



ADMINISTRATIVE REPORT

Report Date: June 17, 2014
Contact: Ryan Thé
Contact No.: 604.873.7792
RTS No.: 10396
VanRIMS No.: 08-2000-20
Meeting Date: July 8, 2014

TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: License Agreement for Milltown Marina Signage

RECOMMENDATION

- A. THAT Council authorize the Director of Legal Services, in consultation with the General Manager of Engineering Services, to negotiate and execute a license agreement (the "License") with Milltown Marina & Boatyard Ltd. ("Milltown") for signage on portions of City street at Bentley Street and West 75th Avenue generally as shown on the plan attached hereto as Appendix "C" (the "License Areas"), permitting Milltown to install, complete, operate, use, repair and maintain the signage and related works.
- B. THAT the term of the License be for five (5) years with one (1) additional renewal option of five (5) years.
- C. THAT the License be subject to the additional terms and conditions noted in Appendix "A" and that no legal rights or obligations shall be created and none shall arise until the License is executed by both parties.

REPORT SUMMARY

Milltown Marina (the "Marina") is a new marina constructed on Richmond Island in the north arm of the Fraser River, which is within the municipal boundaries of the City of Richmond but with its only land access through Vancouver.

The Marina provides animation of the shoreline and improves access to the river for recreational purposes. The access route to the Marina is not obvious and so Milltown has requested permission to install signage on City street for way finding purposes.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

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

On February 28, 2012 (RTS9422) Council approved a by-law to ratify a Water Service Agreement to provide water service to Richmond Island in order to facilitate the development of the Marina and Council then enacted by-law 10446 to enact such Water Service Agreement for Richmond Island on March 27, 2012.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Engineering Services in consultation with the Director of Legal Services recommends approval of Recommendations A, B and C.

REPORT

Background/Context

Milltown Marina is a newly developed marina located on Richmond Island in the north arm of the Fraser River west of the Arthur Laing Bridge. The Marina has been constructed on land owned by North Fraser Terminals Inc., a wholly-owned subsidiary of the Vancouver Fraser Port Authority, doing business as Port Metro Vancouver, and is within the municipal boundaries of the City of Richmond but is accessed by land through Bentley Street in Vancouver. The Marina provides slips for approximately 175 boats and dry-stack storage for approximately 250 boats along with commercial space for marine businesses and a café. The Marina will also provide a shared bike and pedestrian path from West 75th Avenue to several look-out points over the Fraser River. This pathway provides another piece of the desired continuous trail network along the shoreline of the Fraser River.

The Marina is accessed by a circuitous route, including a private road (shown as cross-hatched in the attached maps), and so access is not obvious. Therefore, Milltown has requested the City's permission to install two signage poles (see Appendix "B") on City street at the entrance at Bentley Street and West 75th Avenue for way finding purposes. This would provide a visible entrance feature off of West 75th Avenue which is a main traffic route through the area. City staff support the signage as it identifies new public amenities that may not be obvious, it does not have overt commercial content and there is no ability for Milltown to place the signage on their own property at the main entrance.

Staff seek Council approval, as per the recommendations, in support of the proposed signage while protecting the City's interests.

Strategic Analysis

The proposed signage will improve visibility of new amenities in the area including the new bike and pedestrian path that leads to view points on the Fraser River. Boaters using the Marina will need to stock up on supplies from local businesses, thereby contributing to economic development of the area. The signage will help improve access to the Fraser River for recreational activities.

Public Input

On March 20, 2014, 106 notification letters were sent to all neighbouring property owners advising them of the proposal, and offering additional information about the signage and Marina on the marina website. No responses were received by the close of the notification on April 22, 2014.

Implications/Related Issues/Risk

Financial

If Council approves the recommendations the City will incur no project or life cycle costs. All associated costs will be the responsibility of Milltown. The Licensee will pay annual license fees to the City based on the annual charge for encroachments set out in the City's Encroachment By-law No. 4243, as such charges may be varied from time to time.

