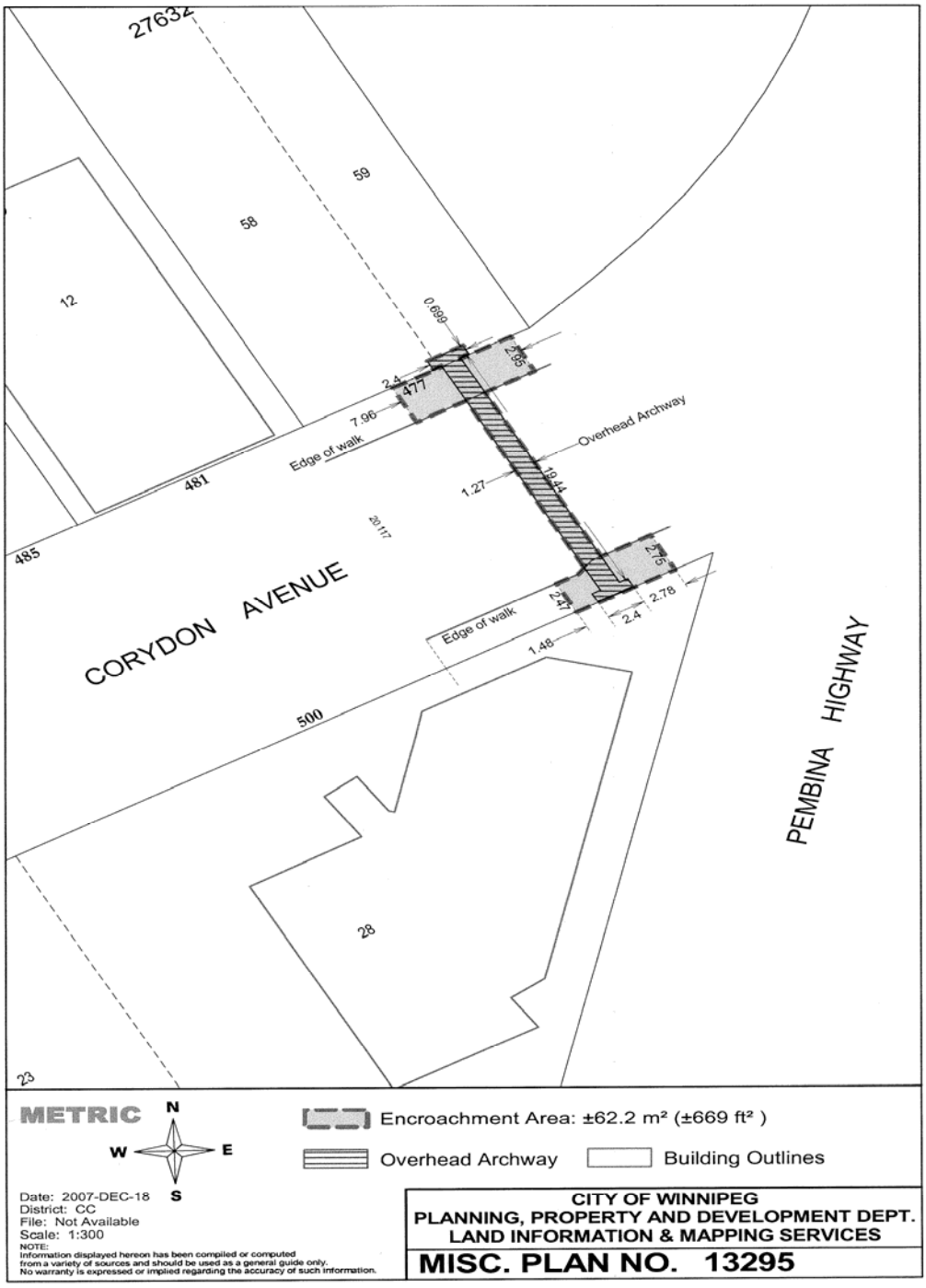
That a grade plan be submitted to the Street Maintenance Division of the Public Works Department for review prior to installation. The grade plan shall include sidewalk grades and cross fall as well as gutter grades to show that there will be no ponding, low spots or high points which could impede proper drainage;

That the Corydon Avenue Biz shall enter into an agreement with the City for any on-going maintenance of the archway;

That all applicable permits be obtained prior to any development;

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.

A proposed Encroachment Agreement in favour of Corydon Avenue Business Improvement Zone Inc. is recommended for approval in accordance with the proposed terms and conditions as outlined herein.


27632
59
58
12
0.699
2.85
2.4
4.77
7.96
Edge of walk
Overhead Archway
481
1.27
19.44
485
20.17
CORYDON AVENUE
2.78
2.47
2.4
Edge of walk
1.48
500
PEMBINA HIGHWAY
28
23
METRIC
N
W
E
S
Encroachment Area: ±62.2 m² (±669 ft²)
Overhead Archway
Building Outlines
Date: 2007-DEC-18
District: CC
File: Not Available
Scale: 1:300
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 DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13295

Financial Impact Statement

Date: July 9, 2008

Project Name:

2Proposed Encroachment Agreement in favour of the Corydon Avenue Business Improvement Zone Inc. for the Development and Maintenance of an Archway Encroaching onto the Corydon Avenue Right-Of-Way

COMMENTS:

The recommendations contained in this report would result in a nominal revenue stream for the City. There are no material financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Public Works Department
- Corporate Finance

