Agenda - Council - October 22, 2008

Report - Standing Policy Committee on Downtown Development - September 9, 2008

Item No. 2 Lease Agreement - Forks Market Road and Pioneer Boulevard - The Forks Renewal Corporation
(Fort Rouge -East Fort Garry Ward)
E-File FI-2.2(32)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development with the following amendment:

- Add the words "(which reflects that the realty taxes are to be the responsibility of the Lessor – the City)," after the words "Misc. Plan No. 9893/4 be approved",

and submits the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the terms and conditions for a ten (10) year Lease Agreement in favour of The Forks Renewal Corporation for the purposes of managing and maintaining the Forks Market Road and Part of Pioneer Boulevard as a Private/Public Right-of-Way shown as 'Demised Premises" on Misc. Plan No. 9893/4 be approved and any other such terms and conditions as are deemed necessary by the Director of the 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 Downtown Development - September 9, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development with the following amendment, namely:

- Add the words "(which reflects that the realty taxes are to be the responsibility of the Lessor – the City)," after the words "Misc. Plan No. 9893/4 be approved",

and submitted the matter to Council.

On September 17, 2008, the Executive Policy Committee laid over the matter for 30 days.

STANDING COMMITTEE RECOMMENDATION:

On September 9, 2008, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: Proposed Lease Agreement in favour of The Forks Renewal Corporation for the Purposes of Managing and Maintaining the Forks Market Road and Pioneer Boulevard as a Private/Public Right-of-Way
City Centre Community
Fort Rouge Ward

FOR SUBMISSION TO: Standing Policy Committee on Downtown Development

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

REPORT DATE: September 2, 2008

RECOMMENDATION:

1. That the proposed terms and conditions for a ten (10) year Lease Agreement in favour of The Forks Renewal Corporation for the purposes of managing and maintaining the Forks Market Road and Part of Pioneer Boulevard as a Private/Public Right-of-Way shown as 'Demised Premises" on Misc. Plan No. 9893/4 be approved and other such 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 terms and conditions of a Lease Agreement in favour of The Forks Renewal Corporation for the purposes of managing and maintaining the Forks Market Road and part of Pioneer Boulevard as a Private/Public Right-of-Way.

- The Public Works Department has no objection to the continuation of this lease.

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

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:

The Planning, Property and Development Department is, by this Report, seeking the approval of the Standing Policy Committee on Downtown Development of the terms and conditions of a proposed ten-year lease for the purposes of managing and maintaining the Forks Market Road and part of Pioneer Boulevard as a Private/Public Right-of-Way.

HISTORY:

As a result of certain operational problems related to the Forks Market Rd. in the mid 1990's, the Forks Renewal Corporation approached the City with a request to close the road and transfer the management and maintenance responsibilities for the right-of-way to the Corporation.

At its meeting held on January 6, 1998, the Standing Policy Committee on Property and Development approved a Lease Agreement with The North Portage Partnership in accord with the following:

Owner: City
Tenant: The North Portage Partnership
Leased Lands: As shown on Misc. Plan 9893/2
Term: Ten years commencing June 24, 1998
Rent Rate: $1.00 per annum plus GST
Tenant Resp: Identified in Schedule attached to the Administrative Report dated December 19, 1997 including snow removal, sweeping and sanding of the roadway, minor curb repairs, replacement of light bulbs and lamp posts, grass cutting and tree pruning, litter pick up and weed control and control of commercial activities.

At its meeting held on April 29, 1998, Council approved the Standing Policy Committee on Property and Development recommendation dated April 6, 1998 to close the Forks Market Road and Pioneer Boulevard, shown as "Demised Premises' on the attached Misc. Plan No. 9893/2, in order to facilitate the lease of the land to the Forks Renewal Corporation.

The Lease Agreement was subsequently executed on October 15, 1998 with the Forks Renewal Corporation as Lessee and amended by replacing Misc. Plan 9893/2 with Misc. Plan 9893/3.

DISCUSSION:

The Forks Renewal Corporation advised that it has agreed to enter into a new Lease Agreement for the Demised Area for a further ten (10) year term.

The request was circulated to various City departments for consideration and comments. No objections were received for the continued use of the subject Right-of-Way.

The Department has concluded its negotiations for a Lease Agreement with The Forks Renewal Corporation 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 Encroachment Agreements for similar uses.

