CONSIDERATION OF REPORT OF THE
COMMITTEE ON WORKS AND OPERATIONS

The Executive Policy Committee has had before it the Report of the Committee on Works and Operations, dated April 2nd, 1991, has concurred in the recommendations contained therein submits same to Council for approval and adoption.

On motion of Councillor Lorenc, the Report of the Committee on Works and Operations, dated April 2nd, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
April 2nd, 1991.

His Worship the Mayor and Councillors:

Your Committee on Works and Operations submits the following Report and recommends:

Concordia Hospital Auxiliary Fifth Annual Stretcher Race - May 4th, 1991.
File SC-3.13

702 - 1. Council, at its meeting held on July 27th, 1988, adopted a policy on the temporary closure of streets for entertainment purposes (effective January 1st, 1989) which provides, inter alia, that such closures not be permitted where emergency services to or from a hospital, fire station or ambulance station will be impaired.

On December 11th, 1990, the East Kildonan-Transcona Community Committee heard a presentation from Mr. B. Wainwright, Race Chairperson, Concordia Hospital Auxiliary, 385 Stuart Avenue, and concurred in the request to temporarily close Concordia Avenue, Louelda Street and Kimberly Avenue on Saturday, May 4th, 1991, from 13:30 to 14:00 to accommodate their Fifth Annual Stretcher Race and also recommended that any street closure fees be waived in this instance.

For the last four annual races, the Streets and Transportation Department has delivered traffic cones and barricades on the Friday before the event to the intersection of Louelda Street and Kimberly Avenue for Police personnel to install and remove these devices on the day of the race.

The race organizers and Police representatives have recently advised that the temporary street closures are carried out by Police officers from Division No. 14 utilizing police vehicles to prevent other vehicular traffic from entering the race course. Traffic cones and barricades are not required. Consequently, there is no need to assess a charge for the delivery and pick-up of these devices.

After considering all aspects, your Committee on Works and Operations recommends that the Council policy prohibiting temporary street closures where emergency vehicles may require access to or from a hospital, fire station, or ambulance station, be waived in this instance to accommodate the Concordia Hospital Auxiliary's 5th Annual Stretcher Race on May 4th, 1991, (from 13:30 to 14:00), subject to the following terms and conditions:-

1. That the north one-half (westbound traffic lane) of Concordia Avenue between the exit approach of the roadway in front of the Concordia Hospital and Louelda Street, Louelda Street between Concordia Avenue and Kimberly Avenue, and Kimberly Avenue between Louelda Street and the most westerly private approach serving the Concordia Hospital parking lot, be temporarily closed by Police personnel when the race is in progress.

2. That all race activity on Concordia Avenue be confined to the north one-half of the roadway.

Report of the Committee on Works And Operations, dated April 2nd, 1991

3. That the Police ensure that all spectators on Concordia Avenue be confined to the boulevard area on the north side of the street right-of-way.

4. That Transit service be detoured around the temporary street closings on the adjacent streets as required.

5. That if Police control is withdrawn, all race activity will cease immediately.

6. That the Proper Officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Lorenc,
Adoption of the clause.

Carried.

Partial Closing of the First East-West Lane North of St. Matthews Avenue between Arlington and Burnell Streets
File DAC 1/91

703 - 2. The proposed partial closing of the first east-west lane north of St. Matthews Avenue between Arlington and Burnell Streets was initiated by the Land Surveys and Real Estate Department upon request made by Winnipeg Hydro.

The City of Winnipeg is the registered owner of those lands located at the north-west corner of Arlington Street and St. Matthews Avenue upon which is located Winnipeg Hydro's Substation No. 4.

Winnipeg Hydro has informed your Committee that an overall redevelopment of the substation site is scheduled to commence within the next few months, which would include the lane lands.

The proposed closing was circularized to all interested City departments and public utilities with no objections being received. District No. 1 Operations, however, advised of engineering costs, estimated at $2,000.00, for removal of the approach on Arlington Street, restoration of the sidewalk, curb and boulevard, which would be at Winnipeg Hydro's expense.

A related application for variance was filed by Winnipeg Hydro (DAV 18/91), which would permit, among others, a wall and maintenance of a building providing a rear yard of 2.438 metres/8 feet to centre of the lane instead of 7.6 metres/25 feet as required.

Winnipeg Hydro has obtained an option to purchase the property commonly known as 821 St. Matthews Avenue, located immediately to the west of the substation; the option to purchase to expire June 16th, 1991.

To inform the neighbourhood of the variance application, as well as of the proposed closing, Winnipeg Hydro invited residents and owners of properties in the immediate area of the substation to an open- house held at the nearby Oriole Community Club last February 1st, 1991.

At the said meeting, the owner of the property commonly known as No. 444 Arlington Street, located immediately to the north of the subject lane, spoke in support of the proposed closing.