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. 32/6342

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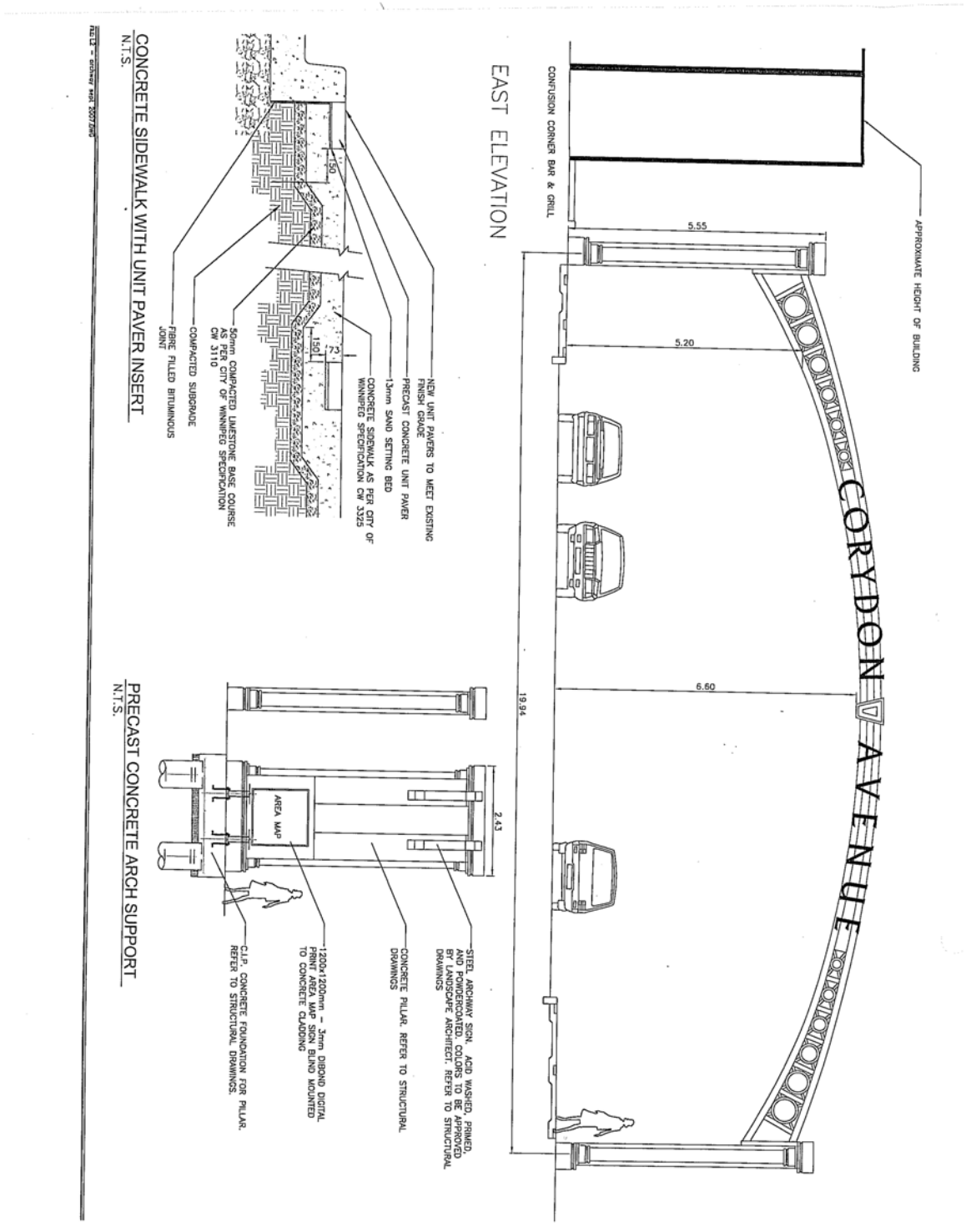
Schedule “A”


EAST ELEVATION
APPROXIMATE HEIGHT OF BUILDING
CONFUSION CORNER BAR & GRILL
CORYDON AVENUE
5.55
5.20
6.60
19.94
2.43
AREA MAP
CONCRETE SIDEWALK WITH UNIT PAVER INSERT
N.T.S.
NEW UNIT PAVERS TO MEET EXISTING FINISH GRADE
PRECAST CONCRETE UNIT PAVER
13mm SAND SETTING BED
CONCRETE SIDEWALK AS PER CITY OF WINNIPEG SPECIFICATION CW 3325
50mm COMPACTED LIMESTONE BASE COURSE AS PER CITY OF WINNIPEG SPECIFICATION CW 3110
COMPACTED SUBGRADE
FIBRE FILLED BITUMINOUS JOINT
150
73
PRECAST CONCRETE ARCH SUPPORT
N.T.S.
STEEL ARCHWAY SIGN. ACID WASHED, PRIMED, AND POWDERCOATED. COLORS TO BE APPROVED BY LANDSCAPE ARCHITECT. REFER TO STRUCTURAL DRAWINGS
CONCRETE PILLAR. REFER TO STRUCTURAL DRAWINGS
1200x1200mm - 3mm DIBOND DIGITAL PRINT AREA MAP SIGN. BLIND MOUNTED TO CONCRETE CLADDING
C.I.P. CONCRETE FOUNDATION FOR PILLAR. REFER TO STRUCTURAL DRAWINGS.