Minute No. 704
Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 3 **Closing - Public Road east of Panet Road, south of Regent Avenue West**
File DAC 15/2004

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No. 11824/1 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11824/1.

3. That the use of the proposed street closing for the new public purpose of constructing and maintaining a police station and as part of the future Eastern Transit Corridor be approved.

4. 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 - October 5, 2004

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 14, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 15/2004
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Thomas
Public Hearing:	September 14, 2004 Community Committee Chamber 755 Henderson Highway
Applicant:	Civic Accommodations Division Planning, Property and Development Department
Premises Affected:	Public Road East of Panet Road, South of Regent Avenue West
Exhibits Filed:	1. Report from the Real Property Officer dated August 26, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

J. Comeau, Manager of Civic Accommodations, Planning, Property and Development Department

In Opposition:

Nil

For Information:

Nil

For the City:

G. Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 15/2004

Re: DAC 15/2004 – PROPOSED CLOSING OF THE PUBLIC ROAD EAST OF PANET ROAD, SOUTH OF REGENT AVENUE WEST

For submission to: The East Kildonan-Transcona Community Committee

Report date: August 26, 2004

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 11824/1 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11824/1.

3. That Council approve the use of the proposed street closing for the new public purpose of constructing and maintaining a police station and as part of the future Eastern Transit Corridor.

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

REPORT SUMMARY

Key Issues:

The Public Road is not used for that purpose. The lands had been reserved 40 years ago for future street. The roadway is no longer required.

In July of 2003, Council approved the reduction of the number of police stations in the City from 6 to 4. The stations at 227 Provencher Boulevard and 730 Pandora Avenue West are to be amalgamated into a new station located within 2 kilometers of the intersection of Dugald Road and Lagimodière Boulevard. The Winnipeg Police Service has selected the larger portion of the Public Road as their preferred location. The lesser portion of the street will be reserved for the Eastern Transit Corridor.

Implications of the Recommendation(s):

General implications:

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

Comment(s):
In 1985, the City of Winnipeg entered into an agreement with Hill-Everest Holdings Ltd. (Cavalier Hotel) allowing the use of a portion of the street for a number of baseball diamonds. This agreement has a 90-day termination clause, which will be exercised.

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:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The Civic Accommodations Division of the Planning, Property and Development Department has applied to close the Public Road so identified on the attached Misc. Plan No. 11824/1.

The Public Road is unpaved and has never been used for that purpose. The lands were expropriated in1965 and 1966 and dedicated as part of Lagimodière Boulevard by By-Laws 861 and 1133 of the Metropolitan Corporation of Greater Winnipeg. The Public Works Department has confirmed that the planned roadway is no longer required.

In July of 2003, Council approved the reduction of the number of police stations in the City from 6 to 4. The stations at 227 Provencher and 730 Pandora are to be amalgamated into a new station located within 2 kilometers of the intersection of Dugald Road and Lagimodière Boulevard. The Winnipeg Police Service has selected the portion of the Public Road identified as Parcel A on the drawing as their preferred location.

The Transit Department may have a requirement for a portion of closed road for the Eastern Transit Corridor. The portion of the Public Road identified as Parcel B on the drawing will be reserved for this purpose.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

Approval of Change in Public Use in Accordance with The Expropriation Act

The property required for the public street was expropriated for that purpose in 1965 and 1966. Since the land will now be used for a different public purpose, the Legal Services Division has advised that it is appropriate for Council to formally exercise its powers as the confirming authority under Section 51(1) of The Expropriation Act and approve the change in the public use of the property.

Termination of Lease; Demolition/Removal of Improvements on Site

In 1985, the City of Winnipeg entered into an agreement with Hill-Everest Holdings Ltd. (Cavalier Hotel) allowing the use of a portion of the street for a number of baseball diamonds. This agreement has a 90-day termination clause, which will be exercised.

There is a large trailer used as a clubhouse by the Canford Sport Group/Winnipeg Sponge Hockey League located partially on the property. This trailer and the hockey rinks in the street will be removed.

There is a large abandoned building on the property that was formerly used by Winnipeg Hydro. This building will be demolished.

Easements

Manitoba Hydro and MTS will require easements for the maintenance of their plants in the street. No permanent structures will be allowed within the easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

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.

