Minute No. 318
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 11, 2017

Item No. 1 **Proposed Closing and Rededication of the Public Lane between Chancellor Drive and Markham Road – Bus Rapid Transit Phase Two**
(South Winnipeg - St. Norbert Ward)
File DAOC 3/2016

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 lane closing as shown on Misc. Plan Nos. 15015/2 and 15059/2 be approved and that the land identified as Parcels "B" and "C" on Misc. Plan No. 15059/2 be declared surplus to the City's needs.

2. That the proposed lane rededication as shown on Misc. Plan No. 15015/2 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 lane closing and rededication/street opening in accordance with Misc. Plan Nos. 15015/2 and 15059/2 (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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 11, 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 April 19, 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 April 11, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 3, 2017, the Riel 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 3/2016
Before:	Riel Community Committee Councillor Allard, Chairperson Councillor Lukes Councillor Mayes
Public Hearing:	April 3, 2017 Council Building, 510 Main Street
Applicant:	The City of Winnipeg Transit Department
Premises Affected:	Public Lane Between Chancellor Drive and Markham Road – Bus Rapid Transit Phase Two
Exhibits Filed:	1. Report from the Real Property Officer dated March 20, 2017 2. Inspection Report 3. Presentation dated April 3, 2017, in support of the application submitted by the Applicant 4. Communication and Map (1) dated March 22, 2017, in opposition of the application submitted by Paul Gossen

REPRESENTATIONS:

In Support:

Jesse Crowder
Scott Fayne
Marlene Haderer
John Zabudney

In Opposition:

Paul Gossen

For Information:

Nil

For the City:

B. Buyachok, Real Property Officer, Planning, Property and Development Department
G. Jasper, Land Development Engineer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 3/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING AND REDEDICATION OF THE PUBLIC LANE BETWEEN CHANCELLOR DRIVE AND MARKHAM ROAD – BUS RAPID TRANSIT PHASE TWO – FILE DAOC 3/2016**

Critical Path: **RIEL 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 lane closing is required to accommodate the Phase 2 alignment. Portions of the closed lane will be used exclusively for the transitway as well as active transportation path purposes. A portion of the lane south of Southpark Drive will also be offered for sale to the adjoining property owner. The rededication of a 1.0m wide strip of the public lane will provide a uniform designation to the southerly limit of Chancellor Drive.

In order for the lane to be either used exclusively by the City or sold, it must first be legally closed. The portion of the lane to be sold must also be declared surplus to the City's needs.

RECOMMENDATIONS

1. Subject to Recommendation 3, that the proposed public lane closing as shown on Misc. Plan Nos. 15015/2 and 15059/2 be approved and that the land identified as Parcels "B" and "C" on Misc. Plan No. 15059/2 be declared surplus to the City's needs.

2. That the proposed lane rededication as shown on Misc. Plan No. 15015/2 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 lane closing and rededication/street opening in accordance with Misc. Plan Nos. 15015/2 and 15059/2 (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 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.

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 lane closing and rededication 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.

Discussion

The Planning, Property and Development Department is proceeding with an application on behalf of the Transit Department to close part of the public lane so identified on the attached copies of Misc. Plan Nos. 15015/2 and 15059/2. 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 1/2016, DAC 2/2016, DAC 6/2016 and opening/closing application DAOC 1/2016 required for this project.

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

Misc. Plan No. 15015/2

Parcel A:

- Transit, for the dedicated transitway corridor.

Parcel B:

- Transit, to accommodate a proposed active transportation path adjoining the transitway.

Property west of the closing is owned by Canadian National Railway and forms part of the Letellier Subdivision. Property east of the closing is owned by Richjohn Investments Ltd. and Normandale Holdings Ltd.

The public lane was opened by Plan No. 30284 and registered in the Winnipeg Land Titles Office in November of 1993.

The lane is undeveloped land, consisting of scrub brush and trees and appears to serve no public transportation purpose.

The rededication of a 1.0m wide strip of the public lane as shown on the sketch will provide a uniform designation to the southerly limit of Chancellor Drive at this location.

Misc. Plan No. 15059/2

Parcel A:

- Transit, for the dedicated transitway corridor.

Parcels B &C:

- Planning, Property and Development, as residual land for a proposed sale to the adjoining property owners.

Property west of the closing is owned by Canadian National Railway and forms part of the Letellier Subdivision. Property east of the closing adjoining Parcel C is owned by Southpark Investments Ltd. Property east of the closing adjoining Parcel B is owned by Celebrity Place Ltd.

The public lane was opened by Plan Nos. 10367 and 10576 and registered in the Winnipeg Land Titles Office in November of 1969 and June of 1970 respectively.

The lane is developed, providing access between Markham Road and Southpark Drive. Portions of Parcels “B” and “C” are also being used for parking purposes.

