Minute No. 389
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 1 **Closing – Parts of Blocks bounded by Derek Street, Hurst Way, Asquith and Edderton Avenues - Bus Rapid Transit Phase 2 (River Heights – Fort Garry Ward) File DAC 1/2016**

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. Subject to Recommendation 3, that the proposed public street and lane closings as shown on Misc. Plan Nos. 15010/2, 15011/1, 15045/2, 15046/1 and 15047/2 be approved and that the following land be declared surplus to the City's needs:

    A. Parcels "B", "D", "F", "H" and "J" as shown on Misc. Plan No. 15011/1

    B. Parcels "B", "C", "D", "F", "G", "H", "J", "K", "M", "N", "P" and "Q" as shown on Misc. Plan No. 15045/2

    C. Parcels "A", "B", "D", "E", "F", "G" and "H" as shown on Misc. Plan No. 15046/1, and

    D. Parcels "A", "C", "E", "F", "H", "J", "L", "M", "P", "Q" and "S" as shown on Misc. Plan No. 15047/2.

2. That Parcel "D", Plan 30576 WLTO as shown adjacent to Parcel "E" on Misc. Plan No. 15047/2 be declared surplus to the City's needs.

3. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the public street and lane closings in accordance with Misc. Plan Nos. 15010/2, 15011/1, 15045/2, 15046/1 and 15047/2 (attached as Appendix "B"), subject to:

    A. The approval of the conveyance of the surplus parcels by Council or its delegated authority.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

COUNCIL DECISION (continued):

B. The proponent acquiring the surplus parcels entering into a Purchase and Sales Agreement with the City, which agreement shall include, among other things, a requirement that the proponent fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

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, Heritage and Downtown Development – May 9, 2017

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 May 17, 2017, 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 May 9, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 13, 2017, the City Centre 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:	DAC 1/2016
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Gilroy Councillor Orlikow
Public Hearing:	April 13, 2017 Council Building, 510 Main Street
Applicant:	City of Winnipeg Transit (Scott Payne)
Premises Affected:	Parts of Various Streets and Lanes in the Blocks Bounded by Derek Street, Hurst Way, Asquith and Edderton Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated March 17, 2017 2. Inspection Report

REPRESENTATIONS:

In Support:

Jesse Crowder
Dave Krahn
Scott Payne

In Opposition:

Nil

For Information:

Nil

For the City:

B. Buyachok, Real Property Officer, Planning, Property and Development Department
M. Robinson, Senior Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PARTS OF VARIOUS STREETS AND LANES IN THE BLOCKS BOUNDED BY DEREK STREET, HURST WAY, ASQUITH AND EDDERTON AVENUES: BUS RAPID TRANSIT PHASE 2 – FILE DAC 1/2016**

Critical Path: **CITY CENTRE COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

Phase 2 of the Bus Rapid Transit Project will connect the existing Stage 1 Jubilee Avenue corridor terminus to Investor's Group Field at the University of Manitoba. Subsequent to an alignment study in 2012, Council approved an alignment for Phase 2 of the Project through the Parker Lands and along Manitoba Hydro and CNR Letellier Subdivision corridors south of Chevrier Boulevard.

The subject street and lane closings are required to accommodate the Phase 2 alignment. Portions of the closed streets and lanes will be used exclusively for the transitway and related projects such as park/kiss and ride staging areas and active transportation paths. Portions of the closed rights of way will also be offered for sale to Manitoba Hydro to offset the acquisition costs of Hydro transmission corridor land required for the Phase 2 alignment.

In order for the streets and lanes to be either used exclusively by the City or sold, they must first be legally closed. The streets and lanes to be sold must also be declared surplus to the City's needs.

RECOMMENDATIONS

1. Subject to Recommendation 3, that the proposed public street and lane closings as shown on Misc. Plan Nos. 15010/2, 15011/1, 15045/2, 15046/1 and 15047/2 be approved and that the following land be declared surplus to the City's needs:

i. Parcels “B”, “D”, “F”, “H” and “J” as shown on Misc. Plan No. 15011/1,
ii. Parcels “B”, “C”, “D”, “F”, “G”, “H”, “J”, “K”, “M”, “N”, “P” and “Q” as shown on Misc. Plan No. 15045/2,
iii. Parcels “A”, “B”, “D”, “E”, “F”, “G” and “H” as shown on Misc. Plan No. 15046/1, and
iv. Parcels “A”, “C”, “E”, “F”, “H”, “J”, “L”, “M”, “P”, “Q” and “S” as shown on Misc. Plan No. 15047/2.

2. That Parcel “D”, Plan 30576 WLTO as shown adjacent to Parcel “E” on Misc. Plan No. 15047/2 be declared surplus to the City’s needs.

3. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the public street and lane closings in accordance with Misc. Plan Nos. 15010/2, 15011/1, 15045/2, 15046/1 and 15047/2 (attached as Appendix “B”), subject to:

   A. The approval of the conveyance of the surplus parcels by Council or its delegated authority, and

   B. The proponent acquiring the surplus parcels entering into a Purchase and Sales Agreement with the City, which agreement shall include, among other things, a requirement that the proponent fulfill the administrative conditions of approval outlined in Appendix “A” of this report.

4. 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

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

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

IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs associated with the public street and lane closings are the responsibility of the Transit Department and are within the approved current and/or capital budget and considered immaterial in nature.

HISTORY/DISCUSSION

On November 16, 2011, Council adopted the Transportation Master Plan which includes the provision of five new transit corridors, the first being the Southwest Corridor.

On March 20, 2012, Council approved an amendment to the Transportation Master plan which identifies the present alignment, through the Parker Lands area and the Manitoba Hydro Corridor, as the preferred alignment.

