Minute No. 264
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018

Item No. 1 Disraeli Bridges Rehabilitation Project: Proposed Street Openings, Rededications and Closings – Main Street to Point Douglas Avenue File DAOC 2A/2015

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 street closing as shown on Misc. Plan No. 15165/6 be approved and that the land be declared surplus to the City's needs.

2. Subject to Recommendation 3, that the proposed street openings and rededications as shown on Misc. Plan Nos. 15165/3, 15165/4, 15165/5 and 15165/6 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 street closing and the street openings and rededications in accordance with Misc. Plan Nos. 15165/3, 15165/4, 15165/5 and 15165/6 (attached as Appendix "C").

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 – March 2, 2018

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 March 14, 2018, 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 March 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAOC 2A/2015
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Allard Councillor Dobson
Public Hearing:	March 2, 2018 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Main Street to Point Douglas Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated January 29, 2018 2. Inspection Report

REPRESENTATIONS:

In Support:
Nil

In Opposition:
Nil

For Information:
Chris Derkson

For the City:
J. Kiernan, Director of Planning, Property and Development
B. Buyachok, Real Property Officer, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: **DISRAELI BRIDGES REHABILITATION PROJECT: PROPOSED STREET OPENINGS, REDEDICATIONS AND CLOSINGS – MAIN STREET TO POINT DOUGLAS AVENUE – FILE NO. DAOC 2A/2015**

Critical Path: **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	D. McNeil

EXECUTIVE SUMMARY

This report requests Council's approval for the opening, rededication and closing of various public rights of way as part of the Disraeli Bridges Rehabilitation Project ("the Project"). The Project limits extend from Main Street to Hespeler Avenue and cross three City of Winnipeg Ward boundaries. Each portion must be considered by the appropriate Standing or Community Committee within which the limits fall.

In conjunction with the subject report, application DAOC 2B/2015 will be considered by the Lord Selkirk – West Kildonan Community Committee. Application DAOC 2C/2015 will be considered by the East Kildonan – Transcona Community Committee.

The openings and closing are required in order to facilitate the alignment and new property boundary definitions created as a result of the Project. The physical roadway was completed and opened to vehicular traffic in October of 2012. Subsequent to Council's approval of this report, the registration in the Winnipeg Land Titles Office of the opening/closing mylars and associated by-law will provide legal effect to the Project's existing physically opened and closed public rights of way.

The rededications will provide a consistent naming to Disraeli Freeway and clarify the designations of various rights of way adjoining and affected by the Project.

The portion of Waterfront Drive proposed to be closed must be declared surplus to the City's needs in the event that the property is ever offered for sale to the adjoining owner.

RECOMMENDATIONS

1. Subject to Recommendation 3, that the proposed street closing as shown on Misc. Plan No. 15165/6 be approved and that the land be declared surplus to the City's needs.

2. Subject to Recommendation 3, that the proposed street openings and rededications as shown on Misc. Plan Nos. 15165/3, 15165/4, 15165/5 and 15165/6 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 street closing and the street openings and rededications in accordance with Misc. Plan Nos. 15165/3, 15165/4, 15165/5 and 15165/6 (attached as Appendix "C").

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 openings and closings within the boundaries of the Downtown Winnipeg area, as defined by the Downtown Winnipeg Zoning By-Law No. 100/2004, must be considered by the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Council approval is required before the properties can be legally opened as public rights of way.

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.

All costs associated with the public street openings, rededications and closing are the responsibility of the Public Works Department and are within the approved current and/or capital budget, and are considered to be immaterial in nature.

HISTORY/DISCUSSION

On December 18, 2007, Council approved funding in the 2008 Capital Budget and 2009 to 2013 Five Year Forecast related to the Disraeli Bridges Rehabilitation Project for procurement, administration, internal contract works and property acquisition in 2008 to 2010, and lease payments in 2010 to 2013 and beyond intended for a Design/Build/Finance/Maintain ("the DBFM") Agreement.

On May 14, 2008, Council concurred in the recommendation of the Executive Policy Committee that the Winnipeg Public Service be authorized to proceed with the Project based on a DBFM delivery model.