Legal

The License will include an indemnity by Milltown in favour of the City. All risks and liability will be the responsibility of Milltown.

CONCLUSION

The Marina provides animation of the shoreline and improves access to the Fraser River for recreational purposes. However, access to the Marina is not obvious and therefore way finding signage has been requested on City street.

Staff recommend that the Director of Legal Services, in consultation with the General Manager of Engineering Services, be given authority to negotiate and execute the License to protect the City's interests while allowing the signage to be installed within the License Areas.

* * * * *

Terms and Conditions:

1. That the license agreement be non-exclusive and for a five (5) year term with one (1) option to renew for an additional five (5) years.
2. All costs and obligations associated with the design and installation of all aspects of the signage, including changes to and the restoration of the public realm are to be borne by Milltown.
3. All signage maintenance and repair, including replacement, to be at the cost of Milltown.
4. The License will be subject to a six-month cancellation clause exercisable by the City at its sole discretion.
5. Upon the expiry or sooner termination of the License, Milltown will remove the signage and restore the License Areas to the satisfaction of the General Manager of Engineering Services.
6. Milltown will be the sole owner of the signage.
7. Milltown will pay an annual license fee based on the the annual charge for encroachments set out in the City's Encroachment By-law No. 4243, as such charges may be varied from time to time.
8. Milltown will bear all risk and liability associated with the signage and to carry comprehensive general liability insurance to the satisfaction of the City's Director of Risk Management.
9. Milltown will be responsible for consultation with any adjacent owners or other parties affected by the signage and resolving any complaints related thereto.
10. Any other terms and conditions as may be required by and to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services.



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1314 Powell Street
Vancouver, British Columbia
Canada, V5L 1G6

Client Name
Milltown
Marina

Job Description
Obelisk Signs
at Bentley Street

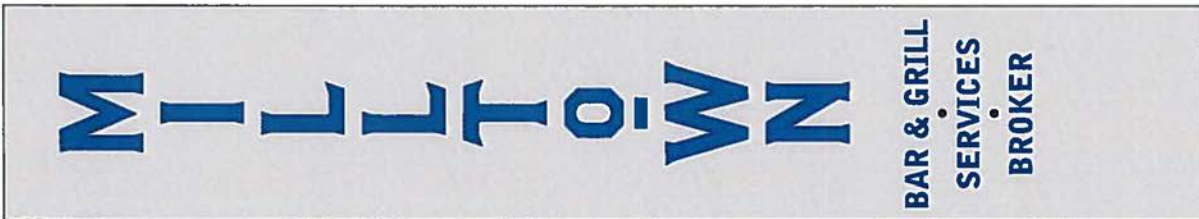
Date
Oct. 16/13 (REV2)

THIS IS YOUR PROOF

- APPROVED & PROCEED
- PROCEED WITH CHANGES
- NEW PROOF REQUIRED

Customer Signature _____ *Date* _____
This is your final proof unless stated otherwise.
Please ensure material is complete and
free of errors. We cannot be responsible for
final proofs approved to proceed.

