Agenda - Council – December 12, 2012

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – November 29, 2012

Item No. 1 Easement Requirements - Bonny Castle Park/Assiniboine Riverwalk Adjoining 280/290/300/318 Assiniboine Avenue – Heritage Landing on Assiniboine Inc.
(Fort Rouge – East Fort Garry Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and submits the following to Council:

1. That permanent easements in favour of Heritage Landing on Assiniboine Inc. over a portion of the City-owned parkland (Bonny Castle Park/Assiniboine Riverwalk) identified on Misc. Plan No. 8289/30, be approved by Council.

2. That the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor in order to protect the interests of the City.

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

Pursuant to Section 205(2) of The City of Winnipeg Charter, disposal of land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – November 29, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2012, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Proposed Permanent Easement Requirements Located on Parkland (Bonny Castle Park/Assiniboine Riverwalk) Adjoining 280/290/300/318 Assiniboine Avenue in favour of Heritage Landing on Assiniboine Inc.**

Critical Path: **Standing Policy Committee on Downtown Development, Heritage and Riverbank Management**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Zabudney	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That permanent easements in favour of Heritage Landing on Assiniboine Inc. over a portion of the City-owned parkland (Bonny Castle Park/Assiniboine Riverwalk) identified on the attached Misc. Plan No. 8289/30, be approved by Council.

2. That the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

3. 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 City of Winnipeg Charter, all disposition of property designed or acquired for park or cemetery purposes require approval of at least 2/3 of all members of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

- The proposed easement requirements will limit the City's ability to use the parkland (Bonny Castle Park/Assiniboine Riverwalk) property and are for the exclusive benefit of the Proponent.

- There are no regulatory or human resources implications associated with this report.

HISTORY

The City sold 280, 290, 300 and 318 Assiniboine Avenue in 2012. Title to the subject property registered in the name of Heritage Landing on Assiniboine Inc. (the Proponent) on April 19, 2012.

As part of the construction of the 25 storey apartment building and in order to meet the design that's required from Professionals of Record, the Proponent is required to install sheet piling shoring to act as a floodwall along the southern portion of the east property line. A portion of this floodwall will encroach onto the City property, shown as "Floodwall Encroachment" on Misc. Plan 8289/30.

Additional shoring is also required ("timber and lag shoring") on the east and north property lines, shown as "Encroachment Area". The exposed (above grade) components of the timber and lag shoring are temporary. The below grade components (non-visable) are permanent but considering they are below grade, are concealed from view.

Lastly, the Proponent has advised that the foundation of the tower crane will sit on the far east side of their building. The tower crane itself is temporary and will be removed as the building approaches completion. However, the crane needs to sit on a foundation that will be installed under the basement slab. A portion of the slab and some support piles may need to encroach on the City property along the east side of the building. In order to install the crane foundation the Proponent needs to install shoring around the excavation. This will need to encroach along the east property line to accommodate the crane. The encroachment will be well below grade and nothing will be visible. This encroachment area is identified as "Underground Encroachment for Foundation and Shoring for Tower Crane" on Misc. Plan No. 8289/30.

All of the aforementioned encroachments will require the Proponent to enter into easement agreements with the City for these encroachments.

The proposed easement areas were circulated to the Parks, Waterways and Community Initiatives Division of Planning, Property and Development, the Parks and Open Space Division of Public Works and the Ward Councillor. No objections were received to the proposed easement requests providing the City will not have any obligations with respect to any part of the floodwall or supporting infrastructure in the future, nor with respect to any impacts that might arise resulting from permitting this encroachment onto City land.

In addition, the City has already entered into easement agreements with the Proponent for a spatial separation area and the location of the Proponent's transformer generally within this same easement location. Therefore, this area is already encumbered with an easement in favour of the Proponent. However, as this latest easement request is for another purpose, new easement agreements will need to be entered into.

At this time, the Department is requesting that Council approve the proposed easements areas and that the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

FINANCIAL IMPACT

Financial Impact Statement Date: October 29, 2012

Project Name:

Proposed Permanent and Temporary Easement Requirements Located on Parkland (Bonny Castle Park/Assiniboine Riverwalk) Adjoining 280/290/300/318 Assiniboine Avenue in favour of Heritage Landing on Assiniboine Inc.

COMMENTS:

There are no fees associated with these particular easements and, as such, there are no financial implications associated with these recommendations.