On September 24, 2008, Council approved the conceptual design for the Project and concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works that the Director of Planning, Property and Development be authorized to negotiate the acquisition of land required for the Project and that the CAO be delegated the authority to award the DBFM contract.

On April 28, 2010, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, that the Public Service be instructed to continue its negotiations with the current property owners affected by the Project, and that in order to meet the 2010 construction schedule, that the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings to acquire the land interests for the Project, which included 14 properties.

On March 23, 2011, Council passed By-law No. 32/2011 for the opening of the south side of Hespeler Avenue, processed under application DAO 8/2010. Land required for the opening was successfully negotiated as part of the land assembly requirements for related road works for the Project.

Discussion

The Planning, Property and Development Department is proceeding with an application on behalf of the Public Works Department to open portions of Disraeli Freeway, Martha and Lily Streets and Logan Avenue so identified on the attached copies of Misc. Plan Nos. 15165/3, 15165/4, 15165/5 and 15165/6 and to close the portion of Waterfront Drive so identified on the attached copy of Misc. Plan No. 15165/6.

The openings and closing are required in order to facilitate the alignment and new property boundary definitions created as a result of the Disraeli Bridges Rehabilitation Project. Bridge construction commenced in January of 2010. The physical roadway was completed and opened to vehicular traffic in October of 2012. The Active Transportation Bridge was completed and physically opened to pedestrian/cycling traffic in August of 2013.

As part of this application, portions of existing rights of way will be rededicated as Disraeli Freeway, Martha, Lily, Argyle and Maple Streets and Logan and Henry Avenues as shown on the Misc. Plans. The rededications will provide a consistent naming to Disraeli Freeway between Main Street and the Red River and clarify the designations of various rights of way adjoining and affected by the Project.

A detailed synopsis of the subject opening, closing and rededication requirements appears in Appendix "B" of this report.

The subject application is essentially a "housekeeping" matter which will provide legal effect to existing physically opened and closed public rights of way.

The extent of the Disraeli Bridges Rehabilitation Project, from Main Street to Hespeler Avenue, crosses three Ward boundaries. Each segment must be considered by the appropriate Standing or Community Committee. In conjunction with the subject report for the portion between Main Street and Point Douglas Avenue, application DAOC 2B/2015 will be considered by the Lord Selkirk – West Kildonan Community Committee for the segment between Point Douglas Avenue and the Red River. Application DAOC 2C/2015 will be considered by the East Kildonan – Transcona Community Committee for the segment between the Red River and Hespeler Avenue.

FINANCIAL IMPACT

Financial Impact Statement Date: January 29, 2018

Project Name:

DISRAELI BRIDGES REHABILITATION PROJECT: PROPOSED STREET OPENINGS, REDEDICATIONS AND CLOSINGS – MAIN STREET TO POINT DOUGLAS AVENUE – FILE NO. DAOC 2A/2015

COMMENTS:

Funding for the preparation and registration of the documents required to open, rededicate and close the subject land has been provided by the Public Works Department and will be charged to the Disraeli Bridges Rehabilitation Project Capital Budget. These costs are considered to be immaterial in nature. As such, there are no financial implications associated with the recommendations contained in this report.

"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., 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, providing a safe, efficient and equitable transportation system for people, goods and services including infrastructure that is well maintained.

The subject opening, closing and rededication 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: January 29, 2018
File No: DAOC 2A/2015

Attachments:

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Synopsis

Appendix “C” – Misc. Plans and Aerial View

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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 to the public right of way openings, rededications and closing.

Administrative Comments

Urban Planning Division

While there are no concerns with right of way closings in South Point Douglas as a "housekeeping" matter, there would be concerns with disposing of those lands while the Eastern Corridor Study is underway. This site falls within the study area for that project, and the concern is that lands may be needed for road widenings, realignments, rapid transit or other public facilities. If we dispose of these lands now and the study subsequently determines that land is needed for some aspect of the corridor project, we would be buying it back at a premium. The City has fielded several requests to buy City land in this neighbourhood in recent years, and we have consistently held fast so as not to shortchange opportunities in this area in the near future.

