Minute No. 630
Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 20 **Closing – part of Jessie Avenue, east of Osborne Street (River Heights-Fort Garry Ward) File DAC 5/2010**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the proposed street closing as shown on Misc. Plan No. 13802/1 be approved.

2. 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 closing in accordance with Misc. Plan No. 13802/1.

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

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

Also on September 14, 2010, the Standing Policy Committee on Property and Development received submissions in opposition to the proposed street closing under File DAC 5/2010 from the following:

- Darla L. Rettie, Pitblado LLP, Barristers & Solicitors
- Antoine F. Hacault, Thompson Dorfman Sweatman LLP

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 5/2010
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	September 7, 2010 North Committee Room Council Building, 510 Main Street
Applicant:	The City of Winnipeg, Transit Department
Premises Affected:	part of Jessie Avenue, east of Osborne Street
Exhibits Filed:	1. Report from the Real Property Officer dated August 4, 2010 2. Inspection Report 3. Communication dated September 7, 2010 from Pitblado LLP, Barristers & Solicitor, on behalf of Masonic Memorial Temple, in opposition to the application

REPRESENTATIONS:

In Support:

Randy Fingas, Transit Department

In Opposition:

Mark Beard, Pitblado LLP, on behalf of Masonic Memorial Temple Ltd.
Darla Rettie, Pitblado LLP, on behalf of Masonic Memorial Temple Ltd.
Brian Langtry
Gordon Sumka
Roy Switzer

For Information:

Nil

For the City:

Mr. B. Boyachuk, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 5/2010

ADMINISTRATIVE REPORT

Title: **DAC 5/2010**

Issue: **TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF JESSIE AVENUE, EAST OF OSBORNE STREET**

Critical Path: **CITY CENTRE COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13802/1 be approved.

2. 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 closing in accordance with Misc. Plan No. 13802/1.

3. 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

All street and lane closings require the consideration of the Community Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

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

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

HISTORY

The Transit Department has made an application to close the portion of Jessie Avenue so identified on the attached copy of Misc. Plan No. 13802/1. The subject closing is required for the Southwestern Bus Rapid Transit Corridor Project.

Part of the dedicated bus only roadway being constructed parallel to the CN rail lines will consist of an overpass of Osborne Street. A new station will be included as part of the overpass at this site. In order to accommodate transit users and provide access to the new Osborne Station, a plaza will be constructed adjoining the site. The plaza is to include stairs and ramps to allow easy and unobstructed access to the new station as well as bike lockers, transit scheduling signage, various retaining walls and landscaping, all to enhance the overall transit experience. The construction of the Osborne Station and plaza will require the closing of part of Jessie Avenue. At the request of the Public Works Department, the portion of Jessie Avenue between the subject closing and Osborne Street is being retained as public street in order to accommodate the future replacement of the underpass as well as the realignment of Osborne Street.

Jessie Avenue was opened by Plan No. 208 and registered in the Winnipeg Land Titles Office in January of 1882. The street is Old System land. The Masonic Memorial Temple owns property immediately north of the proposed closing. Ingress and egress to their parking facilities is obtained via approaches on Corydon Avenue. Canadian National Railway owns property at the southeast corner of Jessie Avenue and Osborne Street, being part Lots 1 to 4, Block 9, Plan 208 WLTO. Ingress and egress to this property will be maintained via the portion of Jessie Avenue remaining open. The balance of the land contiguous to the proposed street closing is owned by the City.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

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 4, 2010
File No.

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APPENDIX "A"

Administrative Approval

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

Administrative Comments

The Fire Department has identified an existing hydrant at the east end of the proposed closing. For firefighting purposes, the hydrant will require relocation to the portion of Jessie Avenue remaining open at Osborne Street.

Easements

Centra Gas Manitoba Inc. and MTS Allstream have identified services within the closing area. These utilities will require easements for their existing facilities. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed in order to transfer its jurisdiction. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name.

Aerial View of Subject Closing



Miscellaneous Plan

