Minute No. 420
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 5 Street Closing - part of Parker Avenue, east of Wynne Street
File DAC 15/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the street closing shown on Misc. Plan No. 11949 be approved and the land 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 closing in accordance with Misc. Plan No. 11949, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

Minutes - Executive Policy Committee – June 22, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development 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 3, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 15/2003
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Benham Councillor Gerbasi
Public Hearing:	May 3, 2005 Council Chamber
Applicant:	The City of Winnipeg
Premises Affected:	part of Parker Avenue, east of Wynne Street
Exhibits Filed:	1. Report from the Real Property Officer dated April 25, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 15/2003

RE: DAC 15/2003 - PROPOSED CLOSING OF PART OF PARKER AVENUE EAST OF WYNNE STREET

For submission to:	**The City Centre Community Committee**
Report date:	**April 25, 2005**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 11949 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 closing in accordance with Misc. Plan No. 11949, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.** **3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.**

REPORT SUMMARY

Key Issues:

- The permanent closure of the two railway crossings on Parker Avenue east of Wynne Street has been proposed by the CNR and Transport Canada. This would provide for increased public safety in the vicinity of the crossings.
- Parker Avenue has been barricaded to traffic at the main line crossing and at a point approximately 30 metres east of the spur line crossing for several years.
- Closing the crossings renders the rest of the street obsolete. In June of 2003, the Community Committee recommended that the street be offered to CN, the owner of the adjacent property. In August and October of 2003, CN was asked if it was interested in acquiring the street. CN confirmed that it was interested in April of 2005.
- The City of Winnipeg Charter requires that a public hearing be held for all closings. The venue for these hearings is the Community Committee meeting. It is now appropriate to convene this public hearing.

Implications of the Recommendation(s):

General implications:

- [X] **None**
- [ ] **For the organization overall and/or for other departments**
- [ ] **For the community and/or organizations external to the City of Winnipeg**
- [ ] **Involves a multi-year contract**

Comment(s):

-

Policy implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Environmental implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Human resources implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

-

Financial implications:

- [ ] **Within approved current and/or capital budget**
- [ ] **Current and/or capital budget adjustment required**

Comment(s):

- Subject to the approval of the appropriate Standing Policy Committee (Property and Development or Public Works), it is anticipated that costs associated with this proposal will be borne by the City of Winnipeg.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The proposal to close the subject portion of Parker Avenue – the closure of the easterly portion of the street under Application No. DAC 9/1998 having been previously approved by Council in December of 1999 – arises out of concerns raised by Transport Canada regarding vehicular and pedestrian trespass onto the CN Lettelier Subdivision and spur line tracks in the vicinity of the Parker Avenue right-of-way. Concrete barricades were installed to close the mainline crossing to vehicular traffic and to close Parker Avenue at a point approximately 30 metres east of the spur line crossing several years ago. Motorists continue to drive around the barricades and along the railway rights-of-way. Pedestrians are also crossing the railway rights-of-way at these locations.

The permanent closure of these crossings, including fencing along the railway right-of-way to prevent pedestrian trespassing will provide for increased public safety in the vicinity of the crossings. Closing the crossings eliminates the access to Parker Avenue, rendering the rest of the street obsolete.

On June 10, 2003, the City Centre Community Committee considered the report of the Community Traffic Engineer regarding the permanent closure of Parker Avenue at the CN Letellier Subdivision Crossing and recommended to the Standing Policy Committee on Property and Development that the Administration be directed to:

1. Proceed with planning to make the temporary physical closure of Parker Avenue at the crossing of Mile 0.18 CN Letellier Subdivision permanent;

2. Enter into negotiations with CN regarding a possible land transfer agreement for the Parker Avenue right-of-way between Mile 0.14 West Leg of Wye off CN Rivers Subdivision (the spur line track) and Mile 0.18 CN Letellier Subdivision (the mainline track).

On July 3, 2003, the Standing Policy Committee on Property and Development concurred with the recommendations of the Community Committee.

The Community Committee further recommended to the Standing Policy Committee on Public Works that the Administration be directed to enter into negotiations with CN and Transport Canada for the relocation of the crossing protection system to the Edderton Avenue sidewalk crossing and installation of fencing.

The Standing Policy Committee on Public Works, on July 8, 2003, and Council, on July 23, 2003, concurred with this recommendation.

On August 20, 2003 and again on October 23, 2003, CN was approached by the Planning, Property and Development Department with a request for confirmation that it was interested in acquiring Parker Avenue. On April 11, 2005, CN provided this confirmation.

DISCUSSION:

Public Hearing

Although the Community Committee approved this closing in June of 2003, the public hearing required under The City of Winnipeg Charter has not been held. The venue for these hearings is the Community Committee meeting. The hearing has been delayed until the CNR – the owner of the property on both sides of the street – advised whether or not it had any objections to the closing. CN having agreed, in principal, to acquire the street, it is now appropriate to convene the public hearing for this closing.

