Minute No. 392
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2017

Item No. 4 **Opening, Closing and Rededication of Blocks bounded by Chevrier Boulevard, Gregoire Avenue, and Hervo and French Streets; Closing of Part of the Public Road West of Pembina Highway - Bus Rapid Transit Phase 2**
(River Heights – Fort Garry Ward)
File DAOC 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. That the proposed public street and lane closings as shown on Misc. Plan Nos. 15014/1 and 15019/1 be approved.

2. That the proposed public street and lane openings and street rededication as shown on Misc. Plan No. 15014/1 be approved.

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, the street and lane openings and the street rededication/opening in accordance with Misc. Plan Nos. 15014/1 and 15019/1 (attached as Appendix "B").

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:	DAOC 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:	Streets and Lanes in the Blocks Bounded by Chevrier Boulevard, Gregoire Avenue and Hervo and French Streets and Proposed Closing of Part of the Public Road West of Pembina Highway
Exhibits Filed:	1. Report from the Real Property Officer dated March 22, 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 DAOC 1/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED OPENING, CLOSING AND REDEDICATION OF STREETS AND LANES IN THE BLOCKS BOUNDED BY CHEVRIER BOULEVARD, GREGOIRE AVENUE AND HERVO AND FRENCH STREETS AND PROPOSED CLOSING OF PART OF THE PUBLIC ROAD WEST OF PEMBINA HIGHWAY: BUS RAPID TRANSIT PHASE 2 – FILE DAOC 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. The balance of the closed rights of way will be retained by the City under the jurisdiction of the Public Works Department.

The lane opening will provide a vehicular diversion/outlet subsequent to the dead ending of Manahan Avenue. The street opening will provide a turnaround area at the terminus of French Street.

In order for the streets and lanes to be used exclusively by the City, they must first be legally closed.

RECOMMENDATIONS

1. That the proposed public street and lane closings as shown on Misc. Plan Nos. 15014/1 and 15019/1 be approved.

2. That the proposed public street and lane openings and street rededication as shown on Misc. Plan No. 15014/1 be approved.

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, the street and lane openings and the street rededication/opening in accordance with Misc. Plan Nos. 15014/1 and 15019/1 (attached as Appendix "B").

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 must be considered by the Community Committee, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

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 open and close streets and lanes in the area bounded by Chevrier Boulevard, Gregoire Avenue and Hervo and French Streets so identified on the attached copy of Misc. Plan No. 15014/1, and to close the portion of the Public Road so identified on Misc. Plan No. 15019/1. 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, DAC 2/2016, DAC 6/2016 and opening/closing application DAOC 3/2016 required for this project.

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

Misc. Plan No. 15014/1

Parcels B, E, H & L:

- Transit, for the dedicated transitway corridor.

Parcels A, C, D, F, G, J, K & M:

- Public Works, as residual property adjoining legally opened public streets and lanes.

The lane opening will provide an outlet required as result of the dead ending of Manahan Avenue. The street opening will provide a turnaround area at the terminus of French Street. The rededication of the Public Lane and Gregoire Avenue to French Street will provide a uniform designation to the cul de sac.

Property required for the lane outlet at Manahan Avenue and the cul de sac at Gregoire Avenue has been acquired from Manitoba Hydro as of October 3, 2016. These holdings form part of the Hydro transmission corridor land acquisitions approved by Council on June 15, 2016. The triangular portion of the opening at the lane north of Manahan Avenue required for corner cut purposes (Parcel "B", Plan 58892 WLTO) is City property, acquired by expropriation proceedings as approved by Council on February 25, 2015.

Manahan Avenue, the public lane to the north and the northerly 3.048m of the public lane to the south were opened by Plan No. 2104 and registered in the Winnipeg Land Titles Office in August of 1913. The balance of the public lane and Gregoire Avenue were opened by Plan No. 2240 WLTO in March of 1914.

Gregoire Avenue and the public lane immediately to the north are undeveloped and consist of open field. They appear to serve no public transportation purpose.

Manahan Avenue and the public lane immediately to the north are developed gravel surfaced roadways. Both provide vehicular connections between French and Hervo Streets.

Misc. Plan No. 15019/1

Parcel A:

- Transit, for the dedicated transitway corridor.

Property west of the closing is owned by Canadian National Railway and forms part of the Letellier Subdivision. Property north and south of the closing is owned by Manitoba Hydro.

