Agenda - Executive Policy Committee – February 22, 2013

Moved by Councillor

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.

Report - Standing Policy Committee on Property and Development – February 19, 2013

Item No. 3 **Opening and Closing – Closing of parts of McGregor Street, Plan 8396 WLTO, Public Road Plan 13147 WLTO and Public Lane Plan 2107 WLTO, South of Murray Avenue, West of Canadian Pacific Railway Plan 379 WLTO and Opening of the North and South Sides of Murray Avenue, West of Canadian Pacific Railway Plan 379 WLTO and the East and West Sides of Ferrier Street Between Murray Avenue and Public Road Plan 13147 WLTO**
(Old Kildonan Ward)
File DAOC 2/2012

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1.. That the public street and lane closings and public street openings as shown on Misc. Plan Nos. 14214/9 and 14214/10 be approved and that the portions of the streets and lane to be closed be declared surplus to the City's needs.

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 public street and lane closings and public street openings in accordance with Misc. Plan No. 14214/9 and 14214/10, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

Agenda - Executive Policy Committee – February 22, 2013

Report - Standing Policy Committee on Property and Development – February 19, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2012
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	January 15, 2013 West Committee Room Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development Department
Premises Affected:	Closing parts of McGregor Street, Plan 8396 WLTO, Public Road Plan 13147 WLTO and Public Lane Plan 2107 WLTO, South of Murray Avenue, West of Canadian Pacific Railway Plan 379 WLTO and Opening of the North and South Sides of Murray Avenue, West of Canadian Pacific Railway Plan 379 WLTO and the East and West Sides of Ferrier Street Between Murray Avenue and Public Road Plan 13147 WLTO
Exhibits Filed:	1. Report from the Real Property Officer dated January 2, 2013 2. Inspection Report 3. Misc. Plan No. 14214/7 submitted by the Real Property Officer at the public hearing

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2012

ADMINISTRATIVE REPORT

Title: **DAOC 2/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PARTS OF MCGREGOR STREET, PLAN 8396 WLTO, PUBLIC ROAD PLAN 13147 WLTO AND PUBLIC LANE PLAN 2107 WLTO, SOUTH OF MURRAY AVENUE, WEST OF CANADIAN PACIFIC RAILWAY PLAN 379 WLTO AND PROPOSED OPENING OF THE NORTH AND SOUTH SIDES OF MURRAY AVENUE, WEST OF CANADIAN PACIFIC RAILWAY PLAN 379 WLTO AND THE EAST AND WEST SIDES OF FERRIER STREET BETWEEN MURRAY AVENUE AND PUBLIC ROAD PLAN 13147 WLTO**

Critical Path: **LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed public street and lane closings and public street openings as shown on Misc. Plan Nos. 14214/9 and 14214/10 be approved and that the portions of the streets and lane proposed to be closed be declared surplus to the City's needs.

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 public street and lane closings and public street openings in accordance with Misc. Plan No. 14214/9 and 14214/10, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs associated with the public street and lane closings and public street openings are the responsibility of the Public Works Department and are within the approved current and/or capital budget and considered immaterial in nature.

HISTORY

The Planning, Property and Development Department is proceeding with an application on behalf of the Public Works Department to open the north and south sides of Murray Avenue and the east and west sides of Ferrier Street and to close the portions of McGregor Street, Plan 8396 WLTO, Public Road Plan 13147 WLTO and Public Lane Plan 2107 WLTO so identified on the attached copies of Misc. Plan Nos. 14214/9 and 14214/10.

The Murray Avenue openings are required in order to accommodate granular surface roadway and drainage improvements to the right of way similar to those of the recent McCreary Road Project. The Murray Avenue Project has been identified in the 2012 Capital Budget approved by Council at its meeting held on December 13, 2011. The Ferrier Street openings are required for the future Chief Peguis Trail extension. The proposed openings and closings are consistent with the Chief Peguis Trail alignment contained in the Public Works Department Transportation Master Plan which identifies areas required for new public rights of way and existing streets and lanes surplus to the requirements of the new facility.

The closing of parts of McGregor Street, Plan 8396 WLTO, Public Road Plan 13147 WLTO and Public Lane Plan 2107 WLTO identified as Parcel “A” on Misc. Plan No. 14214/9 will form part of a land exchange with the adjoining property owner of the land required for the Murray Avenue and Ferrier Street openings. Residual City of Winnipeg property not required for the Ferrier Street opening shown shaded and hatched on the sketch will also form part of the exchange. The portion of Public Lane Plan 2107 WLTO within the opening area will be dedicated as Ferrier Street.

The closing of part of Public Lane Plan 2107 WLTO identified as Parcel "C" on Misc. Plan No. 14214/10 will form part of a land exchange with the adjoining property owner of the land required for the Murray Avenue opening. City of Winnipeg property shown shaded, hatched and identified as Parcel "D" immediately south of the closing will also be included in the exchange. The portion of the proposed lane closing identified as Parcel "B" will be retained by the City. The portion of Public Lane Plan 2107 WLTO within the opening area will be dedicated as Ferrier Street.