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.

Canadian National Railway, Imperial Oil, Norscan, Rogers Communications 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 10, 2017
File No: DAOC 3/2016

Attachments:

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plans and Aerial Views

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V:\development applications\daoc\dev application2016\daoc3_2016\final_report\daoc3.16rpt

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 lane closing.

Administrative Comments

Fire Paramedic Services

The portion of the public lane south of Southpark Drive identified as Parcel "C" on Misc. Plan No. 15509/2 provides emergency vehicle access to the southerly building at No. 88 Southpark Drive. As a condition of approval, the purchaser of Parcel "C", once closed, will be required to maintain this parcel as a fire lane.

Urban Planning Division

If the proposed Parcels "B" and "C" as shown on Misc. Plan No. 15059/2 are sold to the adjoining property owners, they should be consolidated with the respective properties and rezoned to C2.

Any alteration/expansion of the parking areas at Nos. 88 Southpark Drive and 991 Markham Road should comply with the requirements of the Zoning By-law (No. 200/2006), particularly the *Parking Lot Interior Landscaping* requirements listed under Section 190(6).

Water and Waste Department

With regards to the proposed closing as shown on Misc. Plan No. 15015/2, Water and Waste records indicate that there is a Private 150mm water main service entering the east side of the subject lane from the building(s) to the east (opposite Nos. 956/960 Chancellor Drive) and crossing under the lane. The records also indicate that this water service main ends in a plug, just to the west of the east limit of the CNR right of way. There also appear to be several City owned curb stops located along the west property line adjacent to Nos. 956 and 953 Chancellor Drive. This information is based on the best information available at the time of input into Water and Waste's GIS.

Easements

Manitoba Hydro has identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

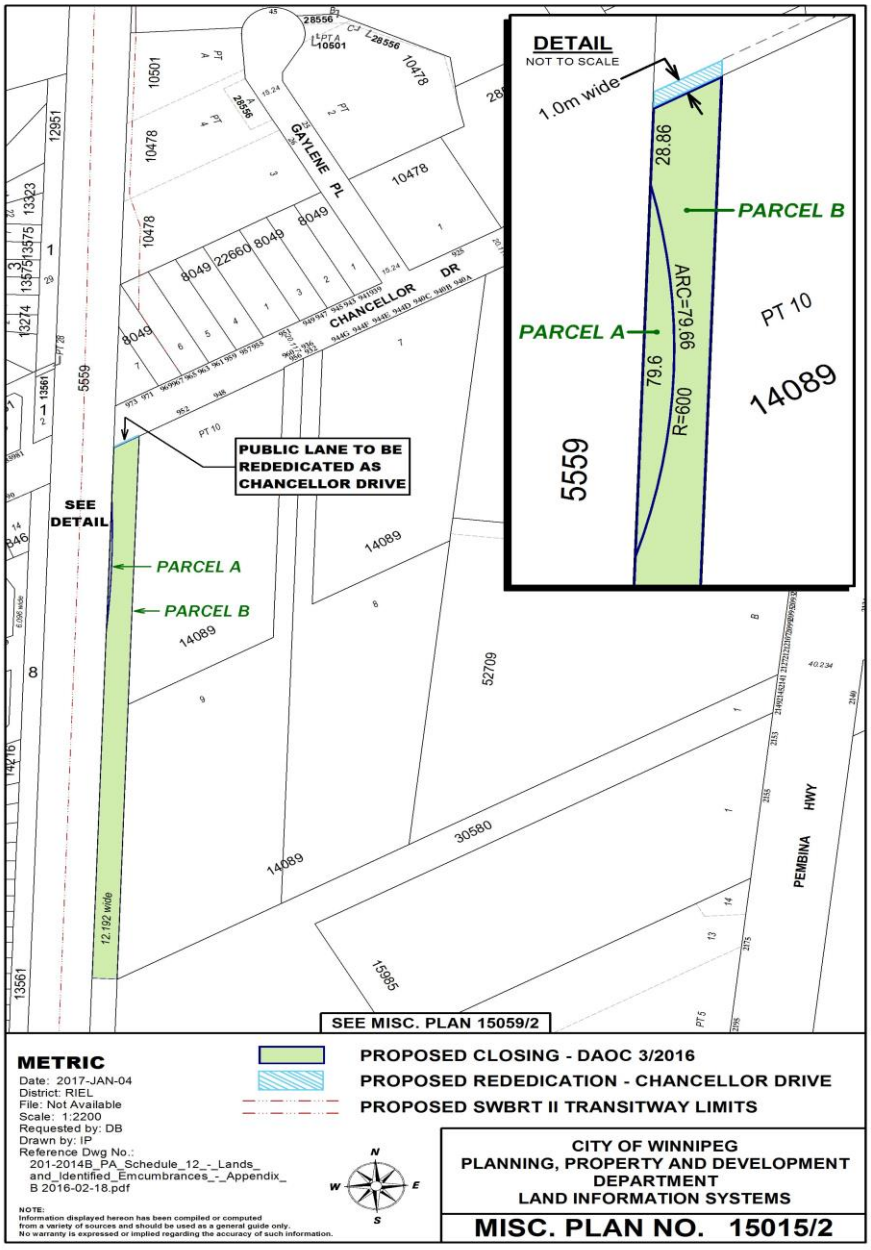
Any removal or relocation of existing facilities as a result of the proposed public lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public lane must be legally closed before it 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 exclusively use or dispose of the land until this has been done.

