Agenda – Council – October 24, 2007

Report - Executive Policy Committee - October 17, 2007

Item No. 4 Lane Corner Widening at rear of 187 Kimberly Avenue (North Kildonan Ward) File DAO 16/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane corner widening in accordance with Misc. Plan No. 12881.

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

Report - Executive Policy Committee - October 17, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

RE: DAO 16/2006 – PROPOSED LANE CORNER WIDENING AT THE REAR OF NO. 187 KIMBERLEY AVENUE

FOR SUBMISSION TO:	**The Executive Policy Committee**
ORIGINAL REPORT SIGNED BY:	**Director of Planning, Property and Development**
REPORT DATE:	**October 10, 2007**

RECOMMENDATION(S):

1. **That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane corner widening in accordance with the attached Misc. Plan No. 12881.**
2. **That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.**

Report Summary

Key Issues:

The proposed lane corner widening was identified as part of a local improvement project to pave certain lanes in the area. Although the Local Improvement project was subsequently cancelled due to drastic cost increases, the widening is still required to accommodate large vehicles turning in the lane encroaching over a portion of 187 Kimberley as the turn in the lane. The corner widening will eliminate this encroachment.

The property owners have agreed to the sale of the land and the documents required to effect the corner widening have been prepared. It is now appropriate to dedicate the property as a public lane.

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

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No

( ) Yes

Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

The dedication of this property as a public lane requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

HISTORY:

On September 28, 2005, Council concurred in the recommendations in the Report of the Standing Policy Committee on Public Works dated July 12, 2005 and passed By-Law 167/2005, authorizing certain local improvements in the East-Kildonan-Transcona Community. The land described as “Proposed Opening” on the attached Misc. Plan No. 12881 was identified as part of this Local Improvement project. Large vehicles turning in the lane travel over a portion of 187 Kimberley. The corner widening will eliminate this encroachment into private property.

On November 23, 2005, Council adopted an Administrative Report noting that the estimated cash cost for this local improvement had increased by 53.3% and recommending that the ten year payback period for the paving of gravel lanes be extended to a twenty year payback period to provide a more affordable alternative for property owners considering paving their lanes under the Local Improvement Program.

Due to this significant change in the cost of the improvement and change in payback period, the Local Improvements Branch decided to extend a second objection period. The signatures obtained from the benefiting registered property owners on the Objection Against Petition form represented 61.02% of the total taxable frontage and the project was cancelled.

The encroachment of vehicles onto this portion of 187 Kimberley continues whether or not the lane is paved. The property owners have agreed to the sale of the land and the documents required to effect the corner widening have been prepared. It is now appropriate to dedicate the property as a public lane.

DISCUSSION:

Administrative Approval

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

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 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 acquisition must have been approved by the Director of Public Works.
2. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.
3. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed upon.
4. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the proposed opening.
5. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening and either the Standing Committee on Fiscal Issues (now the Standing Policy Committee on Finance), the Standing 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: October 2, 2007

Project Name:

DAO 16/2006 – PROPOSED LANE CORNER WIDENING AT THE REAR OF NO. 187 KIMBERLEY AVENUE

COMMENTS:

The recommendation contained in this report is that the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane corner widening in accordance with the attached Misc. Plan No. 12881. There are no material financial implications associated with this recommendation.

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

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

There was no internal consultation in the preparation of this report.

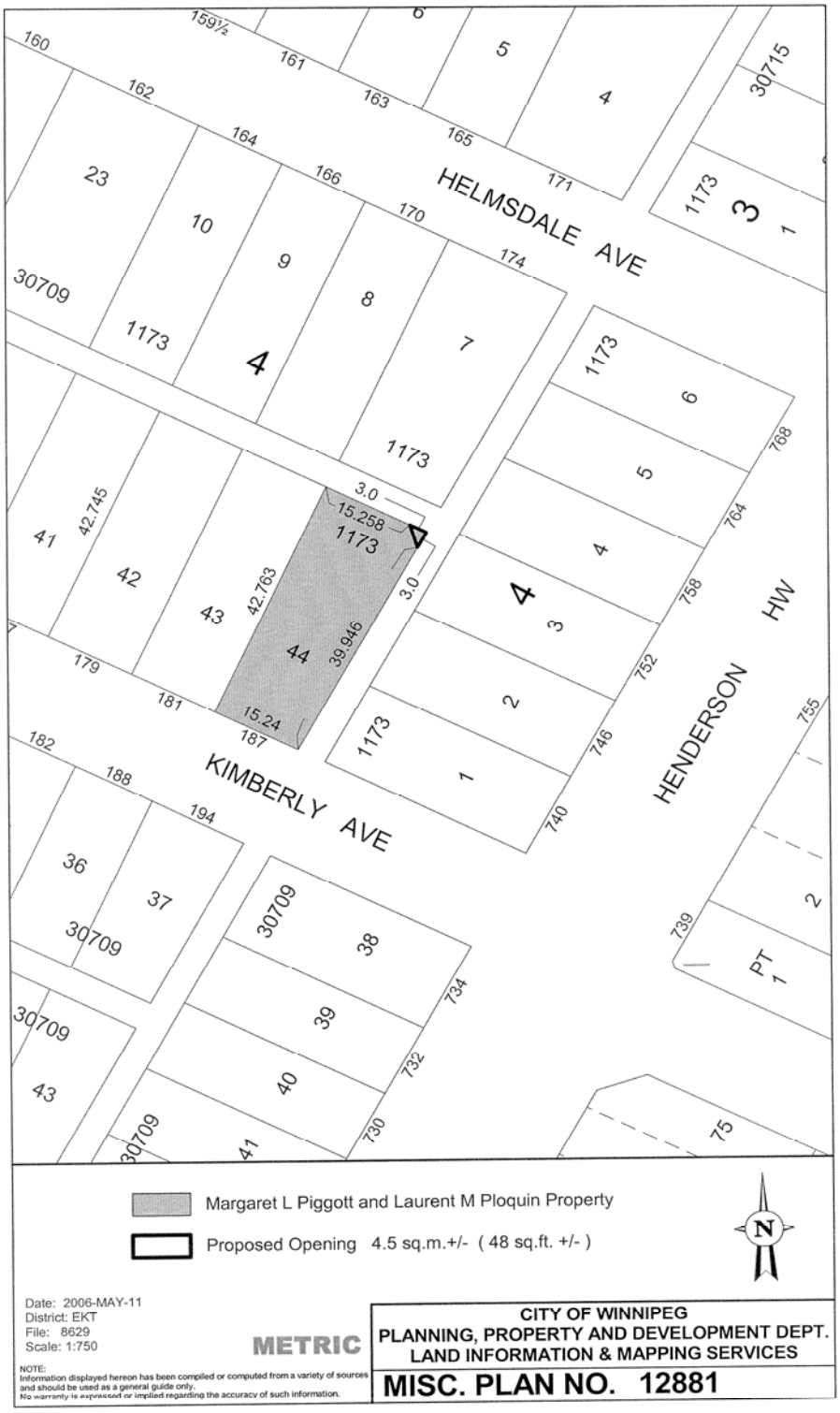
External Consultation With:

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
PPD File No. 8629

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HELMSDALE AVE
KIMBERLY AVE
HENDERSON HWY
Margaret L Piggott and Laurent M Ploquin Property
Proposed Opening 4.5 sq.m.+/- (48 sq.ft. +/-)
N
Date: 2006-MAY-11
District: EKT
File: 8629
Scale: 1:750
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12881