In summary, the proposed terms and conditions of the new Lease Agreement agreed to by The Forks Renewal Corporation are as follows:

Owner:	City
Lessee:	The Forks Renewal Corporation
Demised Premises:	As shown on Misc. Plan 9893/4
Use:	For the purpose of managing and maintaining the Demised Premises as a Private/Public Right-of-Way and not for any other purpose except with the prior written consent of the City;
Term:	Ten (10) years, commencing June 24, 2008 and expiring on June 23, 2018
Rent Rate:	$1.00 per annum plus GST;
Realty Taxes:	Tenant

Lessee's Responsibilities: The maintenance of the roadways, including street and sidewalk sweeping, sanding and salting the roadway and sidewalks; minor repair of the street surface, curbs and sidewalk; snow removal from the roadways and sidewalks; boulevard maintenance, tree pruning and shrubs; cutting of grass and control of litter, weeds and insects; replacement of light bulbs and elements in the lamp posts; the control of commercial activities including the presence of sidewalk vendors; the installation and maintenance of City street signs in accordance with City standards for such signage, install parking meters and receive parking proceeds.

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: One (1) year written notice by either party

A proposed Lease Agreement in favour of The Forks Renewal Corporation is recommended for approval in accordance with the proposed terms and conditions as outlined herein.

Financial Impact Statement Date: August 28, 2008

Project Name:

Proposed Lease Agreement in favour of The Forks Renewal Corporation for the Purposes of Managing and Maintaining the Forks Market Road and Pioneer Boulevard as a Private/Public Right-of-Way

COMMENTS:

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:

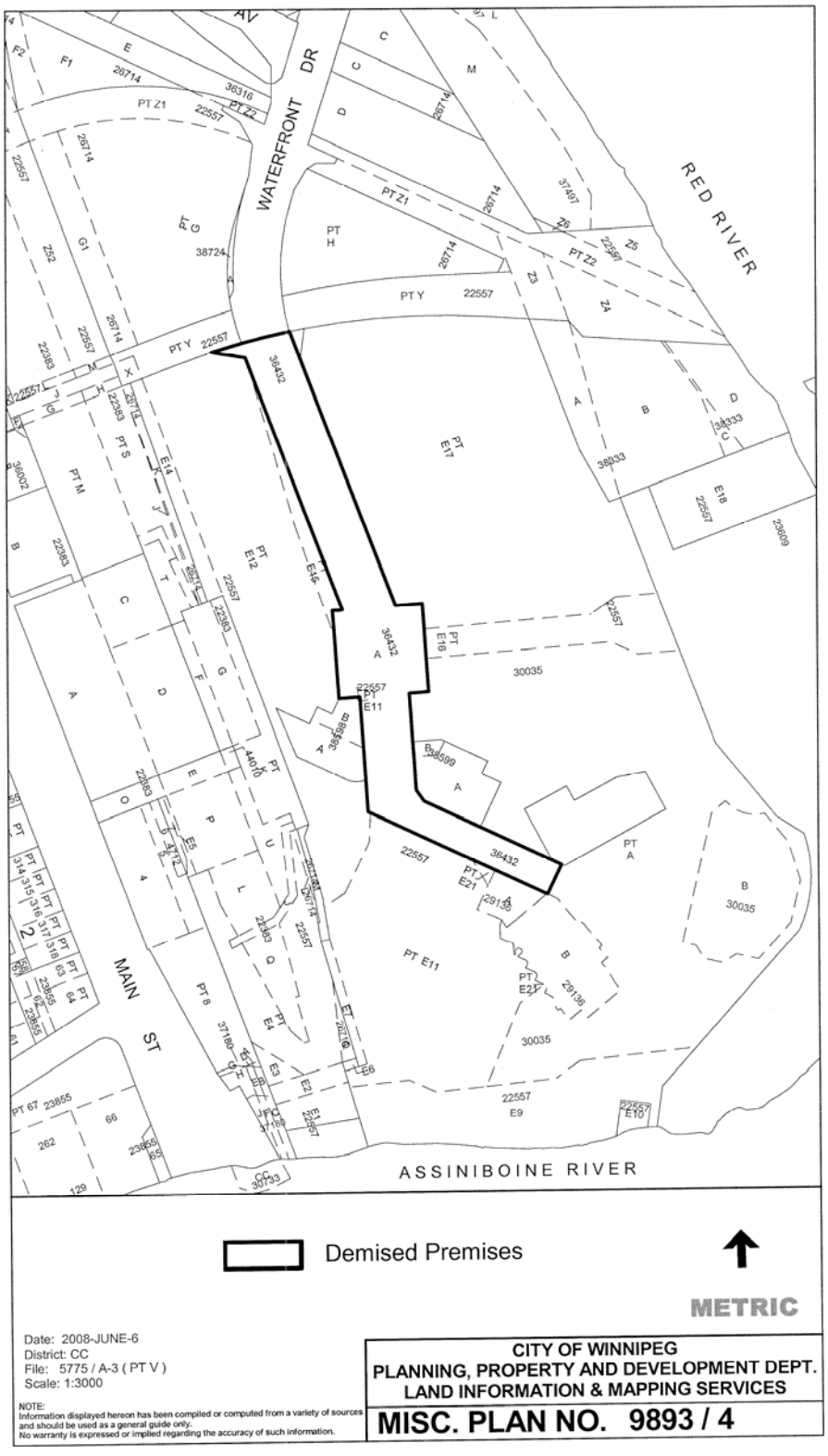
- Public Works Department
- Corporate Finance
- Internal Services, Legal Services Division
- Winnipeg Parking Authority