APPENDIX "B"

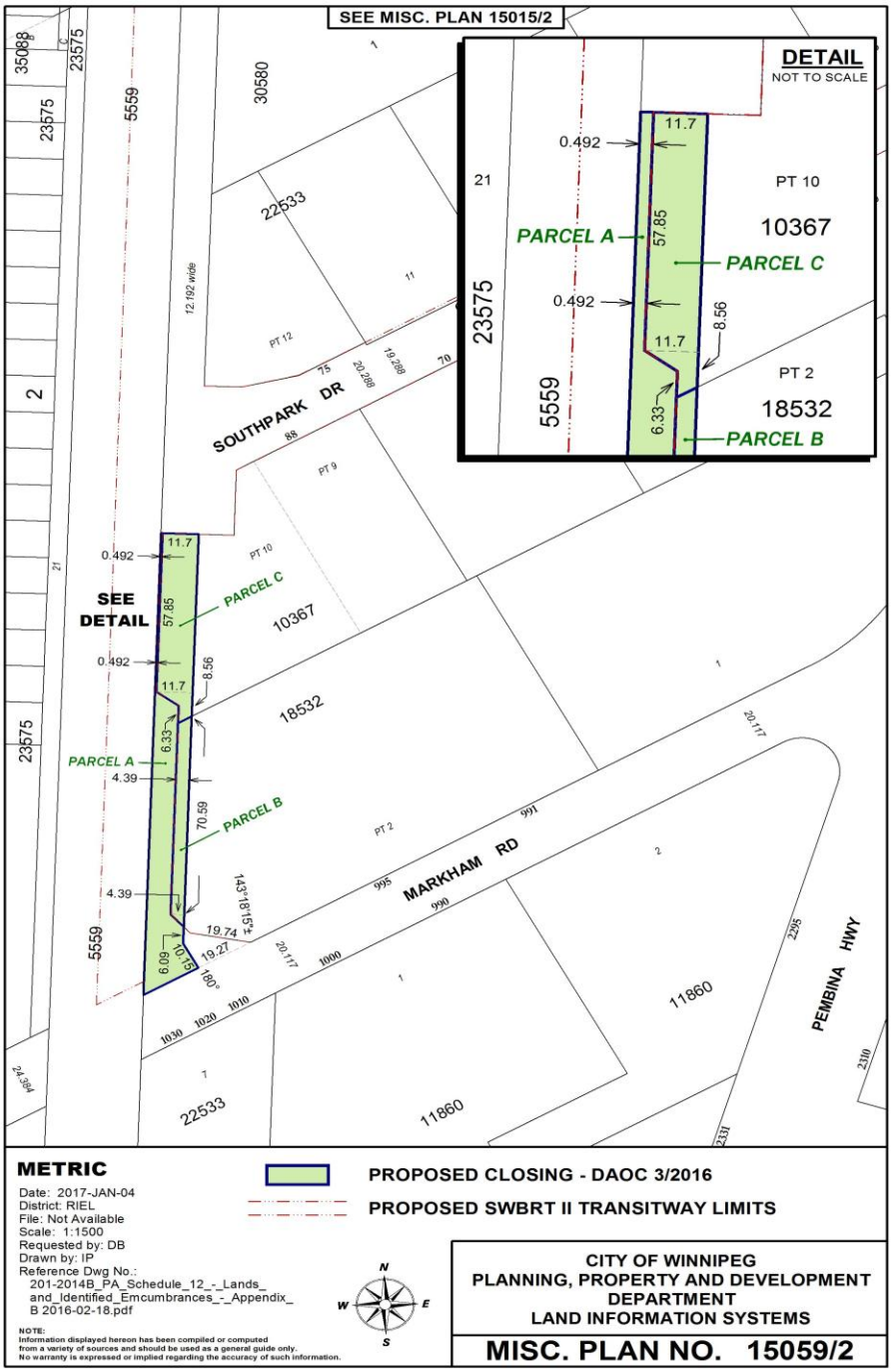
Miscellaneous Plan No. 15015/2



Aerial View of Subject Closing



Miscellaneous Plan No. 15059/2



Aerial View of Subject Closing