The Public Road was opened by Plan No. 38641 and registered in the Winnipeg Land Titles Office in July of 2000.

The closing area is a gravel/dirt surfaced right of way terminating at the adjoining Canadian National Railway Letellier Subdivision. It provides access to Manitoba Hydro's transmission corridor at this location.

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 and Telus.

Canadian National Railway, 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 22, 2017
File No: DAOC 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\DAOC 1.16 RPT Revised_Gregoire

V:\development applications\daoc\dev application2016\daoc1_2016\final_report\daoc1.16rpt

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

Land Drainage and Flood Protection Branch

Misc. Plan Nos. 15014/1 and 15019/1

All ditches adjoining the subject closings must be maintained. If any ditch work is needed, the Land Drainage and Flood Protection Branch requires a design review before any ditch work is started.

Misc. Plan No. 15019/1

Although the City is retaining ownership of this portion of the Public Road right of way (Parcel "A") once closed, it is nonetheless noted that a 2400mm trunk sewer is located in the middle of the parcel.

Water Planning and Projects Delivery Branch

Misc. Plan No. 15014/1

Although the City is retaining ownership of the Gregoire and Manahan Avenue public rights of way (Parcels "A" and "G") and Public Lane rights of way (Parcels "D" and "K") once closed, it is nonetheless noted that the 1,650mm diameter Branch 2 Aqueduct and 750mm diameter Fort Garry – St. Vital Feedermain crosses these parcels in a north/south orientation.

Easements

Manitoba Hydro and Shaw Cablesystems have 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.

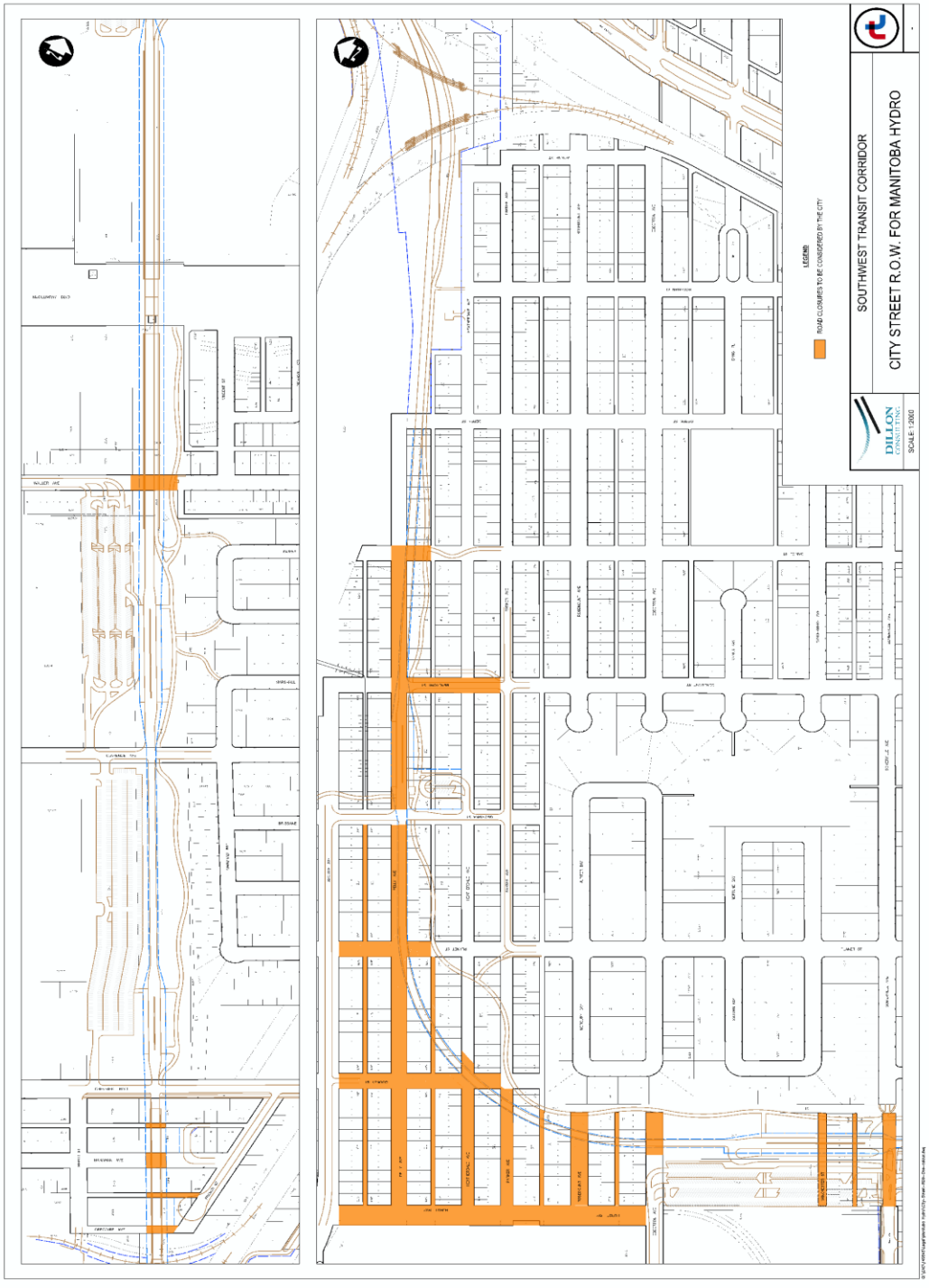
Any removal or relocation of existing facilities as a result of the proposed street and lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

