**Minute No. 480**
**Report - Standing Policy Committee on Property and Development - June 5, 2003**

**Item No. 3 Proposed Overhead Pedestrian Walkway - 700 and 701 William Avenue File ED(34)**

COUNCIL DECISION:

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

1. That Council approve a Leave and License in favour of the Winnipeg Regional Health Authority for the development of an overhead pedestrian walkway over the William Avenue right-of-way, shown outlined and identified as "Overhead Pedestrian Walkway" on Misc. Plan No. 11882, in accordance with the negotiated terms and conditions outlined in the administrative report dated May 26, 2003; and any other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to protect the City's interests.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

**Report - Standing Policy Committee on Property and Development - June 5, 2003**

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2003, 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 5, 2003, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted its recommendation to Executive Policy Committee and Council.

**Re: Proposed Overhead Pedestrian Walkway - 700 & 701 William Avenue**
**Lord Selkirk - West Kildonan Community**
**Point Douglas Ward**

**For submission to:** **Standing Policy Committee on Property and Development**

**Original report signed by:** **Director of Planning, Property and Development**

**Report date:** May 26, 2003

**Recommendation(s):**

1. That Council approve a Leave and License in favour of the Winnipeg Regional Health Authority for the development of an overhead pedestrian walkway over the William Avenue right-of-way, shown outlined and identified as "Overhead Pedestrian Walkway" on Misc. Plan No. 11882, attached, in accordance with the negotiated terms and conditions outlined within; and any other terms and conditions as are deemed necessary by the Director of the Planning, Property and Development Department and by the City Solicitor/Manager of Legal Services to protect the City's interests.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REPORT SUMMARY

**Key Issues:**

- The proposed overhead pedestrian walkway is part of an expansion project that is presently ongoing at the Health Sciences Centre.
- The development of the walkway will promote pedestrian safety at this location.
- The proposed terms and conditions of the Leave and License are similar in nature to the agreement between the City and the Winnipeg Blood Transfusion Service Centre Inc. to permit a pedestrian tunnel under the William Street right-of-way west of the subject location and various other overhead pedestrian walkways within the City's downtown area.

**Implications of the Recommendation(s):**

**General implications:**

| | |
|---|---|
| X | **None** |
| | **For the organization overall and/or for other departments** |
| | **For the community and/or organizations external to the City of Winnipeg** |
| | **Involves a multi-year contract** |

**Comment(s):**

-

**Policy implications:**

| | |
|---|---|
| X | **No** |
| | **Yes** |

**Comment(s):**

- 

**Environmental implications:**

| | |
|---|---|
| X | **No** |
| | **Yes** |

**Comment(s):**

- 

**Human resources implications:**

| | |
|---|---|
| X | **No** |
| | **Yes** |

**Comment(s):**

- 

**Financial implications:**

| | |
|---|---|
| X | **Within approved current and/or capital budget** |
| | **Current and/or capital budget adjustment required** |

**Comment(s):**

- 

**REASON FOR THE REPORT:**

In general, The City of Winnipeg cannot grant the lease of land comprising of public right-of-way unless by first legally closing the public right-of-way. The City has, however, the power to permit or license the use of public right-of-way subject to the continuing pleasure of Council.

The Department has negotiated the terms and conditions of a Leave and License in favour of the Winnipeg Regional Health Authority respecting the use of a portion of the William Avenue right-of-way identified on Misc. Plan No. 11882, attached. This report seeks Council's approval to the proposed Leave and License.

**HISTORY:**

Smith Carter Architects & Engineers Incorporated, on behalf the Winnipeg Regional Health Authority (WRHA), submitted an encroachment application to the City's Zoning and Permits Division for the proposed development of an overhead pedestrian walkway over the William Avenue right-of-way.

The application was circulated for consideration and comments from various City departments and public utilities with no objections received, subject to certain conditions related to clearance requirements, lighting, signage, and building materials.

At its meeting held on May 13, 2003, the Lord Selkirk – West Kildonan Community Committee considered this matter and advised that it had no objections to the proposed development of the overhead pedestrian walkway.

