Minute No. 390
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 2 **Closing – Part of Winchester Street, Somerville Avenue and the Public Lane East of Fennell Street and Part of Waller Avenue, East of Irene Street - Bus Rapid Transit Phase 2**
(River Heights – Fort Garry Ward)
File DAC 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 public street and lane closings as shown on Misc. Plan Nos. 15012 and 15013 be approved and that the following land be declared surplus to the City's needs:

   Parcels "D", "F", "G" and "J" as shown on Misc. Plan No. 15012.

2. 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. 15012 and 15013 (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.

3. 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 2/2016
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:	Part of Winchester Street, Somerville Avenue and the Public Lane East of Fennell Street and Part of Waller Avenue, East of Irene Street
Exhibits Filed:	1. Report from the Real Property Officer dated March 17, 2017 2. Inspection Report 3. Communication dated April 10, 2017, from Rose Kirouac in opposition to the application 4. Communication dated April 11, 2017, from Nancy Newall in opposition to the application 5. Communication dated April 13, 2017, from Trevor G. Sims in opposition to the application 6. Communication dated April 13, 2017, from Dan Prowse in opposition to the application

REPRESENTATIONS:

In Support:

Jesse Crowder
Dave Krahn
Scott Payne

In Opposition:

Rose Kirouac
Nancy Newall
Dan Prowse
Trevor G. Sims

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 2/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF WINCHESTER STREET, SOMERVILLE AVENUE AND THE PUBLIC LANE EAST OF FENNELL STREET AND PART OF WALLER AVENUE, EAST OF IRENE STREET: BUS RAPID TRANSIT PHASE 2 – FILE DAC 2/2016**

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 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 2, that the proposed public street and lane closings as shown on Misc. Plan Nos. 15012 and 15013 be approved and that the following land be declared surplus to the City's needs:

   Parcels "D", "F", "G" and "J" as shown on Misc. Plan No. 15012.

2. 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. 15012 and 15013 (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.

3. 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 part of Winchester Street, Somerville Avenue, the Public Lane and Waller Avenue so identified on the attached copies of Misc. Plan Nos. 15012 and 15013. 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 1/2016 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. 15012

Parcels B, E & H:

- Transit, for the dedicated transitway corridor.

Parcels D, F, G & J:

- 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.

Parcels A & C:

- Public Works, as residual property to accommodate the existing pathway at this location.

Property north and south of Winchester Street adjoining Parcels G, H & J, and north and south of Somerville Avenue adjoining Parcels A, B & C is owned by Manitoba Hydro. The balance of the land adjoining the closings to the east and west is owned by the City of Winnipeg.

Somerville Avenue, the Public Lane and the southerly 5.029m of Winchester Street were opened by Plan No. 1021 and registered in the Winnipeg Land Titles Office in January of 1906. The balance of Winchester Street was opened by Plan No. 805 WLTO in April of 1904.

Winchester Avenue and the Public Lane are undeveloped lands consisting of open field and appear to serve no public transportation purpose. Somerville Avenue contains an existing pathway connecting the termini of adjoining developed Somerville and Seel Avenues.

Misc. Plan No. 15013

Parcel B:

- Transit, for the dedicated transitway corridor.

Parcel C:

- Transit, as part of the transitway park and ride area.

Parcel A:

- Public Works, as residual property to accommodate the existing pathway adjoining Waller Avenue.

Property north and south of Waller Avenue adjoining Parcels A, B and C is owned by Manitoba Hydro.

Waller Avenue was opened by Plan No. 1658 and registered in the Winnipeg Land Titles Office in July of 1911.

Waller Avenue is undeveloped land consisting of open field and contains an existing pathway connecting the termini of the adjoining developed streets.

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, Crown Utilities Telus and TeraSpan.

Imperial Oil, Norscan and Rogers Communications 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 2/2016

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 2.16 RPT_Winchester

V:\development applications\daoc\dev application2016\dac2_2016\final_report\dac2.16rpt

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
Water Planning and Projects Delivery Branch

Misc. Plan No. 15012

Although the City is retaining ownership of the Somerville Avenue right of way (Parcels "A", "B" and "C") once closed, it is nonetheless noted that the following infrastructure is located within these parcels:

- A 300mm diameter watermain with a connection to the Fort Garry – St. Vital Feedermain,
- A 450mm diameter wastewater sewer, and
- A 1,800mm diameter land drainage sewer.

