Minute No. 536
Report – Executive Policy Committee – September 9, 2009

Item No. 3 **Opening of south side of McGillivray Boulevard at Linden Ridge Drive**
(River Heights - Fort Garry Ward)
File DAO 4/2009

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with Misc. Plan No. 13572/2.

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 – September 9, 2009

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 9, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

ISSUE: DAO 4/2009 – PROPOSED OPENING OF THE SOUTH SIDE OF MCGILLIVRAY BOULEVARD AT LINDEN RIDGE DRIVE

CRITCAL PATH: FOR SUBMISSION TO THE EXECUTIVE POLICY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Julian Saj	Deepak Joshi	N/A	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with the attached Misc. Plan No. 13572/2.

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

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

Costs associated with the street opening are the responsibility of the Public Works Department and are within the approved current and/or capital budget. There are no financial implications for the City of Winnipeg.

HISTORY

The Public Works Department has made an application to open the south side of McGillivray Boulevard at Linden Ridge Drive so identified on the attached copy of Misc. Plan No. 13572/2.

The subject opening was originally to have been effected through the registration of a plan of subdivision also incorporating the 0.305m wide City property shown on the sketch within the Linden Ridge Drive right-of-way. This opening was one of the recommendations contained in DAZ 269/04 which was approved by Council on March 23, 2005. By-law No. 190/2005 for the enactment of a zoning change under DAZ 269/04 was passed by Council on October 26, 2005. In February of 2007, the owner of the subject property, 4977859 Manitoba Ltd., requested a two year extension of time in order to complete the necessary rezoning requirements for the subdivision of the property. On May 16, 2007, Council adopted the Standing Policy Committee on Property and Development's recommendation that the time to provide for the enactment of Rezoning By-law No. 190/2005 be extended to March 21, 2009. On December 17, 2008, Council subsequently approved another extension of time for the enactment of this By-law to March 21, 2011.

In order to expedite the McGillivray Boulevard Rehabilitation Project, the Public Works Department is proceeding with the opening at this time. A portion of the 0.305m wide City property is to be included in this application as shown on the sketch. The balance of this land will be dedicated as "Linden Ridge Drive" by way of a subdivision application at a later date.

Reason for the Report

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

Administrative Approval

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

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, 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

Financial Impact Statement Date: August 21, 2009

Project Name:
DAO 4/2009 - Proposed Opening of the South Side of McGillivray Boulevard at Linden Ridge Drive

COMMENTS:

Funding for the preparation and registration of the documents required to dedicate the lands as public street has been provided by the Public Works Department under Account No. 003-181000-180604-1804002607-PROPERTY. These costs are considered to be immaterial in nature.

"Original signed by Karen Ayotte" on behalf of

Manager of Finance & Administration

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

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

External Consultation With:

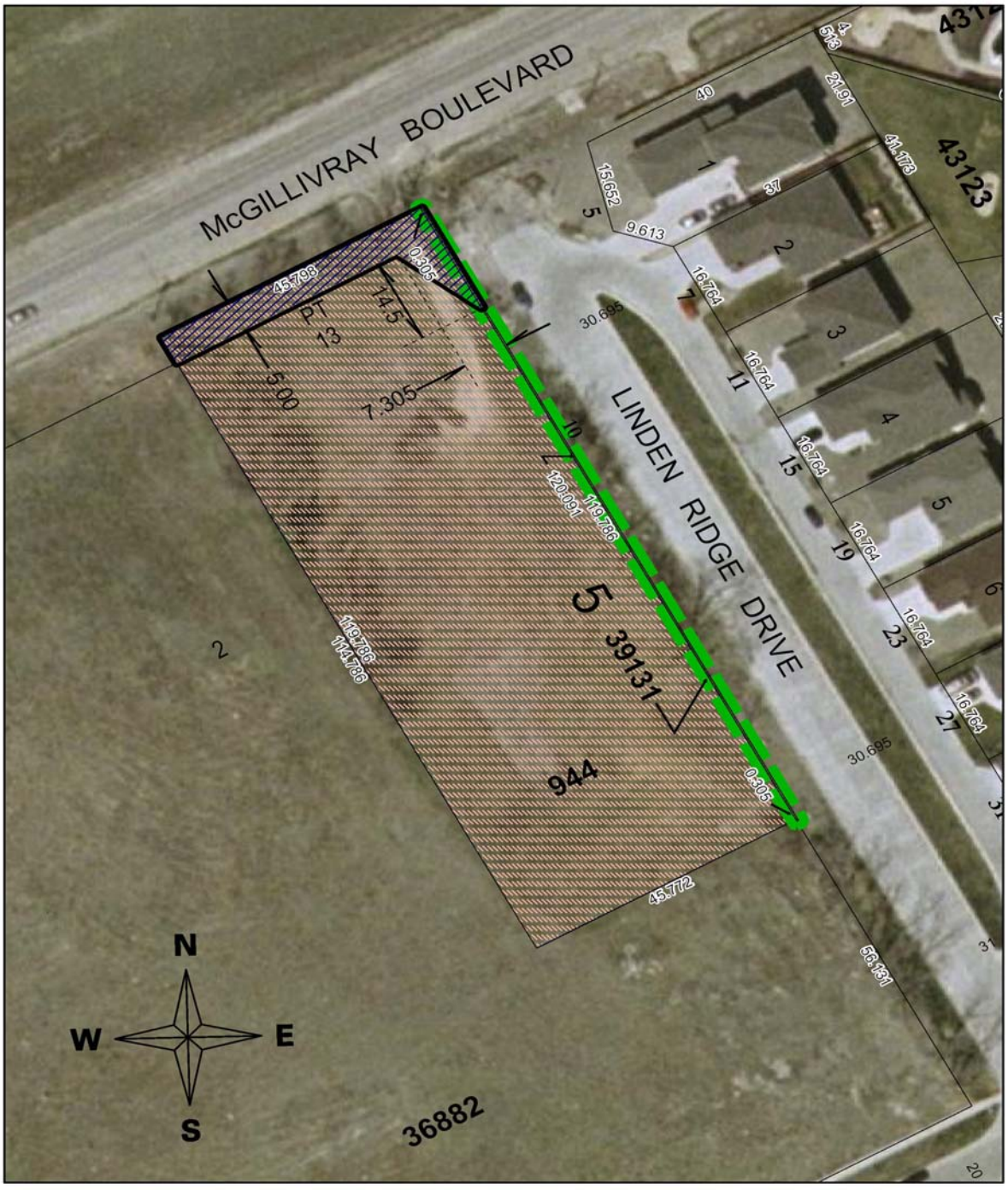
Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	August 24, 2009
File No.	5113/C/6/12.40

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Aerial View of Opening



Miscellaneous Plan

