Report – Executive Policy Committee – June 21, 2006

Item No. 6 Installation of a Pedestrian Corridor at 1970 Henderson Highway (Kildonan Personal Care Home) – Land Dedication Reserve File DASZ 15/95

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee did not concur in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the June 13, 2006 recommendation from the East Kildonan-Transcona Community Committee to allocate two thirds of the cost towards the installation of a pedestrian corridor at Henderson Highway and Bonner Avenue, in the amount of $19,467.64, from the East Kildonan-Transcona Land Dedication Reserve, be received as information.

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

Report – Executive Policy Committee – June 21, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee did not concur in the recommendation of the East Kildonan-Transcona Community Committee and submitted to Council:

1. That the June 13, 2006 recommendation from the East Kildonan-Transcona Community Committee to allocate two thirds of the cost towards the installation of a pedestrian corridor at Henderson Highway and Bonner Avenue, in the amount of $19,467.64, from the East Kildonan-Transcona Land Dedication Reserve, be received as information.

Further, the Executive Policy Committee directed that the Public Works Department install a pedestrian corridor on Henderson Highway at Bonner Avenue utilizing funding from the Traffic Engineering Improvement Program.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 2006, the East Kildonan-Transcona Community Committee recommended to the Executive Policy Committee:

1. That two thirds of the cost towards the installation of a pedestrian corridor at Henderson Highway and Bonner Avenue, in the amount of $19,467.64, be allocated from the East Kildonan-Transcona Land Dedication Reserve.

2. That the criteria of the Council Policy for the Land Dedication Reserve Fund be waived for any expenditures which do not qualify.

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

Further, on June 13, 2006, the East Kildonan-Transcona Community Committee directed that in accordance with the Council Decision of July 27, 2005, Condition 4 of Development Agreement 15/95 be undertaken, namely, the Developer shall pay, upon demand by the City, one-third of the cost towards the installation of a pedestrian corridor at the intersection of Henderson Highway and Bonner Avenue, in the amount of $9,732.36.

On May 9, 2006, the East Kildonan-Transcona Community Committee laid the matter over to its meeting to be held on June 13, 2006.

Report – Executive Policy Committee – June 21, 2006

DECISION MAKING HISTORY (continued):

COUNCIL:

On July 27, 2005, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and adopted the following:

1. That Development Agreement 15/95 be amended, subject to concurrence by the Developer, as follows:

    - That Condition No. 4 be deleted and replaced with the following:

        "4. The Developer shall, upon demand by the City, pay up to the sum of $40,000.00 towards the installation of a pedestrian corridor at the intersection of Henderson Highway and Bonner Avenue. The Developer shall post a Letter of Credit to ensure payment upon demand."

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development that Development Agreement 15/95 be amended, subject to concurrence by the Developer, as follows:

- That Condition No. 4 be deleted and replaced with the following:

    "4. The Developer shall upon demand by the City pay the sum of $40,000.00 as its share of the cost of traffic control signals towards the installation of a pedestrian corridor at the intersection of Henderson Highway and Bonner Avenue and that the installation occur as soon as possible. The Developer shall post a Letter of Credit to ensure payment upon demand."

STANDING COMMITTEE:

On May 1, 2001, the Standing Policy Committee on Public Works concurred in the administrative recommendation and approved the 2001 Traffic Engineering Improvements Program. The administration did not recommend the installation of a pedestrian corridor across Henderson Highway at Bonner Avenue.

Report - Executive Policy Committee - June 21, 2006

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE DECISION (continued):

On September 5, 2000, the Standing Policy Committee on Public Works referred a request from the Resident Council of the Kildonan Personal Care Centre for a pedestrian corridor on Henderson Highway at Bonner Avenue to the Administration for review during consideration of the 2001 Capital Estimates.

On February 20, 1996, the former Committee on Works and Operations referred the matter to the Administration for priority rating for inclusion in the 1996 Traffic Control Signals and Pedestrian Corridors Report.

On May 30, 1995, the former Committee on Works and Operations referred the matter for consideration during the 1996 Capital Budget deliberations.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 9, 1995, the East Kildonan-Transcona Community Committee recommended that traffic control signals be installed at the intersection of Henderson Highway and Bonner Avenue and the matter be referred to the former Committee on Works and Operations for priorization in the capital budget.

COUNCIL:

On November 29, 1995, Council adopted Clause 4 of the Report of the Standing Committee on Planning and Community Services dated November 10, 1995, approving a subdivision and rezoning under File DASZ 15/95, subject to a number of conditions, including the following:

> "4. The Developer shall upon demand by the City pay the sum of $40,000.00 as its share of the cost of traffic control signals to be installed at some future unspecified date at the intersection of Henderson Highway and Bonner Avenue or other nearby intersection on Henderson Highway as may be determined by Council. The Developer shall post a Letter of Credit to ensure payment upon demand."

TO:	Inga Skundberg, Clerk III East Kildonan-Transcona Community Committee	**FROM:**	Diana Emerson, P. Eng., MCIP Traffic Management Engineer
FILE NO.	**E-09**		
REF:		**DATE:**	2006 06 06

RE: STATUS OF DEVELOPMENT AGREEMENT AG 15/95

On May 9, 2006, the East Kildonan – Transcona Community Committee considered this Department's report dated 2006 05 01 in the above regard and laid the matter over pending an observation of pedestrian activity across Henderson Highway at Bonner Avenue.

