Minute No. 206
Report – Executive Policy Committee – February 17, 2010

Item No. 1 **Widening of west side of McCreary Road, north of Wyper Road (Charleswood - Tuxedo Ward)**
File DAO 3/2009

COUNCIL DECISION:

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

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street widening in accordance with Misc. Plan No. 13514/1.

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 – February 17, 2010

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 February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service dated February 9, 2010, and submitted the matter to Council.

On January 20, 2010, the Executive Policy Committee laid over the matter to its next meeting.

On September 9, 2009, the Executive Policy Committee laid over the matter.

ADMINISTRATIVE REPORT

ISSUE: TO SEEK COUNCIL APPROVAL FOR DAO 3/2009 – PROPOSED WIDENING OF THE WEST SIDE OF MCCREARY ROAD, NORTH OF WYPER ROAD

CRITICAL PATH: EXECUTIVE POLICY COMMITTEE - COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Saj	D. 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 widening in accordance with the attached Misc. Plan No. 13514/1.

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

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

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

Costs associated with the street widening 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.

Development Agreement parameters require Developers to dedicate to the City, at no cost, street rights of way within and necessary to serve a subdivision, and for widening of streets which form part or all of the boundary of a subdivision and/or for widening collector streets.

The City negotiated in good faith with the owners of the subject property required for street widening purposes, and a legal agreement to purchase the land was signed in June, 2009, two months prior to one of the land owners initiating development application DASZ 22/2009 in August, 2009.

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

HISTORY

On March 21, 2001, Council adopted the Report of the Standing Policy Committee on Property and Development dated March 6, 2001 which concurred in the Assiniboia Community Committee recommendation of February 20, 2001 to change the right of way known as "Four Mile Road" in the Charleswood – Fort Garry Ward to "Wyper Road" as selected from the Assiniboia Community Committee Street Name List by the only home owner fronting "Four Mile Road".

On March 03, 2009, Public Works requested Planning, Property and Development to proceed with the acquisition of the subject property shown on Misc. Plan No. 13514/1 required for the McCreary Road improvement project. The work was slated to begin in July, 2009. The two land owners approved terms and conditions of the sale of these lands to the City, one on May 21, 2009 and the other on June 1, 2009.

On June 04, 2009, the Public Service initiated an application for the road opening under DAO 3/2009 having written consent from the land owners to allow the City or other persons acting with its authorization to enter and construct upon the proposed widening area.

On August 08, 2009, one of the land owners made an application to subdivide and rezone their lands at the N/W corner of McCreary Road and Wyper Road (DASZ 22/2009) to create seven (7) rural residential lots on McCreary Road (6 lots being 2.5 acres, one lot being 3.9 acres) zoned "RR 2" Rural Residential 2 District, which was slated for a public hearing at the Assiniboia Community Committee on October 20, 2009.

On October 20, 2009, and November 17, 2009, the Assiniboia Community Committee adjourned the public hearing for DASZ 22/2009 until December 2, 2009 when the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, for DASZ 22/2009.

On November 11, 2009, Phase One of the McCreary Road Improvements was completed from Wyper Road to the Howe Drain right of way with the exception of landscaping required on the slopes of the new ditches.

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.

FINANCIAL IMPACT

Financial Impact Statement Date: February 8, 2010

Project Name:

DAO 3/2009 - Proposed Widening of the West Side of McCreary Road, North of Wyper Road

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. 003-181000-180604-1811000808-PROPERTY. These costs are considered to be immaterial in nature.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

There was consultation with the affected Civic Departments.

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:	February 9, 2010
File No.	8872 & 8873

