

ADMINISTRATIVE REPORT

Date: January 25, 2005
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TO: Vancouver City Council

FROM: General Manager of Engineering Services in Consultation with the Director of Legal Services and the Director of Real Estate Services

SUBJECT: Proposed Licence Agreement over a Portion of the Canada Place Viaduct, between Howe Street and Burrard Street; to the Vancouver Port Authority

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services to enter into a Licence Agreement (the "Licence") for those portions of the Canada Place Viaduct, west from Howe Street and east from Burrard Street, the same as generally shown in heavy outline on the plan attached hereto as Appendix "A", (the "Licence Areas") subject to the following conditions:
1. The Licence to be granted to the Vancouver Port Authority (the "VPA");
 2. The term of the Licence to be 10 years;
 3. The fee for the term to be a nominal sum of \$10.00;
 4. The Licence Areas to be used only for the installation of security cameras;
 5. The minimum clearance to be maintained shall be 4.9 metres (16 feet) measured from the road surface of Waterfront Road, below Canada Place;
 6. The VPA to provide an as-built survey after completion of all installations to the satisfaction of the General Manager of Engineering Services;
 7. The VPA to be responsible for all relocation costs of the cameras, even if required by the City;
 8. The cameras to be removed upon 90 days notice of the General Manager of Engineering Services;

9. Upon expiry or termination of the Licence, the VPA is to be responsible for restoration of the Licence Areas to the satisfaction of the General Manager of Engineering Services;
 10. The VPA to assume full responsibility for liabilities, loss and damages from their occupancy or use of the Licence Areas, and to carry comprehensive general liability insurance to the satisfaction of the Director of Risk and Emergency Management; and
 11. The Licence to contain such other terms and conditions satisfactory to the Director of Legal Services, Director of Real Estate Services and the General Manager of Engineering Services.
- B. THAT the VPA be responsible for all costs associated with installations on the Licence Areas.
- C. THAT no legal rights shall arise and no consents, or permissions, are granted hereby and none shall arise or be granted hereafter, unless and until all contemplated legal documentation has been executed and delivered by all parties.
- D. THAT once the form of all legal documentation and plans has been approved by the General Manager of Engineering Services and Director of Legal Services, that the Director of Legal Services be authorized to execute and deliver such documentation and plans on behalf of the City.

COUNCIL POLICY

There is no Council policy directly applicable to this matter.

The Vancouver Charter provides the authority for creating interests over streets and lanes within the City.

PURPOSE

The purpose of this report is to seek the formal authorities to grant to the VPA a Licence Agreement over portions of the under side of Canada Place Viaduct above Waterfront Road at the North foot of Howe Street and the North foot of Burrard Street to install security cameras as shown on Appendix A.

BACKGROUND

The VPA controls 6000 hectares of water and 460 hectares of land, most of which is occupied by cargo terminals. The Port covers approximately 233 kilometres of coastline from Roberts Bank at the U.S.-Canada border through Burrard Inlet to Port Moody. VPA also owns and manages the Canada Place cruise ship terminal.

World-wide events of the recent past have resulted in a need for increased security at the cruise ship terminal with enhanced federal and international security regulations related to the cruise ship operations.

One of the security requirements is the ability to monitor, detect and record encroachments in a fifty-metre zone around a cruise ship while it is docked at Canada Place.

DISCUSSION

The VPA has sought permission to occupy a portion of the underside of the Canada Place Viaduct above Waterfront Road, between the North foot of Howe Street and the North foot of Burrard Street for the installation of security cameras. The two areas of the proposed VPA occupation are shown within the heavy outline on the plan attached hereto as Appendix A (the Licence Areas).

Engineering Services has conducted a review of the proposal. This review concludes that the installation of the Security Cameras can be supported and thus we are recommending that Council authorize the Director of Legal Services to enter into a Licence with the VPA for use of the said portion of Canada Place Viaduct.

The agreement will contain a 90 days notice by the General Manager of Engineering Services to remove the cameras.

The length of term proposed is 10 years and the fee for the term to be a nominal \$10.00 in recognition of the fact that the intended use is not a commercial, market, or revenue generating.

CONCLUSION

Worldwide pressures have caused the VPA to examine its entire Port security plans. The plans as developed, include the provision for installation of security cameras to monitor the cruise ship terminal. We are recommending Council authorize the Director of Legal Services to enter into a Licence Agreement for the use of a portion of the Canada Place Viaduct as shown within the heavy outline on Appendix A, subject to the specific conditions in this report.

The General Manager of Engineering Services in consultation with the Director of Real Estate Services and the Director of Legal Services, RECOMMEND approval of Recommendations A to D inclusive.

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SKETCH OF PROPOSED SECURITY CAMERA LOCATIONS

NOT TO SCALE