Administrative Approval

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

Easements

The Water and Waste Department, Manitoba Hydro and MTS will require easements for the maintenance of their facilities in the street. No permanent structures will be allowed in the easement areas. The combined easement areas will likely encumber the entire street.

Transfer of Jurisdiction Over Public Rights-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.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division, Traffic Signals

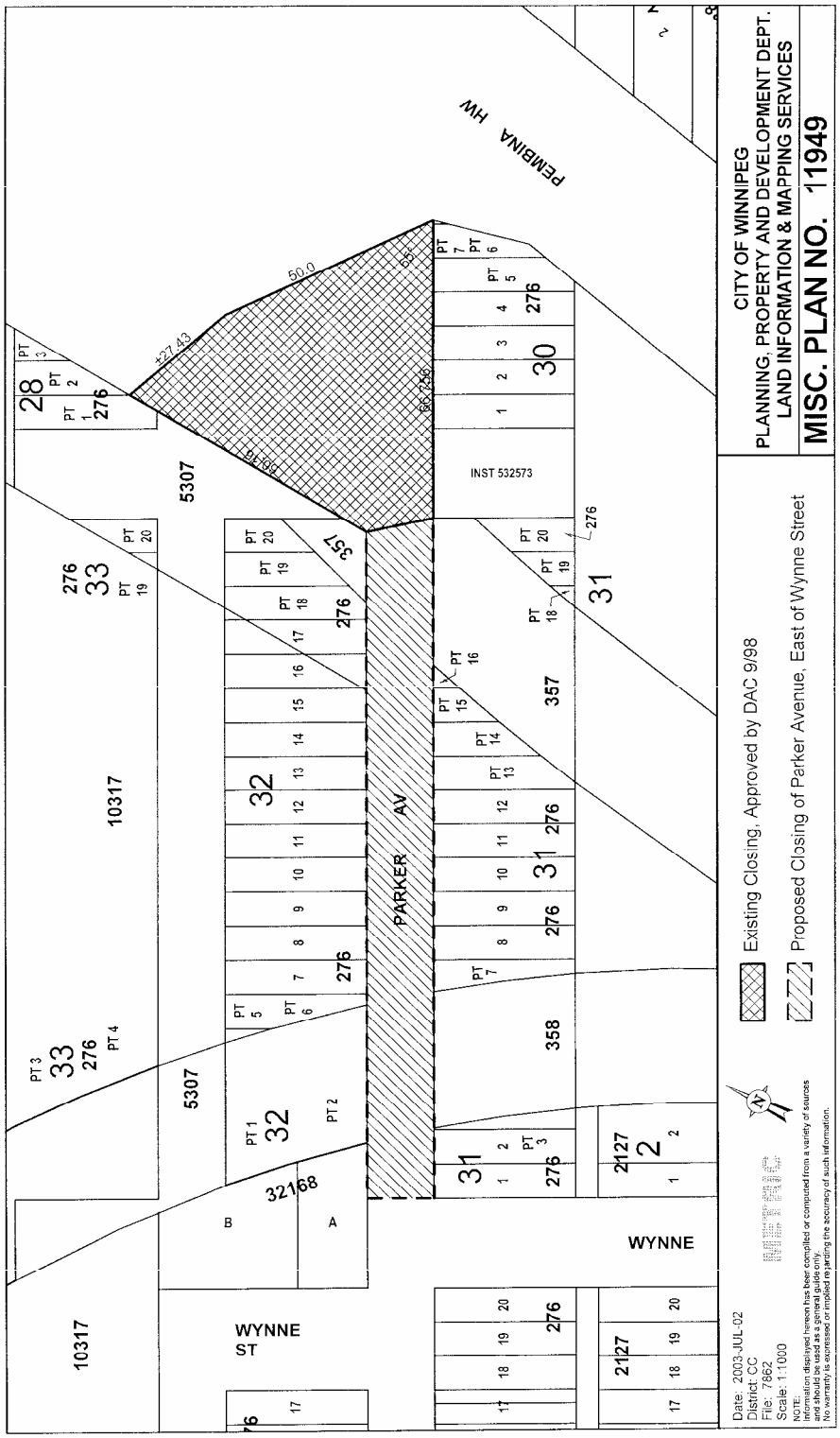
Water and Waste Department – Engineering Division

Manitoba Hydro, MTS Communications

Centra Gas and Shaw Cable did not respond to the request for easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 7862


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11949
Existing Closing, Approved by DAC 9/98
Proposed Closing of Parker Avenue, East of Wynne Street
Date: 2003-JUL-02
District: CC
File: 7862
Scale: 1:1000
NOTE:
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No warranty is expressed or implied regarding the accuracy of such information.
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