**Minute No. 545**
**Report - Standing Policy Committee on Property and Development – July 6, 2010**

**Item No. 27 Encroachment Agreement – Tyndall Park Community Centre (Point Douglas Ward)**
**eFile ED(34)**

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 in favour of Tyndall Park Community Centre to remove the current sign at the Community Centre and replace and maintain a new illuminated sign encroaching onto the right-of-way at King Edward Street and Burrows Avenue, as shown on Miscellaneous Plan No. 12738/1, be approved in accordance with the terms and conditions as set out in the Schedule A to the report from the Winnipeg Public Service dated June 29, 2010.

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 – July 6, 2010**

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, 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 July 6, 2010, 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.

# ADMINISTRATIVE REPORT

**Title:** **Proposed Encroachment Agreement with Tyndall Park Community Centre**

**Issue:** **Proposed Encroachment Agreement to Remove the Current Sign at the Community Centre and Replace and Maintain a New Illuminated Sign Encroaching onto the Right-of-Way at King Edward Street and Burrows Avenue – Tyndall Park Community Centre**

**Critical Path:** **Standing Policy Committee on Property and Development, EPC, Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Thorgrimson | D. Joshi | J. Ferrier, Acting CFO | P. Sheegl, Deputy CAO |

## RECOMMENDATIONS

1. That a proposed Encroachment Agreement in Favour of Tyndall Park Community Centre to remove the current sign at the Community Centre and replace and maintain a new illuminated sign encroaching onto the right-of-way at King Edward Street and Burrows Avenue, as shown on attached Miscellaneous Plan No. 12738/1, be approved in accordance with the proposed terms and conditions as set out in the 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.

## REASON FOR THE REPORT

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 property for which the Director of Planning, Property and Development has no authority. In this regard, the Planning, Property and Development Department has negotiated the proposed terms and conditions of an Encroachment Agreement in favour of Tyndall Park Community Centre.

## IMPLICATIONS OF THE RECOMMENDATIONS

The Department has determined that there is no general, policy, regulatory, environmental or human resource implications to lease the lands as shown on the attached Miscellaneous Plan No. 12738/1.

## HISTORY

Ace Signs, on behalf of Tyndall Park Community Centre, located at 2255 King Edward Street, submitted an encroachment application to the City's Zoning and Permits Branch to remove the Community Centre's current sign and to replace and maintain a new illuminated sign.

The application was circulated to applicable City departments and public utilities for consideration and comments. No objections were received.

The Planning, Property and Development Department has negotiated proposed terms and conditions of an Encroachment Agreement in favour of Tyndall Park Community Centre to remove the current sign at the Community Centre and to replace and maintain a new illuminated sign onto the right-of-way at King Edward Street and Burrows Avenue.

The Public Works Department has no objection to the proposed encroachment, subject to 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 terms and conditions.

This report seeks approval of the Encroachment Agreement as negotiated.

## FINANCIAL IMPACT

### Financial Impact Statement

**Date:** June 29, 2010

**Project Name:** **First Year of Program** **2010**

Proposed Encroachment Agreement with Tyndall Park Community Centre

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|---|---|---|---|---|
| **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 | 296 | 61 | 61 | 61 | 61 |
| Net Cost/(Benefit) | $ (296) | $ (61) | $ (61) | $ (61) | $ (61) |
| Less: Existing Budget Amounts | (296) | (61) | (61) | (61) | (61) |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:** Revenues in 2010 consist of a one-time admin fee of $250 + $61 annual rental amount pro-rated for the April 1, 2010 commencement date. Revenues from 2011 onward represent the annual rental amount only.

*"Original signed by"*

Mike McGinn, CA
Manager of Finance

## CONSULTATION

**In preparing this report there was consultation with:**

Corporate Finance
Legal Services Department as to legal issues
Public Works Department

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Real Estate |
| Prepared by: | Maxine Clayton |
| Date: | June 29, 2010 |
| File No. | 4630 |