On June 25, 2014, Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works that the 2014 Capital Budget be amended by combining the "Pembina Highway Underpass Project", the "Southwest Rapid Transit Corridor – Stage 2 Project" and associated land drainage infrastructure and that the combined project be renamed and approved as a 2014 Capital Project.

On June 15, 2016, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the City enter into a Purchase and Sales Agreement for the acquisition of a portion of the Manitoba Hydro transmission corridor for the Southwest Rapid Tranistway Stage 2 Project. Council further concurred in the recommendation that the Chief Administrative Officer be delegated the authority to negotiate the sale price of the streets identified as "City Street ROW for Manitoba Hydro" on the map attached in Appendix "B", subject to Council closing the streets and declaring the lands surplus to the City's needs, in order to reduce the purchase price of the acquired Hydro corridor land.

Discussion

The Planning, Property and Development Department is proceeding with an application on behalf of the Transit Department to close various streets and lanes in the "Parker Lands Area" so identified on the attached copies of Misc. Plan Nos. 15010/2, 15011/1, 15045/2, 15046/1 and 15047/2. The closings are required as part of the Bus Rapid Transit Phase 2 Project which is to connect the existing Stage 1 Jubilee Avenue corridor terminus to Investor's Group Field at the University of Manitoba, increasing the length of the transitway from 3.6 km to 11.2 km.

The Transitway, with a further access point at Markham Road, will allow rapid transit service to all neighbourhoods in southwest Winnipeg, including Fort Garry, Waverley Heights, Waverley West, Fort Richmond, Richmond West and St. Norbert. An additional connection to Hurst Way at the west end of the Parker Lands area will allow for the planning of future transit service connecting the Southwest Transitway to areas such as Lindenwoods, River Heights/Tuxedo and Charleswood.

The subject application is being processed in conjunction with additional closing applications DAC 2/2016 and DAC 6/2016 and opening/closing applications DAOC 1/2016 and DAOC 3/2016 required for this project.

The intended Departmental jurisdictions, usage and disposition of the closing areas is as follows:

Misc. Plan No. 15010/2

Parcel B:

- Transit, for the dedicated transitway corridor.

Parcel A:

- Water and Waste, for access to the Calrossie Retention Pond.

Parcel C:

- Water and Waste, as part of the Calrossie Retention Pond Project.

Property adjoining the closing area is owned by the City of Winnipeg.

The subject street was opened by Plan No. 1295 and registered in the Winnipeg Land Titles Office in October of 1907.

It is undeveloped land, consisting of scrub brush, open field and trees and appears to serve no public transportation purpose.

Misc. Plan No. 15011/1

Parcel G:

- Transit, for the dedicated transitway corridor.

Parcel C:

- Transit, as part of the transitway drop-off area.

Parcel A:

- Transit, for a bus only ingress/egress access road for circulation on to/off of the transitway corridor.

Parcel E:

- Water and Waste, for access to the Calrossie Retention Pond.

Parcels B, D & J:

- Planning, Property and Development, as residual land for a possible future sale.

Parcels F & H:

- Planning, Property and Development, as residual land for a possible future sale to Manitoba Hydro to offset acquisition costs of Hydro transmission corridor lands required for BRT.

Property south of Heatherdale Avenue adjoining Parcels A and B, (Blocks 44 and 47, Plan 276 WLTO) is owned by the City of Winnipeg. The balance of the land adjoining the closings is owned by Manitoba Hydro.

The subject streets and lanes north of the southern limit of the public lane north of Heatherdale Avenue were opened by Plan No. 1295 and registered in the Winnipeg Land Titles Office in October of 1907. The balance of the land is Old System.
All the closing areas are undeveloped land, consisting of scrub brush, open field and trees and appear to serve no public transportation purpose.

Misc. Plan No. 15045/2

Parcels A, E & L:

- Transit, for the dedicated transitway corridor.

Parcels C, G & J:

- Planning, Property and Development, as residual land for a possible future sale.

Parcels B, D, F, H, K, M, N, P & Q:

- Planning, Property and Development, as residual land for a possible future sale to Manitoba Hydro to offset acquisition costs of Hydro transmission corridor lands required for BRT.

- Note: Parcels D, K, M, N, P & Q are to form part of Brenda Leipsic Dog Park. The City will regularize the usage of this land for this specific purpose by way of a License Agreement with Manitoba Hydro.

At the request of the Public Works Department, the northerly 4.5m of Planet Street is being retained as legally opened public right of way for the future widening of Asquith Avenue.

Property south of Heatherdale Avenue adjoining Parcels B and C, (Block 53, Plan 276 WLTO) is owned by the City of Winnipeg. The balance of the land adjoining the closings is owned by Manitoba Hydro.

The subject streets and lanes north of the southern limit of the public lane north of Heatherdale Avenue were opened by Plan No. 1295 and registered in the Winnipeg Land Titles Office in October of 1907. The balance of the land is Old System.

All the closing areas are undeveloped land, consisting of scrub brush, open field and trees and appear to serve no public transportation purpose.

Misc. Plan No. 15046/1

Parcel C:

- Transit, for the dedicated transitway corridor.

Parcels A, B, D, E, F, G & H:

- Planning, Property and Development, as residual land for a possible future sale to Manitoba Hydro to offset acquisition costs of Hydro transmission corridor lands required for BRT.

- Note: Parcels A, D, E, F, G & H are to form part of Brenda Leipsic Dog Park. The City will regularize the usage of this land for this specific purpose by way of a License Agreement with Manitoba Hydro.

At the request of the Public Works Department, the northerly 4.5m of Hurst Way and Cooney Street are being retained as legally opened public rights of way for the future widening of Asquith Avenue.
Property south of Heatherdale Avenue adjoining Parcels B and C, (Lots 1 and 2, Block 47 and Lots 17 to 20, Block 56, Plan 276 WLTO) and west of Hurst Way adjoining Parcel A (Parcel C, Plan 30576 WLTO) is owned by the City of Winnipeg. The balance of the land adjoining the closings is owned by Manitoba Hydro.

