Minute No. 603
Report – Executive Policy Committee – September 15, 2010

Item No. 3 **Street Opening of Silver Avenue, west of St. James Street (St. James-Brooklands Ward) File DAO 2/2010**

COUNCIL DECISION:

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

1. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with Misc. Plan No. 11447/3.

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 15, 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 September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 8, 2010, the Executive Policy Committee laid over the matter to its meeting on September 15, 2010.

ADMINISTRATIVE REPORT

Title: **DAO 2/2010 - TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING OF SILVER AVENUE, WEST OF ST. JAMES STREET**

Critical Path: **EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Solkoski	D. Joshi	N/A	N/A

RECOMMENDATIONS

1. That the Director of Legal Services and 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. 11447/3.

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

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.

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 applicant. Under the terms of AG 401/02, the City is responsible for reimbursing the developer for 50% of the cost of preparing the street opening plan. The reimbursement is the responsibility of the Public Works Department and the costs are within their approved current and/or capital budget and considered immaterial in nature.

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

The Geomatics Branch of the Planning, Property and Development Department is proceeding with an application from Mr. Al Degner of Pollock & Wright, representing Oxbow Holdings Ltd. and Alloway Investments Ltd., to open Silver Avenue west of St. James Street so identified on the attached copy of Misc. Plan No. 11447/3.

On July 18, 2001, Council approved the report of the Standing Policy Committee on Public Works dated June 26, 2001 recommending that the Administration be authorized to enter into a servicing agreement with Oxbow Holdings and Alloway Investments for the sharing of costs for the acquisition and construction of the extension of Silver Avenue from Madison Street to St. James Street. The report stated that the extension would benefit both the lands being developed on the west side of St. James Street and the City in terms of improving traffic circulation in the Polo Park area. The report further stated that the extension would produce a change in traffic patterns between St. James Street and Route 90, and would relieve traffic density on both Ness and Ellice Avenues. The roadway was constructed in 2001 and has been in use by the public since then.

The servicing agreement for this project required the developers to finance the costs for the preparation of a road opening plan and obtain any necessary discharges or consents from parties having registered their interests in the subject property by way of caveat. Due to the lengthy delay in obtaining the numerous required discharges and consents, a road opening plan was never prepared. In April of 2010, Plan No. 49960 was registered in the Winnipeg Land Titles Office, parceling the Oxbow and Alloway holdings on either side of the existing Silver Avenue roadway. This plan also created Parcel “D” which delineates the land required for the subject opening. Parcel “D” was subsequently transferred to the City of Winnipeg, free and clear of all encumbrances. It is now in order to proceed with the opening of the right of way. Under the terms of AG 401/02, the City is responsible for reimbursing the developer for 50% of the cost of preparing the street opening plan.

A portion of the existing roadway passes over lands owned by Manitoba Hydro, identified as Parcel “A” on the attached sketch. Title to the land is encumbered by several Caveats registered by Canadian National Railway. Since 2001, the City has been attempting to acquire this land from Manitoba Hydro for street purposes. To date, the solicitor for Canadian National Railway has not provided the City with the necessary partial discharges required to complete the transaction and dedicate the land as street. Neither Manitoba Hydro nor Canadian National has objected to the construction of the existing roadway over this property. Negotiations for this acquisition are ongoing.

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: August 4, 2010

Project Name:

DAO 2/2010 - TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING OF SILVER AVENUE, WEST OF ST. JAMES STREET

COMMENTS:

Costs associated with the street opening are the responsibility of the applicant. Under the terms of AG 401/02, the City is responsible for reimbursing the developer for 50% of the cost of preparing the street opening plan. The reimbursement is the responsibility of the Public Works Department and the costs are both immaterial and within their approved current and/or capital budget.

Therefore, there are no significant financial implications associated with this report's recommendations.

"Original signed by"
Karen Ayotte
Acting Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation:

N/A

External Consultation:

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 31, 2010
File No.

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Aerial View of Subject Opening



Miscellaneous Plan

