Agenda - Executive Policy Committee - October 21, 2009

Report - Standing Policy Committee on Property and Development - October 8, 2009

Item No. 13 Encroachment Agreement - Regent Avenue West Right-of-Way – Transcona Hi Neighbourhood Festival Inc.
(Transcona Ward)
eFile ED(33)

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service as amended, and submits the following to Council:

1. That the Encroachment Agreement in favour of the Transcona Hi Neighbourhood Festival Inc. be approved in accordance with the terms and conditions outlined in Schedule A to the report from the Winnipeg Public Service dated September 22, 2009.

2. That all encroachment fees associated with this matter be waived.

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

Agenda - Executive Policy Committee - October 21, 2009

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DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Add the following Recommendation and renumber the remaining Recommendation:

    2. That all encroachment fees associated with this matter be waived,

and forwarded the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

ISSUE: **To Seek Committee Approval for the Proposed Encroachment Agreement for the Relocation and Maintenance of the 'Hi Neighbour Sam' Monument to the Centre Median Encroaching onto the Regent Avenue West Right-of-Way – Transcona Hi Neighbourhood Festival Inc.**

Critical Path: **Standing Policy Committee on Property and Development**

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Klassen	D. Joshi	N/A	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the proposed Encroachment Agreement in favour of the Transcona Hi Neighbourhood Festival Inc. be approved in accordance with the proposed terms and conditions as attached (Schedule A).

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

IMPLICATIONS OF THE RECOMMENDATIONS

In accordance with the Council Order of July 18, 1979, the Standing Policy Committee on Property and Development shall authorize the leasing or rental of City properties for which the Director of Planning, Property and Development Department has no authority. In this regard, the Planning, Property and Development Department has negotiated proposed terms and conditions of an Encroachment Agreement, in favor of the Transcona Hi Neighbourhood Festival Inc., for the relocation and ongoing maintenance of 'Hi Neighbour Sam' monument to the centre medium within the Regent Avenue West Right-of-Way.

- The Department has determined that there is no general, policy, regulatory, environmental, human resource or financial implications to the Encroachment Agreement of this land as outlined in the attached Miscellaneous Plan No. 13607.

- Transcona Hi Neighbour Festival Inc. wishes to enter into an Encroachment Agreement for the relocation and maintenance of the ‘Hi Neighbourhood Sam’ monument to the centre median within the Regent Avenue West Right-of-Way.

HISTORY

- McGowan Russell, on behalf of community members of Transcona, the Transcona Hi Neighbour Festival Committee, and the Transcona Biz, submitted an encroachment application to the City’s Zoning and Permits Branch for the relocation and ongoing maintenance of a ‘Hi Neighbour Sam’ monument to the centre median encroaching onto 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 relocation and ongoing maintenance of the ‘Hi Neighbour Sam’ monument.

- The Planning, Property and Development Department has negotiated proposed terms and conditions of an Encroachment Agreement in favour of Transcona Hi Neighbour Festival Inc. to relocate and maintain the ‘Hi Neighbour Sam’ monument to the centre median of Regent Avenue West.

- The Public Works Department has no objection to the proposed encroachment, subject to the conditions as noted on Schedule ‘A’.

- 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.

FINANCIAL IMPACT

Financial Impact Statement **Date:** September 18, 2009

Project Name: **First Year of Program** **2009**

Proposed Encroachment Agreement for the Relocation and Maintenance of the 'Hi Neighbour Sam' Monument

	2009	2010	2011	2012	2013
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	288	150	150	150	150
Net Cost/(Benefit)	$ (288)	$ (150)	$ (150)	$ (150)	$ (150)
Less: Existing Budget Amounts	(288)	(150)	(150)	(150)	(150)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenues in 2009 consist of the one-time admin fee of $250 + a prorated portion of the $150 annual encroachment fee to reflect the Oct. 1 commencement date. Revenues from 2010 forward represent the full amount of annual encroachment fees.

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

CONSULTATION

In preparing this Report there was consultation with:

Corporate Finance Department
Public Works Department
Corporate Support Services, Legal Services Division

SUBMITTED BY

Department	Planning, Property and Development
Division	Real Estate
Prepared by	Maxine Clayton
Date:	September 22, 2009
File No.	39/147/A

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SCHEDULE A

PROPOSED TERMS AND CONDITIONS FOR ENCROACHMENT AGREEMENT TO RELOCATE THE 'HI NEIGHBOUR SAM' MONUMENT TO THE CENTRE MEDIUM OF REGENT AVENUE WEST, ADJACENT TO THE CANAD INN - TRANSCONA HI NEIGHBOUR FESTIVAL INC.

