Agenda - Council – May 25, 2011

Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 13 Lease Agreement Amendment - Alhijra Islamic Foundation Inc. - 410 Desalaberry Avenue (Elmwood-East Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On May 18, 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 the amendment to the Lease Agreement with the Alhijra Islamic Foundation Inc. to exclude a portion of land, as shown on Misc. Plan 13927/4 as "Area to be Excluded", be approved in accordance with the Terms and Conditions set out in Schedule A.

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 – May 10, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 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 May 10, 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

Title: **Proposed Terms and Conditions to Amend the Lease Agreement with Alhijra Islamic Foundation Inc. - 410 Desalaberry Avenue.**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Thorgrimson	D. Joshi	n/a	Phil Sheegl, Deputy CAO

RECOMMENDATIONS

1. That the Proposed Amendment to the Lease Agreement with the Alhijra Islamic Foundation Inc. to exclude a portion of land, as shown on the attached Misc. Plan 13927/4 as "Area to be Excluded", be approved in accordance with the Proposed Terms and Conditions 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 have negotiated Proposed Terms and Conditions to amend the Lease Agreement with Alhijra Islamic Foundation Inc.

IMPLICATIONS OF THE RECOMMENDATIONS

The Department has determined there is no general policy, regulatory, environmental or human resource implications to leasing the lands shown on the attached Misc. Plan 13927/4.

The Lease Amendment with Alhijra Islamic Foundation Inc., to delete the land shown as "Area to be Excluded" on Misc. Plan 13927/4, will allow the City to proceed with the proposed lease with Pattison Outdoor Advertising.

HISTORY

The Subject Property has been leased to Alhijra Islamic Foundation Inc. since 2004; the current agreement will expire December 31, 2013. Pattison Outdoor Advertising has approached the City to enter into a lease agreement for a 10' by 20' billboard sign located on the property leased by Alhijra Islamic Foundation Inc. and described as "Area to be Excluded" on the attached Misc. Plan 13927/4. In order to accommodate this request it is necessary to exclude that portion of land from the original lease agreement

Alhijra Islamic Foundation Inc. has no objection to removing the leased area required by Pattison Outdoor Advertising from their lease with the City.

This report seeks the approval of the Proposed Terms and Conditions to Amend the Lease Agreement with Alhijra Islamic Foundation Inc. in accordance with the Terms and Conditions of Schedule A attached.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 22, 2011

Project Name:

Proposed Terms and Conditions to Amend the Lease Agreement between the City of Winnipeg and Alhijra Islamic Foundation Inc.

COMMENTS:

There are no financial implications associated with the recommendations contained in this report.

