Minutes – Executive Policy Committee – July 11, 2012

REPORTS

Minute No. 329 Closing of part of the west side of Century Street, north of Portage Avenue, in conjunction with DAC 14/2011 (St. James-Brooklands Ward) File DAC 1/2012

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and recommends to Council:

1. That the additional street closing as shown on Misc. Plan No. 14037/2 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 additional street closing in accordance with Misc. Plan No. 14037/2.

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

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Fielding,

That the recommendation of the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On July 10, 2012, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Pre-Authorized Street Closing Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File:	DAC 1/2012
Before:	Assiniboia Community Committee Councillor Havixbeck, Chairperson Councillor Fielding Councillor Nordman
Public Hearing:	July 10, 2012 North Committee Room Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Part of the west side of Century Street, north of Portage Avenue, in conjunction with DAC 14/2011
Exhibits Filed:	1. Report from the Real Property Officer dated June 22, 2012 2. Inspection Report 3. Communication dated July 10, 2012, from Richard Ira Good, Fillmore Riley, in opposition to the application, submitted at the public hearing on behalf of Philip Kives and The Viscount Gort Motor Hotel Ltd.

REPRESENTATIONS:

In Support:

Chief R. Douglas, Winnipeg Fire Paramedic Service
Bob Downs
Kristine Friesen, Project Coordinator, Support Services Division,
Winnipeg Fire Paramedic Service

In Opposition:

Gordon B. Bachynski
Richard Ira Good, Solicitor, Fillmore Riley, on behalf of Phillip Kives and The Viscount Gort Motor Hotel Ltd.
Carol Harvey
Eleanor and Philip Kives
Fred Morris
Vic Pruden
Kimberley Routledge-Blondal
Katherine Thiesenhausen
Tracy Wilkie

For Information:

Lorna and Kelly Jackson
Alex and Del Ritchie
Jack and Ulrike Toews

For the City:

Mr. M. Jack, Director of Legal Services and City Solicitor
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2012

ADMINISTRATIVE REPORT

Title: **DAC 1/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED ADDITIONAL CLOSING OF PART OF THE WEST SIDE OF CENTURY STREET, NORTH OF PORTAGE AVENUE, IN CONJUNCTION WITH DAC 14/2011**

Critical Path: **ASSINIBOIA COMMUNITY COMMITTEE - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed additional street closing as shown on Misc. Plan No. 14037/2 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 additional street closing in accordance with Misc. Plan No. 14037/2.

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 additional street closing are the responsibility of Winnipeg Fire Paramedic Service and are within the approved current and/or capital budget and considered immaterial in nature.

HISTORY

At the request of Winnipeg Fire Paramedic Service, the Planning, Property and Development Department is proceeding with an application to close additional portions of Century Street so identified on the attached copy of Misc. Plan No. 14037/2. The additional closing is being processed in conjunction with a previous closing application processed under DAC 14/2011. The additional closing is required in order to facilitate the revised design of Fire Paramedic Station 11 being constructed at this site.

On July 12, 2011, the Assiniboia Community Committee concurred in the Report of the Public Service recommending the closing of part of the west side of Century Street, north of Portage Avenue processed under application DAC 14/2011. This application was further recommended for approval by the Standing Policy Committee on Property and Development at its meeting held on July 15, 2011 and subsequently approved by Council at its meeting held on July 20, 2011. The closing boundary for application DAC 14/2011 is shown on the attached copy of Misc. Plan No. 14037/1. Design changes to Fire Paramedic Station 11 have necessitated additional closings in order to accommodate the revisions. The revised closing boundary is shown on the attached copy of Misc. Plan No. 14037/4. The attached copy of Misc. Plan No. 14037/2 shows the new closing boundary in solid line superimposed on the previous closing boundary shown in dashed line. The additional closing which is the subject of this application is shown cross hatched. Portions of Century Street recommended for closing under DAC 14/2011 now to remain open as a result of the new configuration of the fire hall site are shown shaded.