The subject streets and lanes north of the southern limit of the public lane north of Heatherdale Avenue were opened by Plan No. 1295 and registered in the Winnipeg Land Titles Office in October of 1907. Portions of Hurst Way were subsequently widened by Plan No. 6875 WLTO in September of 1958. Hurst Way was originally designated as “Lottie Street” on these plans. City of Winnipeg By-law No. 6980/97 changed the name of this street to its present designation. The balance of the land is Old System.

Hurst Way, south of Asquith Avenue is a developed and paved right of way providing a connection to Parker Avenue. Its physical closure is to occur in conjunction with the development and physical opening of Asquith Avenue anticipated in 2018/2019. The balance of the street and lane closing area is undeveloped land, consisting of scrub brush, open field and trees and appears to serve no public transportation purpose.

Misc. Plan No. 15047/2

Parcels B, G, K, N & R:

- Transit, for the dedicated transitway corridor.

Parcels A, C, E, F, H, J, L, M, P, Q & S:

- Planning, Property and Development, as residual land for a possible future sale to Manitoba Hydro to offset acquisition costs of Hydro transmission corridor lands required for BRT.

- Note: Parcels E, F, J, M & Q are to form part of Brenda Leipsic Dog Park. The City will regularize the usage of this land for this specific purpose by way of a License Agreement with Manitoba Hydro.

Parcel D:

- Public Works, and is to form part of Brenda Leipsic Dog Park in conjunction with the above mentions Parcels.

At the request of the Public Works Department, the southerly 9.0m of Hurst Way is being retained as legally opened public right of way to accommodate a turnaround area at the terminus of Willson Place.

Property south of Heatherdale Avenue adjoining Parcels P, Q and R, (Lots 17 to 20, Block 56, Plan 276 WLTO) and Parcel D, Plan 30576 WLTO within the Hurst Way closing area is owned by the City of Winnipeg. The balance of the land adjoining the closings is owned by Manitoba Hydro.

The subject streets and lanes south of the northern limit of the public lane south of Parker Avenue were opened by Plan No. 1854 and registered in the Winnipeg Land Titles Office in October of 1912. Part of Edderton Avenue was opened by Plan No. 6206 WLTO in November of 1955. Portions of Hurst Way were subsequently widened by Plan No. 7018 WLTO in May of 1959. Hurst Way was originally designated as “Lottie Street” on these plans. City of Winnipeg By-law No. 6980/97 changed the name of this street to its present designation. The balance of the land is Old System.

Hurst Way, north of Parker Avenue and Parker east of Cooney Street are developed as paved rights of way. Their physical closure is to occur in conjunction with the development and physical opening of Asquith Avenue anticipated in 2018/2019. The balance of the street and lane closing area is undeveloped land, consisting of open field and appears to serve no public transportation purpose

CONSULTATION

This Report has been prepared in 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 Crown Utilities.

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

OURWINNIPEG POLICY ALIGNMENT

Sustainable Transportation is one of four strategies forming the basis of *OurWinnipeg*. Its emphasis is on moving people, goods and services in a way that is socially, environmentally and economically sustainable.

This strategy forms the policy framework for the *Transportation Master Plan,* the objective of which is to guide the planning, development and maintenance of a multimodal transportation system that will contribute to the sustainable development of the city and region. It also provides the direction to refine and prioritize specific major street system improvements and supporting policies. Relevant key strategic goals of *Sustainable Transportation* include a transportation system that is dynamically integrated with land use and which supports active, accessible and healthy lifestyle options while providing a safe, efficient and equitable transportation system for people, goods and services including infrastructure that is well maintained and financially sustainable.

As part of the Bus Rapid Transit Project, the subject closings align with the overall vision and direction of the *Transportation Master Plan.*

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: March 17, 2017
File No: DAC 1/2016

Attachments:

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plans and Aerial Views

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 1.16 RPT_Parker Lands

V:\development applications\daoc\dev application2016\dac1_2016\final_report\dac1.16rpt

APPENDIX "A"

Administrative Approval

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

Administrative Comments

Water and Waste Department

Development Services Branch

For the Parker Lands, a land use area planning process is ongoing. Water, wastewater and land drainage servicing design for the lands in the area of the subject DAC 1/2016 application are either under review or conceptual. Servicing plans may be better established when future proposals, such as the referenced possible land sales, are received.

Design and Construction, Asset Management and Wastewater Planning and Projects Delivery Branch

Misc. Plan No. 15046/1

Should Parcels "B" and "D" on Misc. Plan No. 15046/1 be sold, a blanket easement will be required for the full width of the proposed closing parcels. The easement should not prevent Water and Waste from any further additions of infrastructure or access to or within these parcels. Water and Waste will require the ability to deny any improvements within the closing area to protect existing infrastructure and any potential improvements and additions that may be required in the future.

The 750mm diameter Fort Garry – St. Vital Feedermain crosses the Heatherdale Avenue public right of way (Parcel "E"), the Pelley Avenue public right of way (Parcel "G") and the Public Lane rights of way (Parcels "F" and "H") in a north/south orientation. If these rights of way are closed and sold to Manitoba Hydro, easements will be required, and the Fort Garry – St. Vital Feedermain Easement Agreement with Manitoba Hydro will have to be amended.

