**Minutes – Executive Policy Committee – June 19, 2013**

**Minute No. 339**
**Report – Standing Policy Committee on Property and Development – June 11, 2013**

**Item No. 7** **Encroachment Agreement - Development and Maintenance of an Overhead Walkway and Underground Tunnel – 665 William Avenue – Winnipeg Regional Health Authority (Point Douglas Ward)**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Encroachment Agreement in favour of the Winnipeg Regional Health Authority for the development and maintenance of an overhead walkway and underground tunnel within the William Avenue street right of way, as shown on attached Misc. Plan No. 14101/1, be approved in accordance with the negotiated proposed terms and conditions.

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

**Minutes – Executive Policy Committee – June 19, 2013**

**Report – Standing Policy Committee on Property and Development – June 11, 2013**

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 11, 2013, 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 for the Development and Maintenance of an Overhead Walkway and Underground Tunnel – 665 William Avenue – Winnipeg Regional Health Authority**

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| J. Zabudney | B. Thorgrimson | M. Ruta | D. Joshi |

## RECOMMENDATIONS

1. That the proposed Encroachment Agreement in favour of the Winnipeg Regional Health Authority for the development and maintenance of an overhead walkway and underground tunnel within the William Avenue street right of way, as shown on attached Misc. Plan No. 14101/1, be approved in accordance with the negotiated proposed terms and conditions.

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 the Winnipeg Regional Health Authority (WRHA).

## IMPLICATIONS OF THE RECOMMENDATIONS

There is no general policy, regulatory, environmental or human resource implications associated with the proposed recommendations herein.

## HISTORY

An application was submitted to the City's Zoning and Permits Branch, by the WRHA, for the development and maintenance of an overhead walkway and underground tunnel within the William Avenue street right of way, as shown on attached Misc. Plan No. 14101/1.

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 the WRHA for the development and maintenance of an overhead walkway and underground tunnel within the William Avenue street right of way.

The Public Works and Water and Waste Departments have reviewed the plans for the proposed encroachments and their requirements have been incorporated into the terms and conditions.

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.

The negotiations with the WRHA have concluded. On April 10, 2013 the WRHA provided the Real Estate Division with a signed copy of the proposed Terms and Conditions of the Encroachment Agreement, briefly stated below:

| | |
|---|---|
| Use: | Development and maintenance of an overhead walkway and underground tunnel as shown on attached Misc. Plan No. 14101/1; |
| Term: | Annual Continuing; |
| Rental: | $1,218.75/annum, plus GST, based on City of Winnipeg Encroachment By-law No. 692/74, subject amendments. $250.00 Annual Administration Fee; |
| Insurance: | General Liability Insurance in the amount of $5,000,000.00, City added as additional insured; cross liability, broad form insurance for full replacement of structures, etc.; |
| Cancellation | Ninety (90) days written notice; |
| Other Conditions: | |

- All Utility relocations at sole cost and expense of WRHA;
- During Construction an eastbound & westbound lane to remain open at all times; One sidewalk to remain open to the public;
- WRHA shall replace the existing water main running under the proposed tunnel;
- Both the overhead walkway and tunnel will have the appropriate security equipment;
- All cost associated with maintenance, repairs, relocations, removal, etc will be the responsibility of the WRHA;
- All plan reviews, permits, clearances and approval must be in place prior to any work commencing.

This report seeks approval of the Encroachment Agreement as negotiated.

## FINANCIAL IMPACT

## Financial Impact Statement

**Date:** May 13, 2013

**Project Name:**

**First Year of Program** **2013**

Proposed Encroachment Agreement for the Development and Maintenance of an Overhead Walkway and Underground Tunnel – 665 William Avenue – Winnipeg Regional Health Authority

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|
| **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 | 860 | 1,469 | 1,469 | 1,469 | 1,469 |
| Net Cost/(Benefit) | $ (860) | $ (1,469) | $ (1,469) | $ (1,469) | $ (1,469) |
| Less: Existing Budget Amounts | (860) | (1,469) | (1,469) | (1,469) | (1,469) |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:** Revenues consist of the $1,219 encroachment fee and annual admin fee of $250. The 2013 encroachment fee amount has been pro-rated for an assumend July 1 commencement date.

