Agenda - Council – January 26, 2011

Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 11 Encroachment Agreement - Portage Avenue and Good Street - University of Winnipeg (Daniel McIntyre Ward)

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2011, 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 University of Winnipeg to develop and maintain a Way Finding sign encroaching onto the City right-of-way at Portage Avenue and Good Street, as shown on Misc. Plan 13834/1, be approved in accordance with the terms and conditions as set out in Schedule A to the report of the Winnipeg Public Service dated December 21, 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 – January 11, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2011, 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 January 11, 2011, 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

Issue: **Proposed Encroachment for the Development and Maintenance of a Way Finding Sign Encroaching onto the City Right-of-Way at Portage Avenue and Good Street – University of Winnipeg**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Thorgrimson	D. Joshi	M Geer A/CFO	Alex Robinson Deputy CAO

RECOMMENDATIONS

1. That a proposed Encroachment Agreement in favour of University of Winnipeg to develop and maintain a Way Finding sign encroaching onto the City right-of-way at Portage Avenue and Good Street, as shown on attached Misc. Plan 13834/1, 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 University of Winnipeg.

Council has the authority to permit or licence the use of a public-right-way.

IMPLICATIONS OF THE RECOMMENDATIONS

The Department has determined that there is no policy, regulatory, environmental or human resource implications to enter into an Encroachment Agreement on the lands as shown on the attached Misc. Plan No. 13834/1.

HISTORY

University of Winnipeg submitted an encroachment application to the City's Zoning and Permits Branch to develop and maintain a Way Finding sign encroaching onto the City right-of-way at Portage Avenue and Good Street.

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

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

The Planning, Property and Development Department has negotiated proposed terms and conditions of an Encroachment Agreement in favour of University of Winnipeg to develop and maintain a Way Finding sign encroaching onto the Portage Avenue right-of-way.

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.

The report seeks approval of the Encroachment Agreement as negotiated.

FINANCIAL IMPACT

Financial Impact Statement **Date:** December 16, 2010

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

Proposed Encroachment with University of Winnipeg

	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	265	311	311	311	311
Net Cost/(Benefit)	$ (265)	$ (311)	$ (311)	$ (311)	$ (311)
Less: Existing Budget Amounts	(265)	(311)	(311)	(311)	(311)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenues consist of $61/annum in lease revenue + an annual lease admin fee of $250. Lease revenue for 2010 has been adjusted for the October 1 commencement date.