Easements

Bell Canada has identified services within the closing area projecting into the CPR right of way and will require easements for these existing facilities. No permanent structures will be allowed within the easement area.

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

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before ownership is transferred to the City of Winnipeg. 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.

APPENDIX "B"

Synopsis

Misc. Plan No. 15165/3

Opening

The opening of Parcel "A", Plan 60887 WLTO as Disraeli Freeway and Parcel "C", Plan 50777 WLTO as Martha Street is required to facilitate roadway improvements at these locations. The City of Winnipeg is the registered owner of both properties.

Rededication

The rededication of Disraeli Freeway comprises parts of underlying Alexander Avenue and Martha Street, Plan 11 WLTO and Public Lane, Plan 4761 WLTO. The rededication of Martha Street comprises parts of underlying Alexander Avenue, Plan 11 WLTO and Disraeli Freeway, Plan 9088 WLTO. Titles to these underlying plans are either vested in the name of HMQ Manitoba, or the City of Winnipeg. Plan 11 WLTO is Old System land. There are no addressed properties affected.

Misc. Plan No. 15165/4

Opening

The opening of part of Parcel "A", Plan 50777 WLTO as Disraeli Freeway, the balance of Parcel "A" and all of Parcel "B", Plan 50777 WLTO as Logan Avenue and portions of Lot 1, Plan 43774 WLTO as Lily Street is required to facilitate roadway improvements at these locations. Entegra Credit Union Ltd. is the owner of the latter property. The City of Winnipeg is entitled to ownership of the land required for the opening by virtue of a Purchase and Sales Agreement entered into with Entegra on August 8, 2017. The City of Winnipeg is the registered owner of the balance of the properties.

Rededication

The rededication of Disraeli Freeway comprises parts of underlying Logan Avenue and Lily Street, Plan 11 WLTO and George Avenue, Plan 63 WLTO. The rededication of Logan Avenue comprises part of underlying Disraeli Freeway, Plan 7234 WLTO. The rededication of Lily Street comprises parts of underlying Disraeli Freeway and Public Street, Plans 7234, 7358, 9088 and 43774 WLTO. Titles to these underlying plans are either vested in the name of HMQ Manitoba, the City of Winnipeg or endorsed as public rights of way subsequent to the passage of opening by-laws. Plans 11 and 63 WLTO are Old System land. There are no addressed properties affected.

Misc. Plan No. 15165/5

Opening

The opening of part of Parcel "A", Plan 50778 WLTO and part of SP Lot 19, Plan 32416 WLTO as Disraeli Freeway is required to facilitate roadway improvements at these locations. The City of Winnipeg is the registered owner of these properties.

Rededication

The rededication of Disraeli Freeway comprises part of underlying Henry Avenue, Plan 63 WLTO. The rededication of Argyle Street, Maple Street and Henry Avenue all comprise parts of underlying Disraeli Freeway, Plan 7234 WLTO. Plan 63 WLTO is Old System land. Title to Plan 7234 WLTO is vested in the name of HMQ Manitoba. There are no addressed properties affected.

Misc. Plan No. 15165/6

Opening

The opening of SP Lots 19 and 21, Plan 32229 WLTO, Parcel "Q", Plan 43293 WLTO, Parcels "B" and "C", Plan 50779 WLTO and part SP Lot 3, Plan 31732 WLTO as Disraeli Freeway is required to facilitate roadway improvements at these locations. The City of Winnipeg is the registered owner of these properties.

Rededication

The rededication of Disraeli Freeway comprises parts of underlying Argyle Street, MacDonald Avenue, Higgins Avenue and Waterfront Drive (formerly May Street) Plan 63 WLTO, Public Street, Plan 7191 WLTO and Waterfront Drive, Plan 43293 WLTO. The rededication of Argyle Street comprises part of underlying Disraeli Freeway, Plan 7017 WLTO. Plan 63 WLTO is Old System land. Titles to the balance of the underlying plans are either vested in the name of HMQ Manitoba or the City of Winnipeg. There are no addressed properties affected.