At its meeting held on February 11th, 1991, the City Centre- Fort Rouge Community Committee granted Hydro's application for variance (DAV 18/91) and concurred in the recommendation of the Subdivision Branch, Department of Planning, that the proposed lane closing be approved as to planning considerations.

On March 11th, 1991, the Committee on Planning and Community Services approved as to planning considerations, the proposed closing as shown on Misc. Plan No. CCFR 8005/3.

Report of the Committee on Works And Operations, dated April 2nd, 1991

The Committee on Finance and Administration, at its meeting on April 2nd, 1991, approved the transfer of jurisdiction of the lands comprising the lane proposed to be closed to Winnipeg Hydro for incorporation with the Hydro Substation No. 4 site, subject to:

a) the passing of the closing by-law by Council, and

b) Winnipeg Hydro assuming the cost of establishing an eight foot pedestrian walkway at a time and location to be determined by the City Centre-Fort Rouge Community Committee.

Your Committee on Works and Operations has approved the proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the partial closing of the first east-west lane north of St. Matthews Avenue between Arlington and Burnell Streets, in accordance with Misc. Plan No. CCFR 8005/3; the cost of the by-law, estimated at $200.00, and all costs pertaining to the closing, to be borne by Winnipeg Hydro.

2. That upon first reading of the by-law being subsequently given, the City Clerk be authorized to post the necessary notices in accordance with The City of Winnipeg Act.

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

Copy of Misc. Plan No. CCFR 8005/3 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Lorenc,
Adoption of the clause.

Carried.

Partial Closing of East/West Lane between Portage Avenue and Broadway Avenue, Inglenook Street and Cameron Street

File DAC 34/89

704 - 3. The proposed closing of the east/west lane between Portage Avenue and Broadway Avenue, Inglenook Street and Cameron Street, shown outlined on Misc. Plan No. SJA 7690, was requested by Patricia Ritchie, Q.C., on behalf of her client, Tom Payne Contracting Inc., the owner of the adjoining holdings.

An inspection by the Land Surveys and Real Estate Department found the referenced section of the east/west lane to be physically undeveloped and unused.

The Planning Department circularized the proposal in the usual manner and no objections were received. No easements are required.

The St. James-Assiniboia Community Committee, at its meeting held February 20th, 1990, recommended the proposed closing be approved as to planning considerations. The Committee on Planning and Community Services concurred at its meeting of March 12th, 1990.

The City has now received a signed "Letter of Agreement" from Tom Payne Contracting Inc., agreeing irrevocably to the following terms and conditions:

Report of the Committee on Works And Operations, dated April 2nd, 1991

1. Enactment of the necessary lane closing by-law.

2. City to transfer or deed to the Purchasers that portion of the public lane proposed to be closed, shown heavily outlined on Misc. Plan No. SJA 7690.

3. Purchasers to pay to the City the sum of $980.00, being the assessed value of the parcel which contains approximately 245.26 square metres (approximately 2,640 square feet).

4. Purchasers to pay to the City upon request their share of the cost and expense which will be incurred by the City in connection with the closing and without limiting the generality of the foregoing, will pay upon request $50.00 being their share of the by-law costs.

5. Purchasers to pay to the City the sum of $200.00 which sum shall be applied towards the cost of the Plan of Survey. 6. Purchasers to pay adjustments as of the day of the enactment of the by-law.

7. Purchasers to pay as an adjustment an amount equal to the total of such taxes, rates and charges, including local improvement levies, which would have been levied or charged against the lands being purchased for the unexpired portion of the current taxation year as though the said lands had been entered on the assessment rolls of the City as privately owned and subject to taxation.

8. Purchasers to obtain possession of the land at the Purchasers' own expense.

9. Purchasers to accept title subject to all or any exceptions, reservations or encumbrances expressed or implied in the City's Title.

10. Purchasers to pay any and all additional costs and charges which may arise by reason of the lane closing.

11. Upon enactment of the by-law, the Purchasers agree to complete the purchase of the lands and to be bound by the terms and conditions herein outlined, failing which the Purchasers shall forfeit all amounts thus far mentioned in Clauses 3, 4 and 5 in favour of the City.

12. Purchasers to indemnify the City against all claims arising out of the lane closing.

13. The lane, when closed, is to be consolidated with Lot 2, Plan 19785, covered by Certificate of Title No. 1109135 and owned by Tom Payne Contracting Inc.

14. Purchasers to enter into a formal agreement with the City, if deemed necessary, embodying the terms and conditions hereinbefore listed and in a form satisfactory to the City Solicitor.

The Purchasers have provided a trust cheque in the amount of $1,230.00 representing the full purchase price of $980.00 plus $50.00 by- law costs and $200.00 plan of survey costs.

At the Technical Advisory Committee on City Properties meeting of February 26th, 1991, the Streets and Transportation Department requested that the closing be revised, as shown on Misc. Plan No. SJA 7690/1.

The Subdivision Branch has advised that the matter need not be recirculated.

