**Minute No. 309**
**Report - Standing Policy Committee on Property and Development - January 31, 2006**

**Item No. 1** **Closing - Part of Martin Avenue West**
**Widening - Public Lanes adjacent to 491 Martin Avenue West**
**Walkway Opening - adjacent to 486 Martin Avenue West**
**File DAOC 6/2005**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closing shown on Misc. Plan No. 12362/2 be approved and the land declared surplus to the City's needs.

2. That the lane and walkway opening shown on Misc. Plan No. 12362/2 be approved.

3. 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. 12362/2.

4. 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 Property and Development - January 31, 2006**

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAOC 6/2005 |
| Before: | East Kildonan-Transcona Community Committee<br>Councillor Lubosch, Chairperson<br>Councillor Wyatt |
| Public Hearing: | January 17, 2006<br>Community Committee Chambers, 755 Henderson Highway |
| Applicant: | Manitoba Hydro<br>(Alex Warga) |
| Premises Affected: | Part of Martin Avenue West<br>Public Lanes adjacent to 491 Martin Avenue West<br>Walkway Opening adjacent to 486 Martin Avenue West |
| Exhibits Filed: | 1. Report from the Real Property Officer dated December 20, 2005<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Kristin Braid
Brent Jorewski
Curtis McLeod
Alex Warga

In Opposition:

Nil

For Information:

Tom Spence
George Ward

For the City:

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

Exhibit "1" referred to in File DAOC 6/2005

**RE: DAOC 6/2005 – PROPOSED CLOSING OF PART OF MARTIN AVENUE WEST, PROPOSED WIDENING OF THE PUBLIC LANES ADJACENT TO NO. 491 MARTIN AVENUE WEST, PROPOSED WALKWAY OPENING ADJACENT TO NO. 486 MARTIN AVENUE WEST**

**For submission to:** **The East Kildonan-Transcona Community Committee**

**Report date:** **December 20, 2005**

**Recommendations:**

**1. That the proposed street closing as shown on Misc. Plan No. 12362/2 be approved and that the land be declared surplus to the City's needs.**

**2. That the proposed lane and walkway opening as shown on Misc. Plan No. 12362/2 be approved.**

**3. 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. 12362/2, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.**

**4. 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:**

- Manitoba Hydro requires the street closing as part of a planned expansion of its substation at 511 Martin Avenue West. Hydro advises that it has acquired the private properties required for the expansion and requires approval of the closing before it proceeds with the project.
- The Public Works Department has identified the lane corner widening and the opening of the public lane and public walk as conditions of its approval of the street closing.

**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:**

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

**HISTORY:**

Martin Avenue West was created in 1904 by a subdivision of the adjoining lands. The street is paved and used by the area residents.

Manitoba Hydro maintains a substation at No. 511 Martin Avenue. To meet increasing power demands in the area, Hydro intends to expand this substation within the boundaries shown as "Manitoba Hydro Project Site" on the attached Misc. Plan No. 12362/1. Hydro has advised it has acquired the private properties at 491, 495, 499 and 503 Martin Avenue West and has requested that the process required to close the street be initiated.

**DISCUSSION:**

Administrative Approval

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

The Transportation Division of the Public Works Department advises that its approval of the proposed closing is contingent on the following conditions:

A. The applicant is to provide and legally open, at no cost to the City, property to widen the right-of-way of the north-south Public Lane between 487 and 491 Martin Avenue West to 6.25m and including a 3.0m by 3.0m right-of-way corner-cut in the southeast corner of the intersection of the north-south Public Lane and the east-west Public Lane at the rear of 491 Martin Avenue West.

B. The west limit of the legal closing of the Martin Avenue West right-of-way is to align with the new east property line of the north-south Public Lane addressed in Condition A.

C. The applicant is to provide and legally open, at no cost to the City, property for a 6.25m public lane/walkway adjacent to 486 Martin Avenue West. The first 10.0m of this right-of-way, south of Martin Avenue West, is required for a vehicular turnaround area at the terminus of the street and is to be dedicated as a Public Lane. The remainder is to be a Public Walkway.

D The applicant is to acquire, provide and legally open, at no cost to the City, property for the extension of a 5.0m public walkway to the property for the future Gateway Road realignment (Plan No. 24870).

The applicant is to enter into a Servicing Agreement to carry out the following works:

1. The applicant shall, at no expense to the City, relocate, remove, adjust, abandon and/or protect, and all related works as necessary, all existing utilities, street lights, etc. located within the Martin Avenue West right-of-way being legally closed and sold to the applicant, all as determined by and to the satisfaction of the Directors of Public Works, and Water and Waste.

2. The applicant shall, at no expense to the City, carry out necessary works to permit the drainage of the Martin Avenue West street pavement and right-of-way west of the proposed legal closure to be maintained, including, but not necessarily limited to relocation/adjustment of drainage inlets, regrading of the Martin Avenue West street pavement and all related works, all as determined by and to the satisfaction of the Director of Public Works.

3. The applicant shall, at no expense to the City, carry out necessary works at the new terminus of Martin Avenue West to effect the closure including, but not necessarily limited to construction of curbing, fencing, gates, signing and all related works, all as determined by and to the satisfaction of the Director of Public Works.

4. The applicant shall, at no expense to the City, construct a 1.83m chain link fence along the east and north limits of the 6.25m and 5.0m public walkway right-of-way being provided under Clauses C and D above, as determined by and to the satisfaction of the Director of Public Works.

