Minute No. 543
Report – Executive Policy Committee – September 30, 2009

Item No. 1 **Street Closing – part of Neil Avenue between Golspie and Raleigh Streets – Street Opening at terminus of Neil Avenue and Golspie Street**
(Elmwood – East Kildonan Ward)
File DAOC 4/2009

COUNCIL DECISION:

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

1. That the street opening and closing as shown on Misc. Plan No. 13519/1 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

2. 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 and closing in accordance with Misc. Plan No. 13519/1.

3. 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 30, 2009

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 30, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2009, the East Kildonan – Transcona Community Committee concurred in the following recommendation contained in the report of the Winnipeg Public Service dated September 10, 2009:

1. That the proposed street opening and closing as shown on Misc. Plan No. 13519/1 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

2. 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 and closing in accordance with Misc. Plan No. 13519/1.

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

ADMINISTRATIVE REPORT

ISSUE: **DAOC 4/2009 – PROPOSED CLOSING OF PART OF NEIL AVENUE BETWEEN GOLSPIE AND RALEIGH STREETS AND PROPOSED OPENING OF A CUL-DE-SAC AT THE TERMINUS OF NEIL AVENUE AT GOLSPIE STREET**

CRITCAL PATH: EXECUTIVE POLICY COMMITTEE, COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Solkoski	D. Joshi	n/a	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the proposed street opening and closing as shown on Misc. Plan No. 13519/1 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

2. 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 and closing in accordance with Misc. Plan No. 13519/1.

3. 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.

All costs associated with the street opening and closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Joe Cyr, President of E. H. Price Limited, to close and purchase the portion of Neil Avenue so identified on the attached copy of Misc. Plan No. 13519/1. As part of the application, a portion of E. H. Price property will be provided for a cul-de-sac and opened as public street as shown on the sketch.

A portion of the opening area incorporates part of Golspie Street previously proposed to be closed by Application DAOC 1/2009. That application was approved by the East Kildonan – Transcona Community Committee on June 15, 2009 and subsequently approved by Council on July 22, 2009. The closing plan for that application has yet to be prepared and Golspie Street remains legally opened as public right-of-way. The applicant will be required to amend the configuration of the closing for DAOC 1/2009 in order to show the cul-de-sac proposed to be opened by DAOC 4/2009.

The portion of Neil Avenue proposed to be closed will provide E. H. Price with sufficient space to construct a private two lane roadway required along the south side of their property as part of their CTPAT (Customs and Trades Partners Against Terrorism) compliance plan. This plan requires that the perimeter of E. H. Price's facility is securely fenced with restricted and controlled access including a guarded and single point of entry off of Raleigh Street.

At its meeting held on September 8, 2009, the Standing Policy Committee on Property and Development approved the sale of the portion of Neil Avenue proposed to be closed to E. H. Price for the purchase price of $1.00, subject to Council declaring the property surplus and approving the necessary closing by-law.

At its meeting held on September 21, 2009, the East Kildonan – Transcona Community Committee approved the proposed street opening and closing, with the provision that the portion of the street proposed to be closed be declared surplus to the City's needs, subject to the preparation of the necessary by-law for submission to Council to effect the street opening and closing in accordance with Misc. Plan No. 13519/1.

Reason for the Report

The closing of public rights-of-way and the dedication of a portion of this property as a public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

Public Service Approval

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

Public Service Comments

The Transportation Engineering Branch of the Public Works Department recommends that should it be the decision of Council to approve the proposed opening/closing application, the applicant should be required to enter into a Servicing Agreement to construct the proposed cul-de-sac roadway in Portland cement concrete pavement to an industrial standard, with a right-of-way, roadway geometrics and construction standards and all related works including, but not necessarily limited to, land drainage sewer, boulevard landscaping and ornamental street lighting, as determined by and to the satisfaction of the Director of Public Works.

The Traffic Signals Branch of the Public Works Department has identified 4 x 70W luminaries on 25 foot metal davits between Golspie and Raleigh Streets and one street light oriented towards Neil Avenue on the wood pole at the corner of Neil Avenue and Raleigh Street that will require removal. There is also a 100W luminaire at the corner of Neil Avenue and Golspie Street which will require relocation one wood pole to the west on Neil Avenue. All costs associated with the removal and relocation of this street lighting are the responsibility of the applicant.

The Engineering Division of the Water and Waste Department has identified an existing fire hydrant within the proposed closing. The property retained by the City as part of the cul-de-sac design should include the hydrant with a minimum of 3m clearance to the proposed fencing for maintenance and fire fighting access. If the applicant requires the land where the hydrant is situated, they may relocate the hydrant at their own cost.