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

CONSULTATION

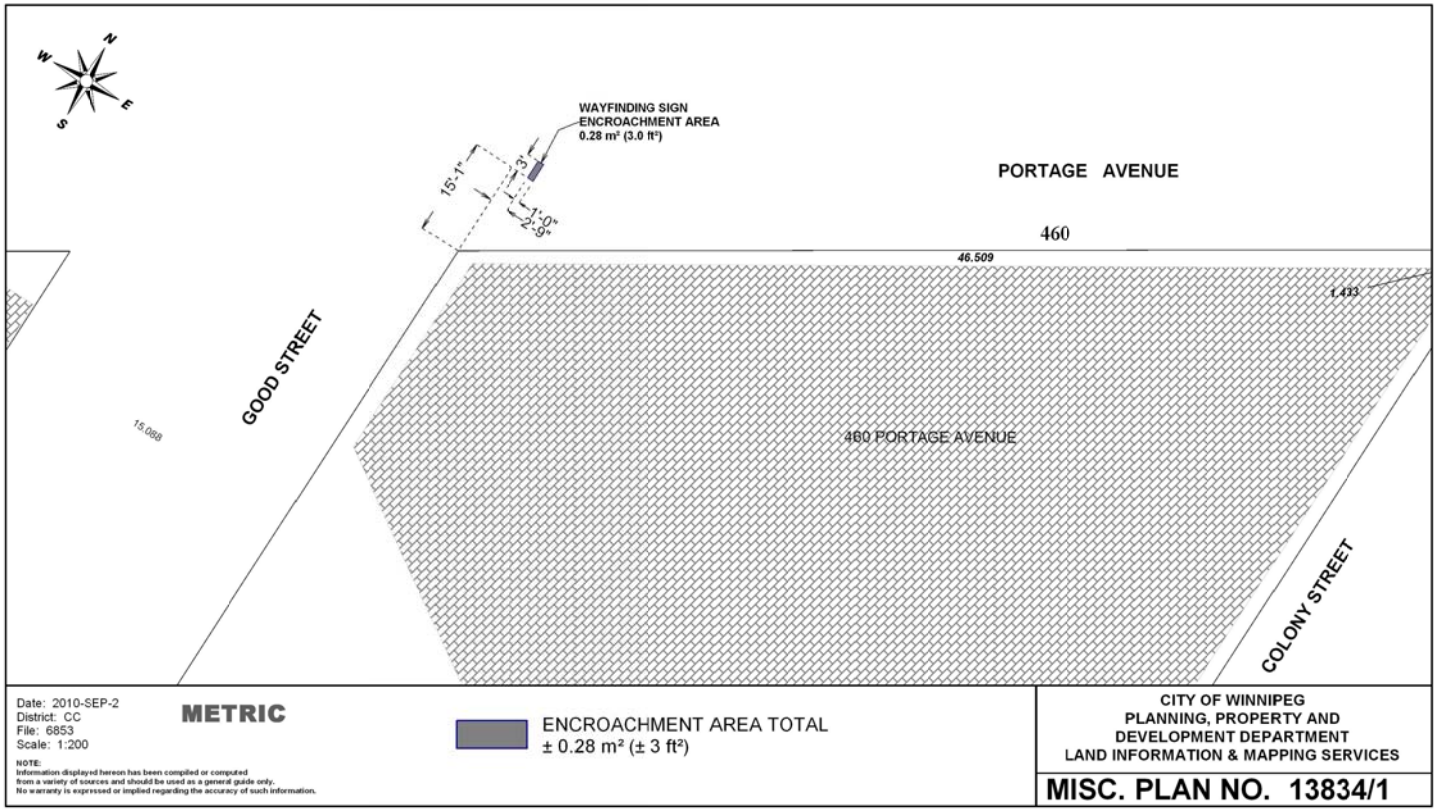
In preparing this report there was consultation with:

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:	December 21, 2010

File No. o:\reports directive\real estate\leasing\(mpc) University of Wpg (File 6853)


N
W
E
S
WAYFINDING SIGN
ENCROACHMENT AREA
0.28 m² (3.0 ft²)
15'-1"
3'
1'-0"
2'-9"
PORTAGE AVENUE
460
46.509
1.433
GOOD STREET
15.088
460 PORTAGE AVENUE
COLONY STREET
Date: 2010-SEP-2
District: CC
File: 6853
Scale: 1:200
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.
ENCROACHMENT AREA TOTAL
± 0.28 m² (± 3 ft²)
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13834/1

SCHEDULE A

PROPOSED TERMS AND CONDITIONS FOR ENCROACHMENT AGREEMENT TO PERMIT THE ERECTION AND MAINTENANCE OF A SIGN LOCATED AT PORTAGE AVENUE AND GOOD STREET – UNIVERSITY OF WINNIPEG

Use:	Erection and Maintenance of a Way Finding Sign
Area:	Shown and identified as 'Encroachment Area Total' on Misc. Plan No. 13834/1, attached.
Term:	Annual Continuing, commencing October 1, 2010.
Rental:	$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; an annual administrative fee of $250.00 plus GST.
Insurance:	Commercial General Liability insurance in the amount of at least $2,000,000.00, The City of Winnipeg to be added as an 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. Prior to

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

That extreme caution be used when excavating in the vicinity of MTS buried plan (MTS facilities have been marked on attached drawing) and that the applicant contact the Buried Plan Location Services at 941-7267, 48 hours prior to excavation for further confirmation in the field. MTS facilities have been marked in red on the attached drawing.