The 1,650mm diameter Branch 2 Aqueduct and 750mm diameter Fort Garry – St. Vital Feedermain crosses the Winchester Street public right of way (Parcel "J") and the Public Lane right of way (Parcel "F") in a north/south orientation. If these rights of way are 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.

Misc. Plan No. 15013

Although the City is retaining ownership of the Waller Avenue public right of way (Parcel "C") once closed, it is nonetheless noted that the 1,650mm diameter Branch 2 Aqueduct and 750mm diameter Fort Garry – St. Vital Feedermain crosses this parcel in a north/south orientation.

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 Parcels “A”, “B” and “C” on Misc. Plan No. 15013. Crown Utilities Ltd. has identified Pembina Trails School Division fiber optic cable within the same Parcels “A”, “B” and “C” on Misc. Plan No. 15013. All utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

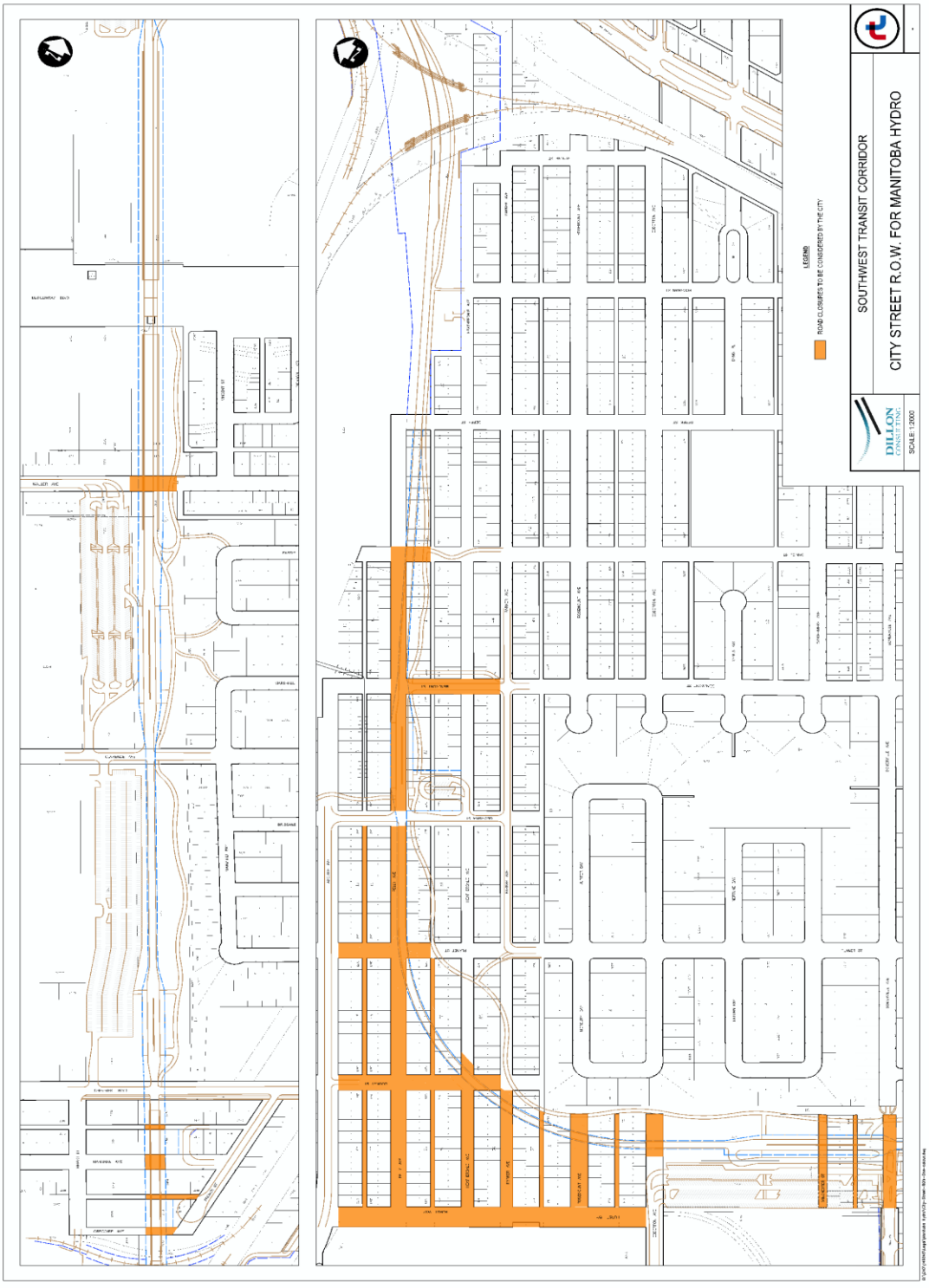
Any removal or relocation of existing facilities as a result of the proposed street and lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