Easements

The Engineering Division of the Water and Waste Department has identified existing services within the closing area.

Manitoba Hydro and Centra Gas Manitoba Inc. have also identified services within the closing area.

All utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

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 Policy Committee on Finance, 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

Financial Impact Statement Date: September 10, 2009

Project Name:

DAOC 4/2009: Closing of Part of Neil Avenue between Golspie and Raleigh Streets and Opening of a Cul-de-Sac at the Terminus of Neil Avenue at Golspie Street

COMMENTS:

All costs associated with the opening/closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

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

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

Corporate Finance
Public Works
Water and Waste
Winnipeg Fire Paramedic

External Consultation With:

Manitoba Hydro and Centra Gas
MTS Allstream and Shaw Cablesystems did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	September 10, 2009
File No.	WE 129/4

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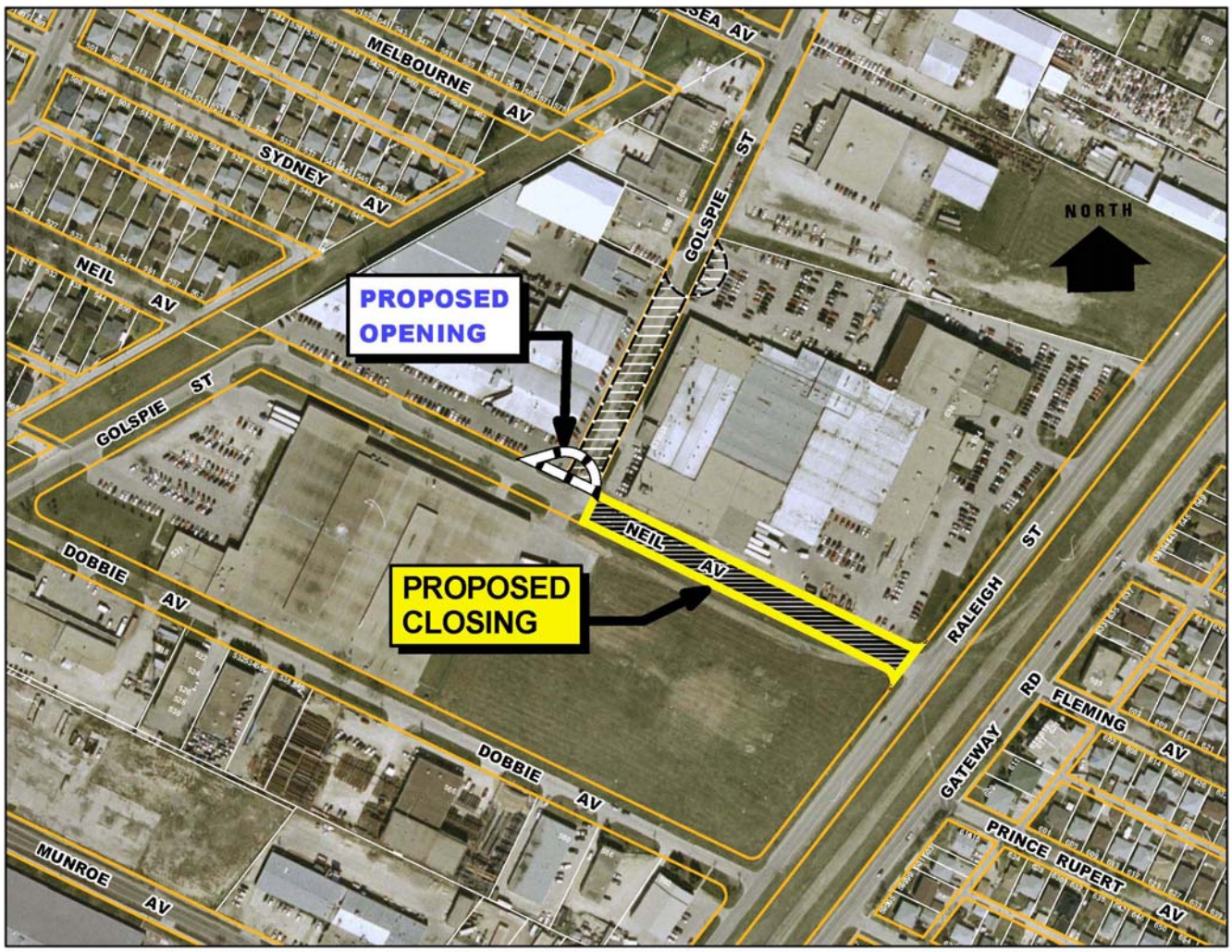
Aerial View of Opening/Closing



Miscellaneous Plan

