Agenda – Executive Policy Committee – September 14, 2005

REPORTS

Item No. 1 Closing of part of the Public Road Plan 9076, Widening of part of Henderson Highway
File DAOC 1/2005

ADMINISTRATIVE RECOMMENDATION:

1. That the proposed street opening and closing as shown on Misc. Plan No. 10858/12 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Misc. Plan No. 10858/12.

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

Re: DAOC 1/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC ROAD PLAN 9076, PROPOSED WIDENING OF PART OF HENDERSON HIGHWAY

For submission to: Executive Policy Committee

Original report signed by: Director of Planning, Property and Development

Report date: August 17, 2005

Recommendations:

1. That the proposed street opening and closing as shown on Misc. Plan No. 10858/12 be approved.
2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Misc. Plan No. 10858/12.
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 Real Estate Division of the Planning, Property and Development Department and Canada Safeway have negotiated the terms of the purchase of part of the right-of-way adjacent to the Safeway store at 1441 Henderson Highway. One of the conditions of the sale is the dedication of part of the Safeway property as public street for the widening of Henderson Highway.
- The street to be closed and sold is a portion of a right-of-way dedicated as Public Road in 1965 that will eventually be constructed as the future extension of the Chief Peguis Trail. Public Works has advised that the portion to be sold is not required for the road.
- On July 21st, 2004, Council approved the sale and declared the street to be closed to be surplus to the City's needs.

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):

- All costs associated with this proposal will be borne by the applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

The opening and closing of these streets requires a by-law under Section 139 of The City of Winnipeg Charter.

HISTORY:

The Real Estate Division of the Planning, Property and Development Department and Canada Safeway (River East Plaza Corporation) have negotiated the terms of the purchase of the land adjacent to the Safeway store at 1441 Henderson Highway identified as "Subject City Property" on the attached Misc. Plan No. 10858/12. The land to be sold is a portion of a right-of-way dedicated as Public Road in 1965 that will eventually be constructed as the future extension of the Chief Peguis Trail. The Public Works Department has stated that the portion of the street to be sold is not required for the future road.

Public Works requires a portion of the Safeway property for the widening of Henderson Highway. The widening is shown as "Property Required for Street Right-of-Way" on the drawing.

On July 21st, 2004, Council approved the recommendation of the Standing Policy Committee on Property and Development dated July 9, 2004 that the land be declared surplus to the City's needs and sold.

At a public hearing held on March 1, 2005, the East Kildonan-Transcona Community Committee approved the street opening and closing. There was no public opposition to this proposal.

DISCUSSION:

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing.

Zoning

The street, once closed, will assume the zoning of the adjacent Safeway property.

Easements

The Water and Waste Department requires a 15 metre wide easement for an existing 600m water feeder main located 2.5 metres north of the north boundary the Safeway property, falling within the area of the street proposed to be closed. The special conditions of the required easement agreement are as follows:

- The maximum allowable sub-cut over the feeder main during construction of the parking lot is 1.2 metres.
- The final cover over the feeder main shall be no less than 2.45 metres and no more than 3.65 metres.
- No heavy equipment, such as loaders or backhoes will be allowed to set up or operate directly over the feeder main.
- Construction traffic, when working directly over or crossing the feeder main, must reduce speed.
- The installation of land drainage piping, or any other underground piping, either crossing over or passing under the feeder main must meet the Department's standard clearances.
- Before any construction can commence detailed construction drawings must be submitted to this Department for review and approval.

Manitoba Hydro and MTS Allstream also require an easement to maintain their services in the closed street. The Manitoba Hydro easement area is identified on Misc. Plan No. 10858/12.

No improvements other than paving and landscaping will be allowed in these easement areas. No permanent structures of any kind will be permitted.

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.

Submission of Report in Accordance with By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street and lane opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

The following criteria must be met before the authority given in the by-law may be exercised:

1. The proposed opening and closing must have been addressed at a public meeting and received approval from the Committee before which the public meeting took place.
2. The Director of Public Works must have approved the proposed closing and sale.
3. The proposed closing must have been submitted to all affected City Departments and public utilities with no objections having been received.
4. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.

5. The terms and conditions of any easement agreements created by the proposed closing and sale must have been addressed.
6. The affected property owner(s) must have approved the proposed closing.
7. The terms and conditions of any agreements concerning the proposed closing and sale must have been approved by the Director of the department that requested the closing and either the Standing Policy Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of the Planning, Property and Development Department, as is appropriate.

All of these criteria have been met.

