Minute No. 511
Report – Standing Policy Committee on Property and Development – June 26, 2015

Item No. 12 Proposed License Agreement for St. Norbert Business Improvement Zone (BIZ) Community Seating Nodes with the St. Norbert Foundation

COUNCIL DECISION:

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

1. That the proposed license agreement be approved in accordance with the terms and conditions as contained in Schedule "A" incorporating such other terms and conditions deemed necessary by the City Solicitor in order to fulfill the intent of Council.

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 26, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 8, 2015, 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 26, 2015, 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 License Agreement for St. Norbert Business Improvement Zone (BIZ) Community Seating Nodes with the St. Norbert Foundation**

Critical Path: **Standing Policy Committee on Property & Development, EPC and City Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
B. Erickson	M. Pittet	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That the proposed license agreement be approved in accordance with the terms and conditions as contained in Schedule “A” incorporating such other terms and conditions deemed necessary by the City Solicitor in order to fulfill the intent of Council.

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

The proposed license agreement is for a 30 year term and requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

- The Department has determined that there are no general, policy, regulatory, environmental or human resource implications to entering into a License Agreement as set in the attached Schedule "A" (Terms and Conditions).

- The proposed license would be for a thirty (30) year term wherein the St. Norbert BIZ would be responsible for maintenance, repairs and upkeep of the Community Seating Node. This is in place through a separate Legal Funding agreement that the City of Winnipeg has with the St. Norbert BIZ, which states:

    - *6(2) The parties agree that the City shall have no responsibility for maintenance of the Work once it is completed. The Recipient, St Norbert BIZ shall assume sole responsibility for maintenance of the Work when completed in accordance with the Agreement.*

- The Business Improvement Zones are covered under the City's core liability insurance policies for bodily injury or damage to third parties through Risk Management Division. Claims arising out of poor maintenance of the Community seating Node may result in increased premium cost to the City's liability insurance policies.

HISTORY

The City of Winnipeg Charter provides for City Council to create a Business Improvement Zone (B.I.Z.) by by-law.

Business Improvement zones are governed by a set of procedure and required processes, which are laid out within the Business Improvement Zone Procedures By-Law No. 8111/202.

The St. Norbert BIZ has compiled a comprehensive Streetscaping Enhancement Strategy Plan called "The Community Seating Nodes" (for Pembina Highway) within the BIZ boundaries. The City of Winnipeg has reviewed the St. Norbert BIZ Community Seating Nodes Streetscaping Enhancement Strategy plan and has agreed to the concepts and designs within that plan.

While most of the Streetscape improvements are to be done on the City of Winnipeg right of way, part of the plan calls for a portion of the community nodes to be located on the north west corner and the south west corner of the St. Norbert Foundation Land, located at 3514 Pembina Highway, Schedules "B-D" (also part of the St. Norbert Farmers Market), to be developed into a community seating node to complete part of the "St Norbert community seating Nodes Streetscaping Enhancement plans".

Before St Norbert BIZ can complete this phase of the project, the BIZ is asking the City to assist them, by entering into a license agreement on behalf of the St. Norbert BIZ so that Community seating Nodes can be constructed to improve the street image, for the convenience and safety of the residents.

FINANCIAL IMPACT

Financial Impact Statement Date: June 5, 2015

Project Name:

Proposed License Agreement for St. Norbert Business Improvement Zone (BIZ) Community Seating Nodes with the St. Norbert Foundation

COMMENTS:

There are no direct financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

Legal Services as to legal issues
Insurance Branch

SUBMITTED BY

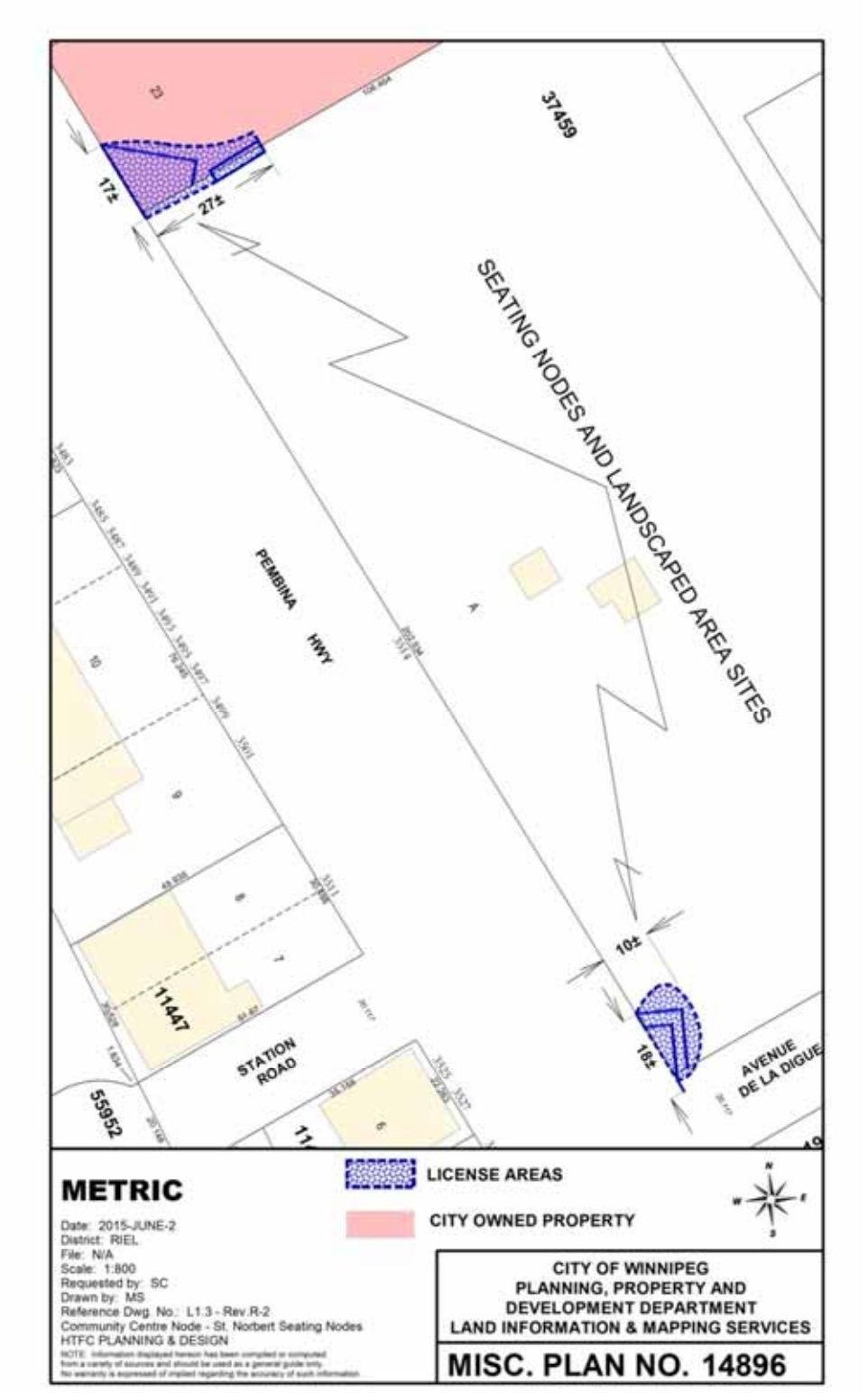
Department: Planning, Property and Development
Division Municipal Accommodations
Prepared by: Sandi Caputo, CPM® CLO
Date: June 4, 2015
File No. MAD2015-044

