Agenda - Executive Policy Committee - September 22, 2004

Report - Standing Policy Committee on Property and Development - September 7, 2004

Item No. 27 Joint Use Agreement - Greenway School
File PR-2.3

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submits the following to Council:

1. That the City of Winnipeg enter into a Joint Use Agreement with the Winnipeg School Division for the property at 390 Burnell Street at St. Matthews Avenue (Greenway School grounds) for community recreation purposes in accordance with the terms and conditions outlined in the report from the Director of Community Services dated August 18, 2004

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

Agenda - Executive Policy Committee - September 22, 2004

Report - Standing Policy Committee on Property and Development - September 7, 2004

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: Proposed Joint Use Agreement for Greenway School

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Ursula Stelman, Director, Community Services Department

REPORT DATE: August 18, 2004

RECOMMENDATION(S):

1. That the City of Winnipeg enter into a Joint Use Agreement with the Winnipeg School Division for the property at 390 Burnell Street at St. Matthews Avenue (Greenway School grounds) for community recreation purposes, as per the terms and conditions outlined in this report.

2. That the proper officers of the City of Winnipeg be authorized to finalize and execute all documents related thereto.

REPORT SUMMARY:

Key Issues:

The proposed Joint Use Agreement would be for a period of ten (10) years, with a renewal of two (2) additional five (5) year extensions by mutual agreement.

The approval of this Joint Use Agreement recognizes the City of Winnipeg's financial contribution to the joint development of this site.

The approval of this Joint Use Agreement ensures the community's access to this facility for community recreation purposes.

The Winnipeg School Division maintains title to and ownership of the subject property.

The Administration of Winnipeg School Division has reviewed the terms and conditions of the proposed Joint Use Agreement and is recommending its approval.

The proposed Joint Use Agreement will be subject to the approval of the Board of Trustees for the Winnipeg School Division.

Implications of the Recommendation(s):

General implications:
None

For the organization overall &/or for other departments
X For the community and/or organizations external to the City
X Involves a multi-year contract

Comment(s):

The Joint Use Agreement is proposed for 10 years, with renewal for 2 additional 5-year extensions by mutual agreement.

Policy implications:

X No
Yes

Comment(s):

The Agreement is within the policy and procedures established by Council.

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):

Approval of the recommendation and the Joint Use Agreement has no impact on current or capital budgets. Public Works requires no additional funding to meet its maintenance obligations.

REASON FOR THE REPORT:

Joint Use Agreements require approval by Council.

HISTORY:

Greenway School is located at 390 Burnell Street at St. Matthews Avenue, in the St. Matthews neighbourhood. The Orioles Community Centre is immediately across the street from Greenway School.

In November of 1999 Planning, Property, and Development advised that the former Canadian Linen Property at 372 Burnell Street (subsequently known as 390 Burnell), a 1.22 acre parcel of land adjacent to Greenway School and near Orioles Community Centre, was for sale. Representatives of the Planning, Property and Development Department, suggested that the

acquisition of this property would be worth considering due to its proximity to Orioles Community Centre.

In late 1999, the Winnipeg School Division and the Community Services Department of the City of Winnipeg began discussions on the possible acquisition of a 1.22 acre parcel of land adjacent to the Greenway School. Canadian Linen formerly owned this property. The property was being offered for sale with all buildings removed. The Winnipeg School Division proposed this acquisition to the Public Schools Finance Board and requested funds for the acquisition of the subject property. Simultaneously, the City of Winnipeg submitted this project for consideration to Winnipeg Development Agreement (WDA) for development funding, to support this joint initiative.

The Community Centres and Neighbourhood Facilities Branch of the Community Services Department agreed in February of 2000 to share the cost of the land appraisal with the Winnipeg School Division No. 1. This was communicated to Planning, Property and Development to initiate the process. In March of 2000, Planning, Property and Development provided an appraisal completed by Dennis T. Browaty Appraisers, valuing the property at $225,000. A copy of the report was provided to the School Division, and the appraisal cost of $1284 was shared with the School Division.

The City Centre Community Committee at its September 9, 2003 meeting approved the Proposed Terms and Conditions for a Joint Use Agreement between the City of Winnipeg and the Winnipeg School Division.