Financial Impact Statement Date: August 2, 2005

COMMENTS:

All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

"Original signed by"
Mike McGinn, CA
Manager of Finance

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

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

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division, Traffic Signals

Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Allstream Inc.

The Community Planner, the Coordinator of Parks, Riverbanks and Community Initiatives and Shaw Cable did not respond to requests for comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 7422 Vol 3

Document name: o:\reports directive\development and inspections\geomatics\daoc1_05.doc

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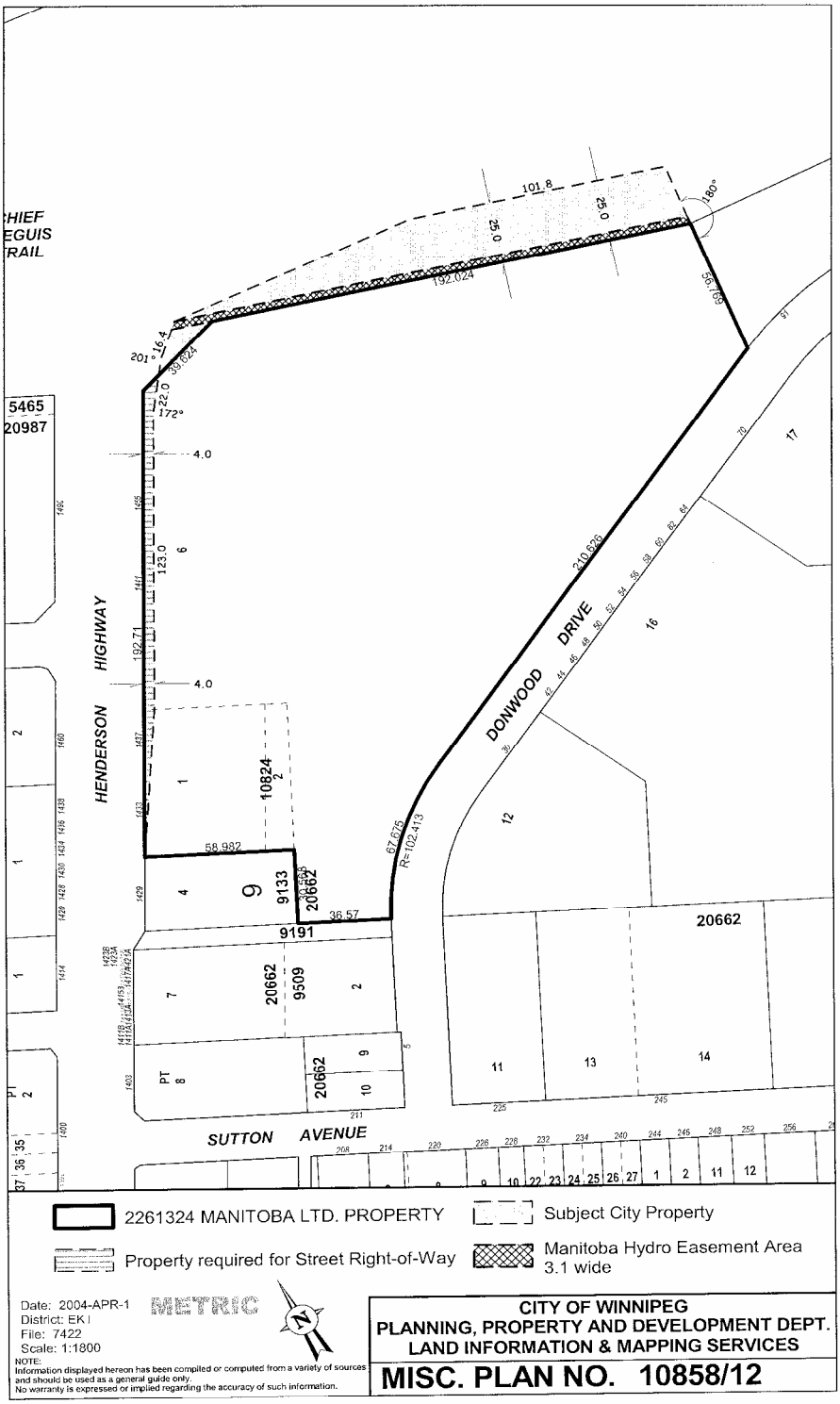

HENDERSON HIGHWAY
DONWOOD DRIVE
SUTTON AVENUE
2261324 MANITOBA LTD. PROPERTY
Subject City Property
Property required for Street Right-of-Way
Manitoba Hydro Easement Area 3.1 wide
Date: 2004-APR-1
District: EK I
File: 7422
Scale: 1:1800
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 10858/12