Misc. Plan No. 15047/2

> The 1,650mm diameter Branch 2 Aqueduct and 750mm diameter Fort Garry – St. Vital Feedermain crosses the Edderton Avenue public right of way (Parcel "A") in a north/south orientation. If this right of way is closed and sold to Manitoba Hydro, easements will be required, and the Branch 2 Aqueduct and Fort Garry – St. Vital Feedermain Easement Agreements with Manitoba Hydro will have to be amended.
>
> The 750mm diameter Fort Garry – St. Vital Feedermain crosses the Rosemount Avenue public right of way (Parcel "J"), the Parker Avenue public right of way (Parcel "Q") and the Public Lane rights of way (Parcels "F" and "M") in a north/south orientation. If these rights of way are closed and sold to Manitoba Hydro, easements will be required, and the Fort Garry – St. Vital Feedermain Easement Agreements with Manitoba Hydro will have to be amended.

Easements

Manitoba Hydro, Centra Gas and Shaw Cablesystems have identified services (distribution, communications and transmission lines) within the closing areas. MTS Inc. has identified services within Parcel "A" on Misc. Plan No. 15046/1 and Parcels "E", "Q", "R" and "S" on Misc. Plan No. 15047/2. All utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

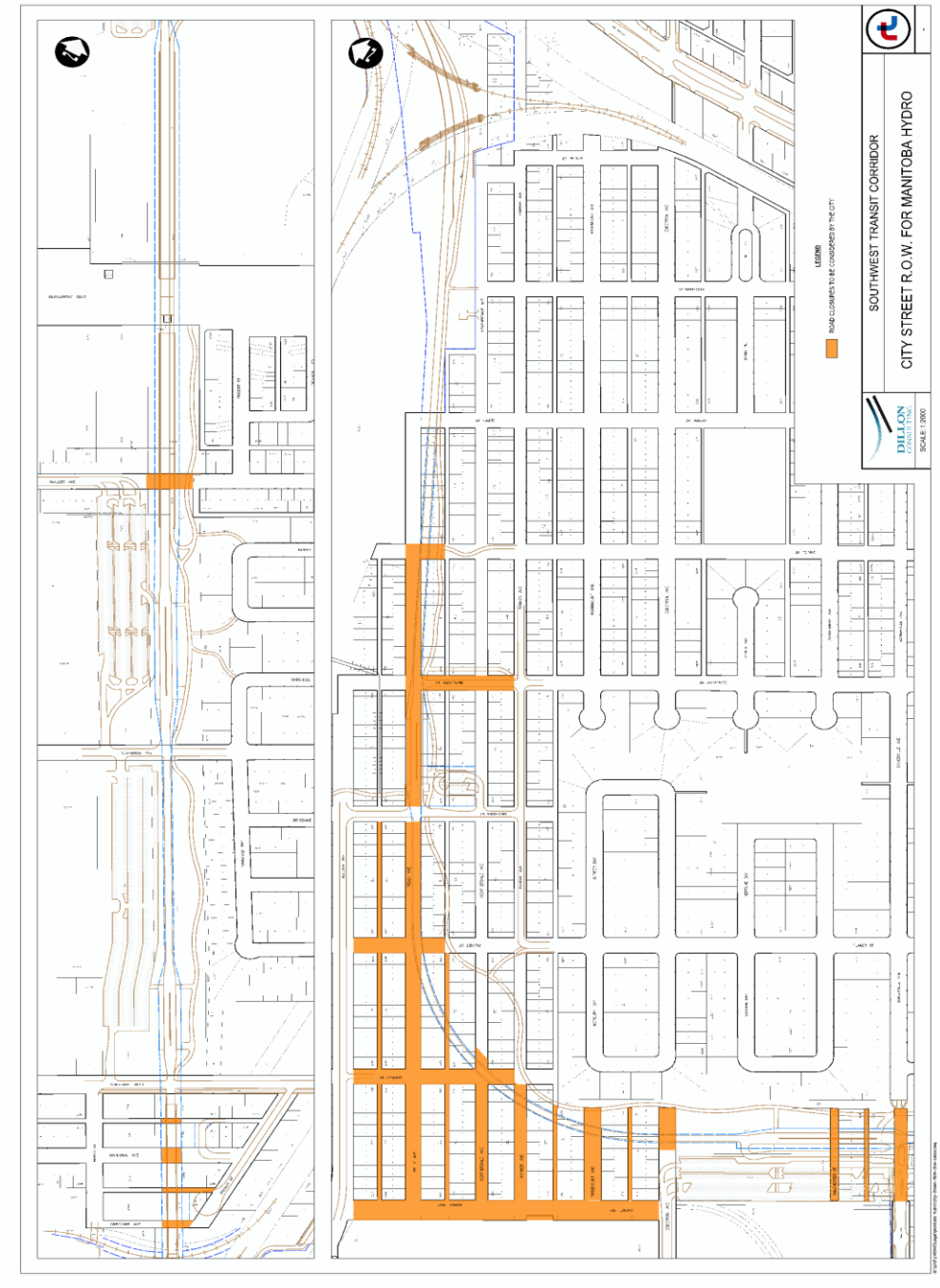
Any removal or relocation of existing facilities as a result of the proposed street and lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