The Real Estate Division has successfully completed negotiations with the property owner on the north side of Murray Avenue for the land required for that portion of the opening.

The Real Estate Division will be submitting a report for approval by the Standing Policy Committee on Property and Development of the terms and conditions of the sale/exchange of the proposed right of way closings and additional City land mentioned in this report. It is anticipated that both Real Estate's report and the subject report for DAOC 2/2012 will be considered by the Standing Committee at its meeting scheduled for February 12, 2013.

The subject Public Lane was created as part of the subdivision of the adjoining land and opened by Plan 2107 WLTO in July of 1913. McGregor Street was opened by Plan 8396 WLTO in November of 1963 and was to serve as a future connection to McPhillips Street. The Public Road was opened by Plan 13147 WLTO in February of 1977. The portions of these rights of way proposed to be closed exist in a legal context only, being undeveloped land, sparsely treed and consisting primarily of open prairie. They currently serve no public access or transportation purpose.

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, Bell Canada, Louis Riel School Division, Norscan, Rogers Communications and TeraSpan.

MTS Inc., Shaw Cablesystems, Imperial Oil and Fiber did not respond to the request for comments on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: January 2, 2013
File No. 4977

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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 public street and lane closings and public street openings.

Easements

The Engineering Division of the Water and Waste Department has identified an existing sewer force main within the easterly portion of the McGregor Street closing. A 13.6m easement will be required for this existing facility once the land is transferred to the adjoining property owner. No permanent structures will be allowed within the easement area.

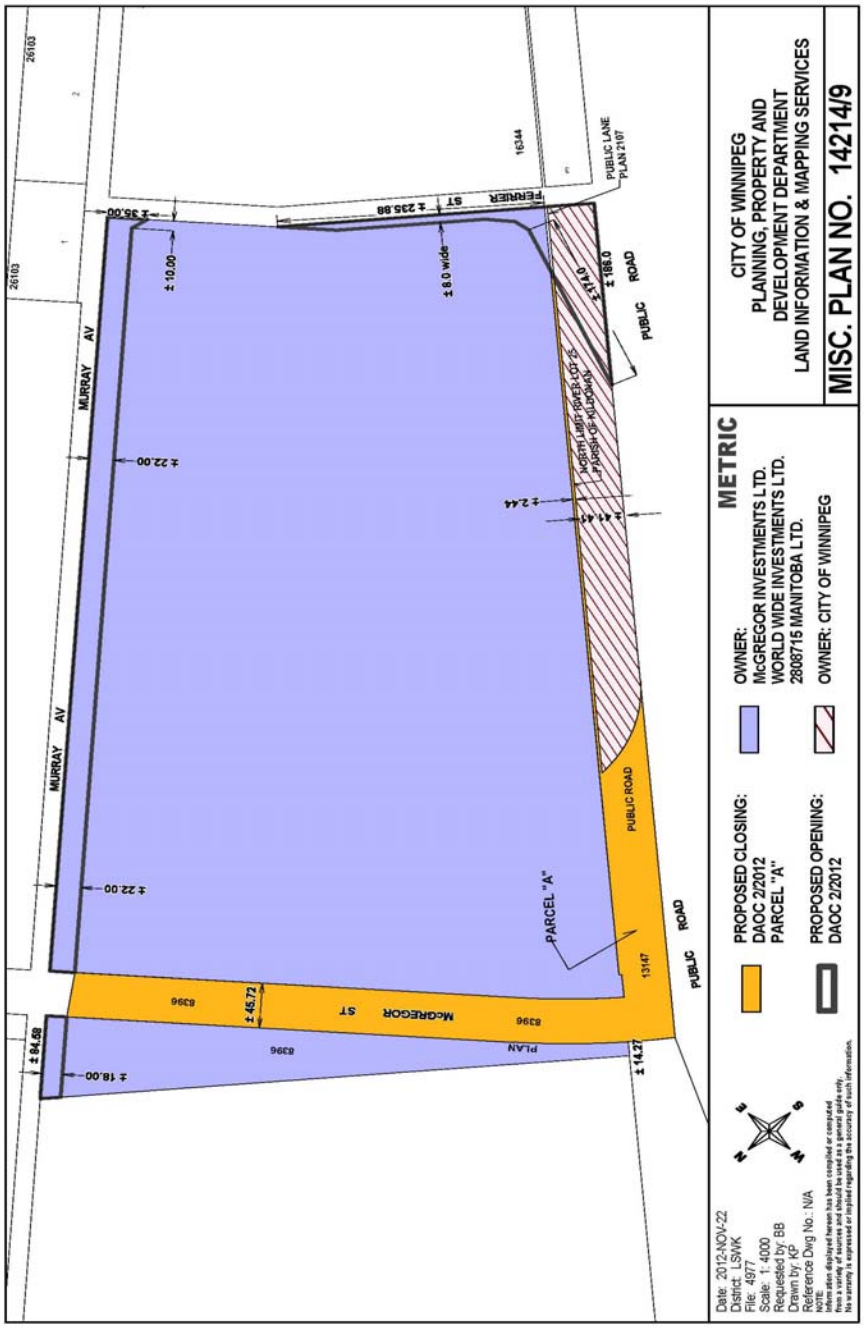
Transfer of Jurisdiction Over Public Rights-of-Way

