Minute No. 627
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 11, 2016

Item No. 1 **Closing of part of Chief Peguis Trail and Opening of Public Lane, both adjoining No. 1513 Rothesay Street (North Kildonan Ward) File DAOC 2/2016**

COUNCIL DECISION:

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

1. That subject to recommendation 2, the proposed street closing and public lane opening as shown on Misc. Plan No. 13865/5 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

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. 13865/5, subject to the approval of the conveyance of the land by Council or its delegated authority.

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

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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 October 19, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 11, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 20, 2016, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2016
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	September 20, 2016 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Closing of part of Chief Peguis Trail and Opening of Public Lane, both adjoining No. 1513 Rothesay Street
Exhibits Filed:	1. Report from the Real Property Officer dated August 29, 2016 2. Inspection Report

REPRESENTATIONS:

In Support:
Nil

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF CHIEF PEGUIS TRAIL AND OPENING OF THE PUBLIC LANE, BOTH ADJOINING NO. 1513 ROTHESAY STREET – FILE DAOC 2/2016**

Critical Path: **EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE – 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	N/A	N/A

RECOMMENDATIONS

1. Subject to recommendation 2, that the proposed street closing and public lane opening as shown on Misc. Plan No. 13865/5 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

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. 13865/5, subject to the approval of the conveyance of the land by Council or its delegated authority.

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 openings and closings require Council approval.

As per Section 3.1(i) of the City Organization By-law, only Council can declare City-owned property as surplus.

EXECUTIVE SUMMARY

The subject opening and closing originally formed part of the Chief Peguis Trail Rehabilitation project. Property required for the public lane opening was identified as part of the land assembly requirement. The closing portion was identified as surplus right of way available for land exchange purposes.

IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs associated with the street closing and public lane opening are the responsibility of the Public Works Department and are within the approved current and/or capital budget and considered immaterial in nature

HISTORY

On May 27, 2009, Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works, as amended by the Executive Policy Committee, and approved the Chief Peguis Trail Extension Project Conceptual Design. One of the recommendations pertained to intersection improvements, roadway realignments and closures as identified in Discussion Section B of the Report of the Winnipeg Public Service dated April 23, 2009.

On March 25, 2015, Council concurred in the recommendation of the Standing Policy Committee on Property and Development dated March 10, 2015 and approved the opening and rededication of Chief Peguis Trail and various streets required to complete the project.

Discussion

The Planning, Property and Development Department is proceeding with an application on behalf of the Public Works Department to open the public lane and close the portion of Chief Peguis Trail so identified on the attached copy of Misc. Plan No. 13865/5. The opening and closing are required in order to facilitate the alignment and new right of way boundaries created as a result of the Chief Peguis Trail extension. The roadway has been in use as a public right of way since December of 2011.

The lane opening was originally identified as one of the land assembly requirements for the project. It serves as a turnaround for refuse and recycling vehicles. The closing portion was identified as surplus right of way available for land exchange purposes with the owner of No. 1513 Rothesay Street. The exchange agreement was never completed. The Real Estate Division has resumed discussions with the property owner to finalize the land transaction.

The proposed closing originally comprised Public Lane, Plan 9133 WLTO and was rededicated as Chief Peguis Trail by Plan No. 59388 WLTO in May of 2016. Improvements have been completed. Concrete pavement has been constructed within the opening area. The closing area has been fenced and is presently being used by the owner of No. 1513 Rothesay Street as part of the property holding.
It is now in order to proceed with the legal opening/closing. Document and plan registration in the Winnipeg Land Titles Office will occur subsequent to the completion of the land exchange agreement.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

MTS Inc., Shaw Cablesystems, Bell Canada and TeraSpan.

