Minute No. 198
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 14 Extension of Emes Road West of McPhillips Street (Old Kildonan Ward)

COUNCIL DECISION:

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

1. That the Government Road Allowance between McPhillips Street and Garden View Drive, as shown on Misc. Plan No. 14941 attached hereto as Schedule "A", be named "Emes Road" pursuant to Section 3(4) of the Street Names By-law No. 115/2011.

2. That the portion of Public Road, Plan 43911 WLTO on the west side of McPhillips Street at the City Limits, as shown on Misc. Plan No. 14941 attached hereto as Schedule "A", be renamed "Emes Road" pursuant to Section 3(4) of the Street Names By-law No. 115/2011.

3. 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 naming and street name change in accordance with Misc. Plan No. 14941.

4. That Council authorize JMT Holdings Inc. (the "Proponent") to extend Emes Road westerly from its existing terminus at Second Street to Garden View Drive and to construct all related works, subject to the following:

    A. That the City of Winnipeg (the "City") enter into a Maintenance Agreement with the Rural Municipality of West St. Paul (the "RM") for the future maintenance of Emes Road on such terms and conditions as determined by the Director of Public Works and approved by Council; and

    B. That the Proponent be required to enter into an Agreement for Servicing with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 6, 2016 and attached hereto as Schedule "B" and such other terms and conditions as approved by the Chief Administrative Officer.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

COUNCIL DECISION (continued):

5. That the Chief Administrative Officer be authorized to finalize and approve the terms of the Agreement for Servicing in accordance with terms and conditions set out in this report, and such other terms and conditions deemed necessary and appropriate by the Director of Public Works and/or the Director of Legal Services and City Solicitor to protect the interests of the City.

6. 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, Heritage and Downtown Development – February 16, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF EMES ROAD WEST OF MCPHILLIPS STREET**

Critical Path: **STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT - EXECUTIVE POLICY COMMITTEE - COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That the Government Road Allowance between McPhillips Street and Garden View Drive, as shown on Misc. Plan No. 14941 attached hereto as Schedule “A”, be named “Emes Road” pursuant to Section 3(4) of the Street Names By-law No. 115/2011.

2. That the portion of Public Road, Plan 43911 WLTO on the west side of McPhillips Street at the City Limits, as shown on Misc. Plan No. 14941 attached hereto as Schedule “A”, be renamed “Emes Road” pursuant to Section 3(4) of the Street Names By-law No. 115/2011.

3. 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 naming and street name change in accordance with Misc. Plan No. 14941.

4. That Council authorize JMT Holdings Inc. (the “Proponent”) to extend Emes Road westerly from its existing terminus at Second Street to Garden View Drive and to construct all related works, subject to the following:

    A. That the City of Winnipeg (the “City”) enter into a Maintenance Agreement with the Rural Municipality of West St. Paul (the “RM”) for the future maintenance of Emes Road on such terms and conditions as determined by the Director of Public Works and approved by Council; and

    B. That the Proponent be required to enter into an Agreement for Servicing with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 6, 2016 and attached hereto as Schedule “B”

and such other terms and conditions as approved by the Chief Administrative Officer.

5. That the Chief Administrative Officer be authorized to finalize and approve the terms of the Agreement for Servicing in accordance with terms and conditions set out in this report, and such other terms and conditions deemed necessary and appropriate by the Director of Public Works and/or the Director of Legal Services and City Solicitor to protect the interests of the City.

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

REASON FOR THE REPORT

Council approval is required for:

(i) the naming of the Government Road Allowance and renaming of a portion of Public Road, Plan 43911 WLTO as “Emes Road”, as shown on Miscellaneous Plan No. 14941;

(ii) the City to enter into an Agreement for Servicing with the Proponent; and

(iii) the Proponent to extend Emes Road and construct all related works.

EXECUTIVE SUMMARY

The Government Road Allowance at the northern limit of the City, between McPhillips Street and Garden View Drive, is commonly known as Emes Road. The Proponent has requested permission to extend the portion of Emes Road westerly within the existing Government Road Allowance from Second Street to Garden View Drive in order to access their new proposed concrete batch plant and vacant development lands located in the adjacent RM.

The Winnipeg Public Service recommends that, subject to the City entering into a Maintenance Agreement with the RM, Council rename a portion of Public Road, Plan 43911 WLTO and name the Government Road Allowance as “Emes Road” and that the Proponent be required to enter into an Agreement for Servicing with the City pursuant to Section 211 of the City of Winnipeg Charter to enable the Proponent to extend Emes Road and construct all related works at no cost to the City, and to the satisfaction of the City.

