

# Encroachment Fee Waiver - Art Gallery of Alberta

## Recommendation:

That Executive Committee recommend to City Council:

That encroachment fees for the Art Gallery of Alberta, as outlined in the February 24, 2011, Planning and Development Department report 2011PCP101, be waived.

## Report Summary

**This report provides rationale for the waiving of encroachment fees for the Art Gallery of Alberta.**

## Report

The City of Edmonton is committed to the redevelopment of the Art Gallery of Alberta. This includes formally accommodating encroachments onto City road right-of-way through the design approval process.

Encroachments were identified during the design review. The encroachments involve architectural design features and accessibility structures around the building entrance as shown in the agreement executed November 19, 2010 (Attachment 1).

The City Street Development Control Bylaw 12513, Part 14, Section 11 (3) regulates encroachments onto City road right-of-ways. Fees for encroachments are based on market value of land used. Any fees charged that are less than market value must be approved by City Council.

Encroachment fees are not a charge for service. Rather, the fee reflects the value of land being used for private purposes. In this case the encroachment provides public access to the facility.

## Corporate Outcomes

This report relates to the strategic goal of Improving Edmonton's Liveability found in the City's Strategic Plan: The Way Ahead.

## Policy

Administration's recommendations are supported by the Capital City Downtown Plan, Section 4.3, Policy 12.8 which emphasizes that development be "attractive, interesting, comfortable, and functional."

## Legal Implication

The Encroachment Agreement, as executed, contemplates seeking permission from City Council prior to March 31, 2011, for the waiving of Encroachment Fees.

## Justification of Recommendation

Waiving encroachment fees will fulfill the City's commitment to redevelopment of the Art Gallery of Alberta.

## Attachments

1. Encroachment Agreement
2. Encroachment Fees

## Others Reviewing this Report

- L. Rosen, Chief Financial Officer and Treasurer
- D. H. Edey, General Manager, Corporate Services Department