Minute No. 574
Report – Executive Policy Committee – September 20, 2017

Item No. 12 **Opening – Silver Avenue between Madison and St. James Streets (St. James-Brooklands-Weston Ward) File DAO 6/2015**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed street opening, as shown on Misc. Plan No. 11447/4 (attached as Appendix "B"), be approved.

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 street opening in accordance with Misc. Plan No. 11447/4

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 20, 2017

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 20, 2017, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: OPENING OF SILVER AVENUE BETWEEN MADISON AND ST. JAMES STREETS – FILE DAO 6/2015

Critical Path: EXECUTIVE POLICY COMMITTEE – COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	n/a	D. McNeil

EXECUTIVE SUMMARY

This report requests approval for the opening of a portion of Silver Avenue between Madison and St. James Streets that was previously owned by Manitoba Hydro.

The City of Winnipeg (the "City") entered into a Purchase and Sales Agreement with Manitoba Hydro for the subject property in March of 2007. The roadway was constructed in 2001, but never legally opened as public right of way because title to the land was encumbered by several Caveats in favour of Canadian National Railway. Before property can be legally opened for street purposes, the Consent of all registered encumbrance holders must be received. Previous attempts to receive Canadian National Railway's approval were unsuccessful. However, their consent to the opening has now been received.

Council approval is required before the property can be legally opened as public right of way.

RECOMMENDATIONS

1. That the proposed street opening, as shown on Misc. Plan No. 11447/4 (attached as Appendix "B"), be approved.

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 street opening in accordance with Misc. Plan No. 11447/4

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

The dedication of this property as public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs associated with the street opening are the responsibility of the Public Works Department and are within the approved current and/or capital budget and considered immaterial in nature.

HISTORY/DISCUSSION

On July 18, 2001, Council approved the report of the Standing Policy Committee on Public Works dated June 26, 2001 recommending that the Administration be authorized to enter into a servicing agreement with Oxbow Holdings and Alloway Investments for the sharing of costs for the acquisition and construction of the extension of Silver Avenue from Madison Street to St. James Street. The report stated that the extension would benefit both the lands being developed on the west side of St. James Street and the City in terms of improving traffic circulation in the Polo Park area. The report further stated that the extension would produce a change in traffic patterns between St. James Street and Route 90, and would relieve traffic density on both Ness and Ellice Avenues. The roadway was constructed in 2001 and has been in use by the public since then.

Part of the opening was processed under application DAO 2/2010 as shown on Misc. Plan No. 11447/3 attached, and subsequently registered in the Winnipeg Land Titles Office as “Silver Avenue”, Plan 51274 in April of 2011. The subject opening, identified as Parcel “A” on this sketch, was excluded from the original application. Title to the land was encumbered by several Caveats registered by Canadian National Railway. Although the City entered into a Purchase and Sales Agreement with Manitoba Hydro for this property in March of 2007, attempts to secure Consents from CNR in order to dedicate the land as street were unsuccessful.

Consents from Canadian National Railway have now been received in order to proceed with the legal opening of this portion of the street.

Discussion

The Public Service is proceeding with an application to open a portion of Silver Avenue between Madison and St. James Streets, previously owned by Manitoba Hydro, so identified on the attached copy of Misc. Plan No. 11447/4. The application is essentially a “housekeeping” matter. The opening will give legal effect to a portion of roadway that has been used for public transportation purposes since 2001.

FINANCIAL IMPACT

Financial Impact Statement **Date:** August 25, 2017

Project Name: **First Year of Program** **2017**

Proposed Opening of Silver Avenue between Madison and St. James Streets: DAO 6/2015

	2017	2018	2019	2020	2021
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Funding for the preparation and registration of the documents required to dedicate the land as public street has been provided by the Public Works Department under Account No. 001-182000-180802-18500021WX-PROPERTY. These costs are considered to be immaterial in nature.

"Original signed by"

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services (as to legal issues)
Corporate Finance
Public Works
Water and Waste
Transit

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc. and Shaw Cablesystems

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* which provides the direction to refine and prioritize specific major street system improvements and supporting policies. While the *Transportation Master Plan* is a long term planning tool, it also includes the more immediate directions required to address the current needs of Winnipeg's transportation system including transportation system improvements.