5. The applicant shall construct in portland cement concrete pavement, at no expense to the City, a 4.5m radius and all related works, within the 3.0m by 3.0m right-of-way corner-cut being provided under clause A above, all as determined by and to the satisfaction of the Director of Public Works.

6. The applicant shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the 6.25m and 5.0m public walkway provided under clauses C and D above, including but not necessarily limited to asphalt surfacing between the sidewalk and the fence, two bollards at each end of the public walkway and all related works, all as determined by and to the satisfaction of the Director of Public Works.

7. The applicant shall, at no expense to the City, construct a 5.0m in width by 150mm in thickness portland cement concrete lane pavement in the 6.25m public lane, the first 10.0m of right-of-way south of Martin Avenue West, provided under clause C above, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

The Water and Waste Department maintains a watermain and a combined sewer line within the street. These facilities will be relocated at Manitoba Hydro's expense.

Ownership of 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 – Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

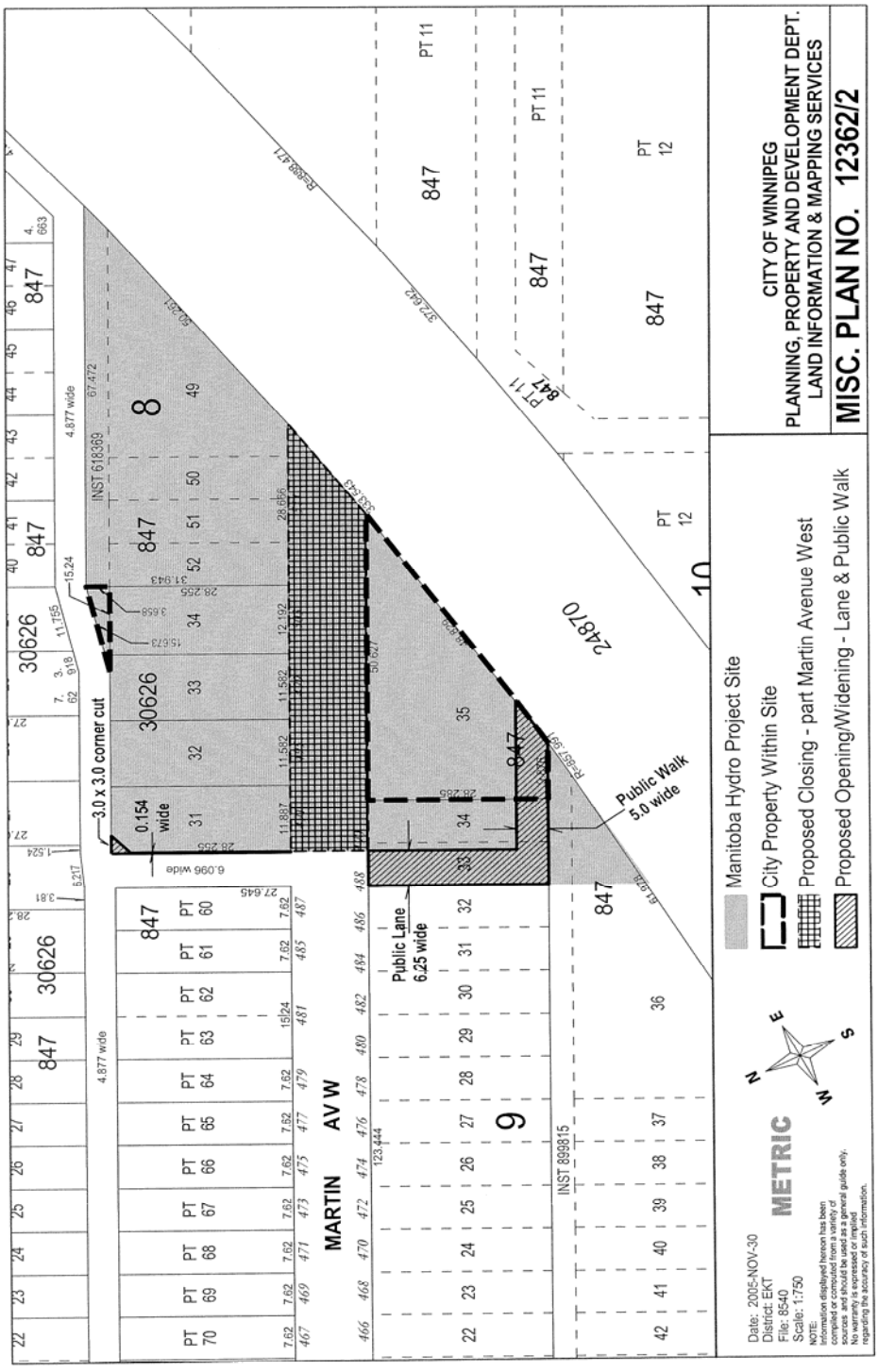
Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

The Community Planner did not respond to the request 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 #: 8540

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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12362/2
Manitoba Hydro Project Site
City Property Within Site
Proposed Closing - part Martin Avenue West
Proposed Opening/Widening - Lane & Public Walk
3.0 x 3.0 corner cut
0.154 wide
Public Walk 5.0 wide
Public Lane 6.25 wide
MARTIN AV W
INST 899815
INST 618369
METRIC
Date: 2005-NOV-30
District: EKT
File: 8540
Scale: 1:750