Winnipeg Fire Paramedic Service has provided the following summary of improvements as a result of the new design:

- improved site lines for traffic flowing both east and west bound on Portage Avenue
- entrance signals to serve a warning for emergency vehicle egress onto Portage Avenue when responding to emergency calls
- less distraction from Century street southbound, as site was moved closer to south portion of the site
- dedicated ingress and egress to emergency vehicles to the site
- site now occupies approximately 613 square feet less than original design
- increased retention of trees
- improved landscaping with removal of a poorly maintained marsh
- area residents felt that with the presence of WFPS on the property, there would be more positive utilization of the space for recreational use

The subject right of way was opened as “Public Street” by Plan No. 7918 and registered in the Winnipeg Land Titles Office in March of 1962. In 1971, By-law No. 1858 changed the designation of the right of way from “Public Street” to “Century Street”.

In consultation with the City Clerk's Department, this report falls under the pre-authorized street closing process approved by Council on September 29, 1998.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro and Centra Gas
Shaw Cablesystems and MTS Inc. 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: June 22, 2012
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 or conditions to the additional street closing.

Administrative Comments

Administrative comments appear in the report prepared for the original closing processed under application DAC 14/2011. No other administrative comments were received with respect to the additional closing.

Easements

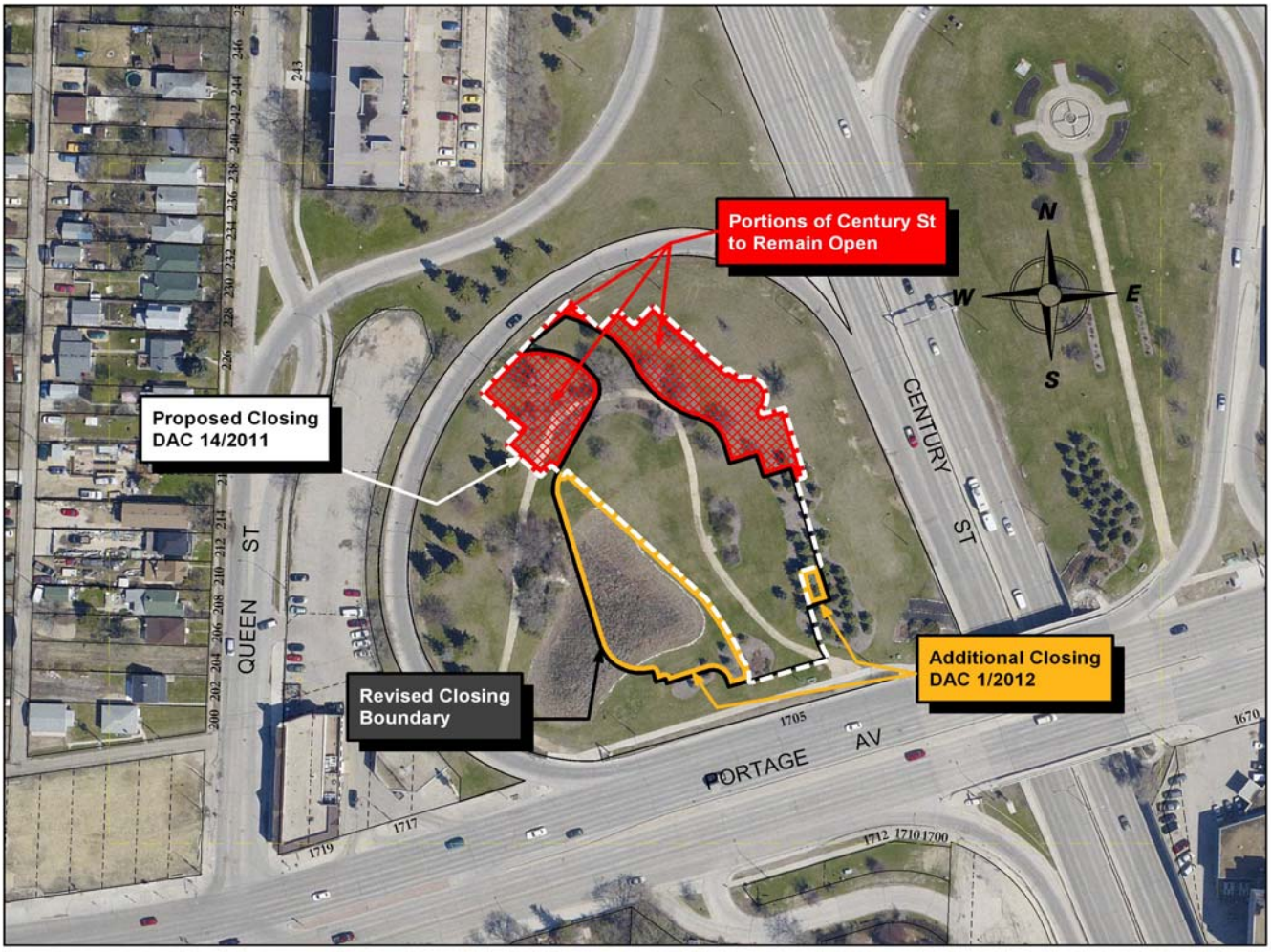
Manitoba Hydro and Centra Gas Manitoba Inc. have identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