document1

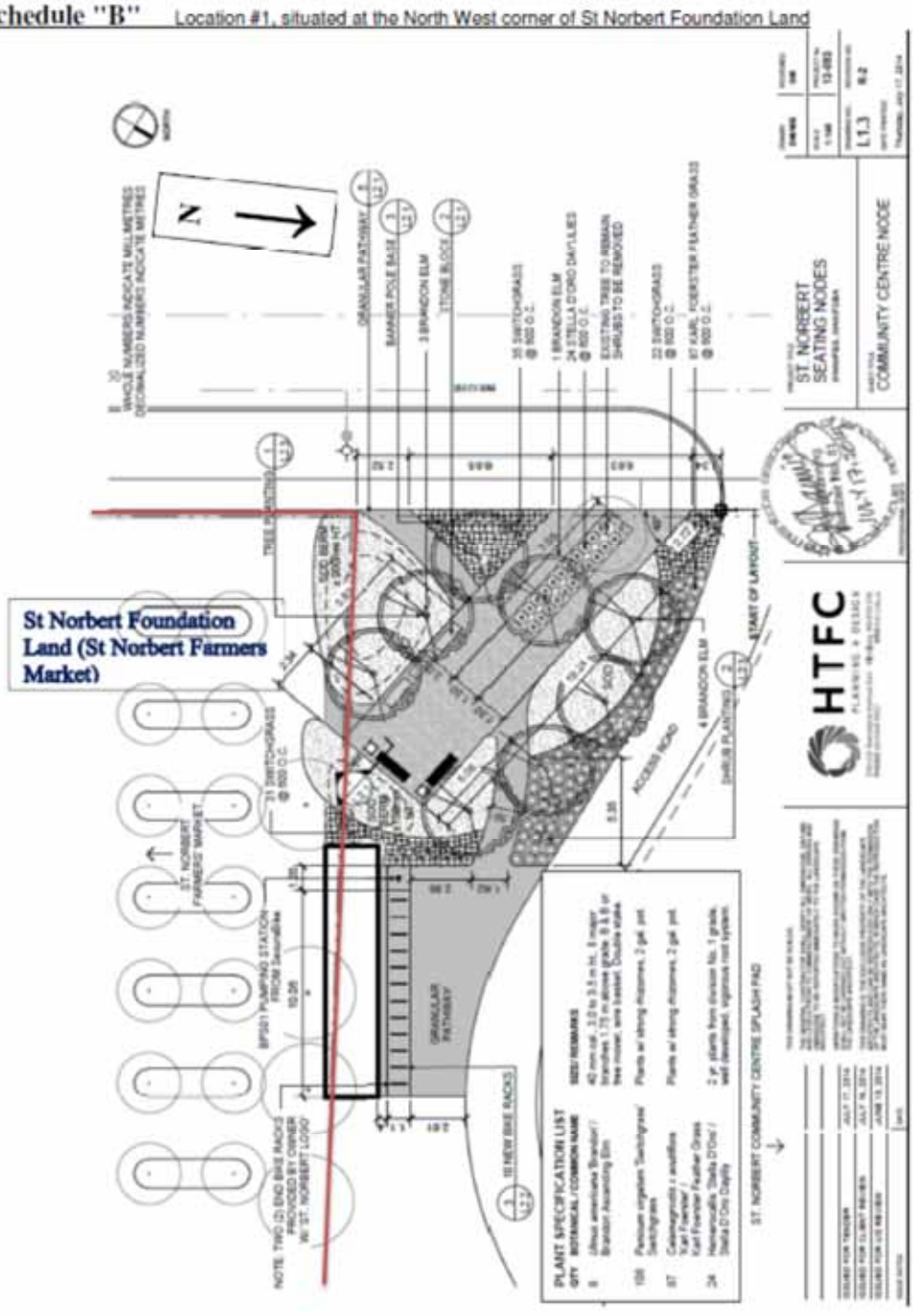
SCHEDULE 'A'
PROPOSED TERMS AND CONDITIONS
ST. NORBERT BIZ COMMUNITY SEATING NODES WITH ST. NORBERT FOUNDATION

Lessee:	St. Norbert Biz
Location:	3514 Pembina Highway
Purpose:	Community Seating Nodes
Term:	30 Years
Commencement Date:	Upon completion of work – Approx. Sept 30, 2015
Lessee's Responsibilities:	- Installation of the Seating Area; - Ongoing operation, maintenance, repair or replacement of the Seating Area - Insurance – commercial general liability insurance covering claims for injury death or damage to property as a result of any negligent acts or omissions of not less than $2,000,000 per occurrence. St. Norbert Foundation, its' directors, officers, employees and agents as additional insured.
Termination:	St. Norbert Foundation or St. Norbert BIZ may terminate this agreement at any time providing thirty (30) days' notice, in writing, to the other party. On termination of this Agreement the BIZ shall immediately remove the Seating Area in its entirety and restore the St. Norbert Foundation Land to its original state to the satisfaction of St. Norbert Foundation.