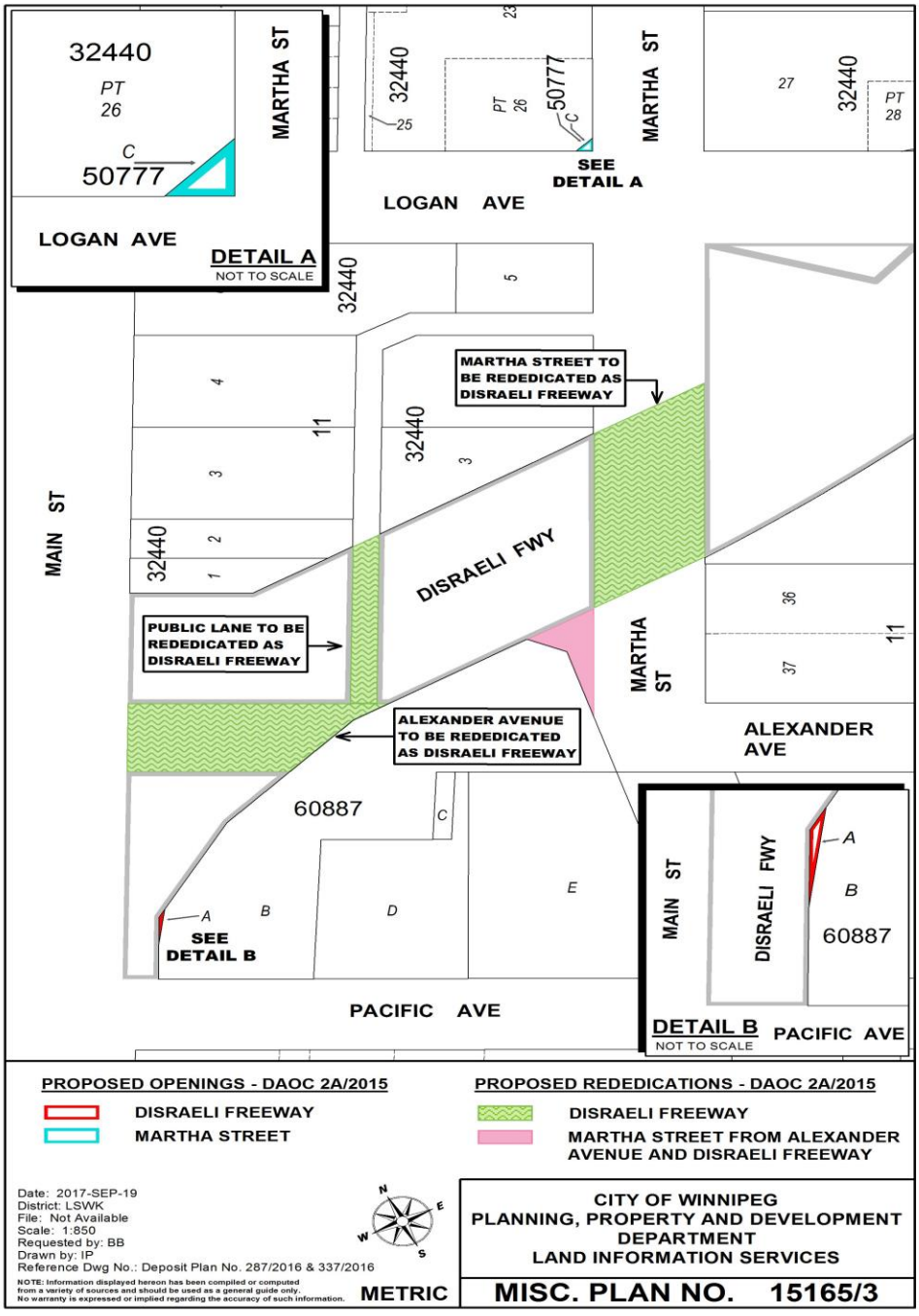
Closing

The closing of part of Waterfront Drive comprises a residual portion of the right of way not required for the project. It consists of a gravel surfaced hard pan, a portion of which projects into Canadian National Railway property to the north. It serves no public transportation purpose. One of the report's recommendations is to declare the property surplus to the City's needs should the adjoining property owner ever decide to purchase the land.

