Minute No. 456
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)**

COUNCIL DECISION:

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

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.

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 adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 19, 2013, 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 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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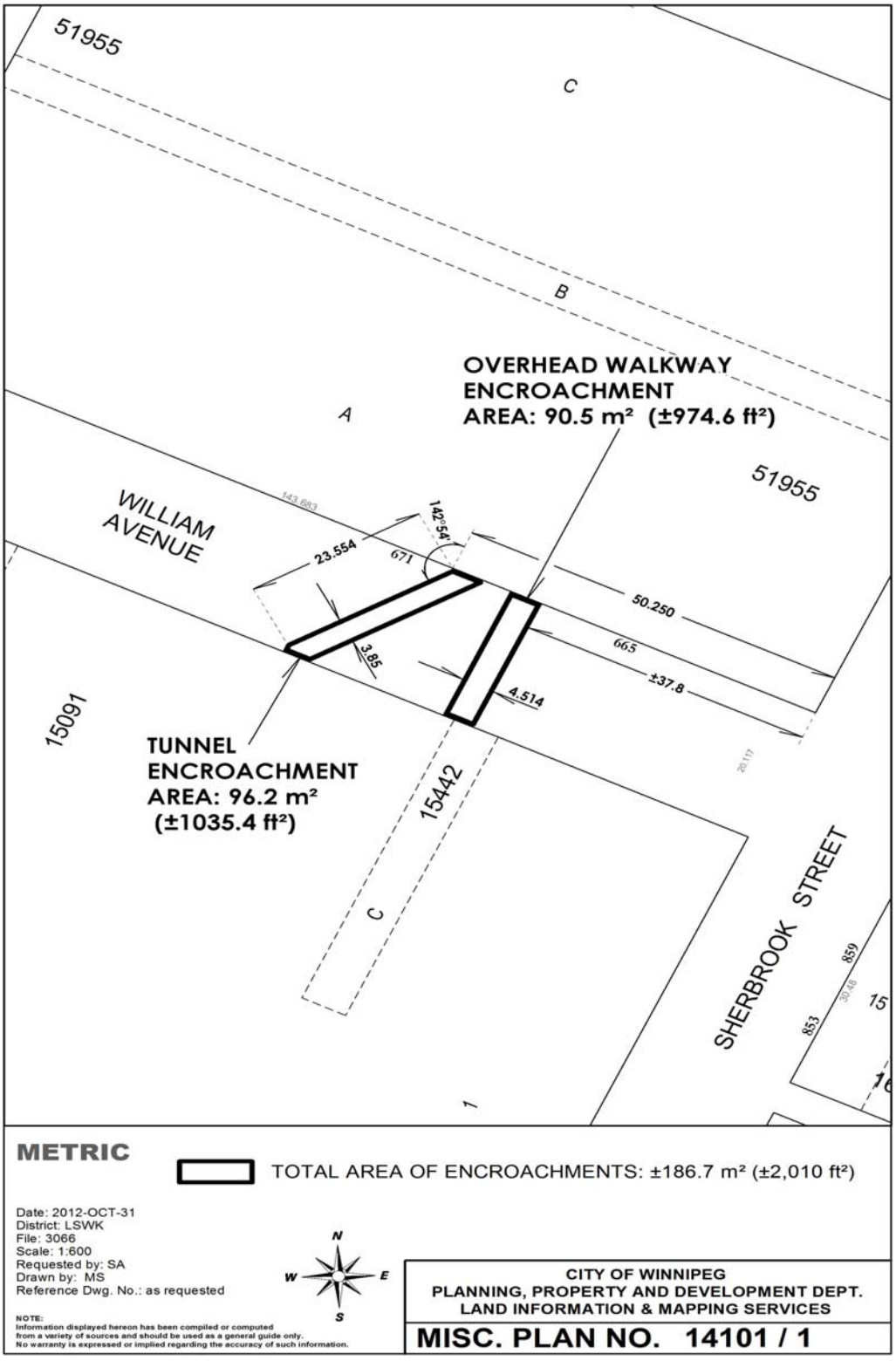
51955
C
B
A
OVERHEAD WALKWAY
ENCROACHMENT
AREA: 90.5 m² (±974.6 ft²)
51955
WILLIAM
AVENUE
143.683
142°54'
23.554
671
50.250
665
±37.8
3.85
4.514
15091
TUNNEL
ENCROACHMENT
AREA: 96.2 m²
(±1035.4 ft²)
15442
C
SHERBROOK STREET
859
853
30.48
1
METRIC
TOTAL AREA OF ENCROACHMENTS: ±186.7 m² (±2,010 ft²)
Date: 2012-OCT-31
District: LSWK
File: 3066
Scale: 1:600
Requested by: SA
Drawn by: MS
Reference Dwg. No.: as requested
N
W
E
S
NOTE:
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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. 14101 / 1