Minute No. 391
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 3 **Closing – Part of Pelly Avenue, Daniel Street, and the Public Lane East of Beaumont Street - Cockburn/Calrossie Combined Sewer Area and Drainage Upgrade Project**
(River Heights – Fort Garry Ward)
File DAC 6/2016

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 2, that the proposed public street and lane closings as shown on Misc. Plan No. 15058/2 be approved and that Parcel "A" be declared surplus to the City's needs.

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 No. 15058/2 (attached as Appendix "B"), subject to:

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

    B. The proponent acquiring the surplus parcel 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.

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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 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 6/2016
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, Water and Waste
Premises Affected:	Part of Pelly Avenue, Daniel Street and the Public Lane East of Beaumont Street: Cockburn/Calrossie Combined Sewer Area
Exhibits Filed:	1. Report from the Real Property Officer dated March 17, 2017 2. Inspection Report

REPRESENTATIONS:

In Support:

Kaz Zurek

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 6/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF PELLY AVENUE, DANIEL STREET AND THE PUBLIC LANE EAST OF BEAUMONT STREET: COCKBURN/CALROSSIE COMBINED SEWER AREA AND DRAINAGE UPGRADE PROJECT – FILE DAC 6/2016**

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

The Cockburn/Calrossie Drainage Upgrade Project is required to facilitate the development of a retention pond within the adjoining property in order to upgrade the land drainage system in the district area. The upgrade is necessary because the existing combined sewers will not be able to adequately accommodate the land drainage subsequent to the development of the Bus Rapid Transit Phase 2 and Pembina Highway Underpass Projects.

Portions of the closed streets and lane will be used exclusively by the Water and Waste Department as part of the upgrade project. A portion of the public lane will also be retained by the City as residual land for a possible future sale.

In order for the streets and lane to be either used exclusively by the City or sold, they must first be legally closed. The portion of the lane available for sale 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 No. 15058/2 be approved and that Parcel "A" be declared surplus to the City's needs.

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 No. 15058/2 (attached as Appendix "B"), subject to:

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

   B. The proponent acquiring the surplus parcel 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 Water and Waste Department and are within the approved current and/or capital budget and considered immaterial in nature.

HISTORY/DISCUSSION

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 February 25, 2015, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings to acquire the land interests required by the City for the Cockburn/Calrossie Combined Sewer Area – Drainage Upgrades Project.

Discussion

The Planning, Property and Development Department is proceeding with an application on behalf of the Water and Waste Department to close part of Pelly Avenue, Daniel Street and the Public Lane so identified on the attached copy of Misc. Plan No. 15058/2. The closings are required as part of the land assembly requirements for the Cockburn/Calrossie Combined Sewer Area and Drainage Upgrade Project and will facilitate the development of a retention pond within the adjoining property.

Although the Calrossie Drainage Project is separate from the Bus Rapid Transit Phase 2 and Pembina Highway Underpass Projects, the latter two are dependent on the upgrade to the land drainage system in the subject district area as the drainage cannot be accommodated by the existing combined sewers. Consequently, the subject application is being processed in conjunction with additional closing applications DAC 1/2016 and DAC 2/2016, and opening/closing applications DAOC 1/2016 and DAOC 3/2016 required for the associated Bus Rapid Transit Phase 2 Project.

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

Misc. Plan No. 15058/2

Parcel B:

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

Parcel A:

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

Property north and south of the Public Lane adjoining Parcel A and part Parcel B (Block 10, Plan 1295 WLTO), and south of Pelly Avenue adjoining Parcel B (Lots 1 to 6, Block 6, Plan 1295 WLTO) is owned by Manitoba Hydro. The balance of the land adjoining the closings is owned by the City of Winnipeg. The City acquired Parcel A, Plan 58904 WLTO north of Pelly Avenue via expropriation in March of 2016.

The subject streets and lane were opened by Plan No. 1295 and registered in the Winnipeg Land Titles Office in October of 1907. They are undeveloped land, consisting of scrub brush, open field and trees and appear 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, 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 Water and Waste is one of four strategies forming the basis of *OurWinnipeg*. It promotes actions required to protect public health and safety, ensure the purity and reliability of our water supply and maintain or enhance the quality of our built and natural environments.

This strategy addresses the challenges involved in providing sustainable infrastructure that protects the health and safety of Winnipeg's citizens and the quality of our environment, including the expansion of regional sewers to service new developments and upgrades to existing infrastructure to support densification of existing neighbourhoods.