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SCHEDULE A

**PROPOSED TERMS AND CONDITIONS FOR ENCROACHMENT AGREEMENT TO REMOVE THE CURRENT SIGN AT THE COMMUNITY CENTRE AND REPLACE AND MAINTAIN A NEW ILLUMINATED SIGN ENCROACHING ONTO THE RIGHT OF WAY AT KING EDWARD STREET AND BURROWS AVENUE – TYNDALL PARK COMMUNITY CENTRE**

| | |
|---|---|
| Use: | Development and Maintenance of Sign |
| Area: | Shown and identified as 'Sign Encroachment' on Misc. Plan No. 12738/1 attached |
| Term: | Annual Continuing, commencing April 1, 2010 |
| Fee: | $61.00 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: | Tyndall Park Community Centre is covered under the City of Winnipeg portfolio of insurances |
| 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 obtain an extension of time from the Designated Officer – Encroachments<br><br>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 the Call Before You Dig at 480-1212<br><br>That extreme caution be used when excavating in the vicinity of MTS buried plant (MTS facilities have been marked on attached drawing ) and that the applicant contact the Buried Plan Location Service at 941-7267m, 48 hours prior to excavation for further confirmation in the field;<br><br>That the applicant agrees to adhere to all the conditions contained in the documents from the Public Works Department: |

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- The LED message centre shall be equipped and function with an automatic dimming feature which dims automatically under low light conditions;

The applicant agrees to adhere to all the conditions contained in the documents from the Water and Waste Department:

- As shown in the sketch attached, the existing sign is currently located directly over an existing water main. The proposed sign cannot be located over the water main. It is recommended that the sign be located either north or south of the water main with a 2.0m minimum separation between the water main and the closest support column and pile.

**The applicant agrees to adhere to all the conditions contained in the documents from the District Planner:**

- **Electronic message centre shall be off from 12:00 midnight to 6:00 a.m.;**
- **There shall be no third party advertising;**
- **That the electronic message centre text and images are monochromatic;**
- **That all text and images are static and are displayed for at least eight (8) seconds;**
- **That the electronic message centre sign shall be developed in substantial conformance with the plans submitted with this application**;

That all applicable permits be obtained prior to any development

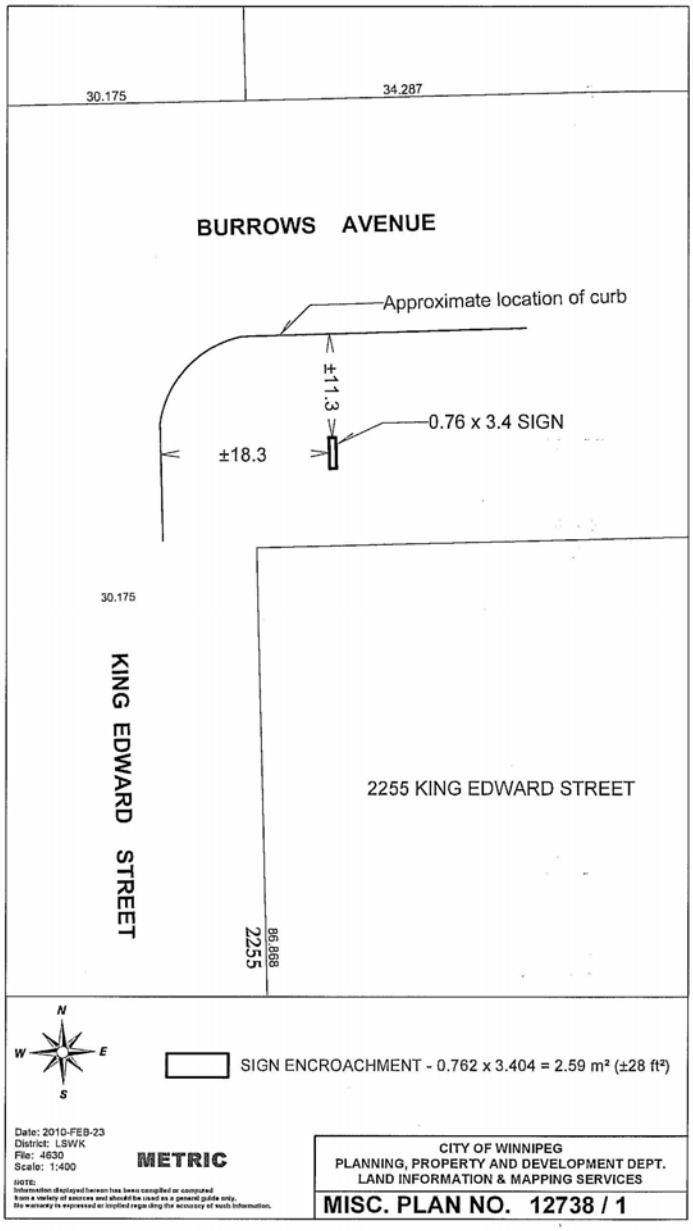
The proposed terms and conditions of the proposed Encroachment Agreement are subject to the final approval of the City's Standing Committees and Council and to the City Solicitor as to form and content