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

## CONSULTATION

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

Corporate Finance- Risk Management Branch
Legal Services Department
Public Works Department

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property & Development |
| Division | Real Estate |
| Prepared by: | Stewart Anderson |
| Date: | May 14, 2013 |
| File No. | 3066 |

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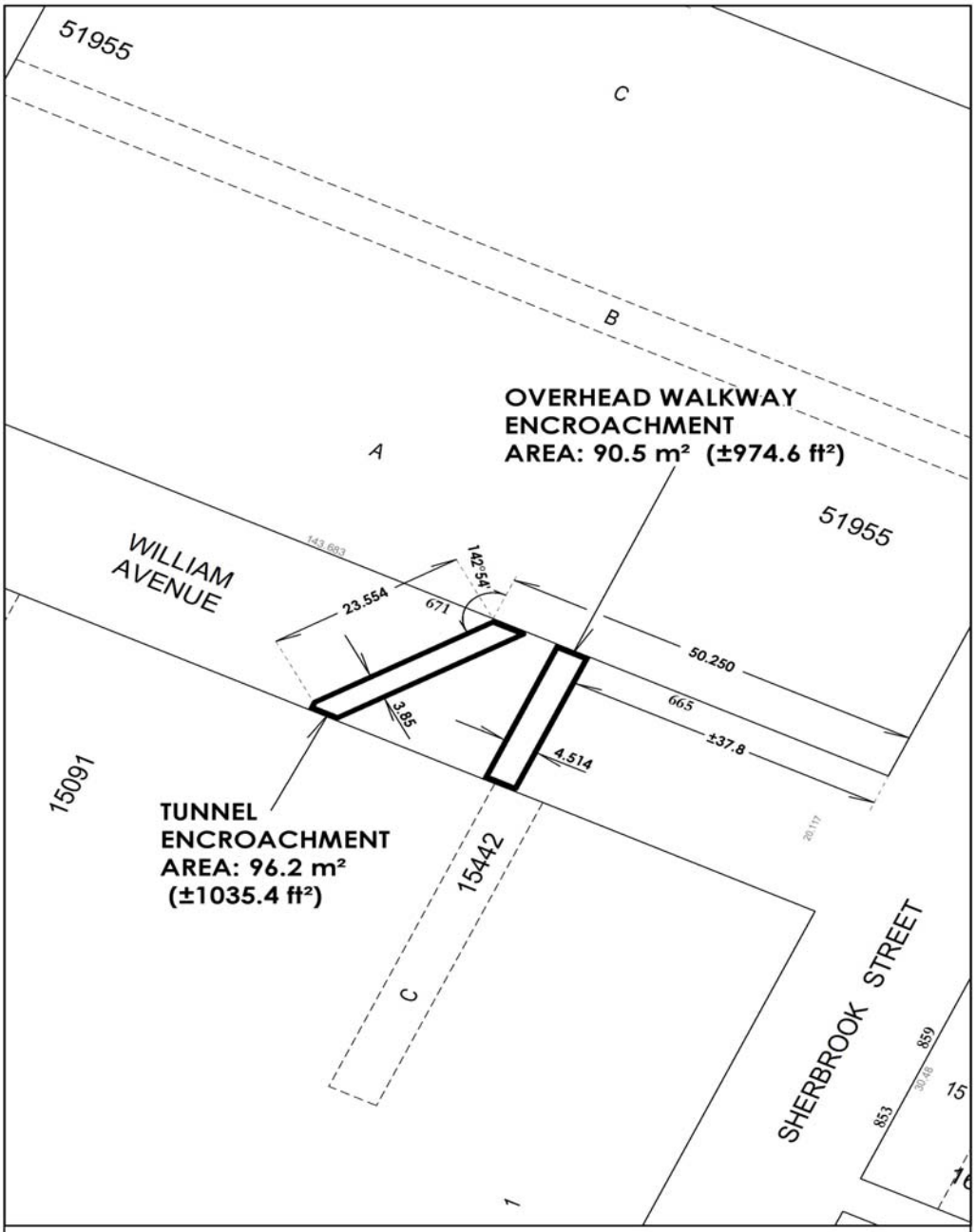


**METRIC**

TOTAL AREA OF ENCROACHMENTS: ±186.7 m² (±2,010 ft²)

Date: 2012-OCT-31
District: LSWK
File: 3066
Scale: 1:600
Requested by: SA
Drawn by: MS
Reference Dwg. No.: as requested

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NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

**MISC. PLAN NO. 14101 / 1**