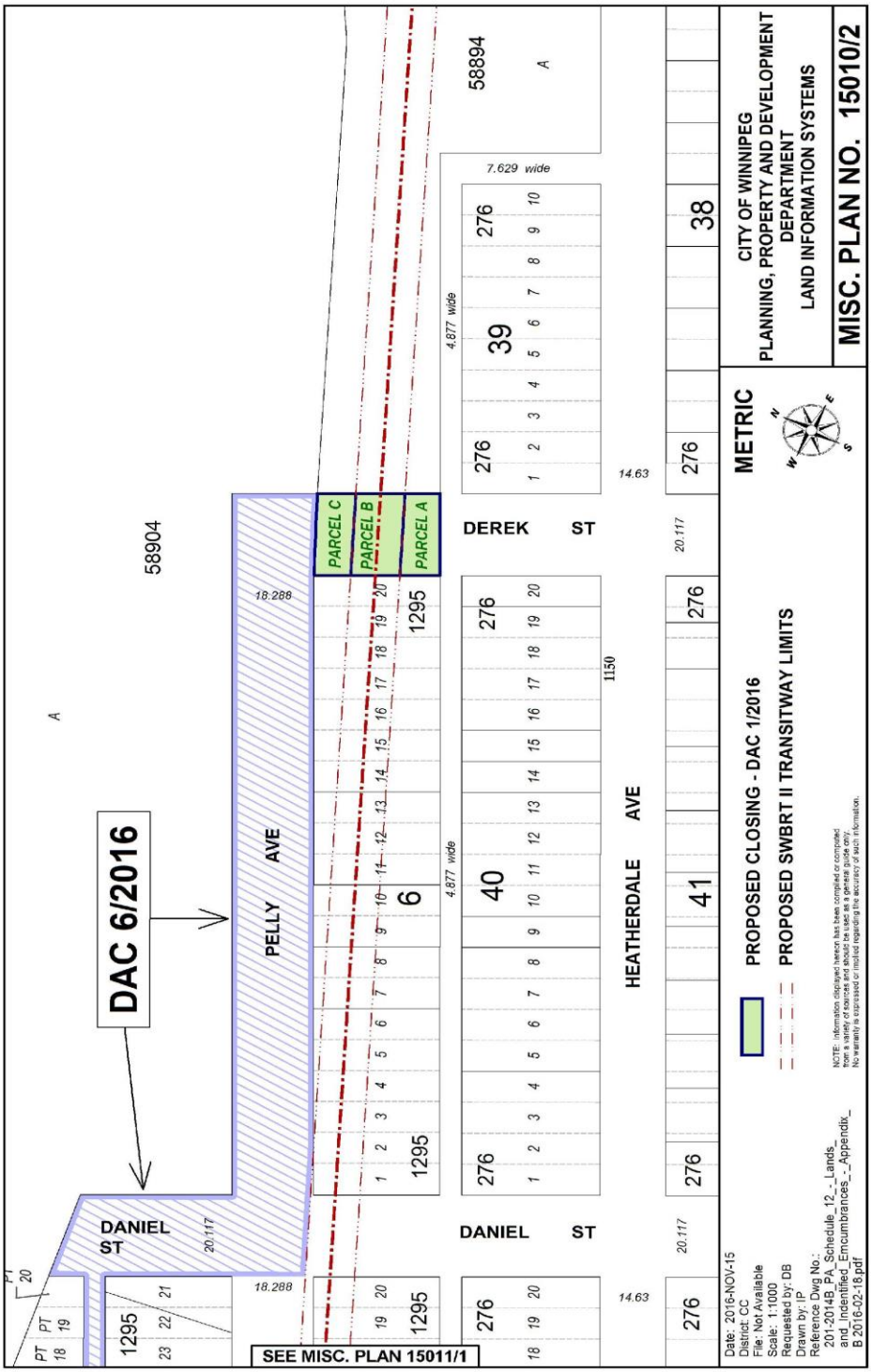
The streets and lanes must be legally closed before they may be either used exclusively by the City or sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status 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"