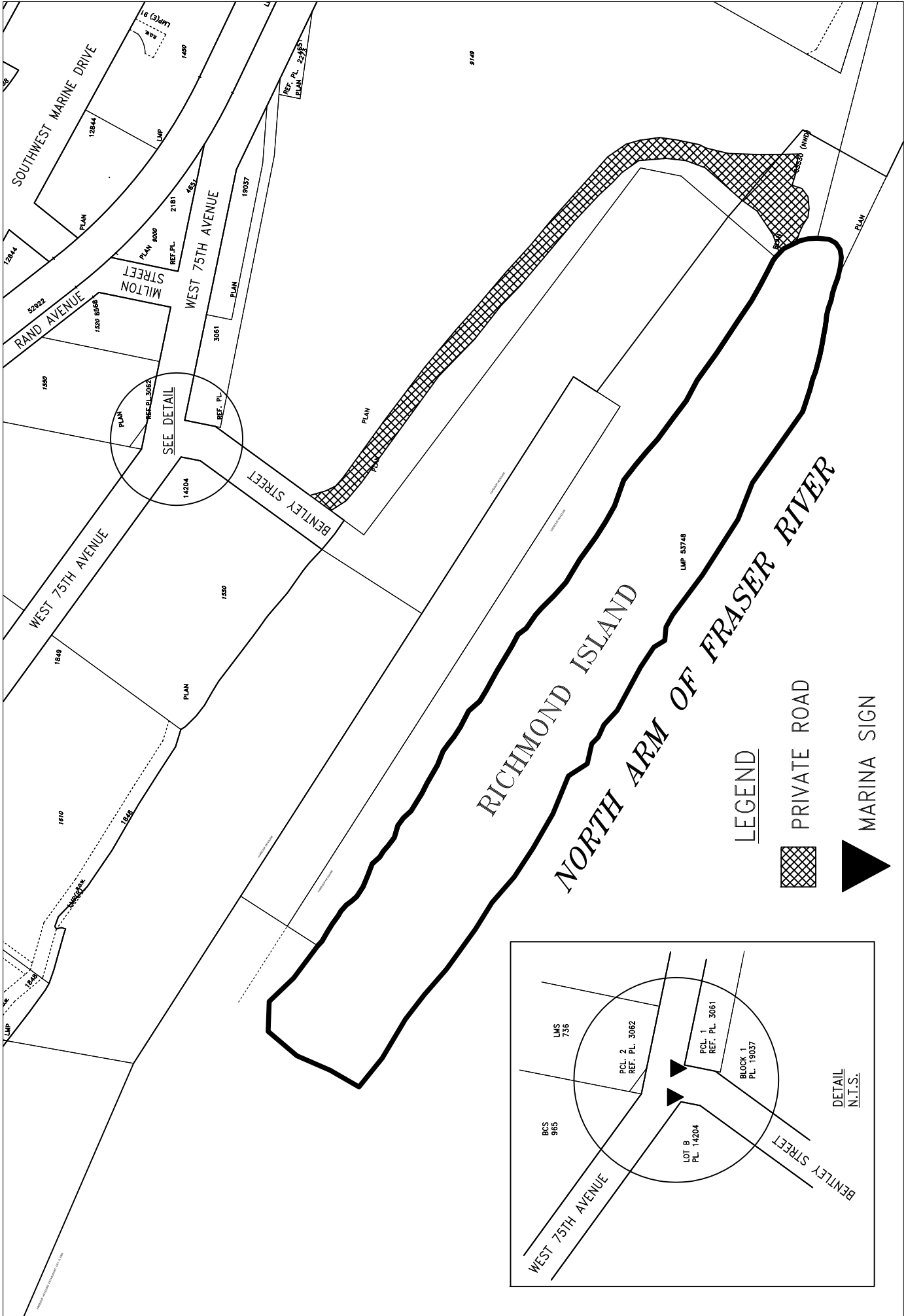
**PERSPECTIVE
VIEW**



APPENDIX B

30" X 168" Triangular Aluminum Structure
Powdercoated Silver

1/2" Thick Push-Through Letters
Blue Faces with Clear Polished Sides



