



City of Richmond

Report to Committee


To: General Purposes Committee
From: Christine McGilvray
Manager, Lands and Property
Re: **Hugh Boyd Park - Licence for a Communications Installation**

To General Purposes - May 15, 2006
Date: May 1, 2006
File: 03-1000-14-058/Vol 01

Staff Recommendation

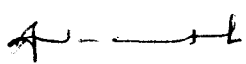
That:

- 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					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Budgets		Y	<input checked="" type="checkbox"/> N		
Law		Y	<input checked="" type="checkbox"/> N		
Parks Design, Construction & Programs ..		Y	<input checked="" type="checkbox"/> N		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	
				NO	
				<input checked="" type="checkbox"/>	
				<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 8th, 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