City Street ROW for Manitoba Hydro



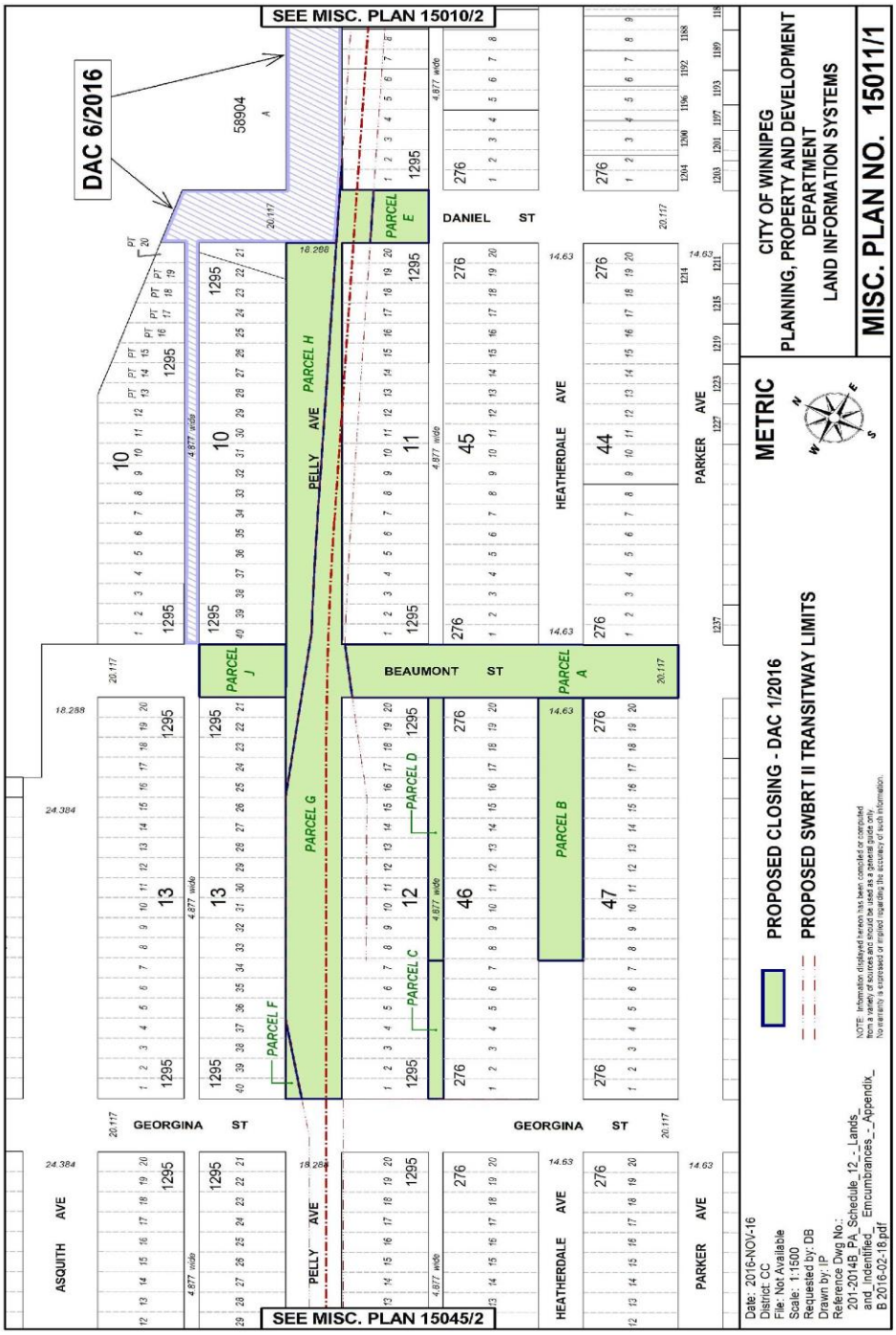
Miscellaneous Plan No. 15010/2



Aerial View of Subject Closing



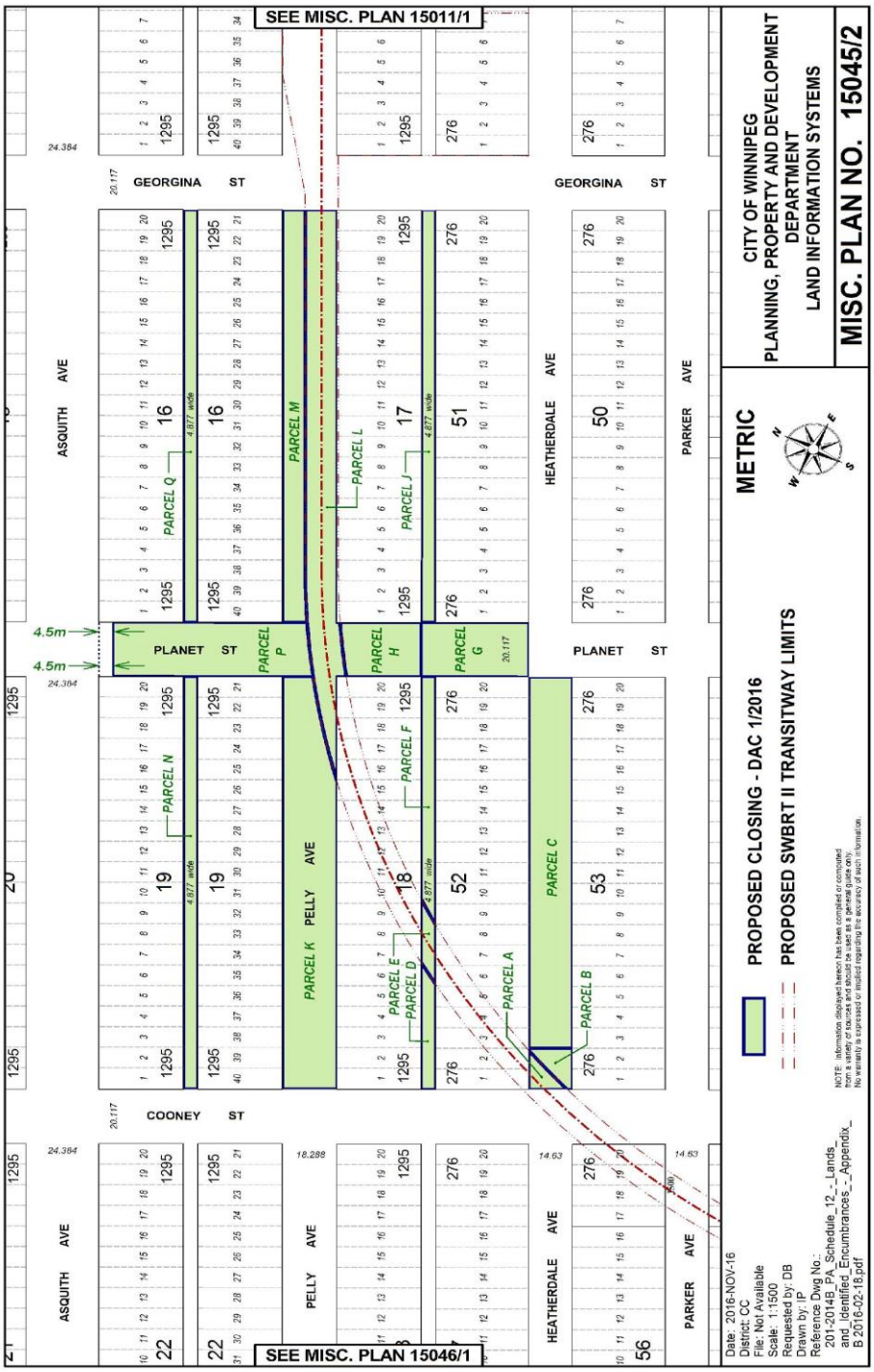
