Minute No. 400
Report - Standing Policy Committee on Downtown Development - May 6, 2004

Item No. 3 Overhead Pedestrian Walkway - Ramada Marlborough Hotel
File SC-3.2

COUNCIL DECISION:

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

1. That an Encroachment Agreement in favour of the Marlborough Hotel Corporation and 3601901 Manitoba Inc. for the development of an overhead pedestrian walkway over the public lane between Smith Street and Garry Street, South of Ellice Avenue, shown in broken outline and identified as 'Overhead Pedestrian Walkway Encroachment' on Misc. Plan No. 12222, be approved, in accordance with the negotiated terms and conditions outlined within; 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.

Report - Standing Policy Committee on Downtown Development - May 6, 2004

DECISION MAKING HISTORY:

Moved by Deputy Mayor Eadie,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the administrative recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 6, 2004 the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **Proposed Overhead Pedestrian Walkway - Ramada Marlborough Hotel**
City Centre Community
Daniel McIntyre Ward

For submission to: **Standing Policy Committee on Downtown Development**

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

Report date: April 27, 2004

Recommendation(s):

1. That Council approve an Encroachment Agreement in favour of the Marlborough Hotel Corporation and 3601901 Manitoba Inc. for the development of an overhead pedestrian walkway over the public lane between Smith Street and Garry Street, South of Ellice Avenue, shown in broken outline and identified as 'Overhead Pedestrian Walkway Encroachment' on Misc. Plan No. 12222, 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 City received a request from Thomas Design Builders, on behalf of the Ramada Marlborough Hotel, to establish an overhead pedestrian walkway to connect both of its buildings over the public lane between Smith Street and Garry Street.
- The proposed overhead pedestrian walkway forms part of an expansion project that is presently ongoing at the Ramada Marlborough Hotel.
- The Zoning and Permits Branch circulated the application to various interested agencies for review.
- The Planning, Property and Development Department has concluded its negotiations of a proposed Encroachment Agreement with the owners of the Ramada Marlborough Hotel.
- The terms and conditions of Agreement are consistent with other private overhead pedestrian walkways approved by Council.

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:

An application to establish an overhead pedestrian walkway has been circulated for comments from various interested agencies, and has been referred to the Planning, Property and Development Department to negotiate an Encroachment Agreement pursuant to Encroachment By-law No. 692/74 and amendments thereto. In order to legitimize the proposed use of that portion of air space over the referenced public lane, the approval of Council is required.

HISTORY:

The City received a request from Thomas Design Builders, on behalf of the Ramada Marlborough Hotel, to establish an overhead pedestrian walkway to connect both of its buildings over the public lane between Smith Street and Garry Street, South of Ellice Avenue shown in broken outline and identified as 'Overhead Pedestrian Walkway Encroachment' on Misc. Plan No. 12222, attached. The proposed overhead pedestrian walkway forms part of an expansion project that is presently ongoing at the Ramada Marlborough Hotel.

DISCUSSION:

The Zoning and Permits Branch circulated the application to various interested agencies for review. Upon consideration of the comments received, the Designated Officer – Encroachments recommends that the application be approved subject to the following conditions:

1. That the approval of this application by the Designated Officer – Encroachments is only valid for a period of 6 (six) months from the date of said approval unless the applicant enters into an Encroachment Agreement with the City of Winnipeg within the stated time frame, or alternatively obtains an extension of time from the Designated Officer – Encroachments.
2. That the overhead pedestrian walkway be based on a vertical clearance of 13 feet and 7 inches above the lane.
3. That security issues such as proper lighting, monitoring if required and securing access to guests and patrons of the hotel be considered during construction of the overhead pedestrian walkway.
4. That all applicable development and building permits be obtained prior to the overhead pedestrian walkway being constructed.

In this regard, the Planning, Property and Development Department, Real Estate Division, has concluded its negotiations of a proposed Encroachment Agreement with the owners of the Ramada Marlborough Hotel. Briefly, the terms and conditions of Agreement, which are consistent with other private overhead pedestrian walkways approved by Council and include the above mentioned provisions, are as follows:

Term: Forty (40) years, together with an automatic ten (10) year renewal period if notice is not given at least 12 months prior to the expiration of the initial term.

Rental: $102.00 per annum plus applicable GST, computed on the basis of the fees outlined in 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 the agreement shall be adjusted accordingly.

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: Public liability insurance of at least $2,000,000.00 naming the City of Winnipeg as additional insured and containing a cross liability clause.

Cancellation: Default.