Manitoba Hydro, Centra Gas, Imperial Oil, Fiber, Rogers Communications, Telus and Norscan did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject opening and closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Services
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	August 29, 2016
File No.	DAOC 2/2016

Attachments

Appendix “A” - Administrative Approval
Appendix “B” - Misc. Plan and Aerial View

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V:\development applications\daoc\dev application2016\daoc2_2016\final_report\daoc2.16rpt

APPENDIX "A"

Administrative Approval

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

Easements

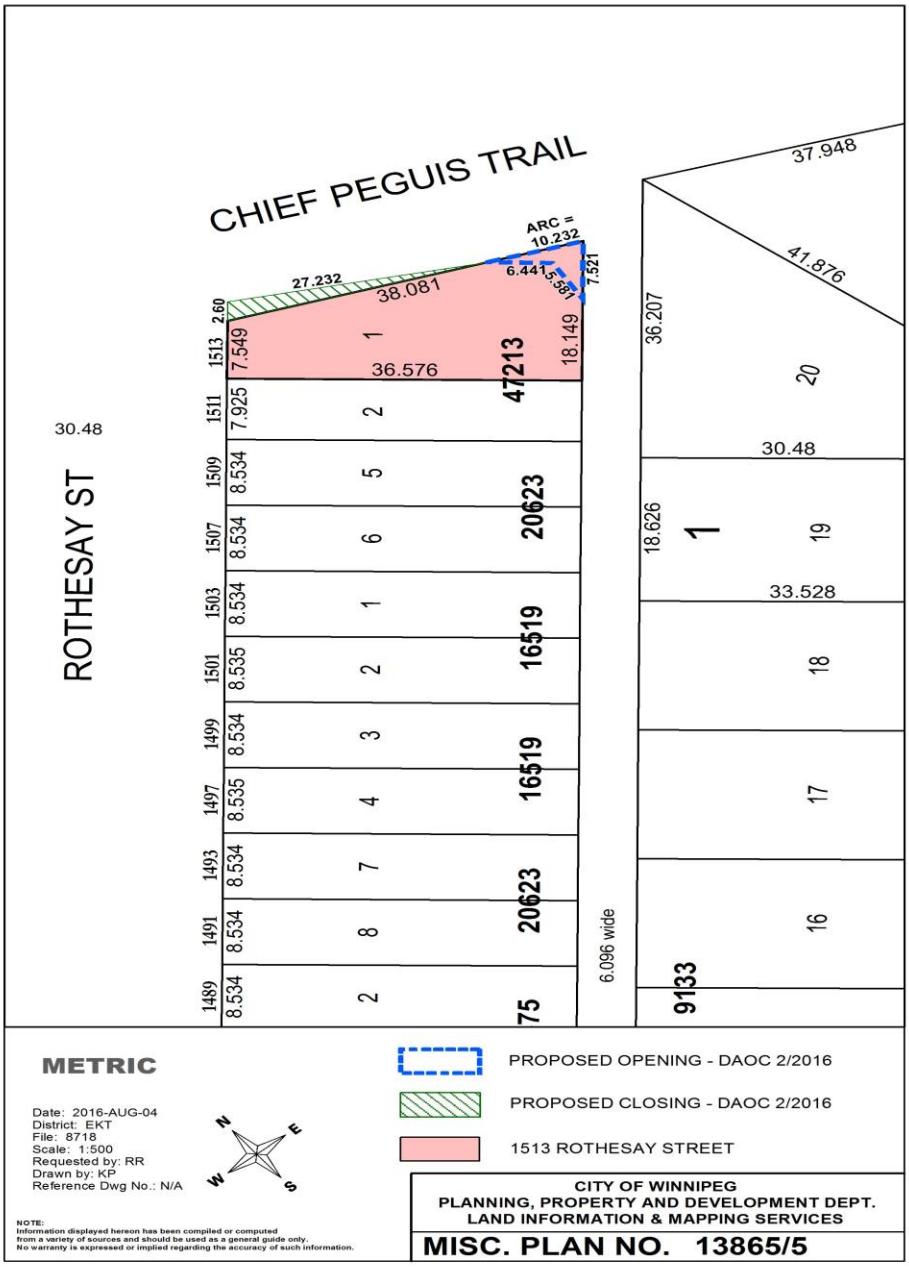
There are no services within the closing area. No easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold or transferred. 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. The City is not entitled to dispose of the land until this has been done.

APPENDIX "B"

Miscellaneous Plan 13865/5



Aerial View:


CHIEF PEGUIS TRAIL
ROTHESAY ST
Proposed Closing
Proposed Opening
N
47213
20623
16519
21005