Miscellaneous Plan No. 15011/1



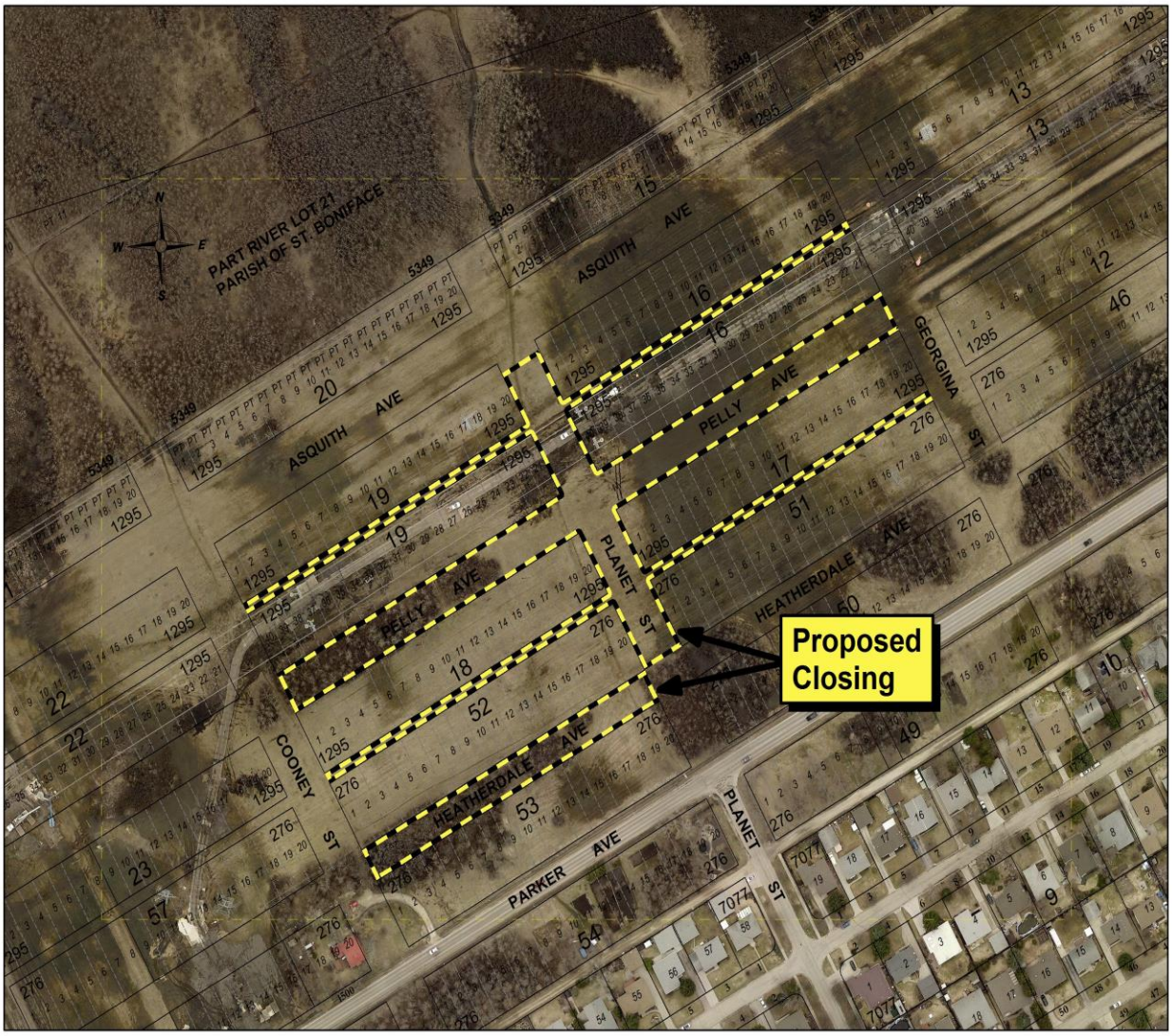
Aerial View of Subject Closing



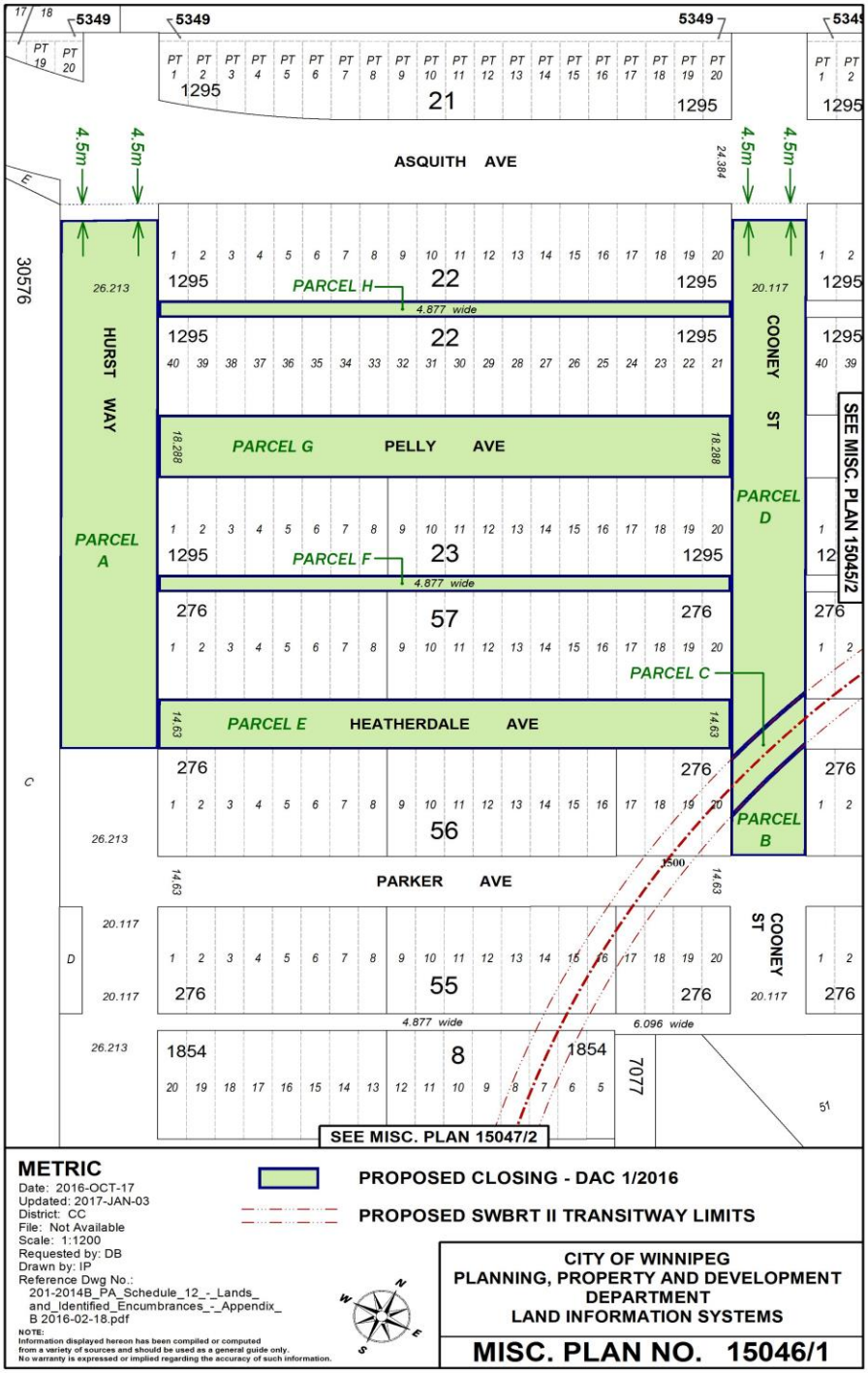
Miscellaneous Plan No. 15045/2



