Minute No. 278
Report - Standing Policy Committee on Infrastructure Renewal and Public Works – May 12, 2009

Item No. 1 Local Improvement Projects to be funded in 2009 – 330, 333 and 350 St. Mary Avenue (Fort Rouge–East Fort Garry Ward) eFile SL(2009)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Infrastructure Renewal and Public Works and the City Centre Community Committee and submits the following to Council:

1. That the following Local Improvement projects be proceeded with, namely:

   A. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 130 feet long) over St. Mary Avenue from approximately the north limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over part of Lots 384/393 and 434/443, Block 3, Plan 129 WLTO municipally known as 333 St. Mary Avenue and connecting into the existing skywalk from the south wall on the second floor of the Cityplace Mall, Work Order No. 1420450109 (Cityplace-333 St. Mary Avenue).

   B. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 66 feet long) over Hargrave Street from approximately the west limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over to the east limit of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue (Delta Winnipeg), Work Order No. 1420450209 (330 St. Mary Avenue).

   C. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 385 feet long) from a point approximately 75 feet south of the south-east corner of Hargrave Street and St. Mary Avenue along the east line of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue; approximately 220 feet from the south-east corner of Hargrave Street and St. Mary Avenue west along the north line of Lot 1, Plan 10893 on St. Mary

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Avenue to the south-west corner of Carlton Street and St. Mary Avenue; and, and approximately 90 feet south from the south-west corner of Carlton Street and St. Mary Avenue along the west line of Lot 1, Plan 10893 along Carlton Street connecting into the north wall of the existing skywalk connecting the Delta Winnipeg to the Convention Centre, Work Order 1420450309 (Delta Winnipeg Hotel – 350 St. Mary Avenue).

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Clement,

That the recommendations of the Standing Policy Committee on Infrastructure Renewal and Public Works and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2009, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Infrastructure Renewal and Public Works that the following Local Improvement projects be proceeded with, namely:

1. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 130 feet long) over St. Mary Avenue from approximately the north limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over part of Lots 384/393 and 434/443, Block 3, Plan 129 WLTO municipally known as 333 St. Mary Avenue and connecting into the existing skywalk from the south wall on the second floor of the Cityplace Mall, Work Order No. 1420450109 (Cityplace-333 St. Mary Avenue)

2. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 66 feet long) over Hargrave Street from approximately the west limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over to the east limit of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue (Delta Winnipeg), Work Order No. 1420450209 (330 St. Mary Avenue)

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

3. Weather Protected Walkway System - Extended skywalk airspace bridging (approximately 12 feet wide and 385 feet long) from a point approximately 75 feet south of the south-east corner of Hargrave Street and St. Mary Avenue along the east line of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue; approximately 220 feet from the south-east corner of Hargrave Street and St. Mary Avenue west along the north line of Lot 1, Plan 10893 on St. Mary Avenue to the south-west corner of Carlton Street and St. Mary Avenue; and, and approximately 90 feet south from the south-west corner of Carlton Street and St. Mary Avenue along the west line of Lot 1, Plan 10893 along Carlton Street connecting into the north wall of the existing skywalk connecting the Delta Winnipeg to the Convention Centre, Work Order 1420450309 (Delta Winnipeg Hotel – 350 St. Mary Avenue).

Further on May 5, 2009, the Senior Local Improvement Clerk, Assessment and Taxation Department, submitted a communication dated May 1, 2009 advising signed Petitions For were received under Project Nos. 1420450209 and 1420450309.