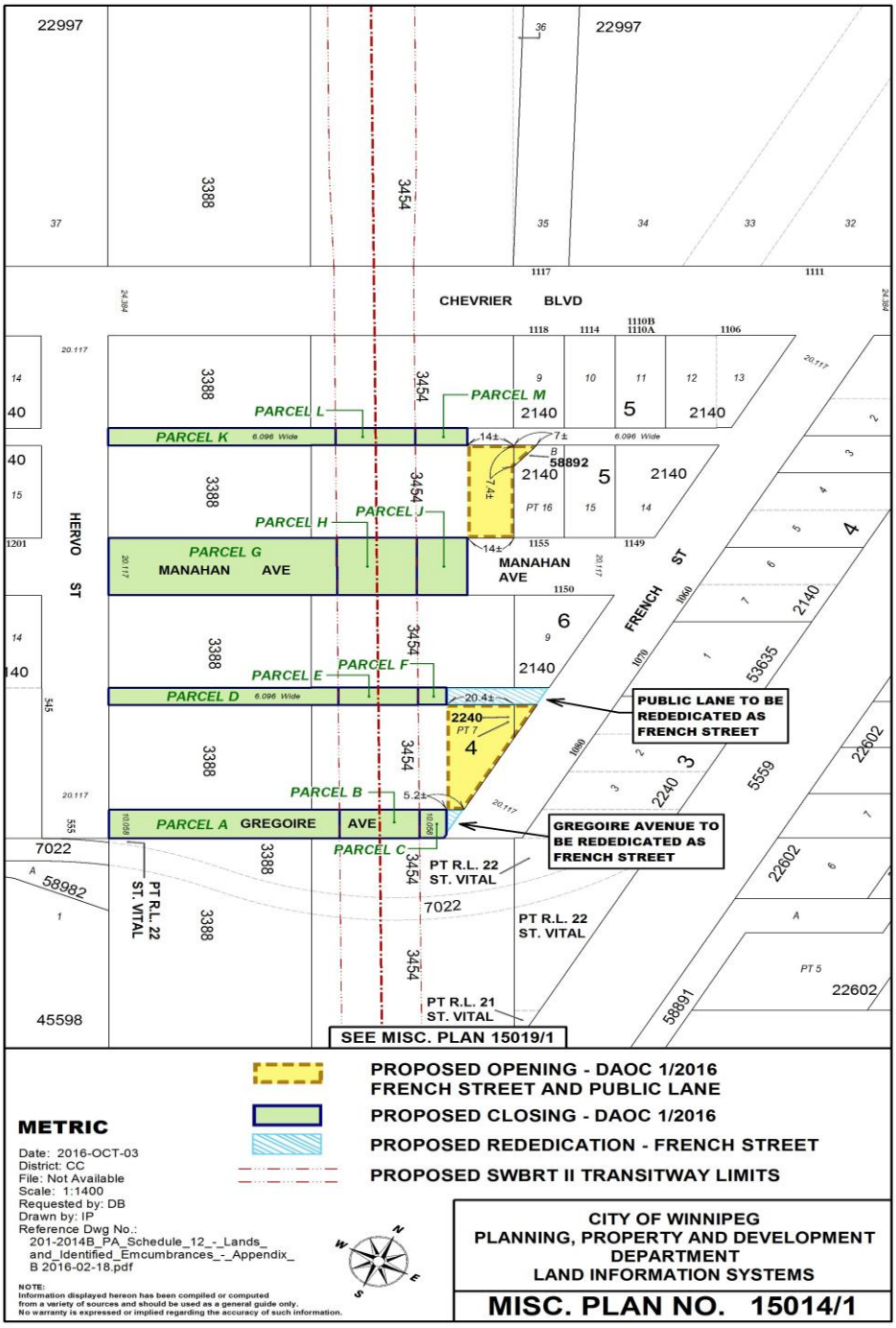
The streets and lanes must be legally closed before they may be used exclusively by the City. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land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