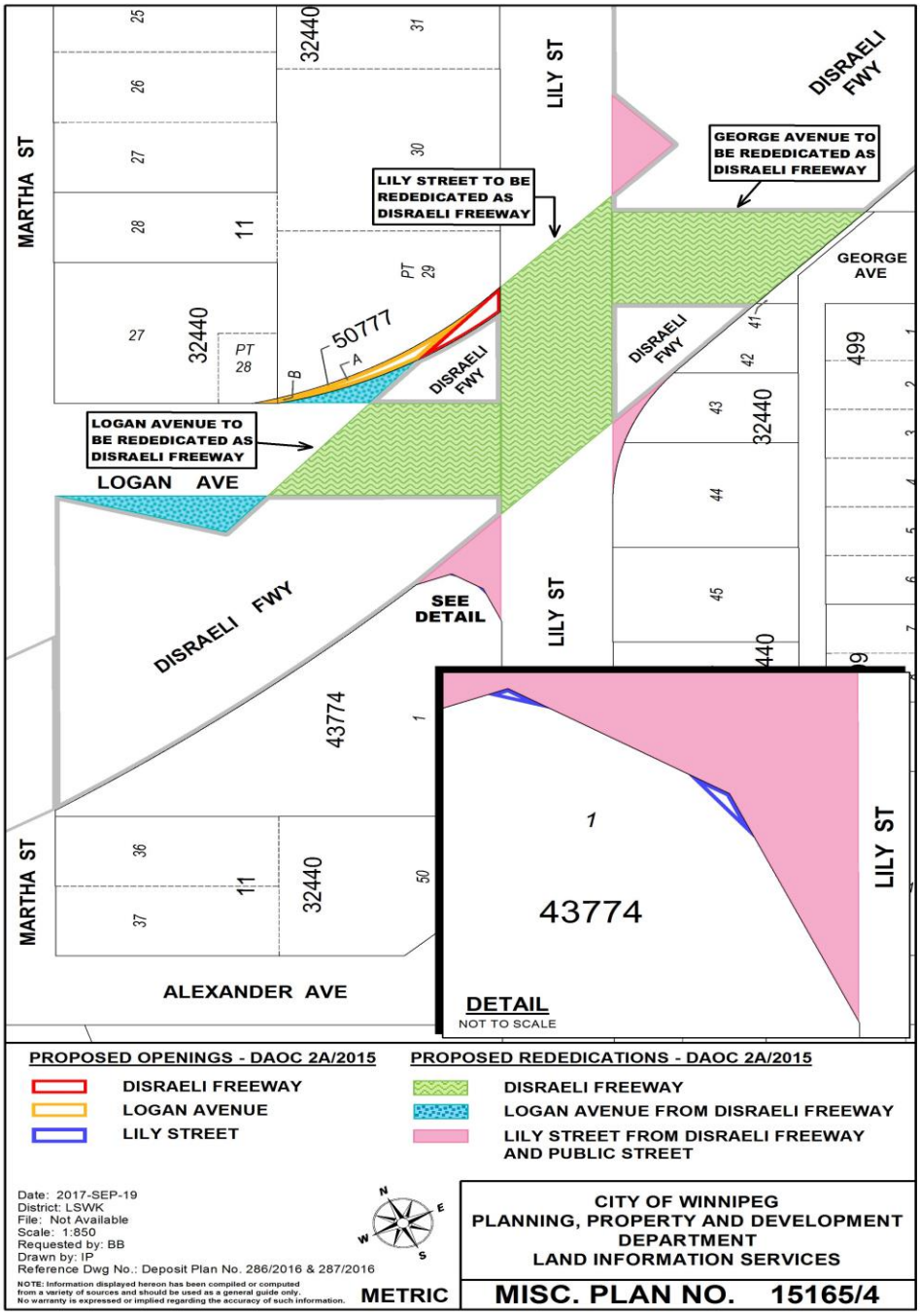
The subject closing was originally opened as May Street by Plan 63 and registered in the Winnipeg Land Titles Office in January of 1876. Its legal designation was changed to its common designation of “Waterfront Drive” under By-law 2817773 in February of 2003. This portion of Waterfront Drive is Old System land.

