Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 8 Encroachment Agreement - SNC-Lavalin Environment Inc. - Sidewalk on the South Side of Main Street at Jefferson (Mynarski Ward) eFile ED(34)

STANDING COMMITTEE RECOMMENDATION:

On November 12, 2008, 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 SNC-Lavalin Environment Inc. to install three boreholes on the sidewalk on the south side of Main Street at Jefferson Avenue, shown as 'Approximate Location of Boreholes' on Misc. Plan No. 13432, 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 October 2, 2008; 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 - Standing Policy Committee on Property and Development - October 28, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 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 October 28, 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 SNC-Lavalin Environment Inc. to Install Three Boreholes/Monitoring Wells on the Sidewalk on the South Side of Main Street at Jefferson
Lord Selkirk/West Kildonan Committee
Mynarski Ward

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

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

REPORT DATE: October 2, 2008

RECOMMENDATION:

1. That Council approve an Encroachment Agreement in Favour of SNC-Lavalin Environment Inc. to install three boreholes on the sidewalk on the south side of Main Street at Jefferson Avenue, shown as 'Approximate Location of Boreholes' on Misc. Plan No. 13432 attached, in accordance with the terms and conditions outlined on 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 has negotiated proposed terms and conditions of an Encroachment Agreement in favour of SNC-Lavalin Environment Inc. for the installation of three boreholes/monitoring wells on the sidewalk on the south side of Main Street at Jefferson Avenue.

- 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.

In this regard, the Department has negotiated a proposed Encroachment Agreement in favour of SNC-Lavalin Environment Inc. to install three boreholes/monitoring wells on the sidewalk on the south side of Main Street. This report seeks Council's approval of the proposed Encroachment Agreement.

HISTORY:

SNC-Lavalin Environment Inc. submitted an encroachment application to the Zoning and Permits Branch of the Planning, Property and Development Department for the proposed installation of three boreholes/monitoring wells on the sidewalk on the south side of Main Street at Jefferson Avenue.

The purpose of these boreholes/monitoring wells is to test the soil and groundwater conditions in the area as a property in close proximity was formerly occupied by an automotive gas station. The three boreholes will be completed monitoring wells, capped at grade and cemented in concrete.

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 SNC-Lavalin Environment 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 Encroachment Agreements for similar uses.

Briefly, the terms and conditions of the Encroachment Agreement agreed to by SNC-Lavalin Environment Inc. are as follows:

Use: Installation of three boreholes/monitoring wells located on the sidewalk on the south side of Main Street at Jefferson Avenue
Area: Shown and identified as 'Approximate Location of Boreholes' on Misc. Plan No. 13432
Term: Annual Continuing, commencing November 1, 2008
Rental: $54.00 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 ncroachments the rental paid under this agreement shall be adjusted accordingly, plus a one-time administrative fee of $500.00 plus 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: Thirty (30 days) written notice

Conditions: The applicant is required to enter into an Encroachment Agreement with the City of Winnipeg within six (6) months of the application approval, 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 expense of the developer and/or customer;

That when the monitoring is complete, the affected concrete sidewalk panels be replaced or be repaired in a manner approved by the Street Maintenance Division;

That there are water and sewer lot line connections for 194 St. Anthony Avenue in close proximity to the proposed borehole locations and the applicant should make every attempt to locate and avoid these services prior to installation;

That all applicable permits be obtained prior to any development;

Any other terms and conditions as are deemed necessary by the Director of Planning, Property and Development Department, the Director of Public Works and by the City Solicitor/Manager of Legal Services;

SNC – Lavalin Environment Inc. agrees to enter into an appropriate Encroachment Agreement with the City embodying the within terms and conditions and in a form satisfactory to the City Solicitor/Manager of Legal Services;

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.

Financial Impact Statement

Date: September 30, 2008

Project Name:

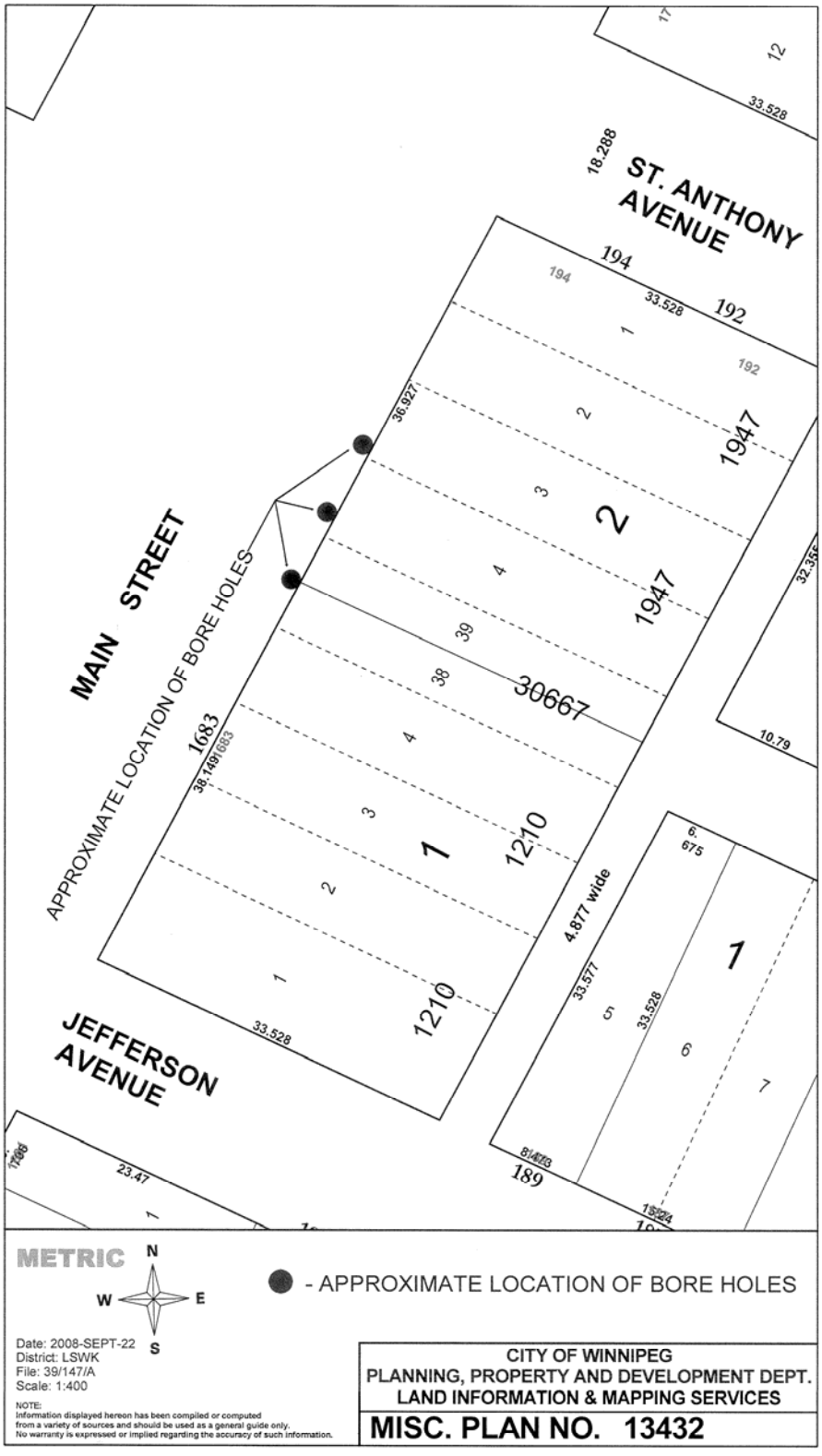
First Year of Program **2008**

Proposed Encroachment Agreement in Favour of SNC-Lavalin Environment Inc. to Install Three Boreholes/Monitoring Wells on the Sidewalk on the South Side of Main Street at Jefferson

	2008	2009	2010	2011	2012
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	509	54	54	54	54
Net Cost/(Benefit)	$ (509)	$ (54)	$ (54)	$ (54)	$ (54)
Less: Existing Budget Amounts	(509)	(54)	(54)	(54)	(54)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenues in 2008 consist of the one-time admin fee of $500 + $54/annum prorated for the November 1 commencement date. Revenues from 2009 onward represent the annual continuing rental amount.

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


ST. ANTHONY AVENUE
MAIN STREET
JEFFERSON AVENUE
APPROXIMATE LOCATION OF BORE HOLES
18.288
33.528
194
192
36.927
1947
2
1
30667
1683
38.149
1210
4.877 wide
33.577
10.79
6.675
189
23.47
METRIC
N
W
E
S
- APPROXIMATE LOCATION OF BORE HOLES
Date: 2008-SEPT-22
District: LSWK
File: 39/147/A
Scale: 1:400
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. 13432

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Corporate Finance
Internal Services – Legal Services Division
Public Works Department

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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