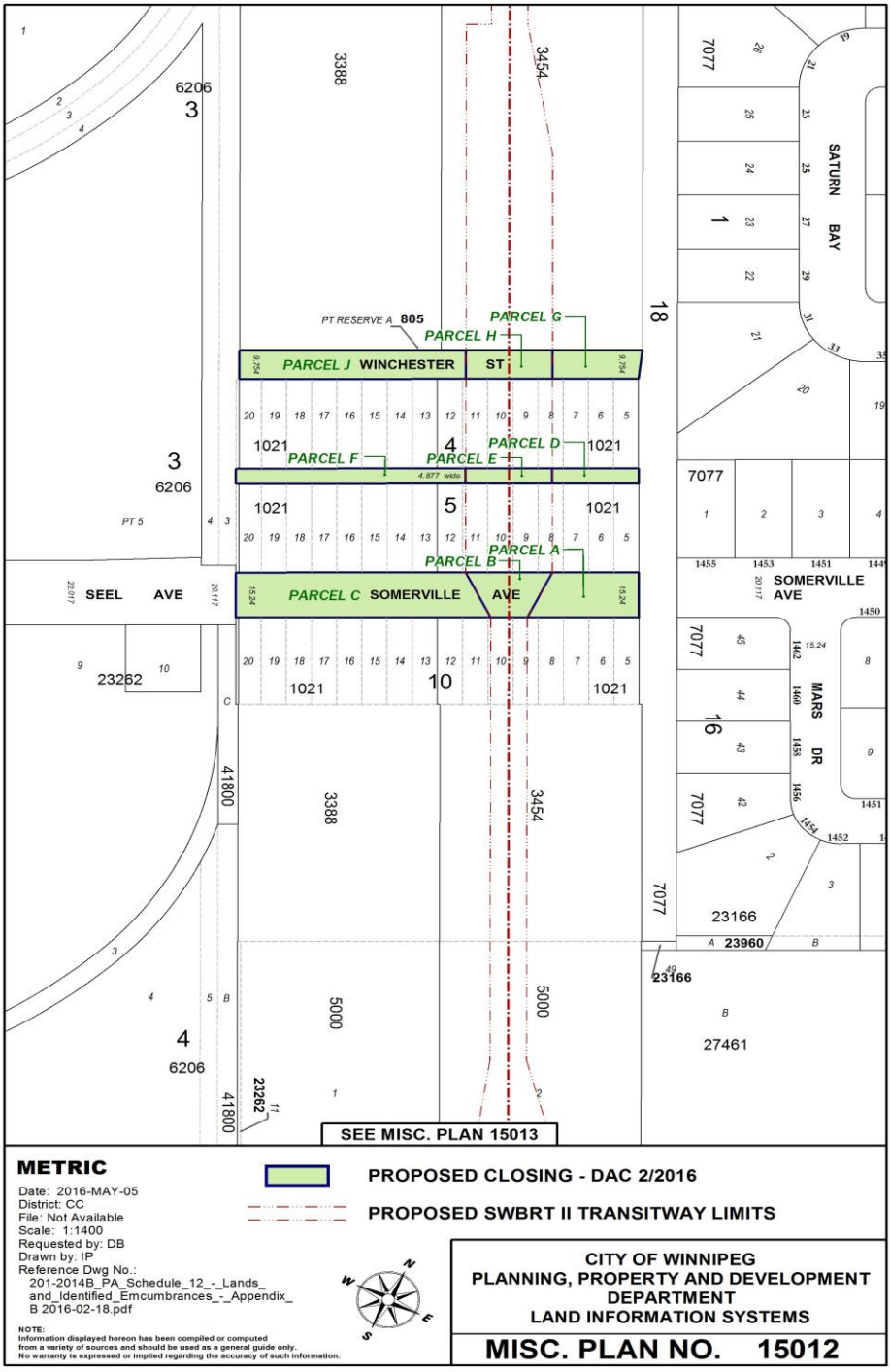
The streets and lanes must be legally closed before they may be either used exclusively by the City or sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status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