9191 BENTLEY ST (MILLTOWN MARINA)

DATE

MAY 2, 2014



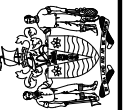
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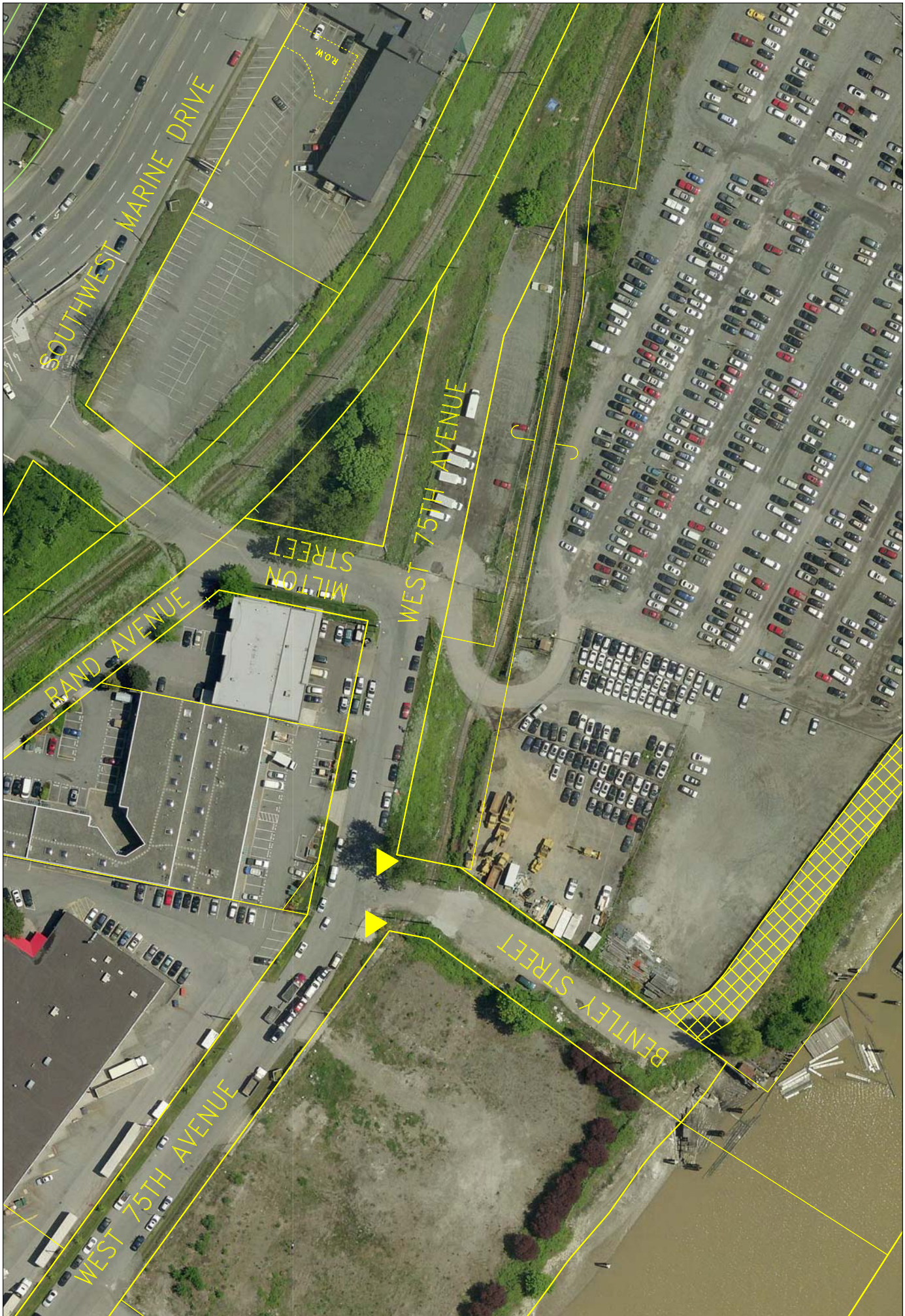