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

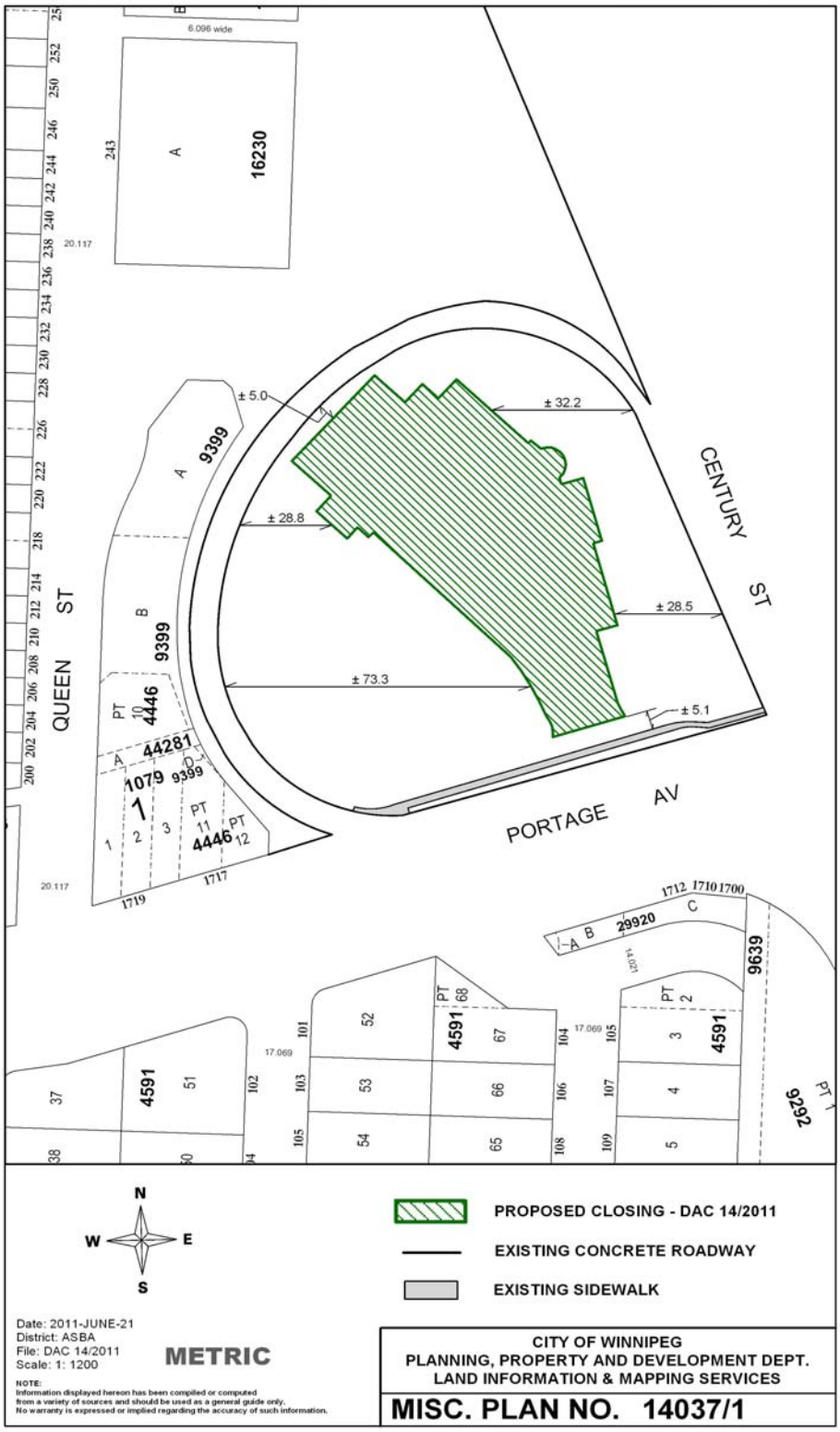
Transfer of Jurisdiction Over Public Rights-of-Way

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.

