Minute No. 577
Report - Standing Policy Committee on Property and Development – September 13, 2011

Item No. 6 Encroachment Agreement - Winnipeg Transcona Rotary Club (Transcona Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That an Encroachment in favour of Winnipeg Transcona Rotary Club to erect and maintain a sign encroaching onto the City right-of-way adjacent to 1500 Regent Avenue West, as shown on Misc. Plan No. 13995, be approved in accordance with the terms and conditions as set out in Schedule A.

2. That all encroachment fees associated with this agreement be waived in perpetuity.

3. 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 – September 13, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 13, 2011, 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 2. and renumber the remaining recommendation accordingly:

  "2. That all encroachment fees associated with this agreement be waived in perpetuity",

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

ADMINISTRATIVE REPORT

Title: To Report back to Committee confirming additional details of the Proposed Encroachment Agreement to Maintain a Sign Encroaching onto the Regent Avenue Right-of-Way adjacent to 1500 Regent Avenue West - Winnipeg Transcona Rotary Club

Critical Path: Standing Policy Committee on Property and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Thorgrimson	D. Joshi	N/A	Deepak Joshi Chief Operating Officer

RECOMMENDATIONS

The Winnipeg Public Service has confirmed with the Winnipeg Transcona Rotary Club that:

1. The new sign will not obscure the existing Transcona BIZ sign.
2. That the existing Winnipeg Transcona Rotary Club Sign in this right-of-way will be removed once the new sign is erected.

REASON FOR THE REPORT

The Winnipeg Public Service is responding to the request from the Standing Policy Committee on Property and Development meeting of July 5, 2011, to report back with confirmation:

1. That the new Winnipeg Transcona Rotary Club sign will not obscure the existing Transcona BIZ sign.
2. That the existing Winnipeg Transcona Rotary Club sign in the right-of-way will be removed once the new sign is erected.

IMPLICATIONS OF THE RECOMMENDATIONS

None

HISTORY

On July 5, 2011, The Standing Policy Committee on Property and Development considered a report to approve an Encroachment Agreement to Erect and Maintain a Winnipeg Transcona Rotary Club Sign Encroaching onto the Regent Avenue Right-of-Way adjacent to 1500 Regent Avenue West.

The Standing Policy Committee asked the Winnipeg Public Service to report back in 30 Days with confirmation that:

1 That the new Winnipeg Transcona Rotary Club sign will not obscure the existing Transcona BIZ sign.
2. That the existing Winnipeg Transcona Rotary Club sign in the right-of-way will be removed once the new sign is erected.

The Winnipeg Public Service is responding to request for additional information as requested from Standing Policy Committee.

FINANCIAL IMPACT

Financial Impact Statement **Date:** August 11, 2011

Project Name:

To report back to the Standing Policy Committee on Property and Development confirming additional details of the Proposed Encroachment Agreement at 1500 Regent Avenue West

COMMENTS:

The recommendation contained in this report is that Winnipeg Public Service has confirmed with the Winnipeg Transcona Rotary Club that:
1. The new sign will not obscure the existing Transcona BIZ sign.
2. That the existing Winnipeg Transcona Rotary Club Sign in this right-of-way will be removed once the new sign is erected.

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

none

SUBMITTED BY

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	Barry Lucyk
Date:	August 16, 2011
File No.	39/147(a)

o:\reports directive\real estate\leasing\(bl) transcona rotary encroachment confirmation spcpd.doc

ADMINISTRATIVE REPORT

Title: **Proposed Encroachment Agreement to Erect and Maintain a Winnipeg Transcona Rotary Club Sign Encroaching onto the Regent Avenue Right-of-Way adjacent to 1500 Regent Avenue West - Winnipeg Transcona Rotary Club**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Thorgrimson	D. Joshi	M. Ruta Deputy CAO/ Chief Financial Officer	A. Robinson Deputy CAO

RECOMMENDATIONS

1. That a proposed Encroachment in favour of Winnipeg Transcona Rotary Club to erect and maintain a sign encroaching onto the City right-of-way adjacent to 1500 Regent Avenue West, as shown on attached Miscellaneous Plan No. 13995, 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 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 the proposed terms and conditions of an Encroachment Agreement in favour of Winnipeg Transcona Rotary Club for the use of City right-of-way shown on Misc. Plan No 13995. This report seeks the Committee's approval of the terms and conditions of the encroachment agreement as negotiated.