The pedestrian activity was observed on Tuesday May 23, Wednesday May 24 and Saturday June 3, 2006. In the 11 hour weekday period between 07:00 and 18:00, 3 pedestrians (no seniors) crossed Henderson Highway at Bonner Avenue; none were delayed more than 10 seconds before crossing Henderson Highway. Twenty-five pedestrians, including 2 seniors, crossed Henderson Highway mid-block south of Bonner Avenue in front of the Kildonan Personal Care Home; 12 pedestrians were delayed less than 10 seconds and 13 were delayed 10 to 30 seconds due to vehicular traffic on Henderson Highway. The combined levels of pedestrian activity represent 16% of the minimum pedestrian crossing criterion (200) for the installation of a pedestrian corridor.

In the 5 hour Saturday period between 11:00 and 16:00, 3 pedestrians (no seniors) crossed Henderson Highway at Bonner Avenue and 2 pedestrians (no seniors) crossed Henderson Highway mid-block south of Bonner Avenue in front of the Kildonan Personal Care Home. Of these 5 pedestrian crossings, 3 were delayed less than 10 seconds and 2 were delayed 11 to 30 seconds. The combined levels of pedestrian activity represent 4% of the minimum pedestrian crossing criterion (200) for the installation of a pedestrian corridor.

Due to the low pedestrian crossing activity, the installation of a pedestrian corridor across Henderson Highway at Bonner Avenue is not recommended at this time.

Original signed by D. Emerson

/eds

TO:	Inga Skundberg, Clerk III East Kildonan-Transcona Community Committee	**FROM:**	Diana Emerson, P. Eng., MCIP Traffic Management Engineer
FILE NO.	**E-09**		
REF:		**DATE:**	2006 05 01

RE: STATUS OF DEVELOPMENT AGREEMENT AG 15/95

On July 27, 2005, Council amended Development Agreement AG15/95 as follows:

Deleted:
"The Developer shall upon demand by the City pay the sum of $40,000.00 as its share of the cost of traffic control signals to be installed at some future unspecified date at the intersection of Henderson Highway and Bonner Avenue or other nearby intersection on Henderson Highway as may be determined by Council. The Developer shall post a Letter of Credit to ensure payment upon demand."
Added:
"The Developer shall upon demand by the City pay up to the sum of $40,000.00 towards the installation of a pedestrian corridor at the intersection of Henderson Highway and Bonner Avenue. The Developer shall post a Letter of Credit to ensure payment upon demand."

In a letter dated March 22, 2006, the developer, Kirk Investments Ltd., has offered to pay one-third of the cost of the installation of a pedestrian corridor since they were previously obligated to pay one-third of the cost of the installation of traffic control signals. A pedestrian corridor installation at Henderson Highway and Bonner Avenue is estimated to cost $29,200. Under such an arrangement, the developer would pay $9,732.36 (one-third of the cost) and The City would have to come up with the remaining funds of $19,467.64.

City funding for new pedestrian corridor installations is included in this Department's Traffic Engineering Improvements Program. We recommend installations when a location meets the numeral warrant for a pedestrian corridor based upon school-child activity at a designated school crosswalk or significant pedestrian activity. The last 11 hour observation (07:00 to 16:00) at Henderson Highway and Bonner Avenue was undertaken in 1994. A total of 7 pedestrians were observed in the 11 hours, 6 of whom were delayed 10 seconds or more. This represents less than 3% of that which would warrant a pedestrian corridor installation. Based upon this level of activity, this location has a relatively low priority as compared to other candidate locations for funding under this Program.

Since the last study was in 1994, another observation will be undertaken to determine the current level of pedestrian activity and reported back to the Community Committee.

Original signed by D.Emerson

/eds
Attach.

MURRAY & KOVNATS

BARRISTERS AND SOLICITORS

WILLIAM R. MURRAY, Q.C., B.
DAVID B. KOVNATS, B.A., LL.B.

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email: dkovnats@legal.mb.ca

REGARDING FILE NO: 3264174

March 22, 2006

Via fax: 942-3820

City of Winnipeg
Planning, Property & Development Department
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attn: E. L. Carriere, P. Eng

Dear Sir:

Re: West side of Henderson Hwy., opposite Strood Avenue
Kirk Investments Ltd. (3374450 Manitoba Inc.)
Finance No. 9712 – Security Review; File: AG 15/95

Further in the above captioned matter, please be advised that when our client originally entered into the Agreement there was to be a traffic light put up by the City of Winnipeg. This was to be a full traffic light. We were told at the time that our client would be responsible for one-third of the aforementioned light with the total cost not to exceed $120,000.00 and our cost not to exceed $40,000.00. On that basis, our client entered into the Agreement.

This traffic light has not been installed, and in fact there has been one accident.

It is our understanding that the City of Winnipeg has requested the ability to put up a cross-walk. Our client would be prepared to pay for one-third of the cost of the cross-walk. Our client is prepared to make an offer at this time, to the City of Winnipeg, to pay for one-third of the cost of the cross-walk, which we understand is approximately $40,000.00 in total, with our cost being approximately $13,333.00. Our client would like to pay this sum to the City of Winnipeg at this time in return for a release to conclude this matter once and for all.

Kindly advise as to your position.

Yours Truly,

MURRAY & KOVNATS

PER:
DAVID B. KOVNATS
DBK/clg

Cc: B. E. (Ted) Hawley – Fax: 942-3820

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RECEIVED
MAR 28 2006
LAND DEVELOPMENT
BRANCH