Minute No. 673
Report - Executive Policy Committee - October 6, 2004

Item No. 2 **Street Opening - Waterfront Drive north of Pioneer Avenue**
File DAO 1/2000

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with Misc. Plan No. 10822/1.

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 - October 6, 2004

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 6, 2004, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

Re: DAO 1/2000 – PROPOSED OPENING OF WATERFRONT DRIVE NORTH OF PIONEER AVENUE

For submission to: Executive Policy Committee

Original report signed by: Director of Planning, Property and Development

Report date: September 23, 2004

Recommendation(s): **1.That the 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. 10822/1.**

2. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REPORT SUMMARY

Key Issues:

- The street connecting Pioneer Avenue and Lombard Avenue east of the CanWest Global ballpark has been open to the public since 1998. The City of Winnipeg was to receive the lands required for the street as part of a land exchange with Forks Renewal Corporation. Protracted negotiations regarding the land exchange have now been successfully concluded. The City of Winnipeg is now able to legally dedicate the land as a public street.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

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.

HISTORY:
In April of 1998, Council approved an exchange of lands with the Forks Renewal Corporation for the purpose, in part, of creating a public street along the east side of the CanWest Global ballpark between Lombard Avenue and Pioneer Avenue. The roadway and related services (boulevard, lighting, sidewalk) were constructed that year.

The roadway was opened to the public as Pioneer Boulevard in 1998. In 2002, the Forks North Portage Partnership applied to have the name of the street north and south of Pioneer Avenue changed to Waterfront Drive. In March of 2002, Council approved the street name change. The portion of Pioneer Boulevard south of Pioneer Avenue was changed to Waterfront Drive in 2002 by By-laws 8017/2002 and 8144/2002. The property addressed in this report will be dedicated as Waterfront Drive.

The exchange of lands with the Forks Renewal Corporation has been delayed due to complications in the negotiations. These matters have now been resolved. The City of Winnipeg is now legally entitled to be the owner of the land and it is appropriate at this time to dedicate the property as public street.

DISCUSSION:
Easement for Roadway within Canadian National Railway Lands at Lombard Avenue

The road opening as illustrated on Misc. Plan 10822/1 stops short of connecting to Lombard Avenue. The City was unable to acquire the CNR lands used for the rail line and bridge in this area. The CNR provided the City with the appropriate legal documentation to permit the construction of the roadway in 1998 and has agreed to provide an easement for the use of the CNR lands for the roadway.

Report Submitted in Accordance with the Provisions of By-law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend current 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.

The following criteria must be met before the authority given in the by-law may be exercised:

1. The Director of Public Works must have approved the proposed opening and acquisition.
2. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.

3. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
4. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the proposed opening.
5. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening and either the Standing Policy Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of the Planning, Property and Development Department, as is appropriate.

All of these conditions have been met.

Financial Impact Statement Date: September 22, 2004

COMMENTS:

Funding for the cost of preparing and registering the documents required to effect the proposed street opening has been provided by the Public Works Department. These costs are considered to be immaterial.

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

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

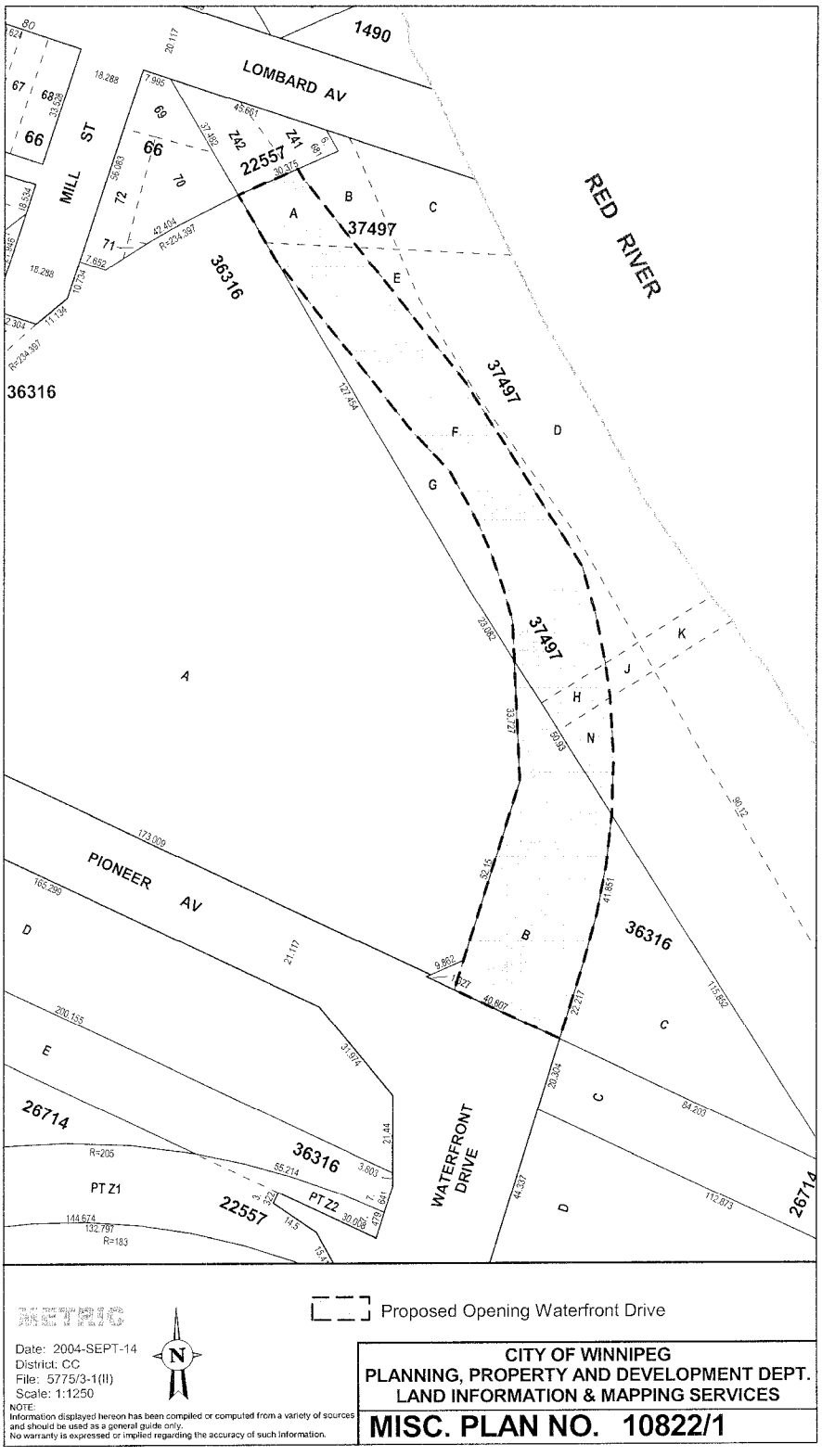
Centra Gas, Manitoba Hydro, Shaw Cable

MTS Communications did not respond to the request for its comments.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 5775/3-1(II)

Document name: o:\reports directive\development and inspections\geomatics\dao1_00.doc


LOMBARD AV
MILL ST
RED RIVER
PIONEER AV
WATERFRONT DRIVE
1490
22557
37497
36316
26714
Proposed Opening Waterfront Drive
Date: 2004-SEPT-14
District: CC
File: 5775/3-1(II)
Scale: 1:1250
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 10822/1