IMPLICATIONS OF THE RECOMMENDATIONS

The portion of Public Road, Plan 43911 WLTO and the Government Road Allowance will be formally named Emes Road, the request of the Proponent to extend Emes Road from Second Street to Garden View Drive will be approved, and servicing conditions will be attached to such approval.

HISTORY

The Proponent owns the land to the north of the proposed extension of Emes Road, west of Second Street, located within the boundaries of the RM. See Schedule “C” map attached.
In the preceding year, the Proponent has successfully achieved Planning, Environmental and By-law approval from the Red River Planning District, the Province of Manitoba and the Rural Municipality of West St. Paul to construct a concrete batch plant on their lands within the RM. They are requesting that the City permit them to extend Emes Road west from Second Street to Garden View Drive, which will provide access to their proposed plant and will also open up their land for future industrial development. See Schedule “D” request letter attached.

AGREEMENT FOR SERVICING

To achieve this, it is recommended that the Proponent be required to enter into an Agreement for Servicing with the City under Section 211 of the City of Winnipeg Charter, which permits the City to enter into agreements with any person to provide services in the City. The recommended terms of such Agreement for Servicing are outlined in the report of the Administrative Coordinating Group dated January 6, 2016. See Schedule “B” report attached.

Emes Road, from McPhillips Street to Second Street, exists as a rural cross-section gravel/oiled surface roadway. The road is not developed from Second Street to Garden View Drive. A Traffic Impact Study is recommended to determine any required intersection improvements at the intersection of McPhillips Street at Emes Road and Garden View Drive at Emes Road, and/or improvements as determined by and to the satisfaction of the Director of Public Works.

Under the proposed Agreement for Servicing, the proponent would be responsible for all costs associated with extending Emes Road, including any required modifications at the intersections of Emes Road with McPhillips Street and Garden View Drive and all associated works, including engineering services.

MAINTENANCE AGREEMENT

Historically, the RM has borne the costs of maintaining that portion of Emes Road from McPhillips Street to Second Street. The RM has verbally acknowledged that they are amenable to entering into a Maintenance Agreement with the City to formalize their existing and future roadway maintenance responsibilities with respect to Emes Road. This arrangement is of mutual benefit to the City and the RM in that the City will not be responsible for the costs associated with maintaining Emes Road, which exists almost wholly for the direct benefit of the RM, and the RM will maintain Emes Road to a standard satisfactory to its users and to the City.

STREET NAMING

Public Road, Plan 43911 on the west side of McPhillips Street at the City Limit was registered in the Winnipeg Land Titles Office (WLTO) in May 2005 and provides a 21m x 22m corner rounding at this location. The Government Road Allowance between McPhillips Street and Garden View Drive was created by the Dominion Government Survey in 1877. The portion between McPhillips Street and Second Street (in the RM) is developed while the balance to Garden View Drive is not. Therefore, in conjunction with this report, the Director of Legal Services and City Solicitor will make a direct reference to Council to adopt a Street Naming By-law to formally name Emes Road pursuant to Section 3(4) of the Street Names By-law.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 20, 2016

Project Name:

PROPOSED SERVICING
EMES ROAD WEST OF MCPHILLIPS STREET - PPD FILE NO. 900-1050

First Year of Program **2016**

	2016	2017	2018	2019	2020
Capital					
Capital Expenditures Required		$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs		-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	2,650	-	-	-	-
Net Cost/(Benefit)	$ (2,650)	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	(2,650)	-	-	-	-
Net Budget Adjustment Required		$ -	$ -	$ -	$ -

Additional Comments: Revenues consist of legal and servicing agreement admin fees totaling $2,650 to be paid by the developer. All costs are the responsibility of the developer.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Public Works
Legal Services
Rural Municipality of West St. Paul

OURWINNIPEG POLICY ALIGNMENT

01-1C Capital Region

Key Direction
Acknowledging that mutual success will come from thinking and acting as a region, the City of Winnipeg will collaborate with the municipalities comprising the Capital Region to plan for a sustainable, vibrant and growing region.