That the additional conditions outlined in the attached document from Manitoba Hydro be adhered to:

- **At this time Manitoba Hydro is unable to determine where our existing facilities are located in relation to the proposed new lot(s). We will require the landowner's surveyor to prepare a sketch showing the exact location of all Manitoba Hydro facilities on the subject property. We will return an easement layout for his preparation of the easement plan, if required.**
- **Centra Gas Manitoba Inc.'s facilities in the area are covered by an existing easement. In addition, Centre Gas Manitoba Inc. has no new easement requirements with respect to the above noted subdivision application file no. By Law 692/74.**
- **Any removal or relocation of Manitoba Hydro and/or Centra Gas Manitoba Inc. existing facilities as a result of the proposed subdivision will be at the expense of the developer and/or customer. As a result of this application, a survey plan or plan may be required. This will be the responsibility and at the expense of the applicant.**
- **Should the applicant require any future electrical and or gas service it can be obtained from the local Manitoba Hydro District Office.**

That all applicable permits be obtained prior to any further development.

The applicant agrees to enter into an 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 are subject to final approval by the City of Winnipeg's Council, or its delegated authority.

I, Bill Bala, duly authorized to act on behalf of the University of Winnipeg, hereby agree that the University of Winnipeg will enter into an Encroachment Agreement with the City of Winnipeg for the erection and maintenance of a Way Finding Sign shown as 'Encroachment Area Total' on Misc. Plan No. 13834/1, attached, in accordance with the terms and conditions as outlined herein.

Per: _____

Per: _____
For the University of Winnipeg

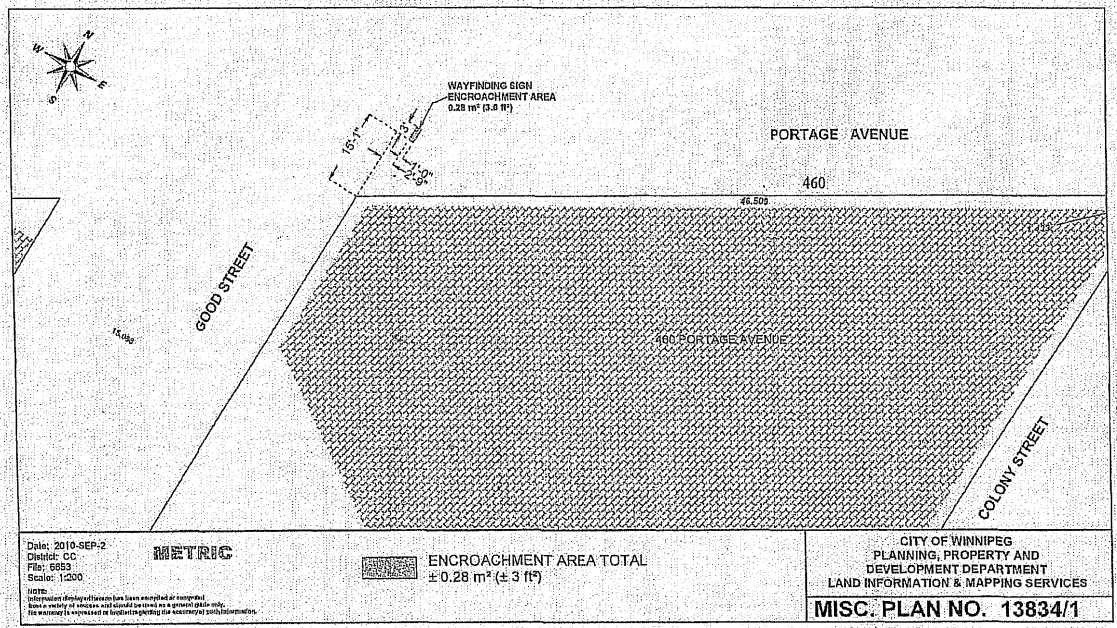
DATE: NOVEMBER 17, 2010

Please provide the following contact information:

Contact Person: Mike Thiel

Phone: 204 988 7187

Email Address: m.thiel@uwinnipeg.ca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CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
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MISC. PLAN NO. 13834/1