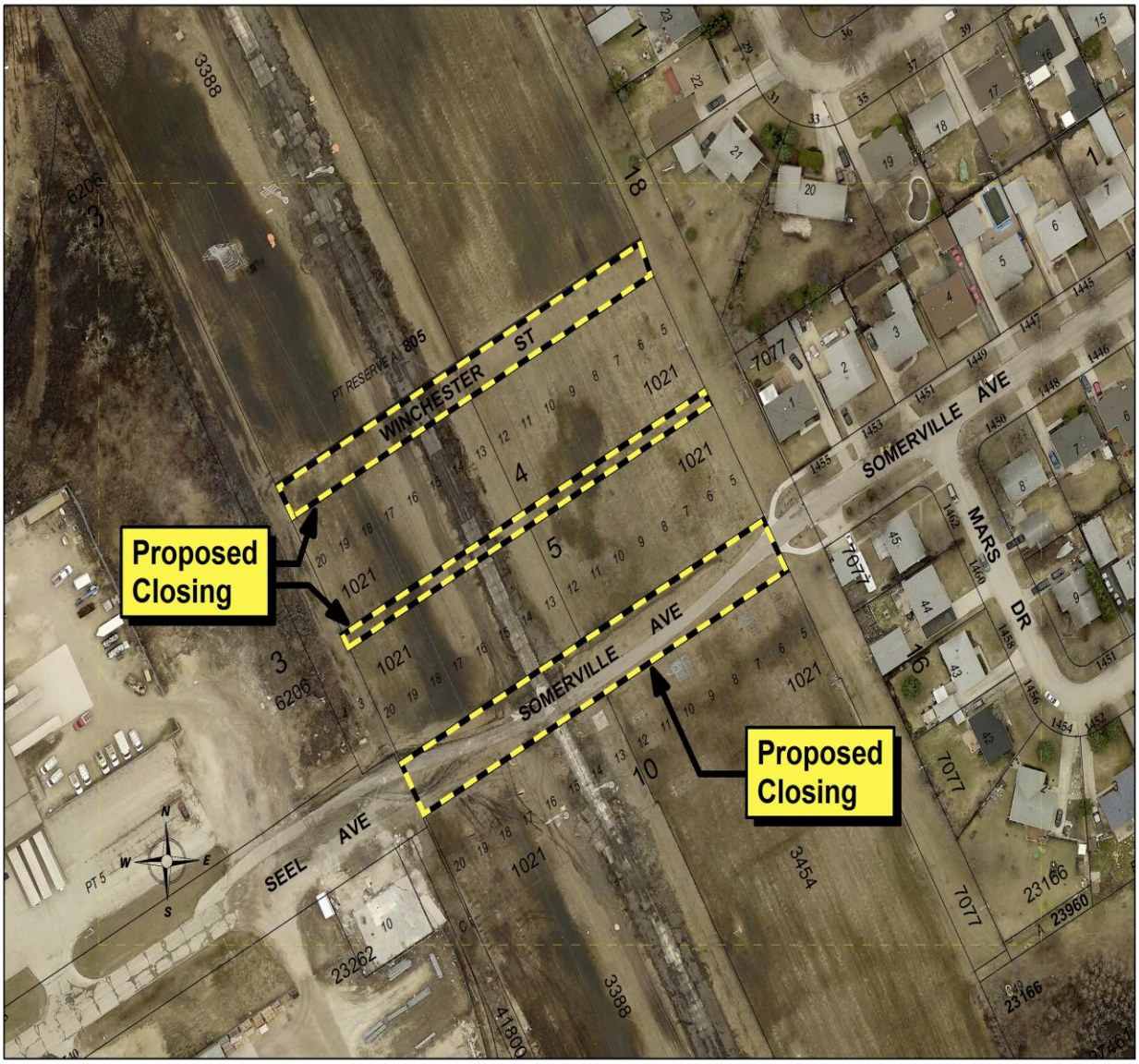
City Street ROW for Manitoba Hydro


SOUTHWEST TRANSIT CORRIDOR
CITY STREET R.O.W. FOR MANITOBA HYDRO
LEGEND
ROAD CLOSURES TO BE CONSIDERED BY THE CITY
DILLON CONSULTING
SCALE: 1:2000

