Minute No. 797
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 20 **Opening of the East side of Panet Road at Mission Street and the Closing of Part of Mission Street between Panet Road and Lagimodiere Boulevard (St. Boniface Ward) File DAOC 3/2014**

COUNCIL DECISION:

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

1. That the street opening and closing as shown on Misc. Plan No. 14710/1 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 opening and closing in accordance with Misc. Plan No. 14710/1.

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

Report – Standing Policy Committee on Property and Development – September 16, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 16, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

HEARING SUMMARY

File:	DAOC 3/2014
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	September 8, 2014 Council Building, 510 Main Street
Applicant:	Solid Waste Service, Water and Waste Department
Premises Affected:	East side of Panet Road at Mission Street and part of Mission Street between Panet Road and Lagimodiere Boulevard
Exhibits Filed:	1. Report from the Real Property Officer dated August 20, 2014 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

Ms. D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. L. Escobar, Manager of Transportation, Public Works Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 3/2014

ADMINISTRATIVE REPORT

Title: **DAOC 3/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING OF THE EAST SIDE OF PANET ROAD AT MISSION STREET AND THE PROPOSED CLOSING OF PART OF MISSION STREET BETWEEN PANET ROAD AND LAGIMODIERE BOULEVARD**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the proposed street opening and closing as shown on Misc. Plan No. 14710/1 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 opening and closing in accordance with Misc. Plan No. 14710/1.

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, 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.

All costs associated with the street opening and closing are the responsibility of the Water and Waste Department and are within the approved current and/or capital budget.

HISTORY

The Planning, Property and Development Department originally received a request from Solid Waste Services of the Water and Waste Department to close the portion of Mission Street so identified on the attached copy of Misc. Plan No. 14710. The processing of the closing application was initiated under DAC 6/2014 and was required in order to facilitate the expansion of the usable area of the adjoining City property to the north at 429 Panet Road.

During the course of the circular for the closing application, the Public Works Department identified an opening requirement on the east side of Panet Road. Part of the opening adjoining Panet is needed to accommodate transportation requirements and roadway improvements at this location. The easterly 6.0m of the opening is required for an active transportation pathway. The subject opening has necessitated a change in the geometry of the Mission Street closing which is now being processed as an opening/closing application under file DAOC 3/2014. The revised opening and closing geometry is identified on the attached copy of Misc. Plan No. 14710/1.

429 Panet Road is the site of a future regional retention pond and 4R Winnipeg Depot. The retention pond will allow for more effective area land drainage management. A 4R Depot will accommodate material that can be recycled, reused, composted or resold and is larger and accepts more material than existing recycling depots. The Panet 4R Winnipeg Depot will be the third of its kind in Winnipeg and will service the eastern area of the city, complementing curbside collection services by providing a drop-off location for divertible landfill materials. 4R Depots are an important part of the Solid Waste Services' strategy to achieve a waste diversion rate of 50% or more.

Property required for the opening is City land. The City will also be retaining ownership of the street, once closed, with jurisdiction of the property transferring to the Water and Waste Department. Adjoining City property to the south of the closing area is under the jurisdiction of the Public Works Department.

The subject portion of Mission Street was opened by Plan No. 433 and registered in the Winnipeg Land Titles Office in January of 1894. The street exists in a legal context only, consisting of a narrow gravel road/path leading eastward from Panet Road into undeveloped bush with no exit to Lagimodiere Boulevard. The street provides no current public 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, MTS Inc., Shaw Cablesystems, Bell Canada and Telus.

Imperial Oil, Rogers Communications, Norscan,TeraSpan and Fiber did not respond to the request for comments on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: August 20, 2014
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 Engineering Division of the Water and Waste Department has identified a privately owned 300mm LDS pipe crossing through the southwest corner of the subject property. There is also a City owned manhole associated with this private LDS service pipe, located in the southwest area of the subject land. Furthermore, there is a network of City owned ditching on both sides of Mission Street.

The Land Drainage and Flood Protection Branch would like the ditches to be left intact for now. There are plans underway to have an LDS system and an SRB installed at this location in the future. The ditches will need to be retained until this work is complete.