APPENDIX "C"

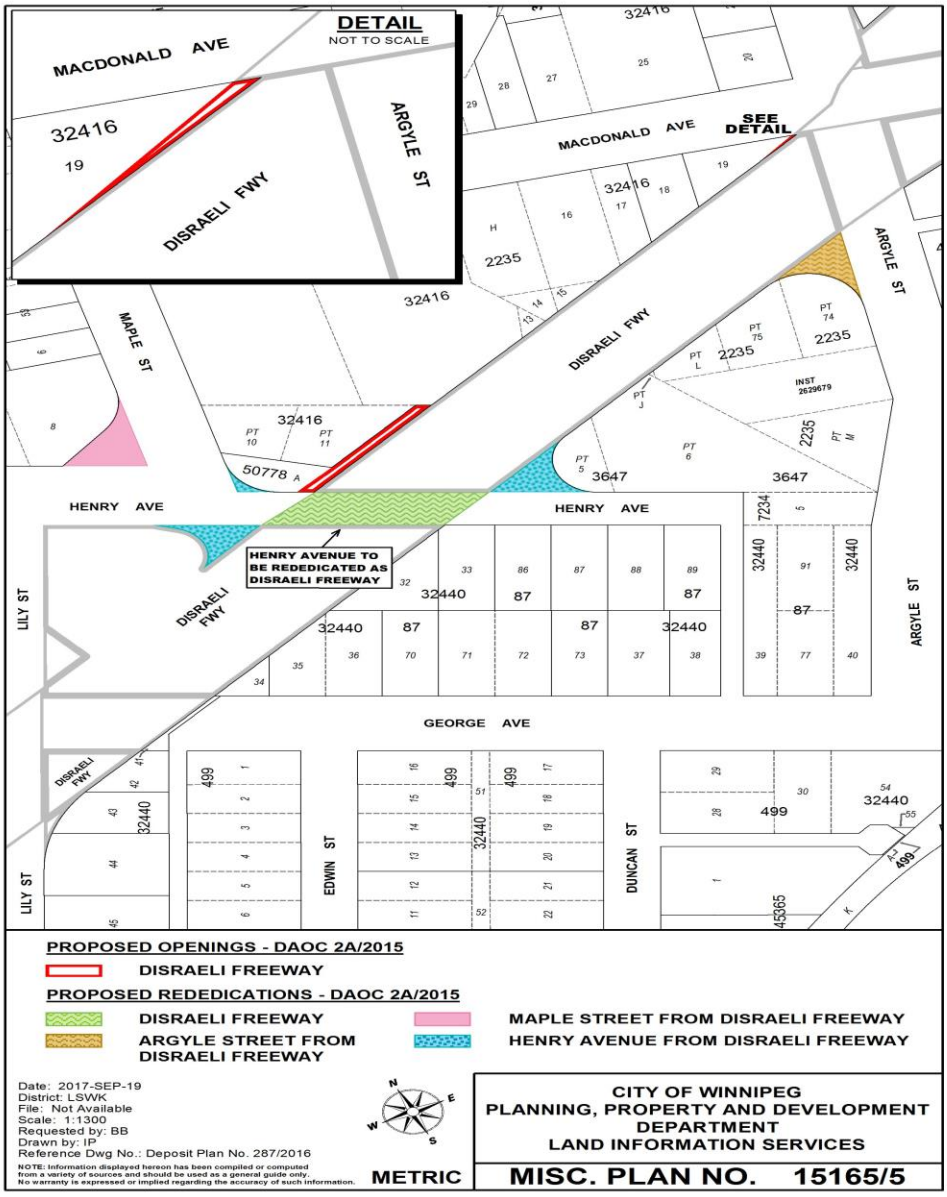
Miscellaneous Plan 15165/3



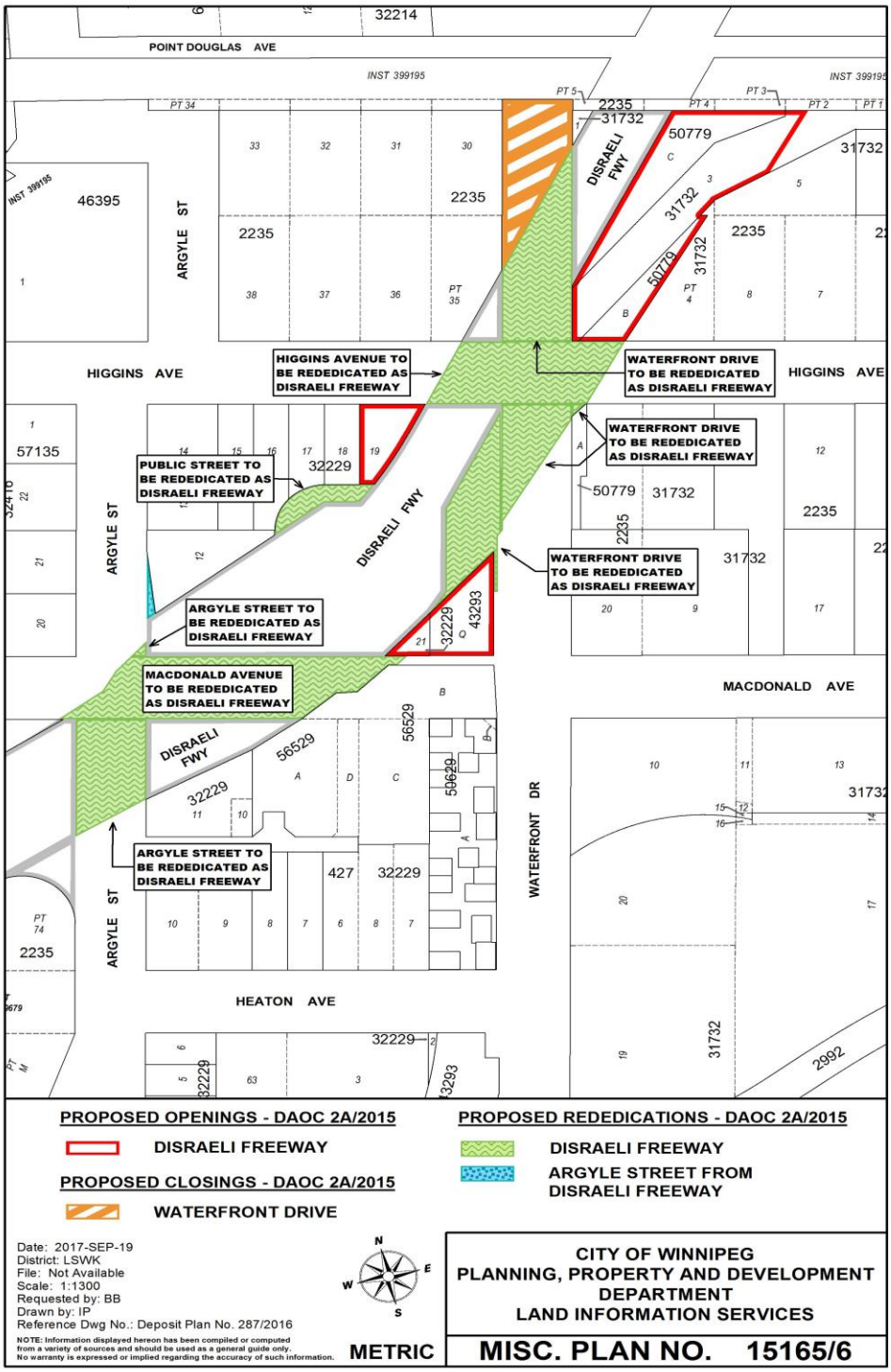
Miscellaneous Plan 15165/4



Miscellaneous Plan 15165/5



Miscellaneous Plan 15165/6



Aerial View of Subject Openings, Rededications and Closing