TO: Ms. Josie Marques, City Centre Community Committee Clerk
FROM: Mr. Brad Cull, Manager of Taxation and Finance

SUBJECT: RESULTS OF PETITIONS FOR PROPOSED 2009 LOCAL IMPROVEMENTS

DATE: April 29, 2009

On September 28, 2008, the Planning, Property and Development Department had finalized a *Project Management Agreement* between the City and the two levels of Government (Winnipeg Partnership Agreement - WPA), and the owners of Cityplace ("cityplace"), 330 St. Mary Avenue ("330"), and Delta Winnipeg Hotel ("Hotel") to cost-share the development of a Weather Protected Walkway System – Closing The Loop. This *Project Management Agreement* contains the terms and conditions of agreement between the parties and states in part:

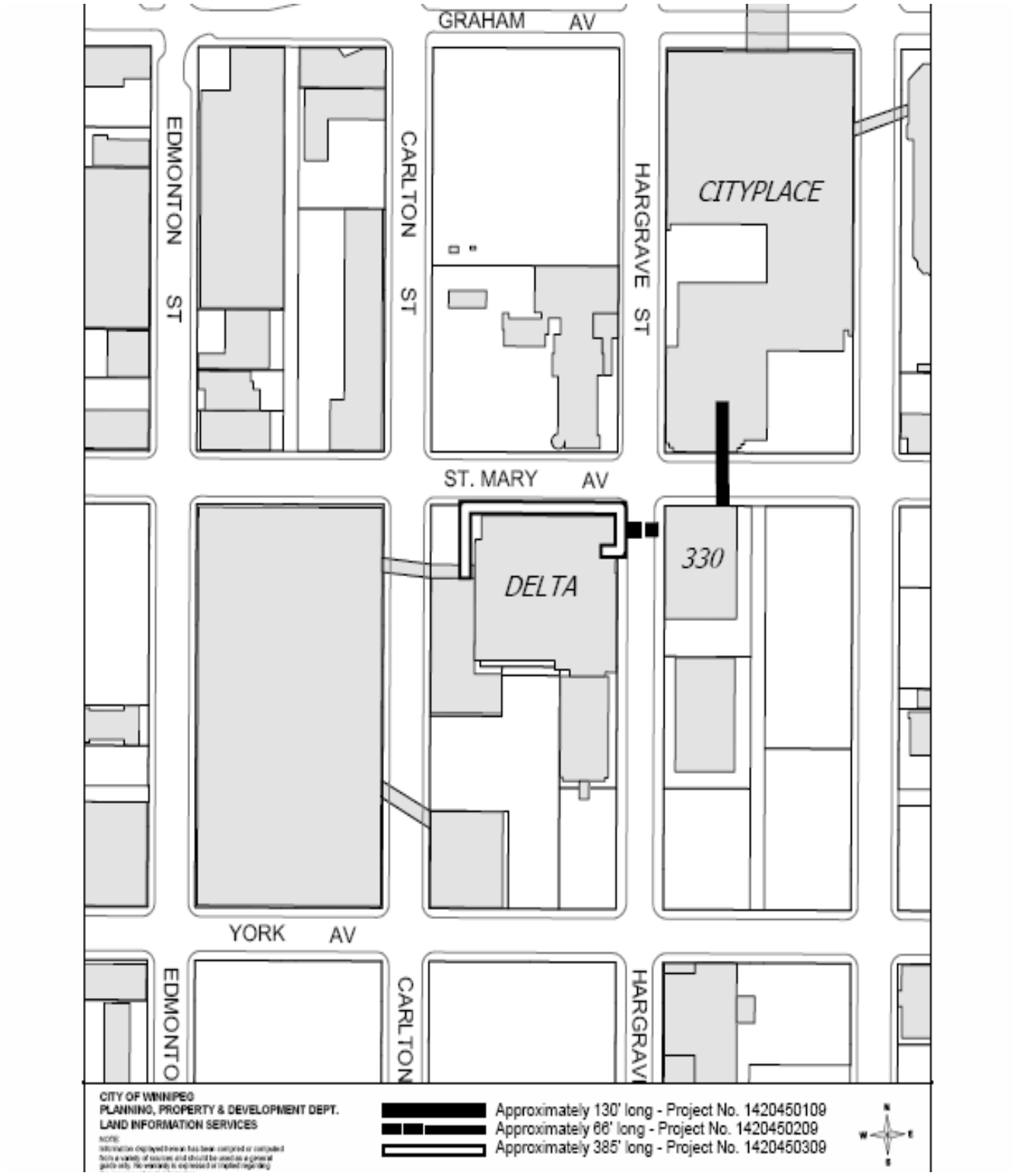
> *"Section 7*
>
> *(b). Local Improvement By-law*
>
> *The Hotel, 330 and cityplace each agree to request in writing that the City enact a local improvement tax imposition by-law (a **"Local Improvement By-Law"**) to pay their respective proportion of the design and construction costs, plus such interest and an administrative fee as set out in a Local Improvement By-Law. The City agrees upon written request by each of the Hotel, 330 and cityplace to use its best efforts to enact a Local Improvement By-Law or By- Laws in respect of their respective lands for the Bridge.*
>
> *(c) The Hotel, 330 and cityplace hereby covenant and agree not to file a Notice of Objection against or sign or support any Notice of Objection against any local improvements, work of service to be installed under the provisions of this Agreement."*