The subject opening aligns with the overall vision and direction of the *Transportation Master Plan.*

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: August 24, 2017
File No: DAO 6/2015

Attachments:
Appendix "A" – Administrative Approval/Comments
Appendix "B" – Miscellaneous Plans and Aerial View

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V:\development applications\daoc\dev application2015\dao6_2015\final_report\dao6.15rpt

APPENDIX "A"

Administrative Approval

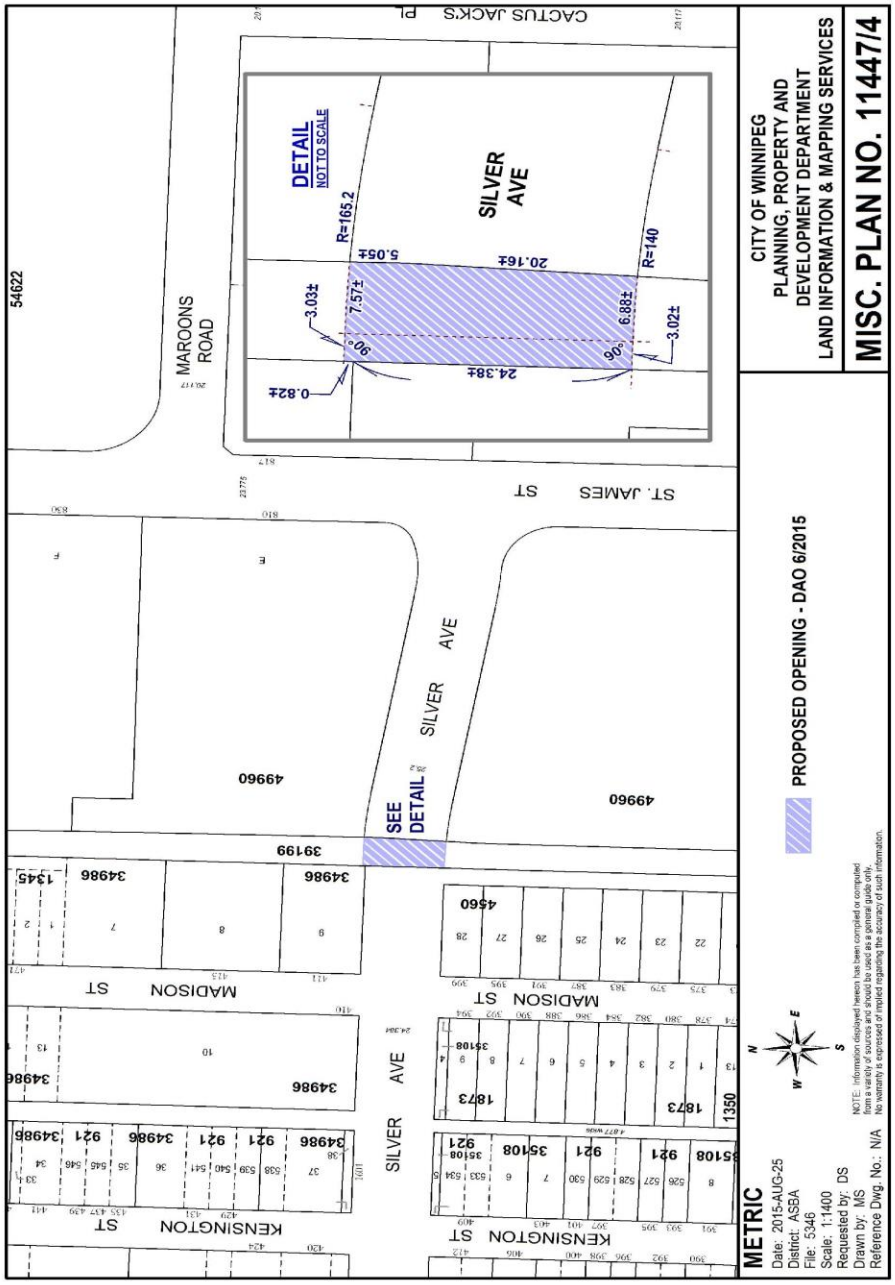
The proposal has been considered by all affected City departments and public utilities. There are no administrative objections or conditions to the public street opening.