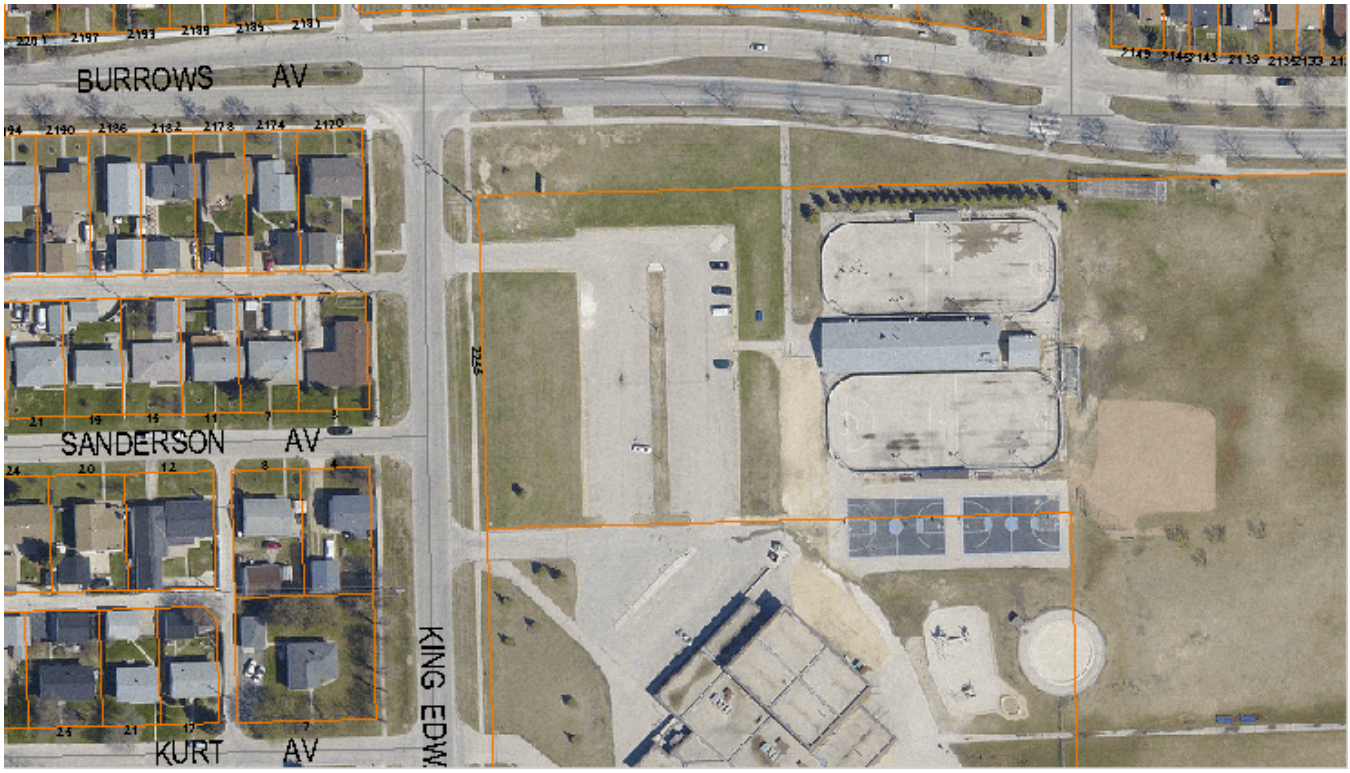
**TYNDALL PARK COMMUNITY CENTRE HEREBY ACKNOWLEDGES AND AGREES WITH THE ABOVE TERMS AND CONDITIONS.**

_____ _____

**NAME** **DATE**

**TITLE:**_____


30.175
34.287
BURROWS AVENUE
Approximate location of curb
±11.3
0.76 x 3.4 SIGN
±18.3
30.175
KING EDWARD STREET
2255 KING EDWARD STREET
86.868
2255
N
W
E
S
SIGN ENCROACHMENT - 0.762 x 3.404 = 2.59 m² (±28 ft²)
Date: 2010-FEB-23
District: LSWK
File: 4630
Scale: 1:400
METRIC
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. 12738 / 1


BURROWS AV
SANDERSON AV
KURT AV
KING EDW