Therefore, the owners of Cityplace Mall, 330 St. Mary Avenue and the Delta Winnipeg Hotel had indicated that they wished to make their contribution via a Local Improvement (LI) Levy.

On October 28, 2008, the Planning, Property and Development Department had prepared a Report for a project named: *Weather Protected Walkway System-Closing The Loop*. In summary, the Department was of the opinion that the skywalk connection from Cityplace Mall, to 330 St. Mary Avenue, in front of the Delta Winnipeg Hotel and connecting to the existing skywalk to the Convention Centre was the preferred phase of the Closing the Loop initiative and that the funding for the Closing the Loop initiative be committed to the completion of this portion of the Weather Protected Walkway System.

On November 19, 2008, Council adopted the *Project Management Agreement.*
The City Centre Community Committee is therefore requested to specifically review and recommend to the Standing Policy Committee on Infrastructure Renewal & Public Works on the three local improvement projects within its Community and Ward boundary as depicted below*:*

Project #	Local Improvement	Location
1420450109 *(Cityplace – 333 St. Mary Avenue)*	Weather Protected Walkway System	Extended skywalk airspace bridging (approximately 12 feet wide and 130 feet long) over St. Mary Avenue from approximately the north limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over part of Lots 384/393 and 434/443, Block 3, Plan 129 WLTO municipally known as 333 St. Mary Avenue and connecting into the existing skywalk from the south wall on the second floor of the Cityplace Mall.
1420450209 *(330 St. Mary Avenue)*	Weather Protected Walkway System	Extended skywalk airspace bridging (approximately 12 feet wide and 66 feet long) over Hargrave Street from approximately the west limit of Lot A, Plan 18191 WLTO municipally known as 330 St. Mary Avenue and extending over to the east limit of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue (Delta Winnipeg).
1420450309 *(Delta Winnipeg Hotel – 350 St. Mary Avenue)*	Weather Protected Walkway System	Extended skywalk airspace bridging (approximately 12 feet wide and 385 feet long) from a point approximately 75 feet south of the south-east corner of Hargrave Street and St. May Avenue along the east line of Lot 1, Plan 10893 WLTO municipally known as 350 St. Mary Avenue; approximately 220 feet from the south-east corner of Hargrave Street and St. Mary Avenue west along the north line of Lot 1, Plan 10893 on St. Mary Avenue to the south-west corner of Carlton Street and St. Mary Avenue; and, and approximately 90 feet south from the south-west corner of Carlton Street and St. Mary Avenue along the west line of Lot 1, Plan 10893 along Carlton Street connecting into the north wall of the existing skywalk connecting the Delta Winnipeg to the Convention Centre.



Section 7 (a) of the *Project Management Agreement* states:

"7. The parties covenant and agree to share in the payment of the following costs and expenses associated with the design of the Bridge, the preparation of plans and specifications for the Bridge, and the construction of the Bridge in the following amounts:

(a) Design and Construction

- Cityplace	*$866,700*
- the Hotel	*$595,000*
- 330	*$933,000*
- the City	*$6,000,000*
- TOTAL	*$8,394,700*

In the event actual design and construction costs vary from these estimated costs, the parties agree that their respective shares shall be calculated using the same proportions, it being acknowledged and agreed by the City that under no circumstances shall 330, Cityplace or the Hotel be required to make any further contributions beyond their respective committed maximum contributions noted above and that the City shall be solely responsible to pay any amounts in excess of the above noted estimated costs."