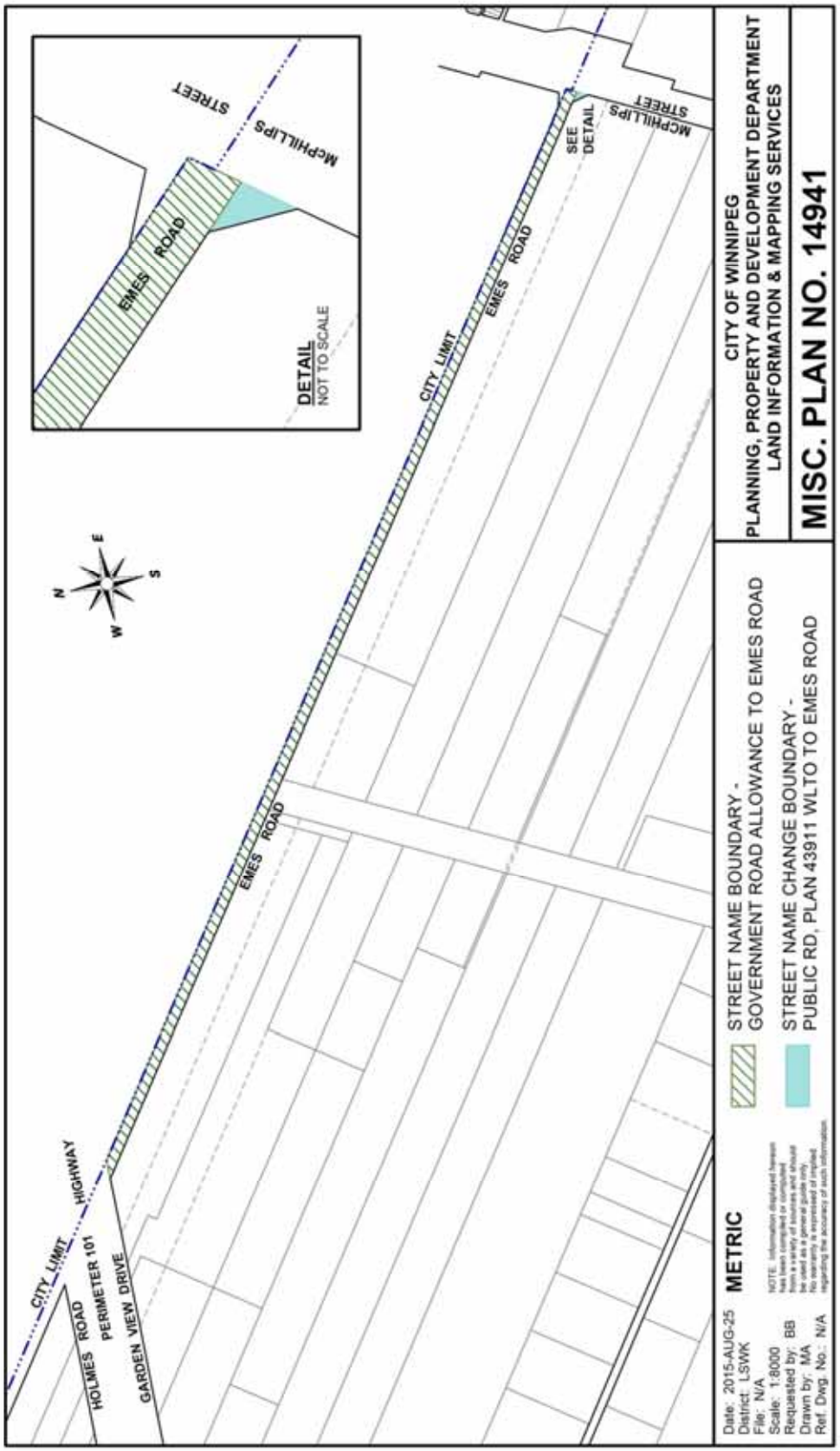
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	K.T. Raban, P.Eng and R.R. Deighton, P.Eng., Land Development Branch
Date:	February 2, 2016
File No.	PPD 900-1050

Attachments:

Schedule A - Miscellaneous Plan No. 14941 (Emes Road – Proposed Extension)
Schedule B - Report of the Administrative Coordinating Group
Schedule C - Aerial View of Proponents Lands
Schedule D- JMT Holdings Inc. – Letter Request

SCHEDULE A - Miscellaneous Plan No. 14941 (Emes Road – Proposed Extension)



SCHEDULE B – Report of the Administrative Coordinating Group

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – JANUARY 6, 2016

RE: PROPOSED AGREEMENT FOR SERVICING – EMES ROAD WEST OF MCPHILLIPS STREET

It is recommended that the approval of this request, if granted, be subject to the Developer entering into an Agreement for Servicing addressing the following items:

A. Engineering Report

1. The Developer shall submit a Traffic Impact Study to evaluate the truck and general traffic impact on McPhillips Street at the intersection of McPhillips Street and Emes Road, the existing and future Emes Road including the intersection of the future Emes Road at Garden View Drive, all to the satisfaction of the Director of Public Works.

