Agenda - Council – February 24, 2010

Report - Standing Policy Committee on Downtown Development – February 1, 2010

Item No. 1 Closing of Martha Street between Alexander and Pacific Avenues (Point Douglas Ward)
File DAC 11/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the street closing as shown on Misc. Plan No. 13679 be approved and that the land be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13679, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

Report - Standing Policy Committee on Downtown Development – February 1, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 11/2009
Before:	Standing Policy Committee on Downtown Development Councillor Swandel, Chairperson Councillor Pagtakhan, Councillor Steeves
Public Hearing:	February 1, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	Ken Wimble, MMM Group
Premises Affected:	Martha Street between Alexander and Pacific Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated January 15, 2010 2. Inspection Report 3. Communication dated January 26, 2010, from Oleh Gerus, President of Oseredok Ukrainian Cultural and Educational Centre in support of the application

REPRESENTATIONS:

In Support:

Oleh Gerus, President, Oseredok Ukrainian Cultural and Educational Centre
Veronica Hicks, MMM Group
Jeff Hnatiuk
Richard Tebinka, MMM Group

In Opposition:

Nil

For Information:

Sophia Kachor

For the City:
Mr. D. Joshi, Director, Planning, Property and Development

Exhibit "1" referred to in File DAC 11/2009

ADMINISTRATIVE REPORT

ISSUE: **TO SEEK COUNCIL APPROVAL FOR DAC 11/2009 – PROPOSED CLOSING OF MARTHA STREET BETWEEN ALEXANDER AND PACIFIC AVENUES**

CRITICAL PATH: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT - EXECUTIVE POLICY COMMITTEE - COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Saj	D. Joshi	N/A	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13679 be approved and that the land be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13679, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

IMPLICATIONS OF THE RECOMMENDATIONS

All street and lane closings within the boundaries of the Downtown Winnipeg area, as defined by By-Law 100/2004, require the consideration of the Standing Policy Committee on Downtown Development.

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street closing.

The Downtown Planning Branch of the Planning, Property and Development Department advises that The Manitoba Museum of Man and Nature has expressed interest in closing another section of public right of way in the immediate vicinity, and recommends confirmation that their respective plans are not in conflict with the subject closing. The Downtown Planning Branch further recommends that the closing of the subject street be conditional upon zoning and urban design approval.

The Traffic Signals Branch of the Public Works Department advises that there are 2 luminaries on wooden poles within the closing area that will require removal: 1 x 250W on the north side and 1 x 70W on the south side. The removal of the luminaries and the wooden poles are to be at the expense of the applicant.

The Transportation Division of the Public Works Department advises that the Ukrainian Cultural and Educational Centre has a private approach serving their parking lot on the east side of the block adjoining Martha Street. It will be necessary for the applicant to receive agreement from the Cultural Centre for the street closure as well as the provision of alternate access for the parking lot.

Manitoba Hydro, MTS Allstream and Shaw Cablesystems have identified services within the closing area. No permanent structures will be allowed within the easement areas. Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Ken Wimble of MMM Group, representing Sport Manitoba Inc., to close and purchase the portion of Martha Street so identified on the attached copy of Misc. Plan No. 13679.

In early 2010 with the completion of Phase I, Sport Manitoba will be moving their staff from 200 Main Street to the renovated heritage buildings at 145 Pacific Avenue and 146 Alexander Avenue. Construction of the new Sport Manitoba facility is scheduled to take place in two phases.

The acquisition of the Martha Street lands is needed to facilitate the proposed Phase II of this project, as it is proposed that the area directly west of the building including the Martha Street right-of-way will be converted into a field house with underground parking. The field house will be available for use by the public and include space for a variety of activities such as tennis, soccer, running and strength training. The underground parking structure is intended to be used by field house users. The proposed Phase II building footprint will cover nearly all of the existing Martha Street right-of-way.

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 15, 2010

Project Name:

DAC 11/2009: Proposed Closing of Martha Street between Alexander and Pacific Avenues

COMMENTS:

The recommendations contained in this report include that 1) the proposed street closing as shown on Misc. Plan No. 13679 be approved and that the land be declared surplus to the City's needs and 2) that the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13679, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

As all costs associated with the street closing are the responsibility of the applicant, there are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic Departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: January 15, 2010
File No.