DISCUSSION:

The Winnipeg School Division invested $186,000 and purchased the property for the expansion of the Greenway School grounds. The City of Winnipeg invested planning resources and $100,000 in Winnipeg Development Agreement (WDA) funds and $60,000 in Community Incentive Grant Program (CIG P) funds, as a 50% share of the play structure development on the School grounds, with the parents association providing the other 50%, to develop the property for community use and enjoyment.

The project is now complete and operational. Through the planning, discussions and negotiations surrounding this project, it was recognized that this joint project would aid in addressing the deficiency of open space to meet the outdoor recreational needs in this neighbourhood. This joint project requires an agreement to clarify the obligations of each party. This partnership will enhance the site and have a positive impact on the community. Representatives of the School Division and the Public Works Department have agreed to a division of responsibilities as outlined in the proposed terms and conditions. By letter dated February 14, 2003 the Winnipeg School Division has advised that they concur with the proposed terms. They have also requested that the City administration proceed with the necessary approvals and forward a draft joint use agreement for their review and approval.

Proposed Terms and Conditions for Greenway School Site

Therefore the City of Winnipeg and the Winnipeg School Division agree that:

The City of Winnipeg and the Winnipeg School Division shall jointly participate in design planning; the Winnipeg School Division shall develop the site according to plans approved by both parties;

Both parties have contributed to the development of the Joint Use area with the City of Winnipeg contributing $100,000 in Winnipeg Development Agreement Funding, and $60,000 in Community Incentive Grant Program (CIGP) funds as a share of the play structure development and the Winnipeg School Division contributing $186,000 for a total project cost of $346,000; The shared facilities are defined as the south grounds area indicated on the site plan (Appendix A);

The Winnipeg School Division shall have priority use of the shared lands during normal school days until 6:00 p.m.; on occasion, and subject to prior notice, the School Division may also require the grounds for special events;

The City of Winnipeg shall have priority use of the shared lands after 6:00 p.m. during normal school days, on weekends, and when school is not in session; on occasion, and subject to prior notice, the City of Winnipeg may also require the grounds for special events;

The Winnipeg School Division acknowledges that the City of Winnipeg and the community share an interest and investment in the north field soccer pitch, which entitles the community to priority access to the north field during normal school days after 6:00 p.m., on weekends, and when school is not in session. This community access will be accommodated through the Winnipeg School Divisions regular permitting process;

The Winnipeg School Division shall maintain the fields according to Division standards; the Orioles Community Centre in conjunction with the City of Winnipeg shall perform field marking for soccer according to Departmental Standards;

Standard insurance and indemnification clauses to apply, with the Winnipeg School Division as owner of the property;

The term of the agreement shall be for a period of 10 years with two (2) additional renewals of five (5) years each;

Both parties agree to establish a Site Management Committee to deal with day-to-day operations and resolution of disputes; the representatives of this committee shall be the Greenway School Principal, and the Orioles Community Centre President in the first instance; Should the Site Management Committee not resolve the matter in difference, then the matter in difference shall be submitted to the Agreements Coordinator on the part of the City of Winnipeg, and to the Secretary Treasurer on the part of the Winnipeg School Division;

If the two parties cannot resolve a dispute, arising from the interpretation, application, or administration of this agreement the dispute shall be resolved in accordance with the provisions of The Arbitration Act of Manitoba. The burden of this agreement is binding on successors and heirs in the event that the Winnipeg School Division subsequently sells the property;

Future improvements or site modifications affecting the athletic grounds shall be undertaken only with the mutual consent of both parties;

FINANCIAL IMPACT STATEMENT:

The Public Works Department is responsible for the maintenance services and the corresponding budget.

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

Winnipeg School Division
Public Works Department
Planning Property and Development
Legal Services Division

THIS REPORT SUBMITTED BY:

Community Services Department
Prepared by: Andrew Glassco
File No.