The revised proposal reduces the area of the land to be sold to 239.3 square metres (2,576 square feet) with a corresponding reduction in assessed value of $940.00, plus G.S.T.

The Committee on Finance and Administration, at its meeting on March 12th, 1991, approved the terms and conditions of sale subject to:

Report of the Committee on Works And Operations, dated April 2nd, 1991

i) Purchasers agreeing to pay to the City the sum of $940.00, being the assessed value of the parcel which contains 239.3 square metres (2,576 square feet).

ii) Purchasers agreeing to pay any Goods and Services Taxes.

Your Committee on Works and Operations has approved the revised proposal and recommends:-

1. That the City Solicitor be instructed to prepare the necessary closing by-law for submission to Council to effect the partial closing of east/west lane between Portage Avenue and Broadway Avenue, Inglenook Street and Cameron Street, as shown on Misc. Plan No. SJA 7690/1.

2. That upon first reading of the by-law being subsequently given, the City Clerk be authorized to post the necessary notices in accordance with The City of Winnipeg Act.

3. That the Proper Officers of the City do all things necessary to implement the foregoing. Copy of Misc. Plans No. SJA 7690 and No. SJA 7690/1 regarding this proposal is on file in the office of the City Clerk.

Moved by Councillor Lorenc,
Adoption of the clause.

Carried

Restoration of Albert Street, Notre Dame Avenue to McDermot Avenue
Files SC-3.4 and FC(1990)

705 - 4. Development Agreement AG 417/87 covers the development of the T.D. Centre at Portage Avenue and Main Street. Clause 3, Schedule C, of the development agreement states:

> "The Developer shall, at no expense to the City, reconstruct or rehabilitate and reconstruct all streets and sidewalks damaged by vehicles accessing to and from the construction site which shall include replacement of pavement blocks on Albert Street, all as determined by and to the satisfaction of the Commissioner of Works and Operations and Planning and Community Services."

Albert Street was reconstructed in 1979 utilizing paving stones for the roadway and sidewalk. The construction involved a compacted subgrade, one metre of limestone, a levelling course of sand and 80-millimetre thick pavers.

All street pavers were relayed in 1987 because of rutting and settlement. Present standards require that a 150-millimetre lean mix concrete base be installed under the paving stones. The paving stone pattern used on Albert Street is no longer available.

The lean mix concrete base proposed to be placed under the new paving stones on Albert Street is considered to be a "betterment" to the street. It is above and beyond what would be considered replacement of the existing pavement structure. The developer will be repairing damaged curb and will be replacing stones with new paving stones.

Negotiations have taken place with the developer, and the above strategy is considered equitable. Contracts for the work will be let by the developer but the work will be designed and administered to City standards by the engineering consultant listed in the development agreement.

Funds in the amount of $20,000.00 are available from the Lilac Street Reconstruction, Account No. 03-118XXX-5190040101. This project is identified on Page 183 of the 1990 Capital Estimates.

Report of the Committee on Works And Operations, dated April 2nd, 1991

Your Committee on Works and Operations recommends:-

1. That surplus funds from the 1990 Capital Budget, Street Renewals, up to a maximum of $20,000.00, be used for the restoration of Albert Street between Notre Dame Avenue and McDermot Avenue.

2. That the Proper Officers of the City do all things necessary to implement the foregoing.

Moved by Councillor Lorenc,
Adoption of the clause.

Carried.

COMMITTEE ON WORKS AND OPERATIONS
CONSIDERATION OF BY-LAWS

706 - On motion of Councillor Lorenc, By-law No. 5653/91, a By-law of the City of Winnipeg to close Kirkdale Street, west of Lyndale Drive, was read a second and third time and was passed and ordered to be signed and sealed. File No. DAC 8/90.

On motion of Councillor Lorenc, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5678/91, a By-law of the City of Winnipeg to open the East Side of Henderson Highway, South of Leighton Avenue. File No. DAO 18/89.

By-law No. 5679/91, a By-law of the City of Winnipeg to open the North-East corner of Sturgeon Road and Ness Avenue. File No. DAO 30/89.

By-law No. 5680/91, a By-law of the City of Winnipeg to open/widen the South Side of Portage Avenue at Canora Street. File No. DAO 24/89.

On motion of Councillor Lorenc, By-law No. 5681/91, a By-law of the City of Winnipeg to close part of first east/west lane north of St. Matthews Avenue between Arlington and Burnell Streets, was read a first time. File No. DAC 1/91.

Councillor Lorenc moved that this constitute the first reading of By-law No. 5681/91, which motion was carried.

On motion of Councillor Lorenc, the rule was suspended and By-law No. 5683/91, a By-law of the City of Winnipeg to close public lanes within the proposed Laboratory Centre for Disease Control Site - Central Works Yard, was read a first time. File No. DAC 25/90.

Councillor Lorenc moved that this constitute the first reading of By-law No. 5683/91, which motion was carried.