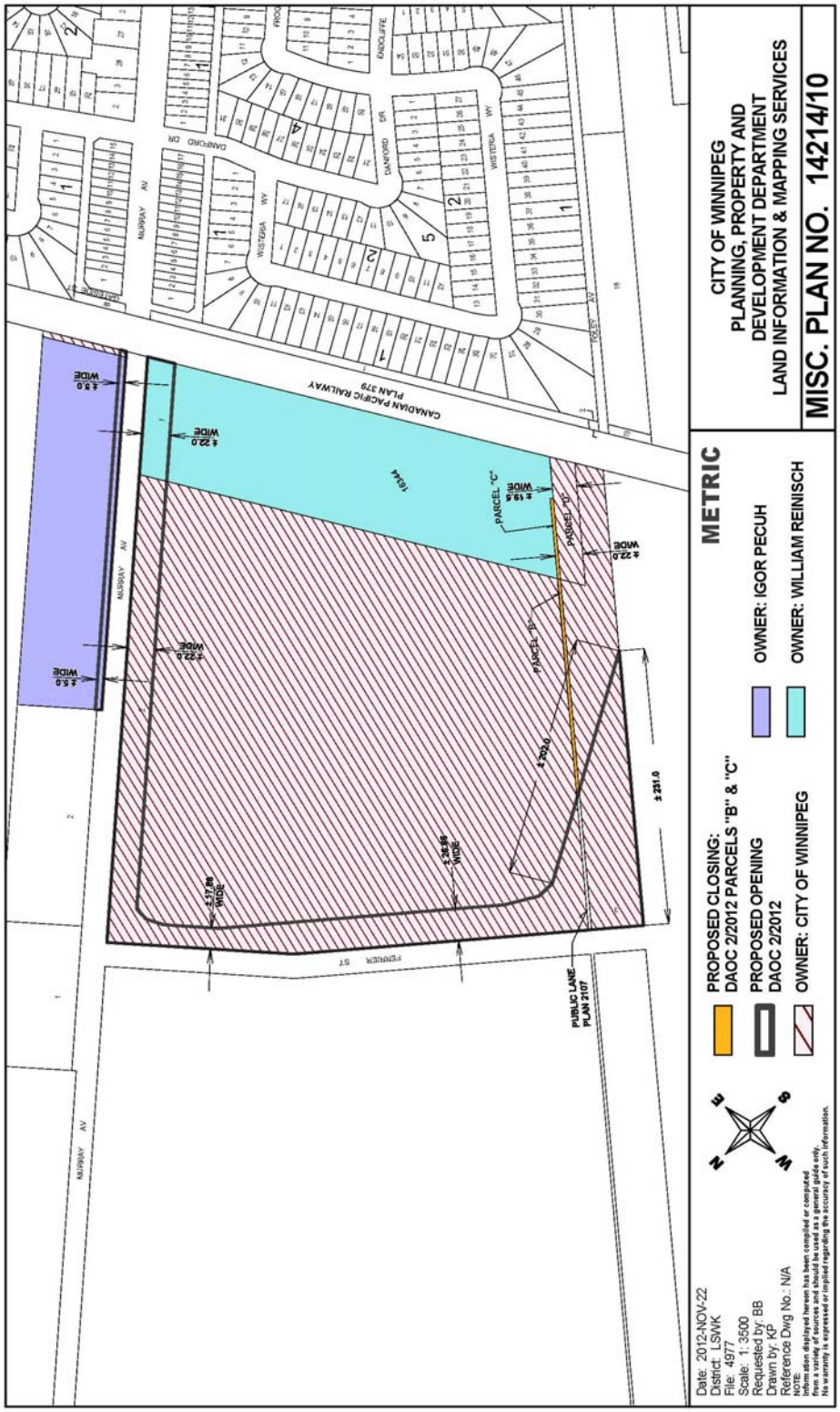
The streets and lane must be legally closed before they may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

Aerial View of Subject Opening and Closing



Miscellaneous Plans




CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14214/10
METRIC
PROPOSED CLOSING:
DAOC 2/2012 PARCELS "B" & "C"
PROPOSED OPENING
DAOC 2/2012
OWNER: CITY OF WINNIPEG
OWNER: IGOR PECUH
OWNER: WILLIAM REINISCH
Date: 2012-NOV-22
District: LSWK
File: 4977
Scale: 1:3500
Requested by: BB
Drawn by: KP
Reference Dwg No.: N/A
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.
CANADIAN PACIFIC RAILWAY
PLAN 379
PUBLIC LANE
PLAN 2107
PARCEL "B"
PARCEL "C"
PARCEL "D"
MURRAY AV
FERRIER ST
WISTERIA WY
DANFORD DR
ROLEY AV
± 5.0 WIDE
± 22.0 WIDE
± 19.5 WIDE
± 17.88 WIDE
± 26.88 WIDE
± 202.0
± 231.0