Financial Impact Statement

Date: August 18, 2004

Project Name:

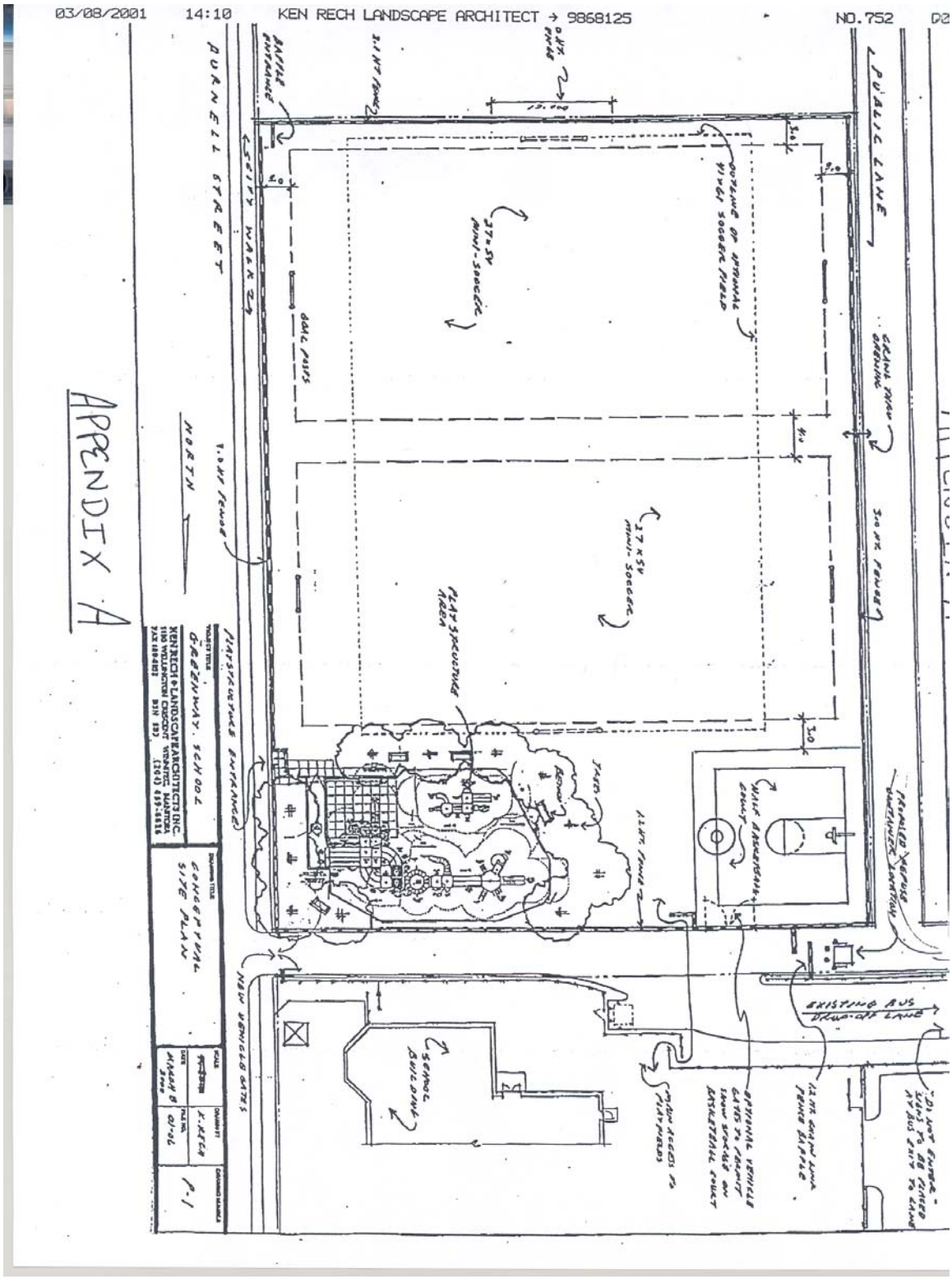
First Year of Program 2004

Greenway School Proposed Joint Use Agreement

	2004	2005	2006	2007	2008
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	$ 392	$ 404	$ 416	$ 428	$ 441
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 392	$ 404	$ 416	$ 428	$ 441
Less: Existing Budget Amounts	392	404	416	428	441
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Parks and Open Spaces Division of Public Works Department would be responsible for the cost of marking the field twice annually. All other, line marking maintenance would be performed by Orioles Community Centre. The costs were assumed to increase annually by an inflation factor of 3%.

C. Wightman, Manager
Finance & Administrative Services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APPENDIX A
PUBLIC LANE
BURNELL STREET
SCIFY WALK
NORTH
PLAYSTRUCTURE ENTRANCE
NEW VEHICLE GATES
EXISTING BUS DROP-OFF LANE
GREENWAY SCHOOL
CONCEPTUAL SITE PLAN
KEN RECH LANDSCAPE ARCHITECTS INC.
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