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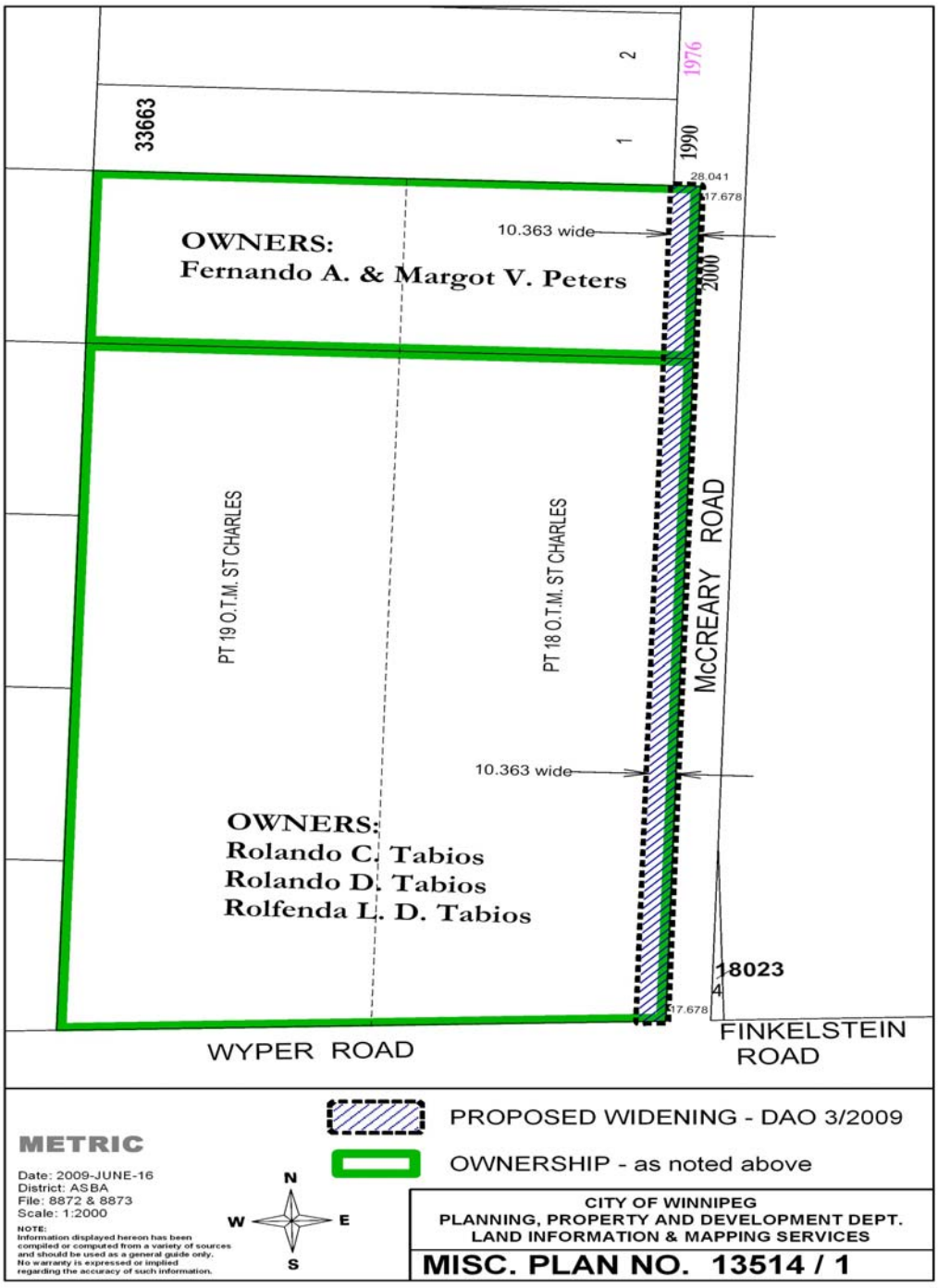
Aerial View of Opening



Miscellaneous Plan



ADMINISTRATIVE REPORT

ISSUE: DAO 3/2009 – PROPOSED WIDENING OF THE WEST SIDE OF MCCREARY ROAD, NORTH OF WYPER ROAD

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 widening in accordance with the attached Misc. Plan No. 13514/1.

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 widening 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 widen the west side of McCreary Road, north of Wyper Road so identified on the attached copy of Misc. Plan No. 13514/1.

The subject widening forms part of the Granular Roadway Improvement 2008 Capital Program which was approved by the Standing Policy Committee on Infrastructure Renewal and Public Works on May 1, 2008. Both property owners have agreed to the sale of their land for street widening purposes.