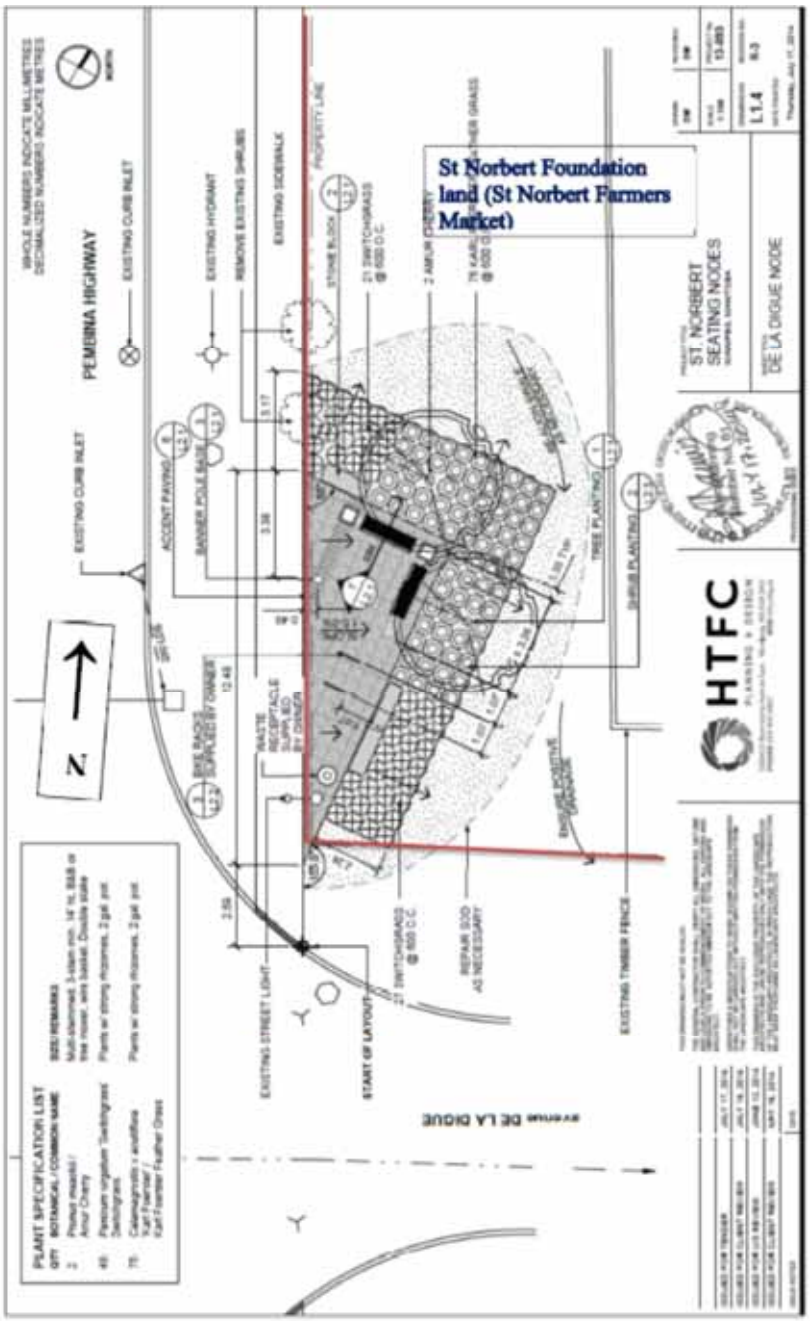
SCHEDULE 'B'


37459
17±
27±
SEATING NODES AND LANDSCAPED AREA SITES
PEMBINA HWY
10±
18±
11447
STATION ROAD
55952
AVENUE DE LA DIGUE
METRIC
Date: 2015-JUNE-2
District: RIEL
File: N/A
Scale: 1:800
Requested by: SC
Drawn by: MS
Reference Dwg. No.: L1.3 - Rev.R-2
Community Centre Node - St. Norbert Seating Nodes
HTFC PLANNING & DESIGN
LICENSE AREAS
CITY OWNED PROPERTY
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14896

Schedule "B" Location #1, situated at the North West corner of St Norbert Foundation Land



Schedule "C" – Location #2, situated at the South West Corner of St, Norbert Foundation Land



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Schedule "D"

Landscape Architecture's rendition design of the Community seating node – location #2