Easements

Manitoba Hydro, Centra Gas Manitoba Inc. and MTS Inc. have identified services within the closing area.

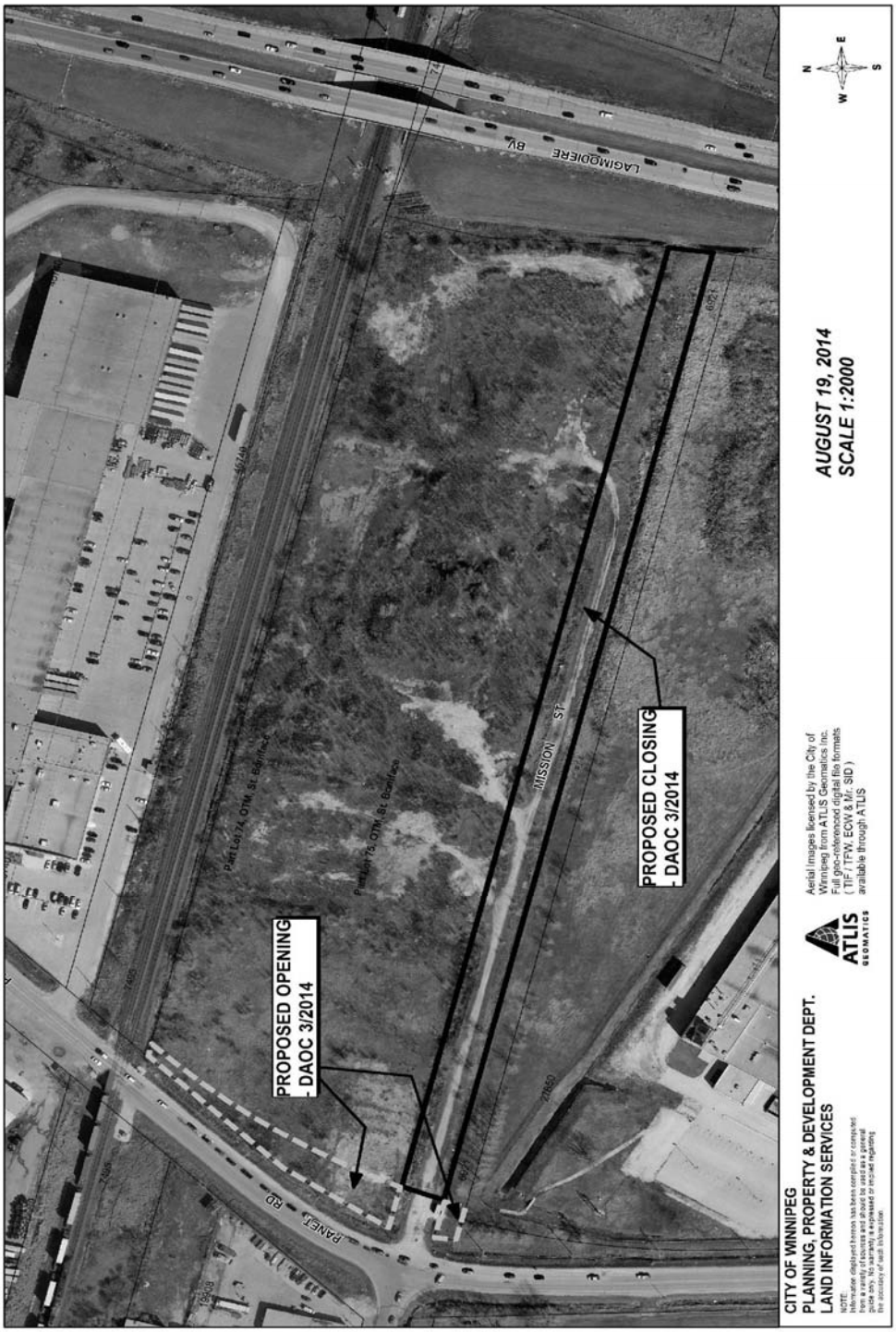
All utilities will require blanket easements for these existing facilities. No permanent structures will be allowed within the easement areas.