**DISCUSSION:**

Over the last number of years the Health Sciences Centre (HSC) has undertaken a number of redevelopment and new development projects to its existing complex. Most recently, HSC has undertaken the construction of a new addition to the existing hospital on the south side of William Avenue. Part of this construction plan calls for the development of an overhead pedestrian walkway connecting the HSC's parkade, situated on the north side of William Avenue, to the new addition presently under construction.

HSC has advised that over the years it has received a number of reports of near pedestrian/vehicular mishaps of people crossing from the William Avenue parkade to the hospital. It is anticipated with the development of the new addition that the pedestrian traffic will increase at this location therefore increasing the possibility of these mishaps.

In order to address this concern, HSC has proposed the construction of the overhead pedestrian walkway at this location. Pedestrians will now have the option to cross "over" William Avenue directly into the hospital as opposed to at street level thus reducing the risk of pedestrian/vehicular mishaps at this location.

The Department has concluded its negotiations with the WRHA and briefly, the proposed terms and conditions of the lease are as follows:

| | |
|---|---|
| Term: | One 40-year term with an automatic 10 year renewal if notice of cancellation is not given at least 12 months prior to the expiration of the term. |
| Purpose: | The construction of an overhead pedestrian walkway. |
| Rental: | $430.00 per annum, (plus GST), computed on the basis of the fees outlined in the City of Winnipeg's Encroachment By-law No. 692/74 and amendments thereto. In the event that the said By-law is amended changing the fees charged for encroachments the rental paid under this agreement shall be adjusted accordingly. |
| Taxes: | All municipal taxes, school taxes, local improvements, license fees, business tax, etc. which may be charged in respect of the use and occupation of the premises. |
| Insurance: | Provide the City with a certificate of insurance containing; public liability insurance of at least $5,000,000.00; naming the City of Winnipeg as additional insured; containing a cross-liability clause. |

| | |
|---|---|
| Cancellation: | **By WRHA** –after 20 years, subject to 12-months written notice advising of intent to cancel the agreement. Structure to be removed at WRHA sole cost and expense and effort.<br><br>**By City** – after 20 years, but only if land is required for right-of-way widening purposes. Structure to be removed/modified at the City's sole cost expense and effort. |
| Others | Conditions provided by the City's Public Works Department related to clearance requirements, lighting, signage, and building materials of the walkway.<br><br>Any other terms and conditions as are deemed necessary by the Director of the Planning, Property and Development Department and by the City Solicitor/Manager of Legal Services to protect the City's interests. |

## Financial Impact Statement

**Date:** May 26/03

**Project Name:**

Proposed Overhead Pedestrian Walkway – 700 & 701 William Avenue

**First Year of Program** 2003

| | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| External | - | - | - | - | - |
| Grants (Identify) | - | - | - | - | - |
| Reserves, Equity, Surplus, Other | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $ - | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | 215 | 430 | 430 | 430 | 430 |
| Net Cost/(Benefit) | $ (215) | $ (430) | $ (430) | $ (430) | $ (430) |
| Less: Existing Budget Amounts | (215) | (430) | (430) | (430) | (430) |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

Rent is calculated in accordance with the City of Winnipeg's Encroachment By-law 692/74 and amendments thereto. Rent charges are subject to Goods and Services Tax. In accordance with the Municipal Assessment Act, the Health Sciences Centre is exempt from paying municipal and school taxes. The rent for 2003 is estimated based on the assumption that the Leave and Licence Agreement wil commence in mid-year.