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

No consultation was required in the preparation of this report.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: Maxine Clayton
PPD File #: 7682

Document name: o:\reports directive\real estate\leasing\(ms)ramada marlborough hotel skywalk.doc

Financial Impact Statement

Date: April 21, 2004

Project Name: **First Year of Program** 2004

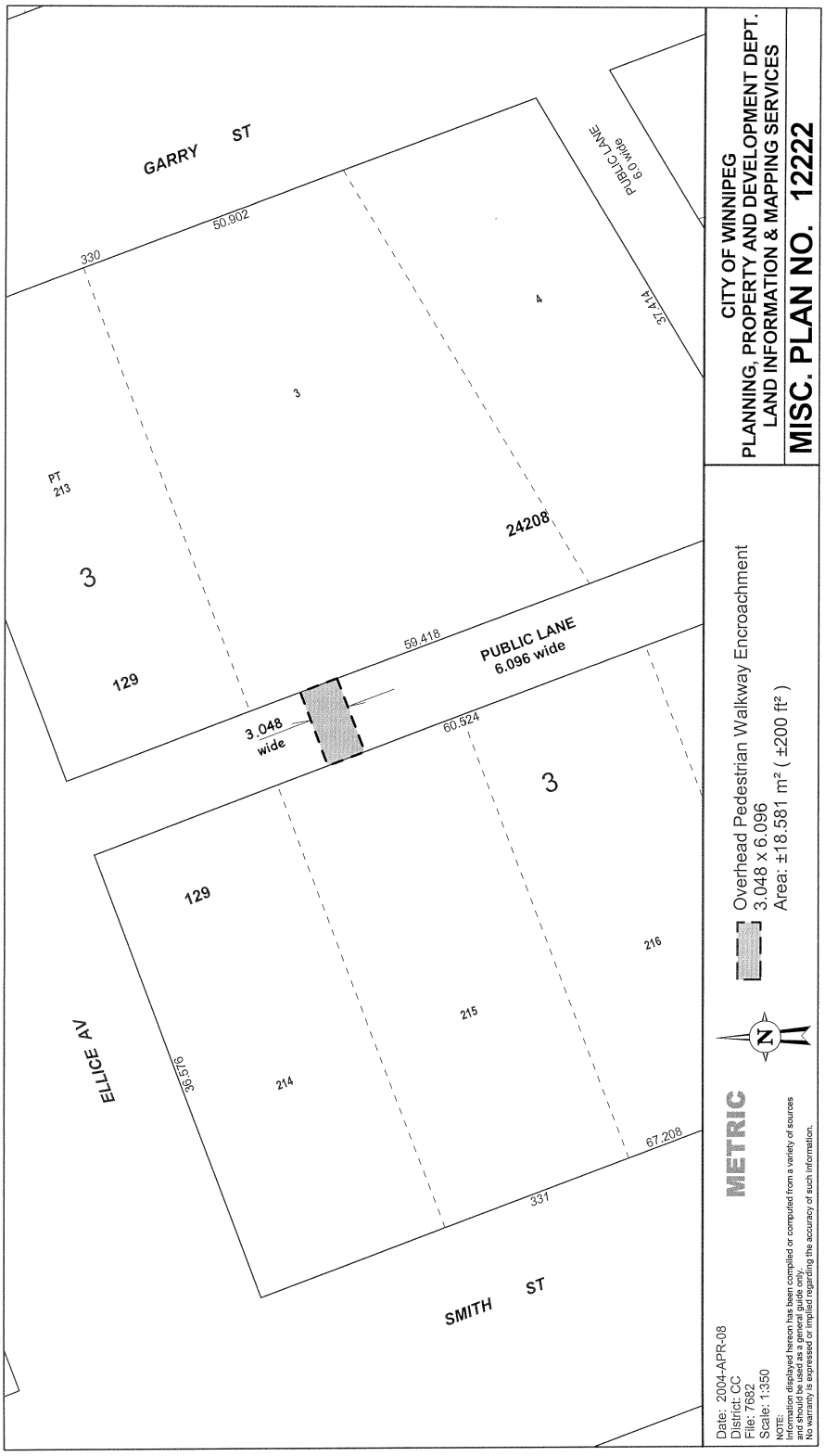
Proposed Overhead Pedestrian Walkway - Ramada Marlborough Hotel

	2004	2005	2006	2007	2008
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	60	102	102	102	102
Net Cost/(Benefit)	$ (60)	$ (102)	$ (102)	$ (102)	$ (102)
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ (60)	$ (102)	$ (102)	$ (102)	$ (102)

Additional Comments:

The prorated rental of $60 in the 2004 program year assumes Council appoval of this transaction and commencement of the Encroachment Agreement in June, 2004. Recoveries of $102 in years 2005 through 2008 assumes no change to the fees charged under the Encroachment By-law.

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


GARRY ST
PUBLIC LANE 6.0 Wide
330
50.902
37.414
4
3
PT 213
3
24208
129
59.418
PUBLIC LANE 6.096 wide
3.048 wide
60.524
3
129
216
215
214
ELLICE AV
36.576
67.208
331
SMITH ST
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12222
Overhead Pedestrian Walkway Encroachment
3.048 x 6.096
Area: ±18.581 m² (±200 ft²)
N
METRIC
Date: 2004-APR-08
District: CC
File: 7682
Scale: 1:350
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
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