**Agenda - Council – June 25, 2014**

**Report - Executive Policy Committee – June 11, 2014**

**Item No. 4** **Opening – East and West Sides of Colony Street between Portage Avenue and Webb Place**
**(Daniel McIntyre Ward)**
**File DAO 10/2006**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2014, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

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. 11319/1.

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 – June 11, 2014**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2014, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

# ADMINISTRATIVE REPORT

**Title:** **DAO 10/2006: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING OF THE EAST AND WEST SIDES OF COLONY STREET BETWEEN PORTAGE AVENUE AND WEBB PLACE**

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | B. Thorgrimson | N/A | D. Joshi<br>A/CAO |

## 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. 11319/1.

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 public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

## IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs associated with the street opening are the responsibility of the Planning, Property and Development Department and are within the 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 Planning, Property and Development Department is proceeding with an application on behalf of the Public Works Department, to open the portions of Colony Street so identified on the attached copy of Misc. Plan No. 11319/1. The opening is required in order to facilitate the roadway improvements originally identified as part of the North Portage Development Project land assembly requirements.

At its meeting held on March 6, 1985, Council approved the acquisition of the property at the northwest corner of Portage Avenue and Colony Street (Part Lot 895, Plan 223A WLTO). Title subsequently issued in the name of the City of Winnipeg in November of 1985.

At its meeting held on July 8, 1987, Council approved the acquisition of the balance of the property on the west side of Colony Street (Parcel A, Plan 24137 WLTO). Title subsequently issued in the name of the City of Winnipeg in February of 1989.

At its meeting held on March 31, 1987, the then Committee on Finance and Administration concurred in the Report of the Technical Advisory Committee on City Properties recommending that the North Portage Development Corporation pay the full costs of the acquisition of the Winnipeg School Division No. 1 property required for the street opening on the east side of Colony Street. In February of 1988, the School Division subsequently provided the City with their consent to the dedication of all those portions of their property required for street opening purposes. The purchase price for the acquisition was paid by the North Portage Development Corporation to the School Division in May of 1988. North Portage initially refused to pay additional outstanding funds for which they were responsible, consisting of interest from the date of possession to the date of payment of the purchase price, along with the School Division's lawyer's fees. The City paid these outstanding funds to the School Division in June of 1989. North Portage subsequently reimbursed the City for this payment in October of 1992.

In June of 2006, the subject application was originally initiated on behalf of the Public Works Department and circulated to Civic Departments and public utilities for comment. No objections or conditions to the opening were received.

A report to Council to accompany the By-Law effecting the dedication of this property as public street was never prepared. The matter has sat in abeyance ever since. The Geomatics Branch is now in the process of regularizing the oversight. Plan preparation will be accomplished internally.

In January of 1986, Plan No. 19780 WLTO opened the northeast corner of Portage and Colony as well as the east side of Colony by approximately 5m. The subject opening will legally regularize the street width between its Portage Avenue and Webb Place limits. Property files indicate that the roadway construction improvements were completed in 1987.

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:** May 15, 2014

## Project Name:

**DAO 10/2006: Proposed Opening of the East and West Sides of Colony Street Between Portage Avenue and Webb Place**

**COMMENTS:**

Plan preparation and registration of the documents required to dedicate the land as public street will be provided by the Geomatics Branch of the Planning, Property and Development Department. These costs are within the approved budget and considered to be immaterial in nature.

*"Original Signed By"*
Mike McGinn, CA
Manager of Finance

## CONSULTATION

**In preparing this report there was consultation with:**

**Internal Consultation:**

Corporate Finance
Public Works
Water and Waste
Transit

**External Consultation:**

Manitoba Hydro, Centra Gas, MTS Inc. and Shaw Cablesystems

## SUBMITTED BY

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|---|---|
| Department: | Planning, Property and Development |
| Division: | Land Development, Geomatics and Land Information Services |
| Prepared by: | Bohdan Buyachok, Real Property Officer |
| Date: | May 15, 2014 |
| File No. | |

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Aerial View of Subject Opening



Miscellaneous Plan