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DATE

MAY 2, 2014



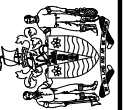
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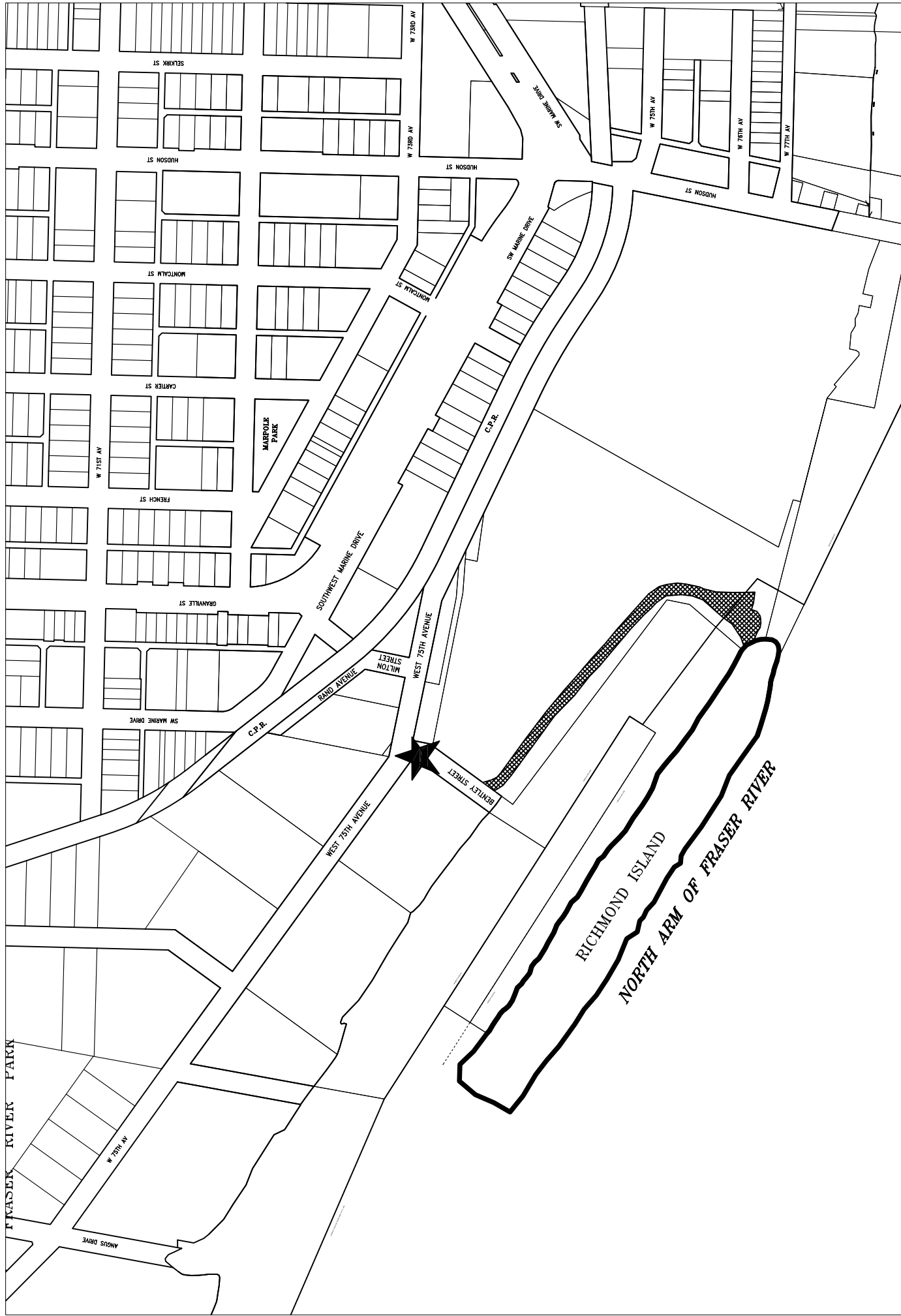
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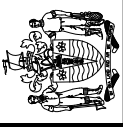
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MAY 2, 2014

MILLTOWN MARINA SIGN

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