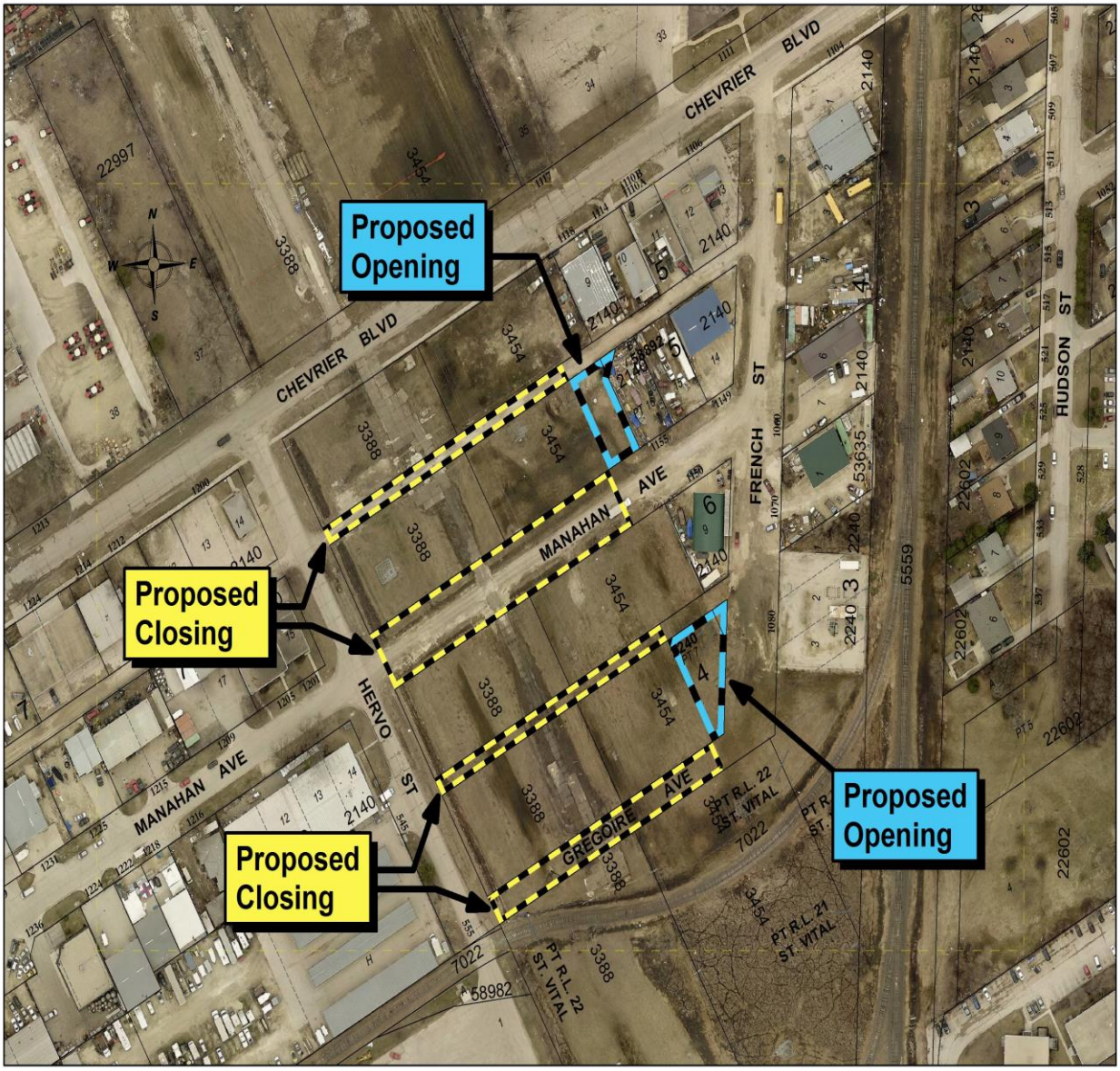
City Street ROW for Manitoba Hydro


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

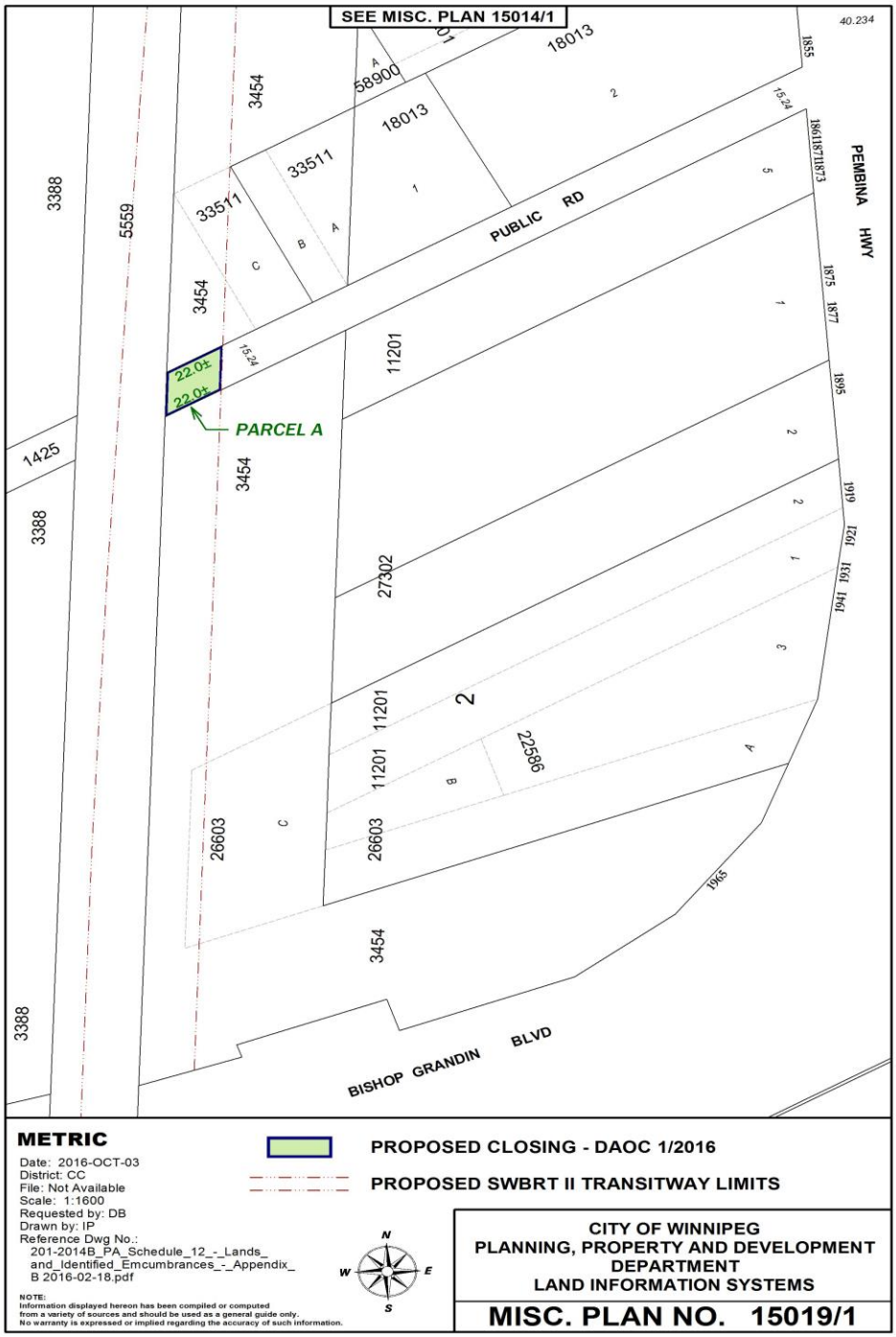
Miscellaneous Plan No. 15014/1



Aerial View of Subject Closing



Miscellaneous Plan No. 15019/1



Aerial View of Subject Closing