Karen Ayotte
Acting Manager of Finance & Administration

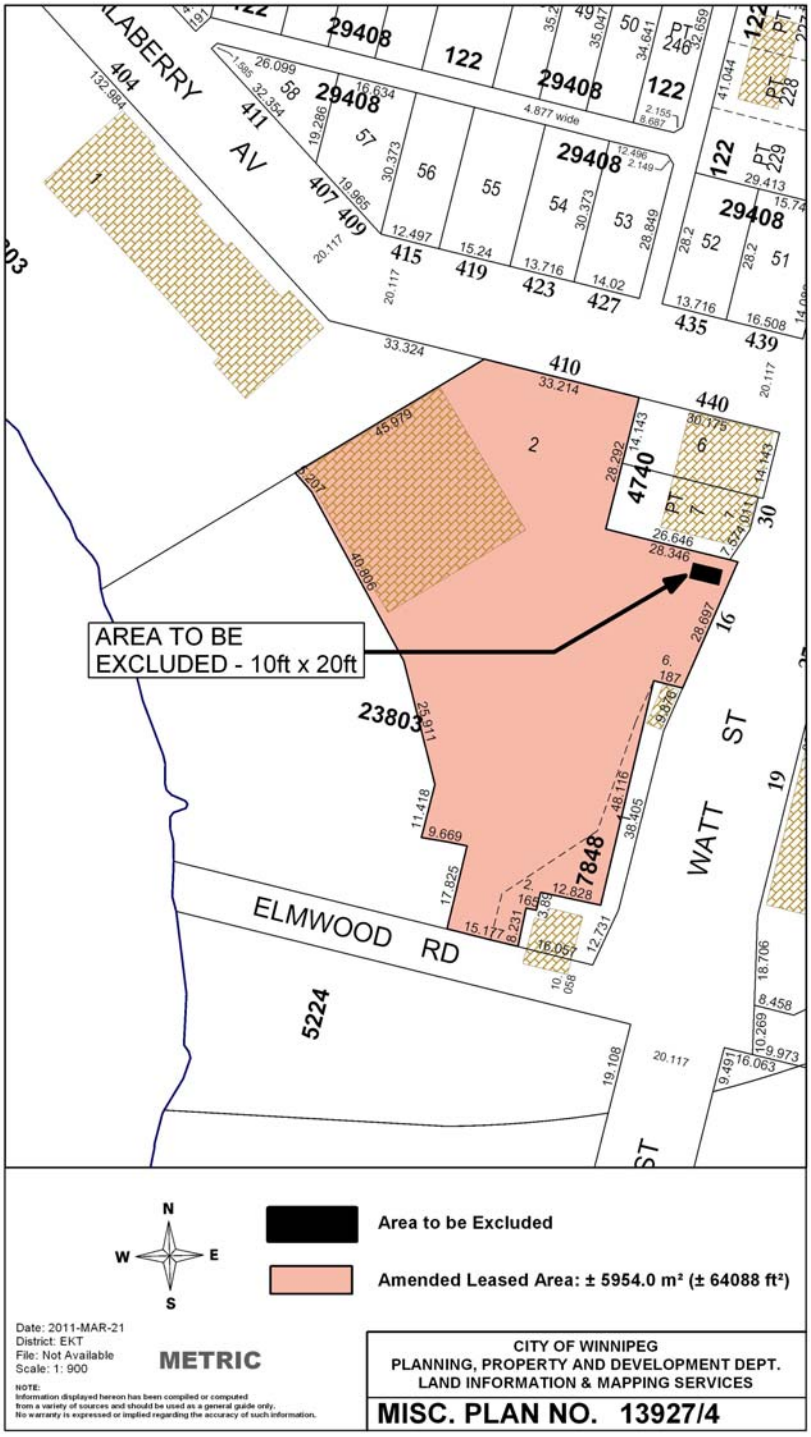
CONSULTATION

In preparing this report there was consultation with:

Legal Services Department, as to legal issues

SUBMITTED BY

Department:	Planning, Property & Development Department
Division:	Real Estate Division
Prepared by:	Stacy Sinclair
Date:	April 5, 2011
File No.:	32/151/2 (V5)


AREA TO BE
EXCLUDED - 10ft x 20ft
ELMWOOD RD
WATT ST
Area to be Excluded
Amended Leased Area: ± 5954.0 m² (± 64088 ft²)
Date: 2011-MAR-21
District: EKT
File: Not Available
Scale: 1: 900
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. 13927/4

Schedule "A"

Proposed Terms & Conditions to Amend the Lease Agreement between the City of Winnipeg and Alhijra Islamic Foundation Inc. (Shown as "Amended Leased Area" on attached Misc. Plan 13927/4)

Amendment Date:	March 1, 2011
Landlord:	City of Winnipeg
Lessee:	Alhijra Islamic Foundation Inc.
Purpose:	To amend the original Lease Agreement between the City of Winnipeg and Alhijra Islamic Foundation Inc. dated the 6th day of July, 2004.
Address:	410 Desalaberry Avenue, Winnipeg, Manitoba
Legal Description:	Part of Lot 2, Plan 23803, see attached Misc. Plan 13927/4
Area:	As shown on attached Misc. Plan 13927/4 as "Amended Leased Area"
Special Conditions:	To amend the Leased Area as shown on Misc. Plan 11376/4 in the original Lease Agreement with Alhijra Islamic Foundation Inc. to exclude the portion of land shown on the attached Misc Plan 13927/4 as "Excluded Area". The City shall have the right of access over a portion of the Leased Area to access the "Excluded Area" at any time by it's employees or other persons acting with authorization, with or without equipment. The City shall have the right to authorize and grant such access to Pattison Outdoor Advertising pursuant to the terms of this agreement; The City shall have the right to provide the Alhijra Islamic Foundation Inc. in writing, with one-hundred and eighty (180) days notice, if it no longer requires the use of the "Excluded Area"; in doing so the City and the Alhijra Islamic Foundation Inc. agree that the "Excluded Area" shall once again become part of the Leased Area as defined in the original Lease Agreement. **The terms and conditions of the proposed Lease Amending Agreement are subject to final approval by the City's Standing Policy Committees, Council and Solicitor.**