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
CORPORATE SERVICES DEPARTMENT – LEGAL SERVICES
PUBLIC WORKS DEPARTMENT – TRANSPORTATION DIVISION
WATER AND WASTE DEPARTMENT – ENGINEERING DIVISION
WINNIPEG TRANSIT
CENTRA GAS, MANITOBA HYDRO, MTS COMMUNICATIONS, SHAW CABLE

The Community Planner had no comments on the proposal.
This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: WE-116-12

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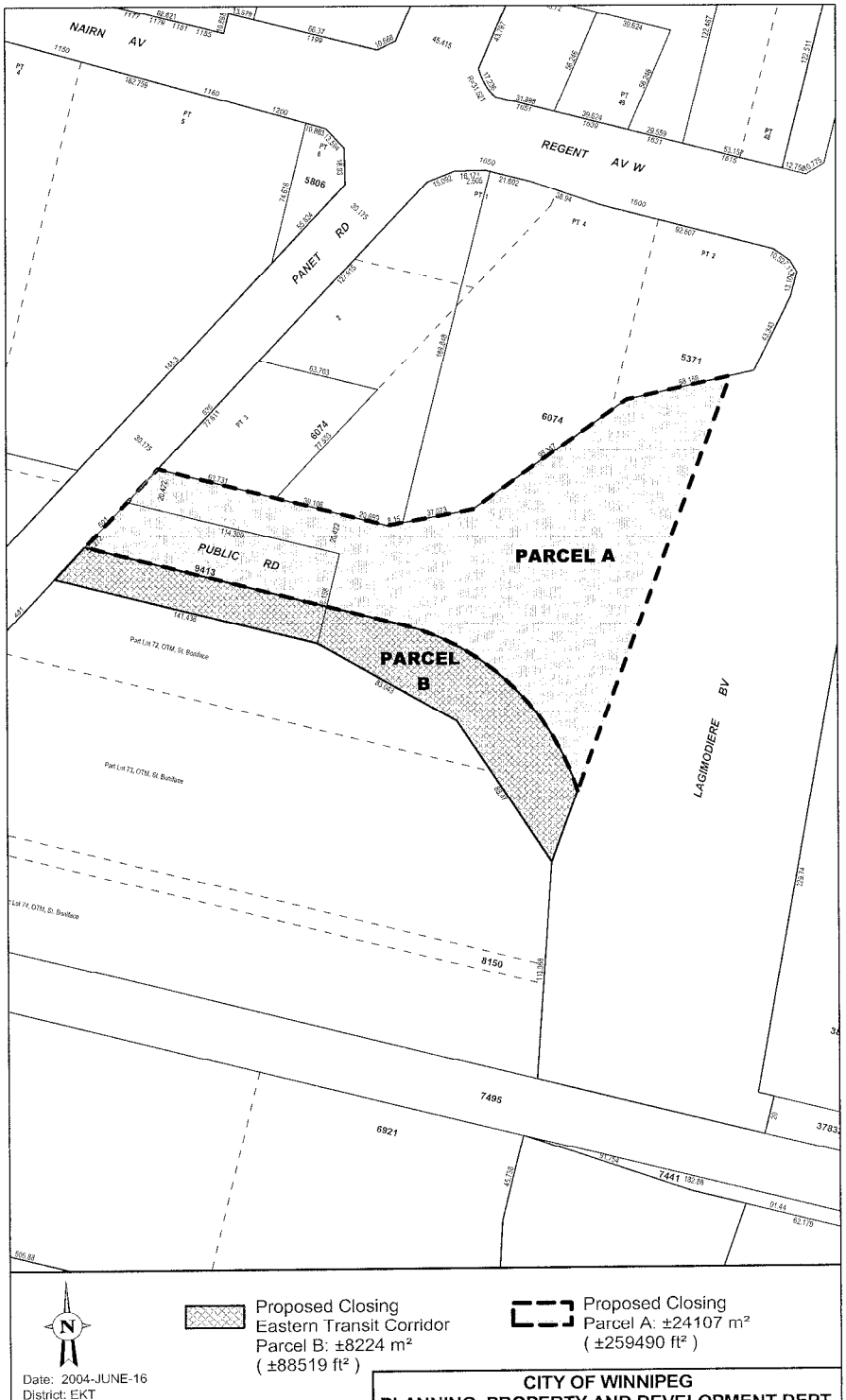
NAIRN AV
REGENT AV W
PANET RD
PUBLIC RD
9413
PARCEL A
PARCEL B
LAGIMODIERE BV
5806
6074
5371
8150
7495
6921
7441
Part Lot 72, OTM, St. Boniface
Part Lot 73, OTM, St. Boniface
Lot 74, OTM, St. Boniface
N
Proposed Closing
Eastern Transit Corridor
Parcel B: ±8224 m²
(±88519 ft²)
Proposed Closing
Parcel A: ±24107 m²
(±259490 ft²)
Date: 2004-JUNE-16
District: EKT
CITY OF WINNIPEG