



To: General Purposes Committee

Date: May 1, 2006

From: Christine McGilvray  
Manager, Lands and Property


File: 03-1000-14-058/Vol 01

Re: **Hugh Boyd Park - Licence for a Communications Installation**

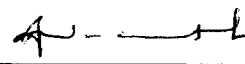
**Staff Recommendation**

That:

- 1) approval be given to finalize a non-exclusive License agreement between the City and Rogers Wireless Inc. for the installation of telecommunications apparatus on a sports field lighting pole at the Hugh Boyd Athletic Park for a period of ten years for a one-time flat fee of \$145,000;
- 2) that the fee payment be directed to the Special Sports Reserve;
- 3) that a further contribution of \$50,000 from Rogers Wireless Inc. be directed to the Special Sports Reserve and used for sports field related expenditures at Hugh Boyd Park;
- 4) that staff be authorized to take all necessary steps to complete the matter.

  
 Christine McGilvray  
 Manager, Lands and Property  
 (4005)

Att.

FOR ORIGINATING DIVISION USE ONLY			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Budgets .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks Design, Construction & Programs ..	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## Staff Report

### Origin

The General Purposes Committee, at its March 20, 2006 meeting, made the following staff referral:

*“that the report (dated March 8<sup>th</sup>, 2006, from the Manager, Lands and Property), regarding Hugh Boyd Park Right of Way For A Communications Installation Bylaw No. 8043 – Rogers Sports Field Lighting Proposal, be referred to staff for discussions with Rogers Wireless regarding a possible licence arrangement, with the fee being deposited into the Sports Reserve Fund.”*

### Findings Of Fact

Rogers Wireless is prepared to enter a licence agreement covering its arrangement with the City, the basic terms of which are:

- to provide a lighting pole for Hugh Boyd Park sports field;
- to use that lighting pole to support telecommunications equipment (antenna);
- to make a lump sum up front licence fee payment of \$145,000;
- to contribute \$50,000 for general use for sports field related expenditures at Hugh Boyd Park;
- the Licence will be in effect for a period of 10 years, unless earlier terminated by the City upon 180 days notice (in which case the pre-paid rent will be pro-rated for the period of actual use and the balance returned to Rogers).

### Analysis

The Community Charter Section 27 requires Council to provide for approval of the electors if it intends to dispose of park land; and Section 26 requires a public notice of an intention to dispose of land or an interest in land. A non-exclusive right to access and use of land under a licence does not constitute a “disposal” of land, and for this reason, approval of the electors and public notice is not required, strictly speaking.

The form of licence proposed for this agreement will meet the requirements of a non-exclusive right to access and use land.


At the March 8, 2006 consideration of this matter by the General Purposes Committee, Committee members requested that staff provide a picture of the proposed light pole, showing its height in comparison to a regular sports field light pole. The actual pole is already in place (having been placed there previously by Microcell), and a photograph is attached (Attachment 1) noting the heights of both the existing poles and the Rogers Wireless pole.

**Financial Impact**

The licence fee of \$145,000 will be credited to the City's Special Sports Reserve, as will the \$50,000 contribution made by Rogers Wireless.

**Conclusion**

Council approval is required to enable staff to take the necessary steps to grant the non-exclusive Licence, as the proposal differs from that previously presented for Council approval in June, 2004.



Christine McGilvray  
Manager, Lands and Property  
(4005)



Roger's Cell Tower  
100'-0 High

Sports Light  
80'-0 High