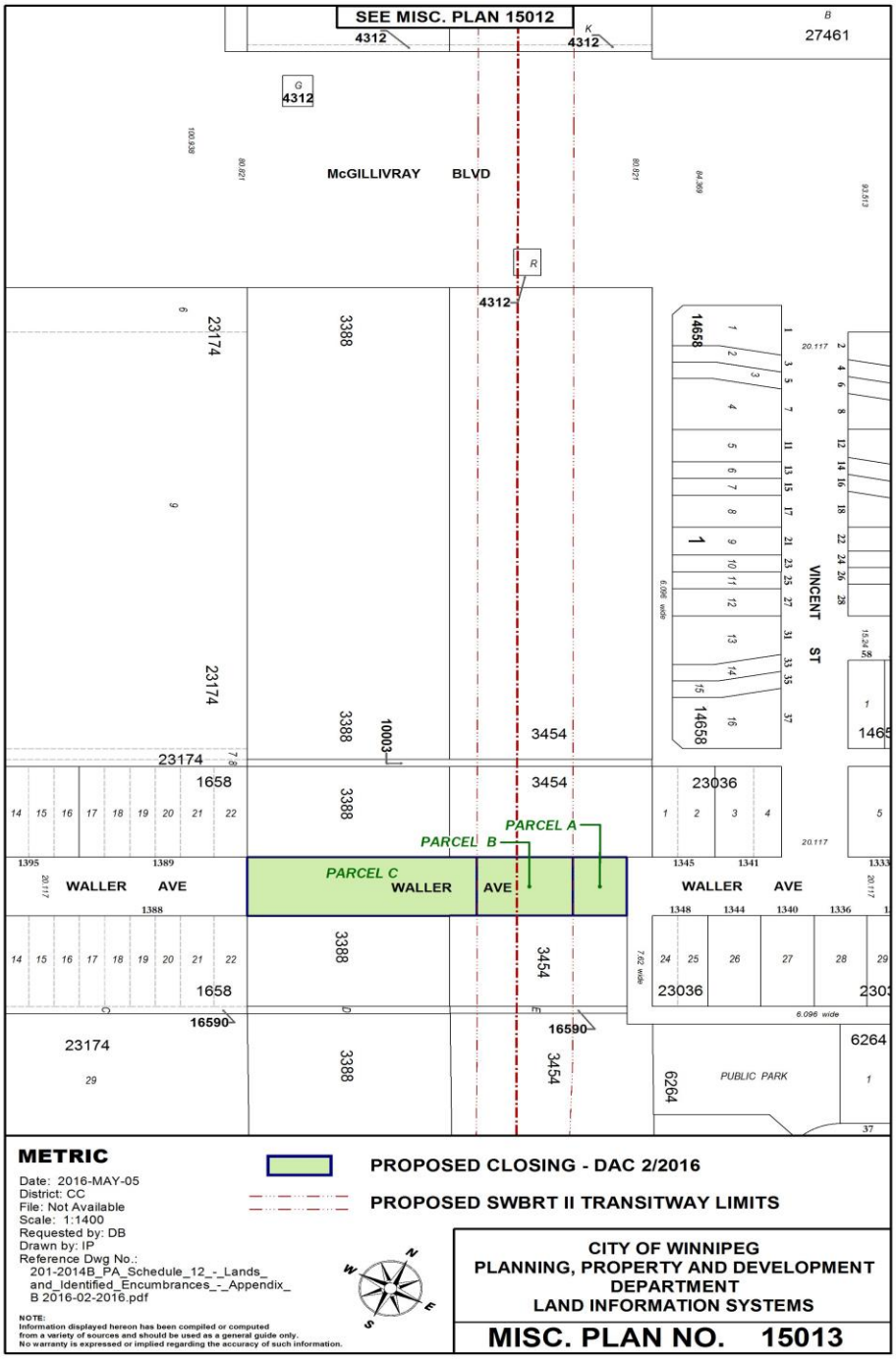
Miscellaneous Plan No. 15012



Aerial View of Subject Closing



Miscellaneous Plan No. 15013



Aerial View of Subject Closing