   The Traffic Impact Study shall recommend road improvements that are needed as a consequence of proposed developments in the RM both east and west of McPhillips Street.

B. Servicing Conditions and Payments

SECTION I – SERVICES

1. Emes Road Construction – Second Street to Garden View Drive

   The Developer shall, at no expense to the City, construct a gravel surfaced roadway and all related works including but not limited to street lighting, as determined by and to the satisfaction of the Director of Public Works.

2. Intersection Improvements

   The Developer shall, at no expense to the City, construct improvements at the intersection of Emes Road at McPhillips Street and Emes Road at Garden View Drive as indicated in the Traffic Impact Study or as required by the City of Winnipeg, all to the satisfaction of the Director of Public Works.

SECTION II – COSTS AND FEES

1. The Developer shall pay all of its and the City's costs, fees, and expenses incidental to the preparation of this Agreement and to the physical development of the Planned Area.

2. Professional Fees

   a. The Developer shall pay the full cost of all design services, including servicing reports, construction drawings and specifications, and grading plans and specifications, to be provided by a Consulting Engineer approved by the City, for the design of the municipal services and associated works required to serve the Planned Area;

   b. The Developer shall pay the full cost of construction supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering services related to the installation and acceptance of municipal services and all associated works to serve the Planned Area.

3. Letters of Credit

   The Developer shall, prior to the execution by the City, of the Agreement for Servicing, provide Letters of Credit in amounts acceptable to the Director of Public Works to guarantee performance of those works described in SECTION I above and for the provision of as-built drawings as described in item 2.b. above.

4. Administration Fee

   The Developer shall, prior to the execution by the City, of the Agreement for Servicing, pay to the City, to help defray the City's administration and related costs associated with the preparation and implementation of the Agreement for Servicing, a lump sum administration fee (minimum), as follows:

i.	Administration fee	$1,650.00
ii.	Legal Services (processing)	$1000.00
iii.	G.S.T. (5%)	$132.50
	TOTAL ……..	$2782.50

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. 900-1050

"original signed by R.Deighton on behalf of"

K.T. Raban, P. Eng.,
Land Development Branch, Planning, Property and Development Department

"original signed by C.Desjardine"

C. J. Desjardine, M.Sc.,P. Eng.
Public Works Department, Transportation Division

SCHEDULE C - Aerial View of Proponents Lands



SCHEDULE D - JMT Holdings Inc. – Letter Request

3000 Main Street
West St. Paul, MB R2V 4T2

Phone (204)-989-4700
Fax (204)-338-4774

JMT Holdings Inc.

January 15, 2015

City of Winnipeg
Property Planning and Development
3rd Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Marc Pittet
RE: Emes Rd. Extention

Marc:

Let me start off by thanking you for taking the time to call me in order to discuss our property on Emes Rd. and the circumstances surrounding its development.
As I had mentioned we own the property legally described as Lot 3 Plan 28571 Roll# 400570 as well as Lot 2 Block 2, Plan 28571 WLTO in OTM Lots 1 and 2, both in the R. M. of West St. Paul.

You may or may not know that our parent company J.C. Paving Ltd. is a road and general contractor and we have been doing work for the City of Winnipeg since 1977. We feel that the next logical step in our vertical integration plan is to set up a concrete batch plant in order to become more efficient and even more competitive. We already have the proper zoning and environmental license to set this up on the first property described above.

In order to properly utilize the property we would need to improve access by extending Emes Rd. along the existing road allowance. The granular portion currently ends at Second St. which is adjacent to our east property line. This road has been extended in the past with permission from the City of Winnipeg by other property owners east of us along Emes Rd. We propose to extend the granular road from Second St. going west all the way along our properties to Garden View Dr. Not only would this allow us to improve access to our plant it would also allow for the subdivision of our second property described above into much needed industrial lots. This extended roadway would also provide a lacking secondary access to the business park while allowing and facilitating our expansion. We would at this time respectfully request permission to continue the extension of Emes Rd. which lies within the City of Winnipeg going west to Garden View Dr.

Once again we thank you for your assistance in this matter and look forward to your earliest response. I will make myself available at any time as this is extremely time sensitive as the construction season is fast approaching.

Sincerely,

Tony Teixeira
Vice President