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 3/2009 - Proposed Widening of the West Side of McCreary Road, North of Wyper Road

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. 003-181000-180604-1811000808-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.	8872 & 8873

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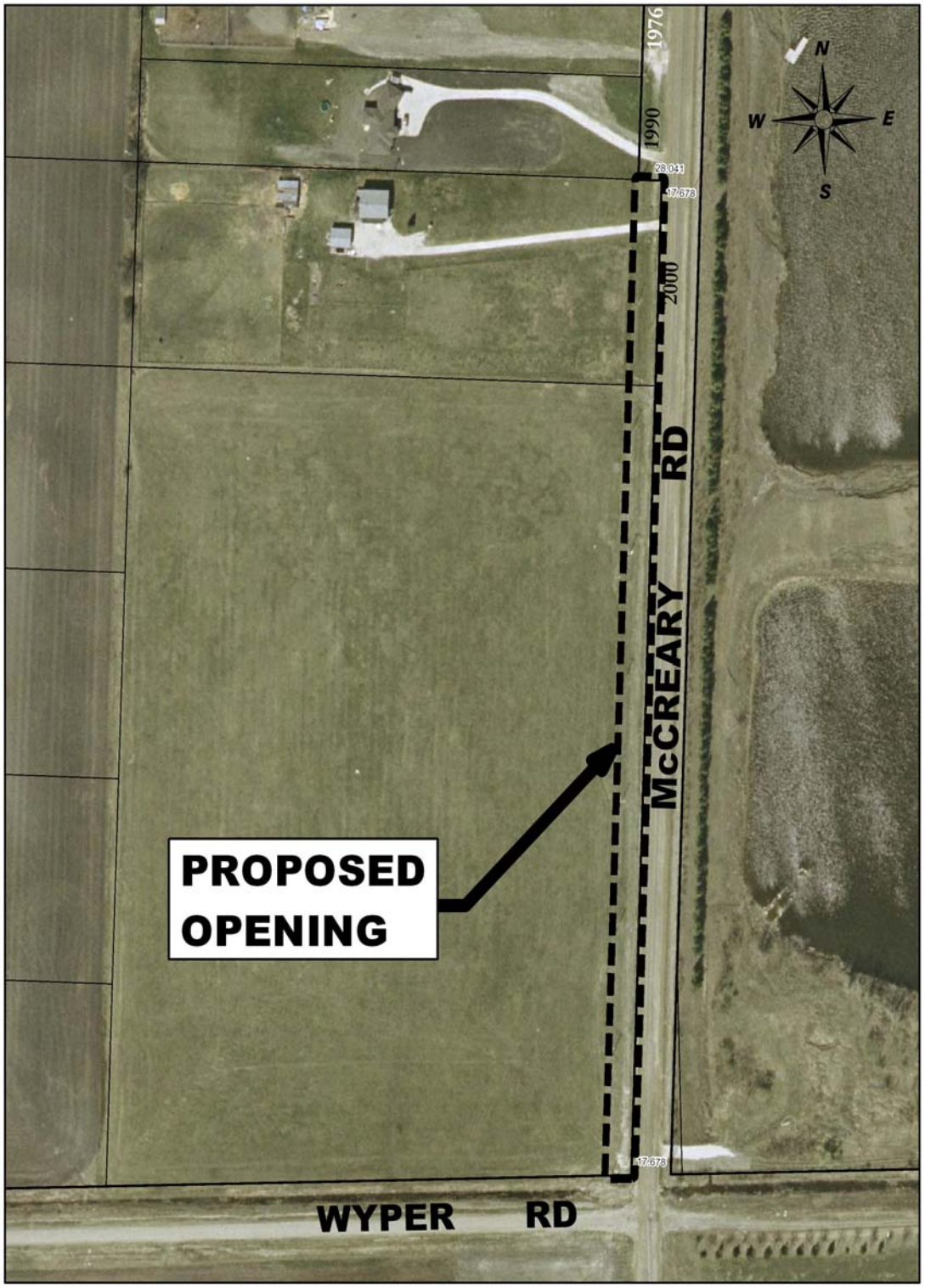
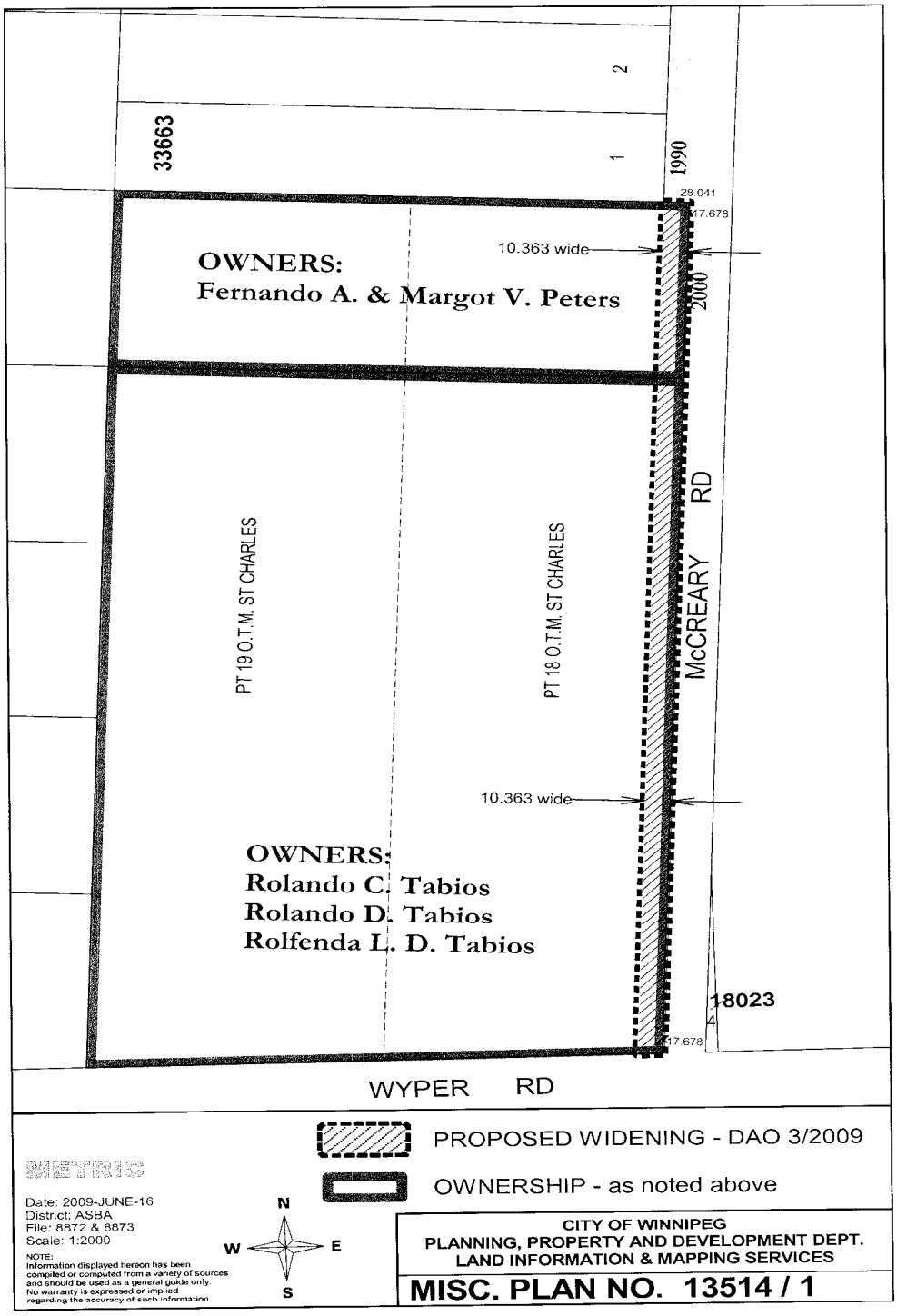
Aerial View of Opening



Miscellaneous Plan


33663
2
1
1990
28.041
17.678
10.363 wide
OWNERS:
Fernando A. & Margot V. Peters
2000
McCREARY RD
PT 19 O.T.M. ST CHARLES
PT 18 O.T.M. ST CHARLES
10.363 wide
OWNERS:
Rolando C. Tabios
Rolando D. Tabios
Rolfenda L. D. Tabios
18023
4
17.678
WYPER RD
PROPOSED WIDENING - DAO 3/2009
OWNERSHIP - as noted above
METRIC
Date: 2009-JUNE-16
District: ASBA
File: 8872 & 8873
Scale: 1:2000
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
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13514 / 1