Aerial View of Subject Closing



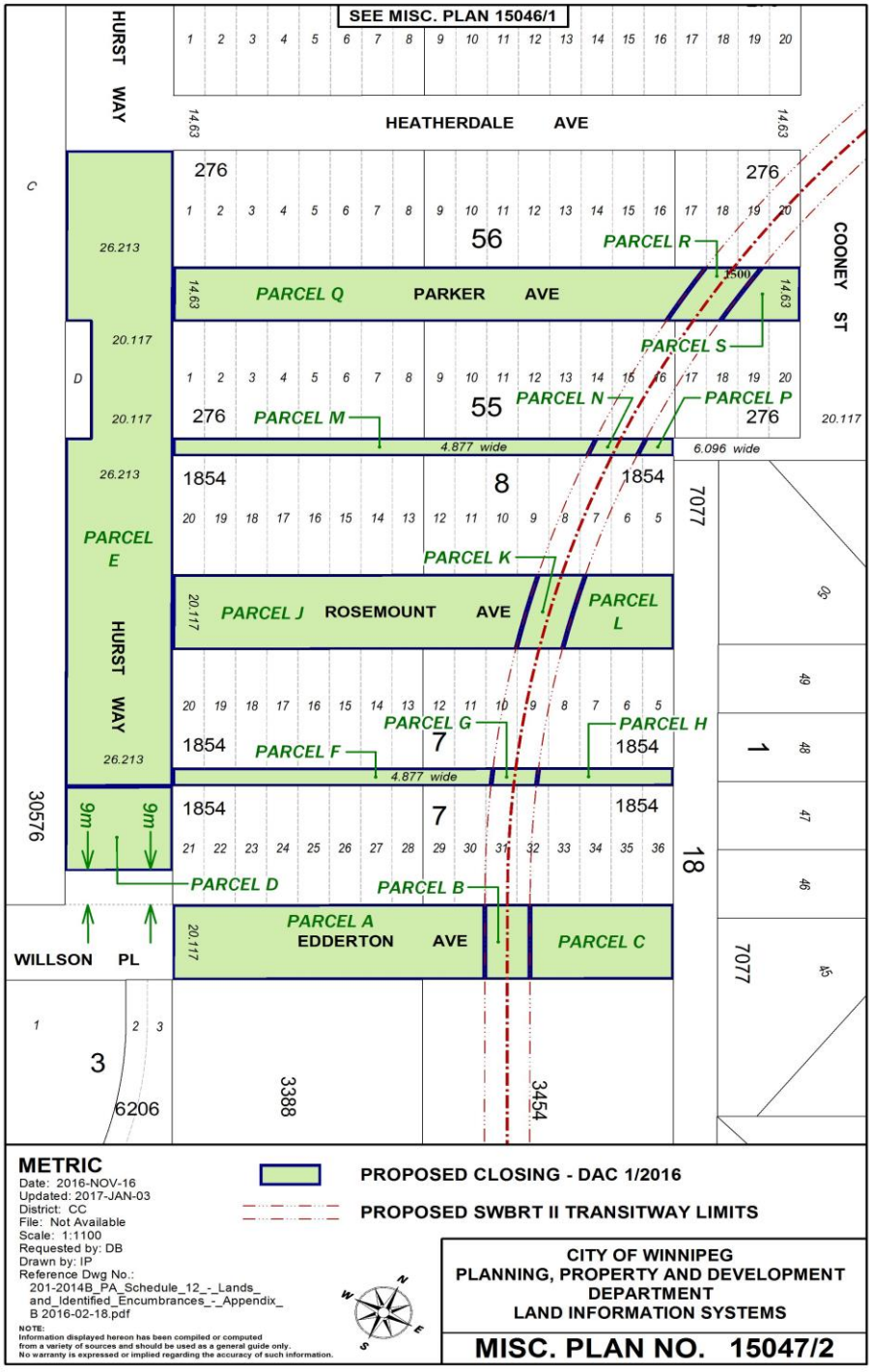
Miscellaneous Plan No. 15046/1



Aerial View of Subject Closing



Miscellaneous Plan No. 15047/2



Aerial View of Subject Closing