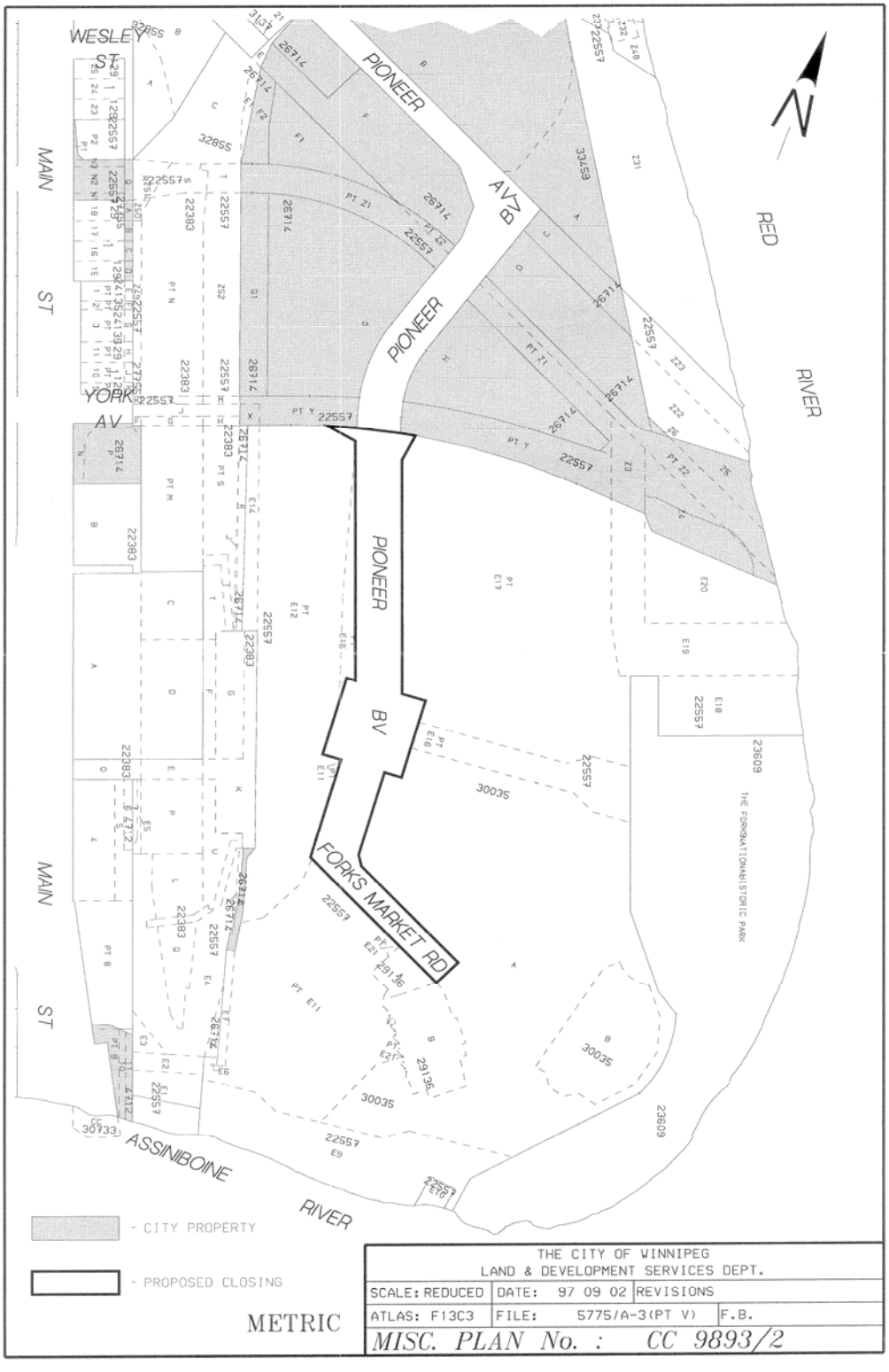
External Consultation With:
N/A

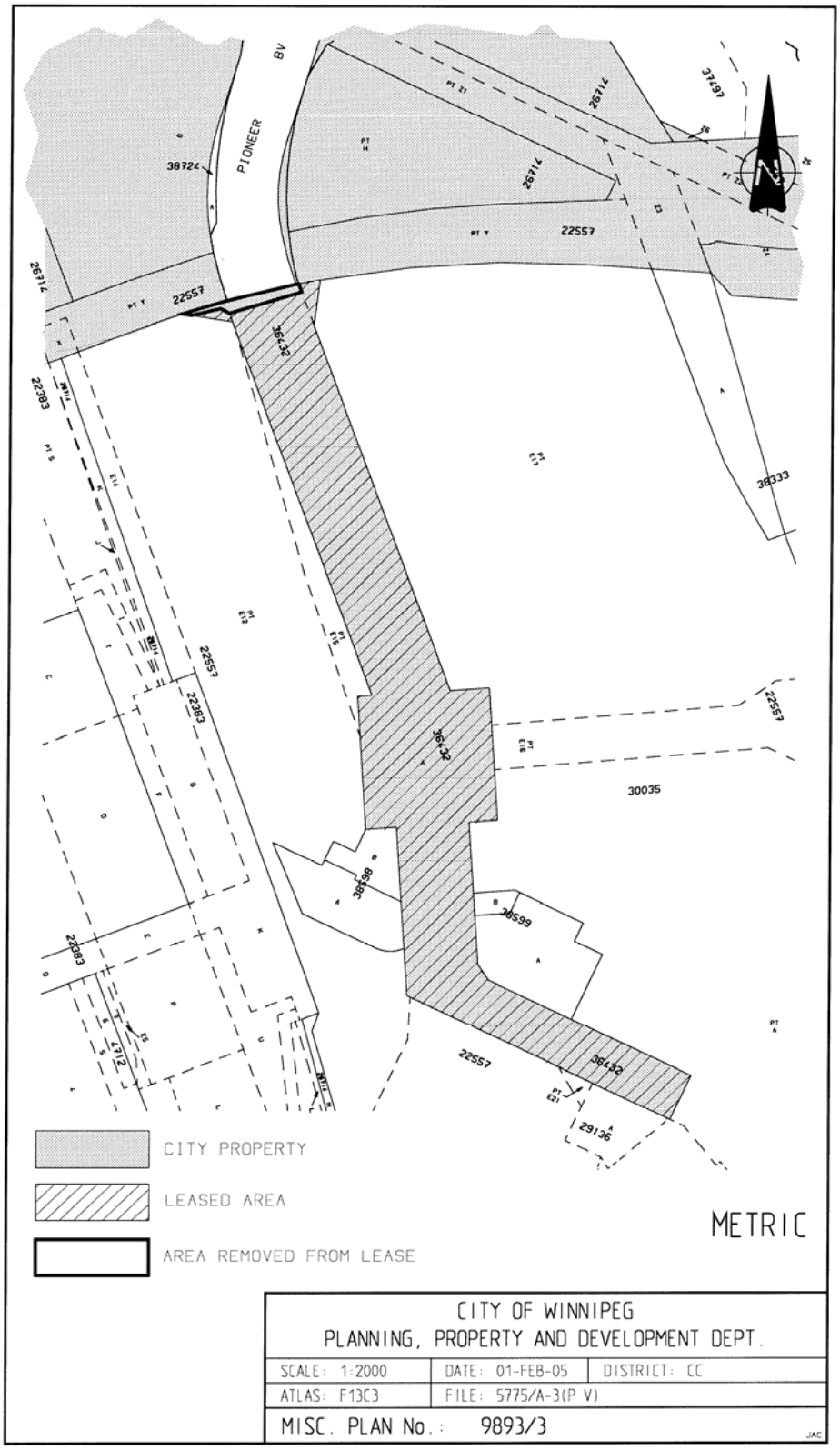
THIS REPORT SUBMITTED BY:

Department Planning, Property and Development
Division Real Estate Division
Prepared by: Wayne Bollman
PPD File No. 5775/A-3(V7)

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WATERFRONT DR
RED RIVER
MAIN ST
ASSINIBOINE RIVER
Demised Premises
METRIC
Date: 2008-JUNE-6
District: CC
File: 5775 / A-3 (PT V)
Scale: 1:3000
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. 9893 / 4


WESLEY ST
MAIN ST
YORK AV
PIONEER AVE
PIONEER BV
PIONEER
FORKS MARKET RD
RED RIVER
ASSINIBOINE RIVER
THE FORKS NATIONAL HISTORIC PARK
N
- CITY PROPERTY
- PROPOSED CLOSING
METRIC
THE CITY OF WINNIPEG
LAND & DEVELOPMENT SERVICES DEPT.
SCALE: REDUCED
DATE: 97 09 02
REVISIONS
ATLAS: F13C3
FILE: 5775/A-3(PT V)
F.B.
MISC. PLAN No. : CC 9893/2


PIONEER AV
38724
26714
37197
22557
36432
22383
38333
30035
38598
38599
29136
CITY PROPERTY
LEASED AREA
AREA REMOVED FROM LEASE
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:2000
DATE: 01-FEB-05
DISTRICT: CC
ATLAS: F13C3
FILE: 5775/A-3(P V)
MISC. PLAN No.: 9893/3
JAC