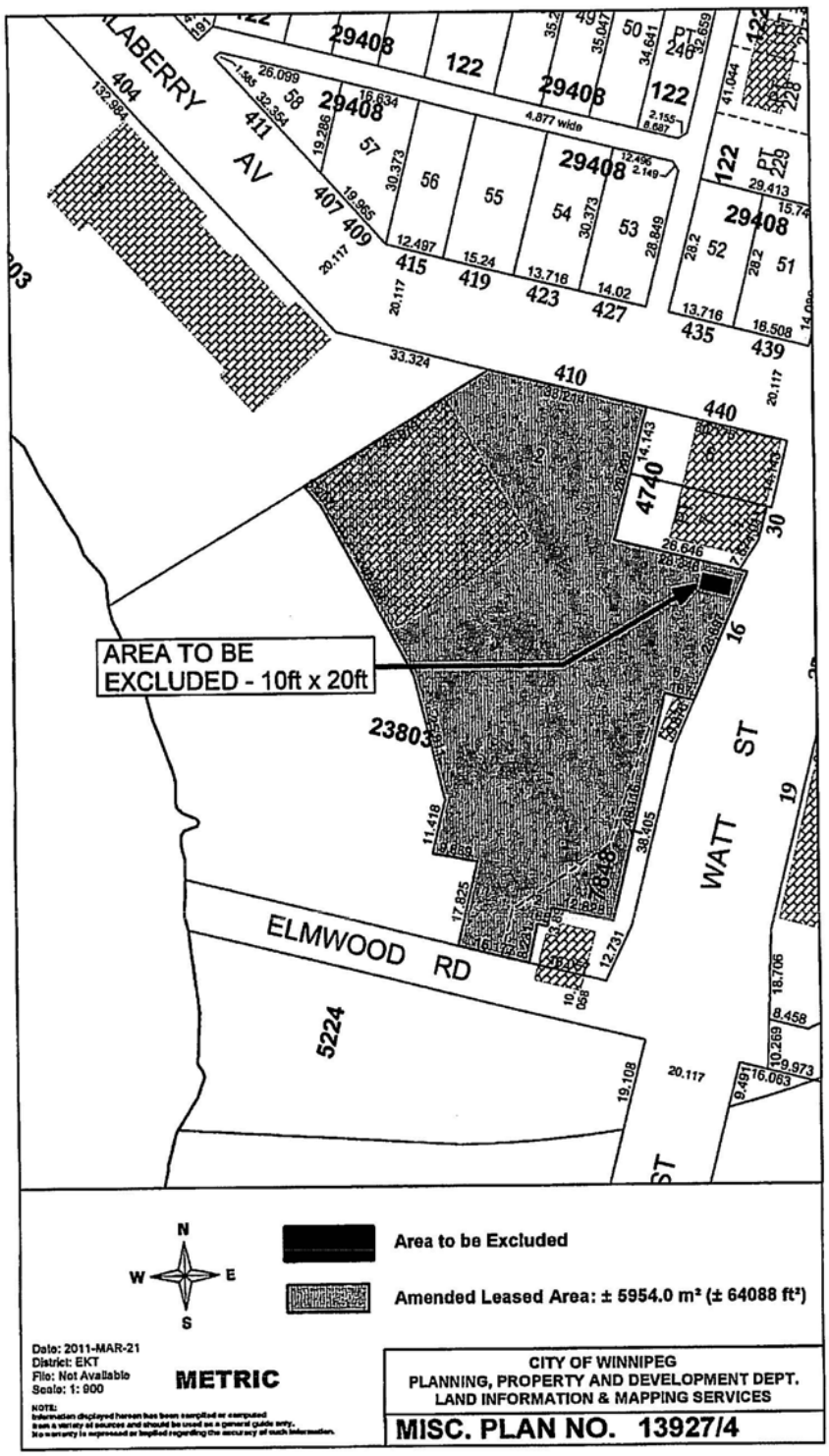
Alhijra Islamic Foundation Inc. hereby acknowledges and agrees to enter into an Amending Lease Agreement with the City of Winnipeg, to exclude the area identified on Misc. Plan 13927/4 as "Area to be Excluded" attached to this Schedule "A".

Alhijra Islamic Foundation Inc.

MAR 21/2011
Date

Witness ANTHONY RODRIGUES

Schedule "A"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Area to be Excluded
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Date: 2011-MAR-21
District: EKT
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Scale: 1: 900
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CITY OF WINNIPEG
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MISC. PLAN NO. 13927/4