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

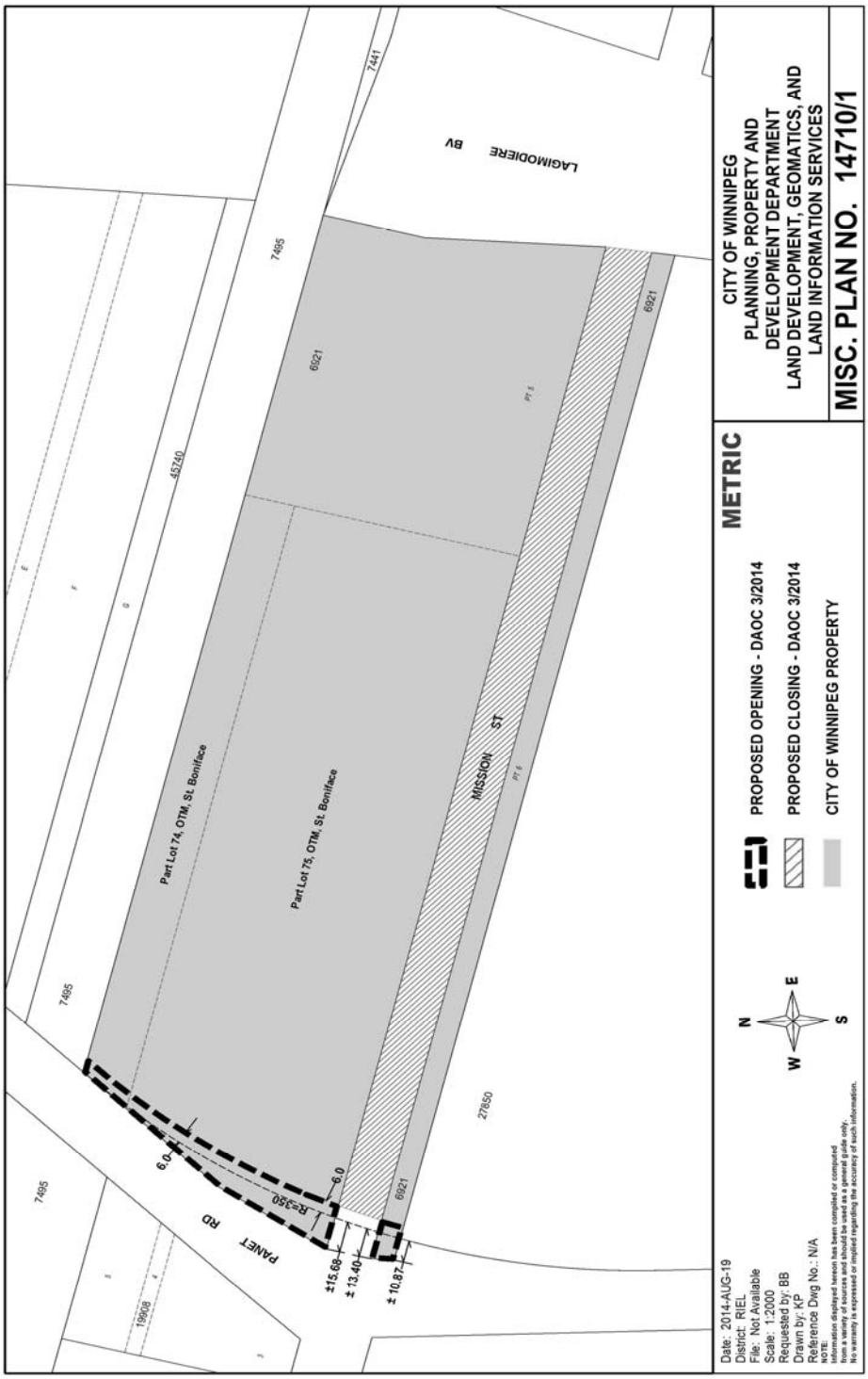
Transfer of Jurisdiction Over Public Rights-of-Way

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 Opening/Closing



Miscellaneous Plan 14710/1: Opening/Closing Application



Miscellaneous Plan 14710: Original Closing Application