Use:	Relocation and Maintenance of a monument;
Area:	Shown and identified as 'Encroachment Area' on Misc. Plan No. 13607 attached;
Term:	Annual Continuing, commencing October 1st, 2009;
Rental:	$150.00 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, 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 all utilities be permitted to enter the area for maintenance, repair or installation of services at anytime without notice to the applicant and that any removal or relocation of existing facilities as a result of the proposed application will be at the expense of the applicant and that

prior to any digging or excavation, Manitoba Hydro and Centra Gas Manitoba Inc. advise the applicant to contact the Call Before You Dig at 480-1212;

That extreme caution be used when excavating in the vicinity of MTS buried plant and that the applicant contact the Buried Plan Location Services at 941-7267, 48 hours prior to excavation for further confirmation in the field;

That the concrete base must be located a minimum of 1.0m from the back of the curb;

That all applicable permits be obtained prior to any development;

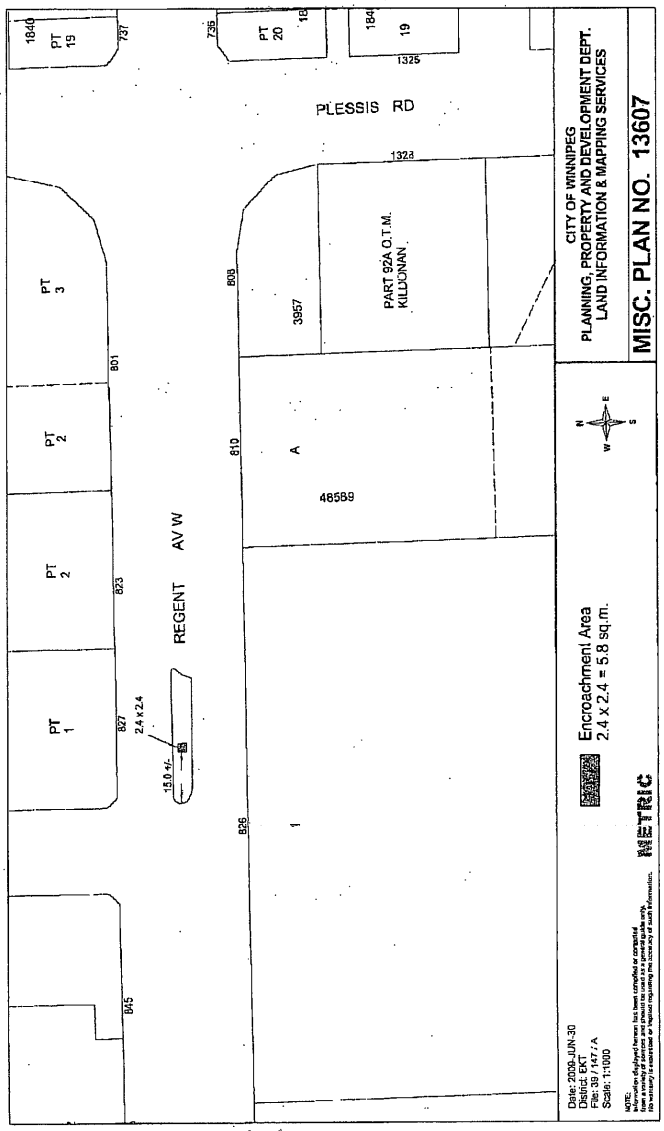
That Transcona Hi Neighbour Festival Inc. shall enter into an agreement with the City of Winnipeg acknowledging responsibility for all costs related to the relocation, liability and maintenance of the monument;

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.

TRANSCONA HI NEIGHBOUR FESTIVAL INC. HEREBY ACKNOWLEDGES AND AGREES WITH THE ABOVE TERMS AND CONDITIONS.

TITLE – Chairperson
Debbie Neufeld

09/04/09
DATE


PLESSIS RD
REGENT AV W
PART 92A O.T.M.
KILDONAN
3957
48589
PT 19
PT 20
PT 3
PT 2
PT 2
PT 1
2.4 x 2.4
15.0 +/-
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13607
Encroachment Area
2.4 x 2.4 = 5.8 sq.m.
METRIC
Date: 2009-JUN-30
District: EKT
File: 39 / 147 / A
Scale: 1:1000