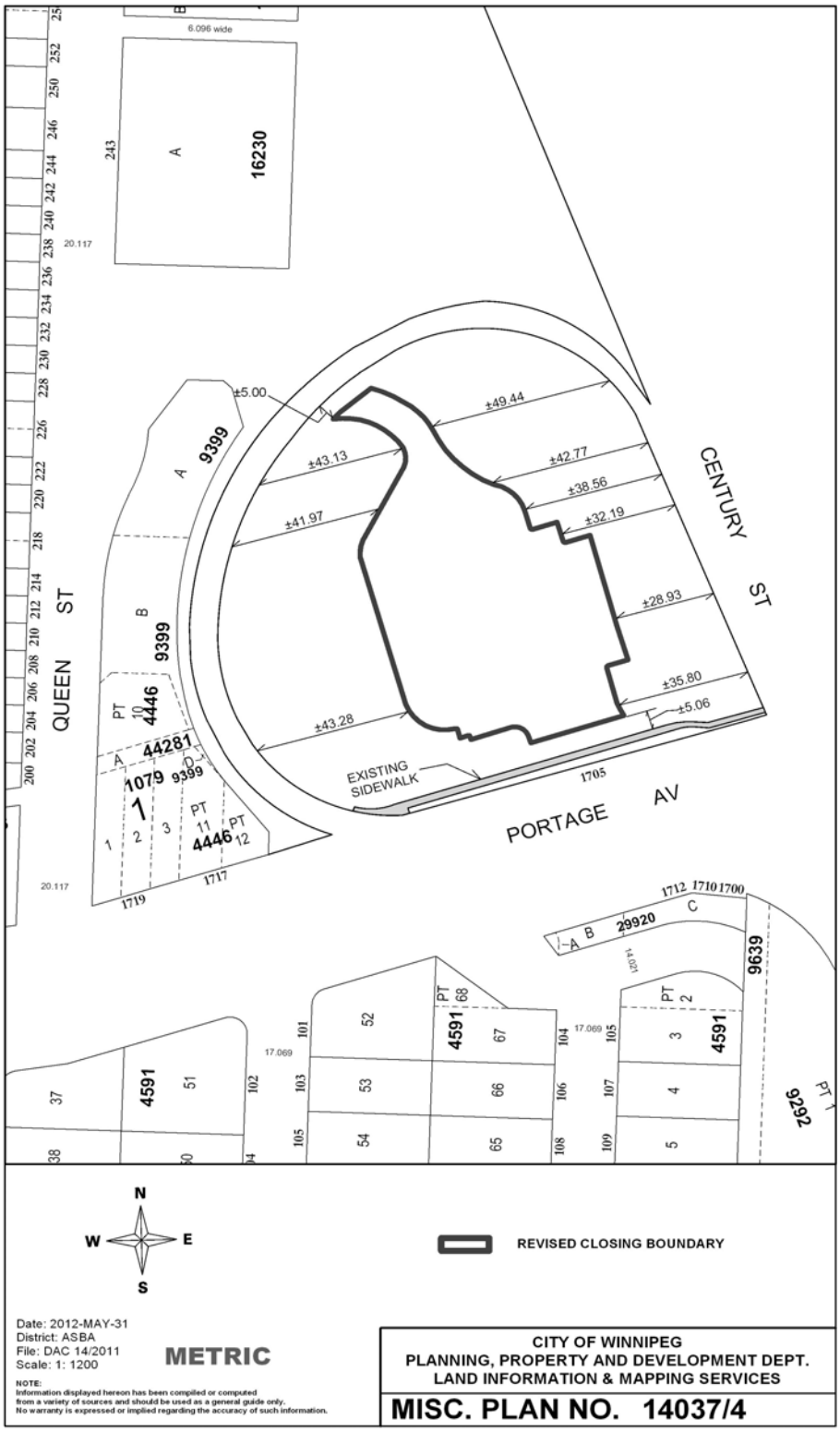
Aerial View of Subject Additional Closing



Misc. Plan No. 14037/1: DAC 14/2011



Misc. Plan No. 14037/4: Revised Closing Boundary



Misc. Plan No. 14037/2: DAC 1/2012