The authorization and imposition of local improvement taxes on this basis is permitted pursuant to Subsection 412(3) of *The City of Winnipeg Charter* which provides that in exceptional cases when the uniform rates are not equitable, feasible or practical to calculate or levy, Council may by by-law provide another equitable method of imposing the local improvement taxes.

Therefore, *"Petition: For"* forms were issued to the affected registered property owners of these properties. Each registered property received the "Petition For" for the local improvement project for which local improvement taxes would be imposed on its property. The results are depicted in *Table 1* below.

Table 1: Local Improvement "Petitions For" Results:

Project Number	Local Improvement	Petition For	Percentage Signed	City (WPA) Funding Portion Per Agreement*	Additional Funding By The City*	Total Estimated Costs*	Estimate of Percentage RecoverableFrom the Private Property Owner
1420450109 *(Cityplace – 333 St. Mary Avenue)*	Weather Protected Walkway System	$866,700	100%	$2,000,000	$107,100	$2,973,800	29.14%
1420450209 *(330 St. Mary Avenue)*	Weather Protected Walkway System	$933,700	100% ***SEE NOTE BELOW***	$2,000,000	$107,100	$3,040,800	30.71%
1420450309 *(Delta Winnipeg Hotel – 350 St. Mary Avenue*)	Weather Protected Walkway System	$595,000	100% ***SEE NOTE BELOW***	$2,000,000	$107,100	$2,702,100	22.02%
		$2,395,400		**$6,000,000**	**$321,300**	**$8,716,700**	

NOTE: SIGNATURE PENDING AND TO BE CONFIRMED PRIOR TO COMMUNITY COMMITTEE MEETING – SEE PROJECT MANAGEMENT AGREEMENT DATED SEPTEMBER 28, 2008 WHICH WAS SUBSEQUENTLY ADOPTED BY COUNCIL ON NOVEMBER 19, 2008.

*Based on an equal allocation of the City's contribution pursuant to the *Project Management Agreement* amongst the three local improvement projects.

Therefore, in compliance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the Manager of Finance and Taxation that the signatures obtained from the benefiting registered property owners (with the exception in the note above) on the *"Petition For"* forms will represent 100% of the total assessable costs, as summarized in Table 1 above.

Also, in accordance with Section 409(4) of the *City of Winnipeg Charter*, it states:

> ***"When notice and hearing not required***
> ***409(4)*** *Subsections (1) to (3) do not apply to a local improvement proposed by a petition signed by all of the registered owners, other than the city, of the total real property to be benefited by it."*

Therefore, it will not be necessary to advertise these three proposed local improvements.

Winnipeg Public Service Recommendation: The undertaking of these three proposed Local Improvement projects may proceed in compliance with the Project Management Agreement dated September 28, 2008 which was subsequently adopted by Council on November 19, 2008.

[Original Signed By Brad Cull]

Manager of Taxation and Finance

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From: Wladyka, George
Sent: Friday, May 01, 2009 10:10 AM
To: Skundberg, Inga
Cc: Cull, Brad; Papst, Diane; Bollman, Wayne
Subject: Weather Protected Walkway System L. I.'s - Signing Of Petitions "For"
Importance: High

Good Monring Inga,

I am advising you that late yesterday afternoon, I had received via an e-mail, a ***signed*** *Petition "For"* under ***Project No. 1420450209*** from Mr. Edmund Lee on the behalf of 330 St. Mary Avenue Property. I had this document date stamped at your Office yesterday, as well.

Furthermore, I have just received via an e-mail, a ***signed*** *Petition "For"* under ***Project No. 1420450309*** from Mr. Tom Tittel on the behalf of Delta Winnipeg Hotel (350 St. Mary Avenue). I had this document date stamped at your Office a few minutes ago.

This now satifies the signature requirements for the ***three*** *Petitiions "For"* as is noted on Page #5 in our Report to the City Centre Community Committee.

Thank you.

George

George J. Wladyka
Senior Local Improvement Clerk
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