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

CONSULTATION

In preparing this report there was consultation with:

Parks Waterway and Community Initiatives Division, Planning, Property and Development Dept.
Parks and Open Space Division, Public Works Department
Legal Services

SUBMITTED BY

Department Planning, Property and Development
Division Real Estate
Prepared by: Joedi Pruden
Date: October 30, 2012
File No. R-26-W

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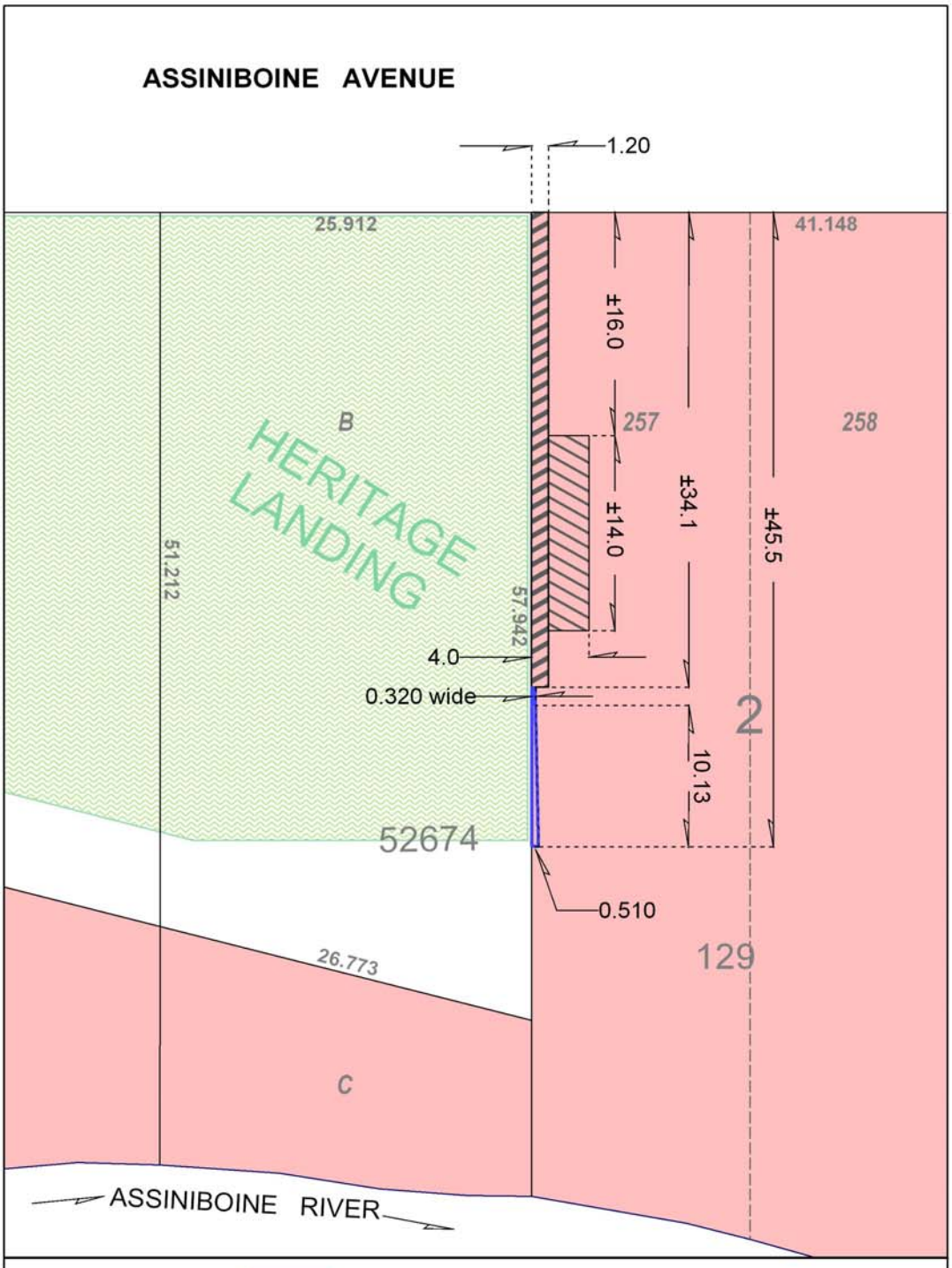

CITY PROPERTY

FLOODWALL ENCROACHMENT ±4.6 m² (±50 ft²)

ENCROACHMENT AREA: ±40.9 m² (±440 ft²)
(MIN. 3' BELOW GRADE FOLLOWING CONSTRUCTION COMPLETION)

UNDERGROUND ENCROACHMENT FOR FOUNDATION AND SHORING FOR TOWER CRANE (MIN. 10' BELOW GRADE)

BUILDING OUTLINE

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.

Date: 2012-OCT-22
District: CC
File: R-26-W
Scale: 1:350
Requested by: JP
Drawn by: MS/MJ
Reference Dwg No.: Friesen Tokar-Project 10254
Encroachment Dwg. 1.0 & 2.0 and Shoring Plan sht 1-3 dated Sept. 20,2012

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 8289 / 30