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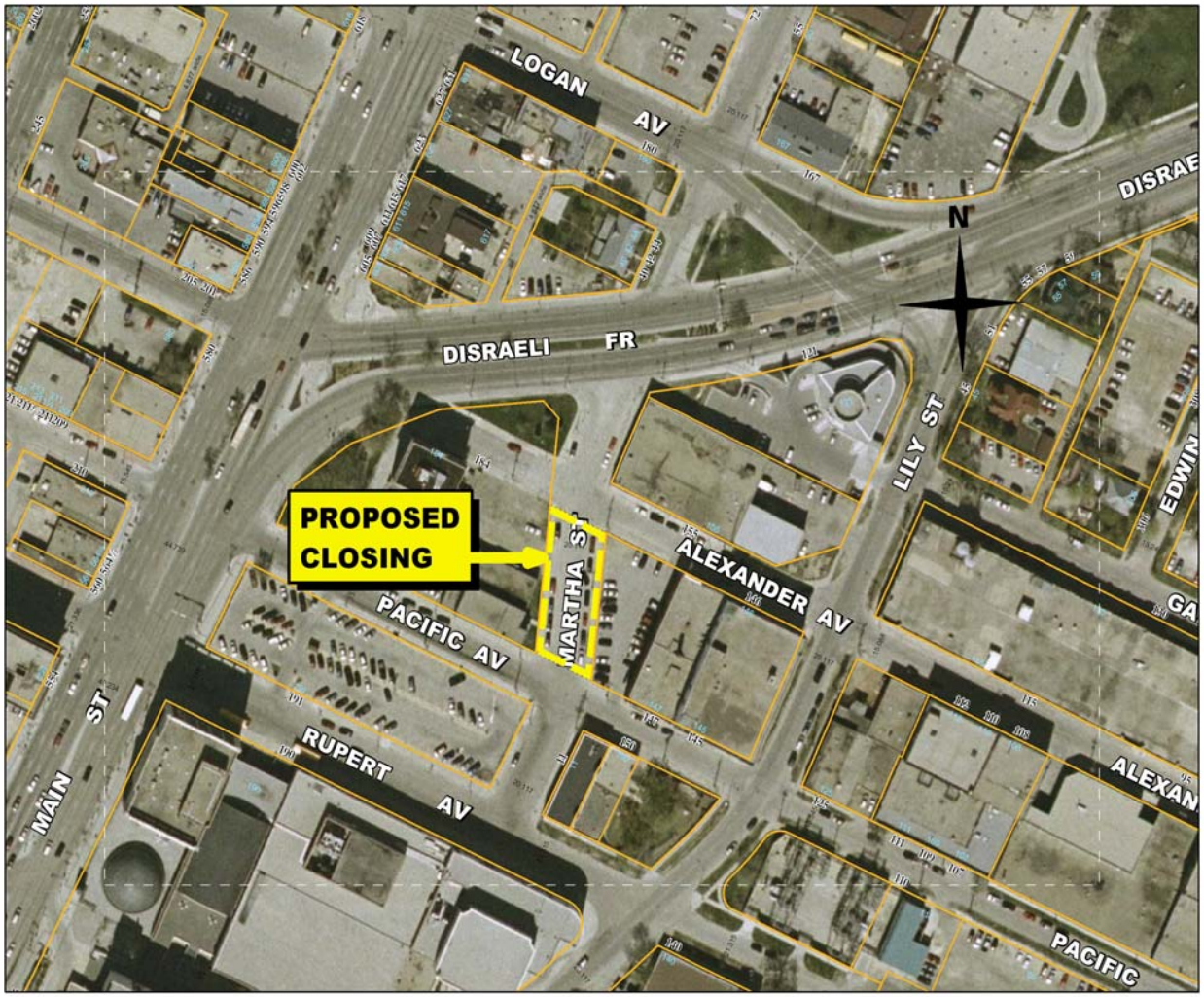
Aerial View of Closing



Miscellaneous Plan