IMPLICATIONS OF THE RECOMMENDATIONS

- The Department has determined that there is no general policy, regulatory, environmental, human resource or financial implications to the lease of the subject property as described on the attached Misc. Plan. No. 13995.

- The proposed encroachment agreement will formalize the terms and conditions for the use of the City's right-of-way as outlined on Misc. Plan. No. 13995.

HISTORY

Winnipeg Transcona Rotary Club submitted an encroachment application to the City's Zoning and Permits Branch to erect and maintain a Transcona Rotary Club sign encroaching onto the City right-of-way adjacent to 1500 Regent Avenue West.

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 Winnipeg Transcona Rotary Club to erect and maintain a Transcona Rotary Club sign encroaching onto the Regent Avenue West 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.

This report seeks approval of the Encroachment Agreement as negotiated.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 8, 2011

Project Name: **First Year of Program** **2011**

Proposed Encroachment Agreement to erect and maintain a Winnipeg Transcona Rotary Club encroaching onto the Regent Avenue West right-of-way

	2011	2012	2013	2014	2015
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	312	62	62	62	62
Net Cost/(Benefit)	$ (312)	$ (62)	$ (62)	$ (62)	$ (62)
Less: Existing Budget Amounts	(312)	(62)	(62)	(62)	(62)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Revenues in 2011 consist of the initial admin fee of $250 + annual rent of $62 while from 2012 onward, only the $62 rental fee is applicable.

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

CONSULTATION

In preparing this report there was consultation with:

Legal Services as to legal issues

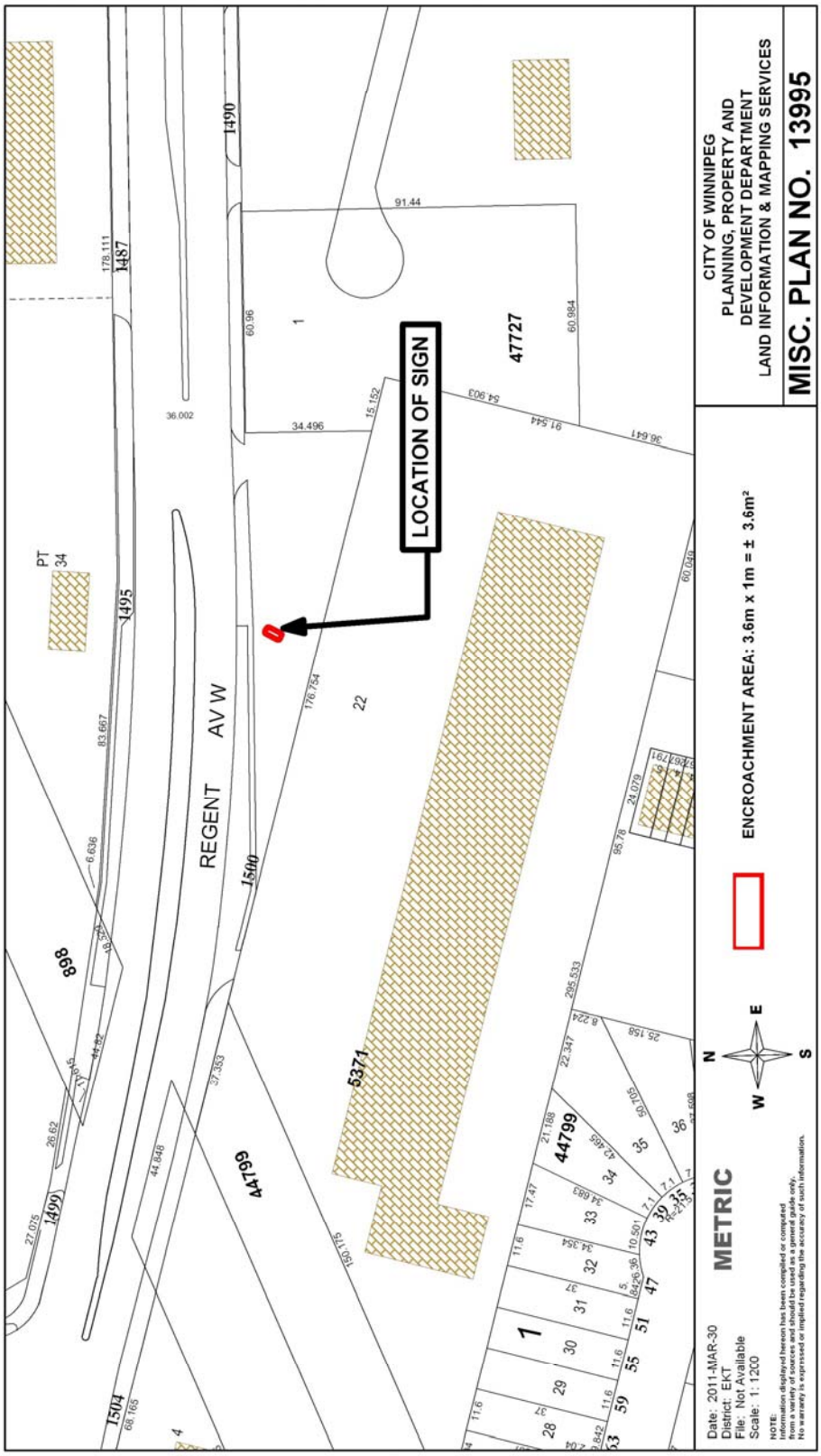
Corporate Finance, Risk Management

Public Works Department

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate
Prepared by: M. Clayton, Real Estate Officer
Date: June 14, 2011
File No.: 39/147(A)

O:\Reports Directive\Real Estate\Leasing\(mpc) Encroachment Agmt-Winnipeg Transcona Rotary Club.doc


LOCATION OF SIGN
REGENT AV W
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13995
ENCROACHMENT AREA: 3.6m x 1m = ± 3.6m²
METRIC
Date: 2011-MAR-30
District: EKT
File: Not Available
Scale: 1: 1200
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.

Received:
APR-21-2011(THU) 09:18 PP&D 2nd floor 65 Garry Apr 21 2011 09:25am (FAX)204 944 8476 P.002/005

SCHEDULE A

PROPOSED TERMS AND CONDITIONS FOR ENCROACHMENT AGREEMENT TO ERECT AND MAINTAIN A TRANSCONA ROTARY CLUB SIGN ENROACHING ONTO THE REGENT AVENUE RIGHT-OF-WAY AT PEGUIS STREET– WINNIPEG TRANSCONA ROTARY CLUBCOMMUNITY

Use:	Erection and Maintenance of a Transcona Rotary Club
Licensee:	Winnipeg Transcona Rotary Club (hereinafter called the 'Licensee")
Area:	Shown and identified as 'Encroachment Area' on Misc. Plan No. 13995, attached;
Term:	Annual Continuing, commencing April 1, 2011;
Rental:	$62.00 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:	The Licensee shall ensure that that any Contractor of Sub-contractor hired to perform maintenance work or repairs to the Archway shall: Provide a certificate of insurance for Comprehensive General Liability insurance in the amount of at least $2,000,000.00, with the following requirements: i) the City of Winnipeg to be added as an additional insured, ii) policy to contain a cross-liability clause, iii) provision to provide a minimum of 30 days written notice of cancellation/termination. Such certificate of insurance must be in a form satisfactory to the Supervisor of Insurance and must be provided at least two (2) business days prior to the commencement of any work on the site; Deductibles shall be borne by the Contractor and/or Sub-contractor;
Cancellation:	Ninety (90) days written notice;

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.

WINNIPEG TRANSCONA ROTARY CLUB HEREBY ACKNOWLEDGES AND AGREES WITH THE ABOVE TERMS AND CONDITIONS.

Secty

WINNIPEG TRANSCONA ROTARY CLUB

21 Apr 11

DATE

TMC Fax:204-224-2053 Apr 21 2011 01:05pm P004/004
Received: Apr 21 2011 09:26am
APR-21-2011(THU) 09:19 PP&D 2nd floor 65 Garry (FAX)204 944 8476 P.005/005