"Original signed by"
Gord Courage, Manager
Support Services Division

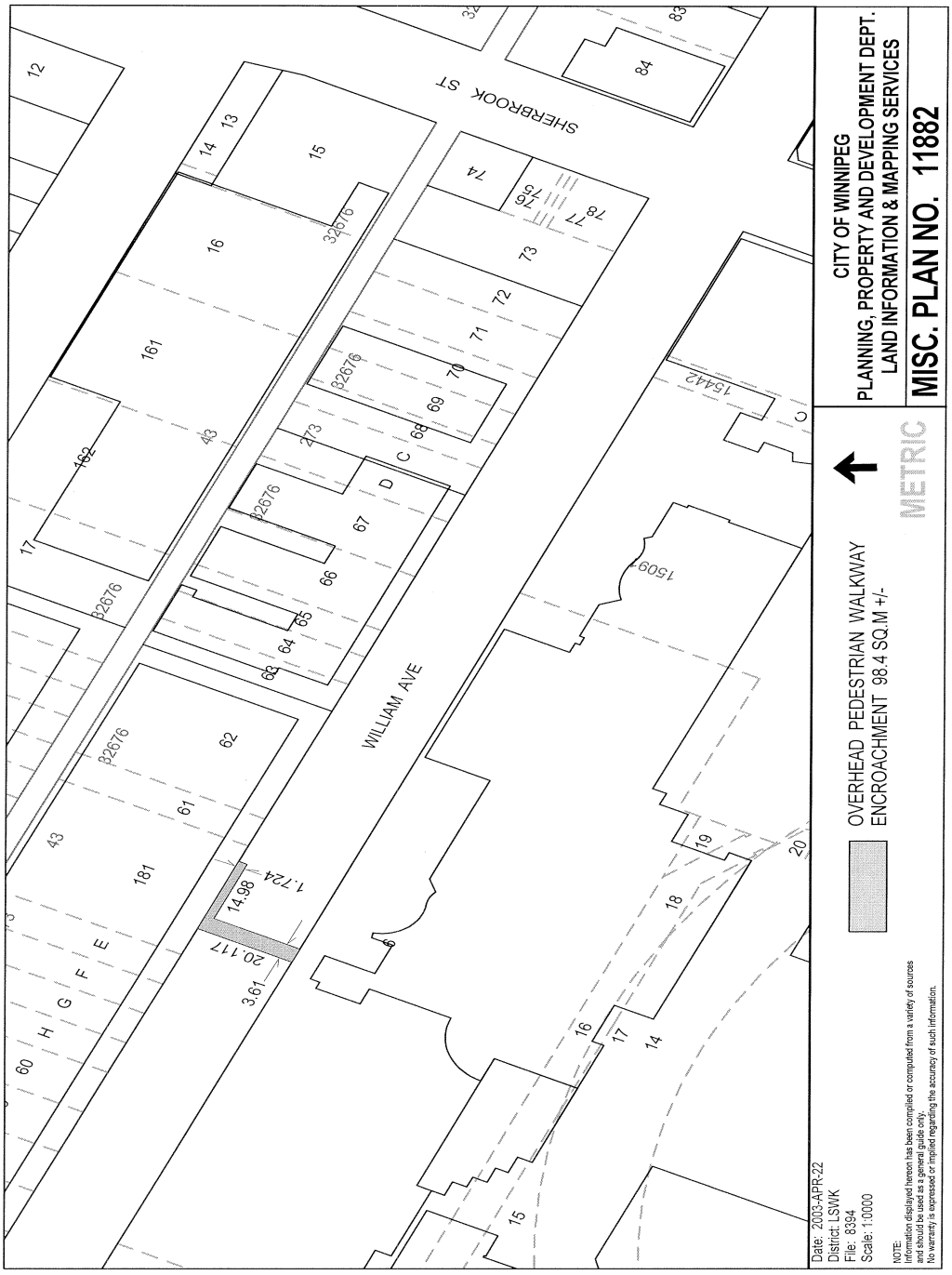
**IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:**

The City's Public Works Department to determine the terms and conditions related to the street clearance, lighting, signage and building materials requirements of the walkway.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Division: Real Estate
Prepared by: Stewart Anderson
PPD File #: 8248

Document name: o:\reports directive\real estate\leasing\(sa)wrhaoverheadwalkway.doc


SHERBROOK ST
WILLIAM AVE
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11882
OVERHEAD PEDESTRIAN WALKWAY
ENCROACHMENT 98.4 SQ.M +/-
METRIC
Date: 2003-APR-22
District: LSWK
File: 8394
Scale: 1:0000
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be viewed as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.