By-Law 7325/98

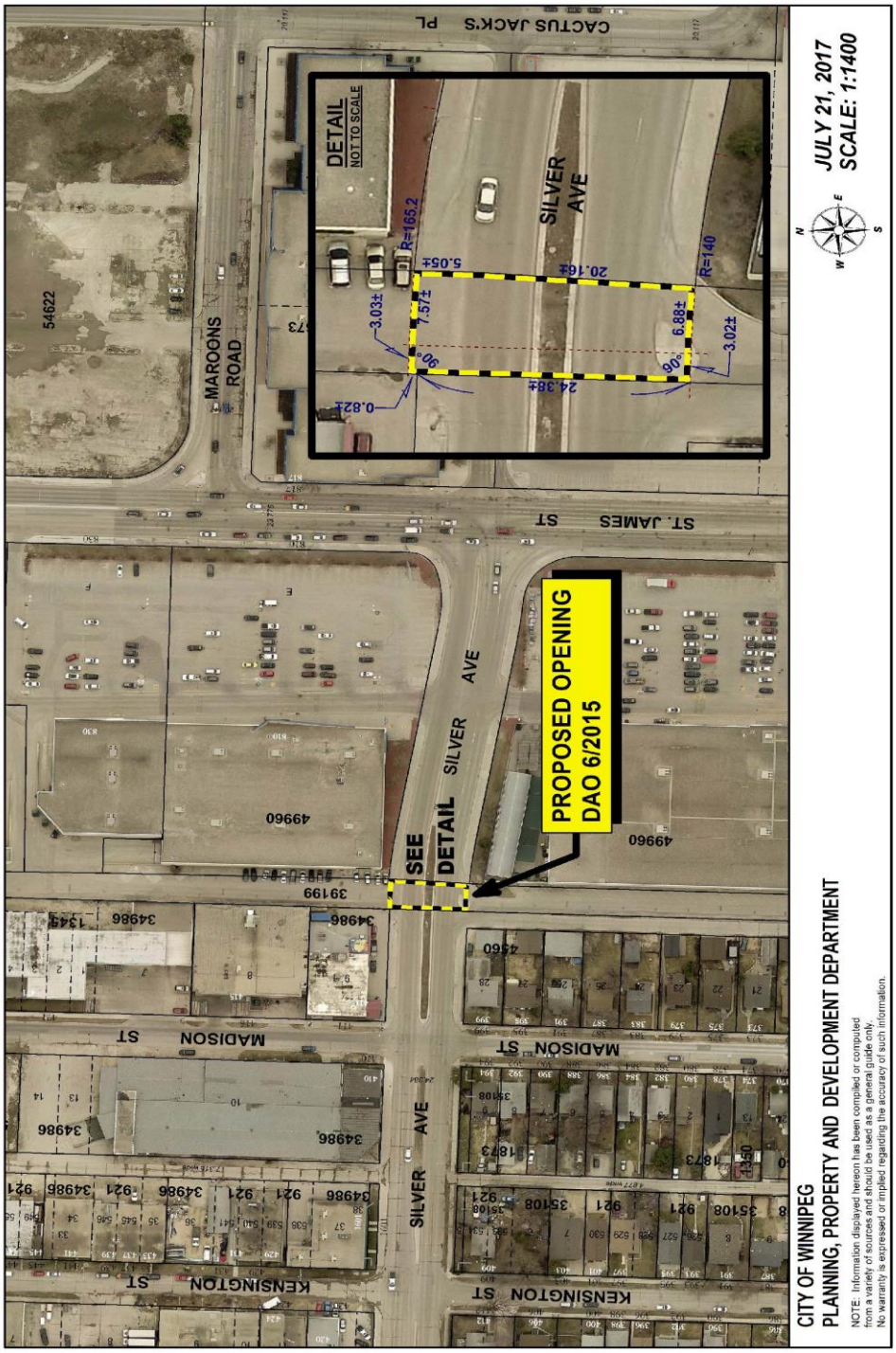
This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

APPENDIX "B"

Miscellaneous Plan No. 11447/4: DAO 6/2015



Aerial View of Subject Opening



Miscellaneous Plan No. 11447/3: DAO 2/2010