As part of the Cockburn/Calrossie Combined Sewer Area and Drainage Upgrade Project, the subject closings align with the overall vision and direction of the *Sustainable Water and Waste* direction strategy.

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 6/2016

Attachments:

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plans and Aerial Views

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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 public street and lane closings.

Easements

Manitoba Hydro has identified services (distribution, communications and transmission lines) within the closing areas and will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

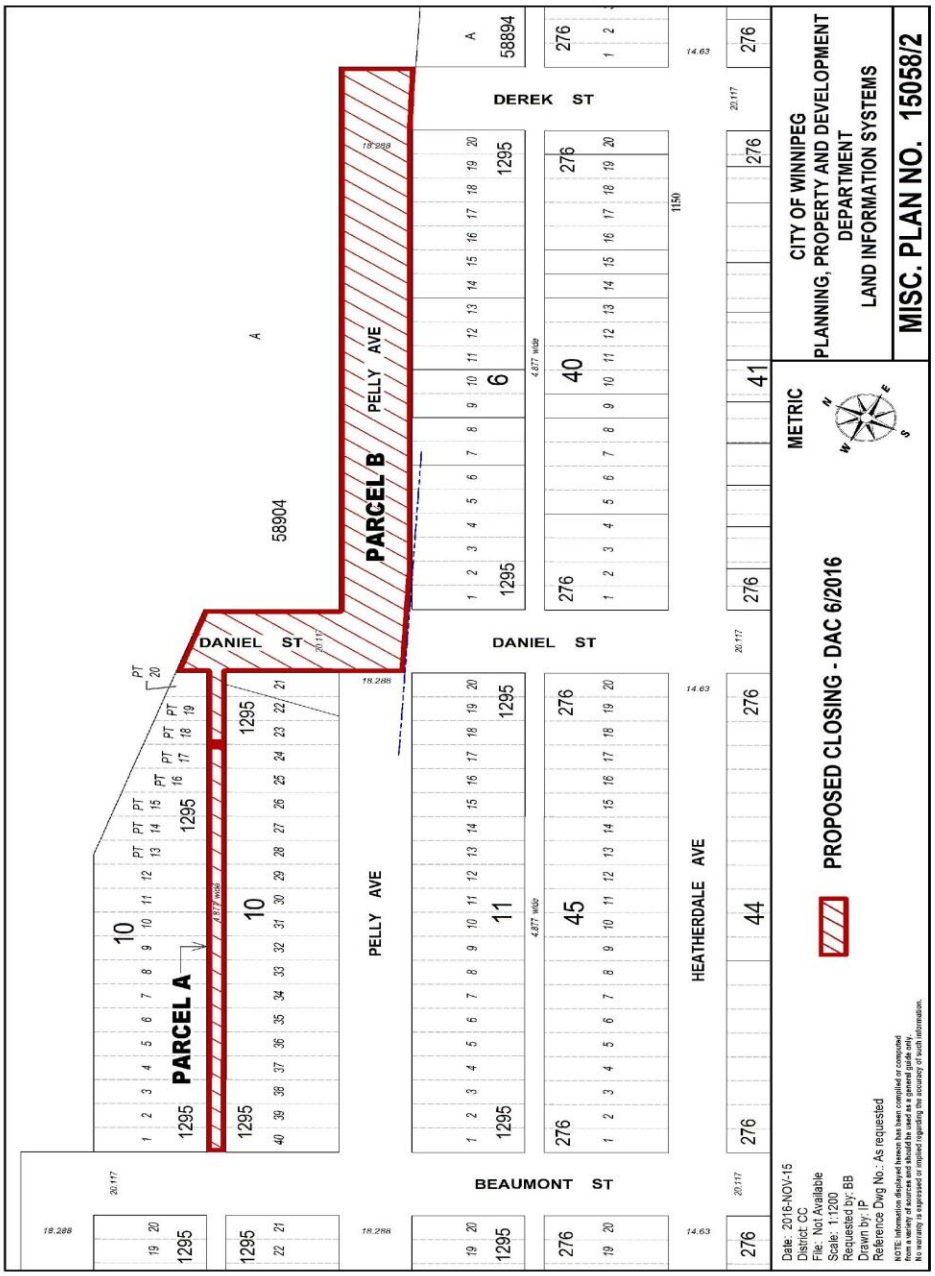
Any removal or relocation of existing facilities as a result of the proposed street and lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets and lane 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"

Miscellaneous Plan No. 15058/2



Aerial View of Subject Closing

