Minute No. 314
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

Item No. 3 **Openings, Closings and Rededications – Disraeli Bridges Rehabilitation Project**
File DAOC 2C/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. 15167/2 be approved.

2. Subject to Recommendation 3, that the proposed street openings and rededications as shown on Misc. Plan Nos. 15167/2 and 15167/3 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. 15167/2 and 15167/3 (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 – April 9, 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.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 17, 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 April 9, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 13, 2018, the East Kildonan-Transcona 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 2C/2015
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Browaty
Public Hearing:	March 13, 2018 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	The Red River to Hespeler Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated February 12, 2018 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

D. Strong, Technician, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2C/2015

ADMINISTRATIVE REPORT

Title: Disraeli Bridges Rehabilitation Project: Proposed Street Openings, Rededications and Closings – the Red River to Hespeler Avenue – File No. DAOC 2C/2015

Critical Path: East Kildonan - Transcona 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		

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 2A/2015 will be considered by the Standing Policy Committee on Property and Development, Heritage and Downtown Development. Application DAOC 2B/2015 will be considered by the Lord Selkirk – West Kildonan 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 remove various existing designations of underlying public rights of way and provide a consistent naming to Henderson Highway and Midwinter, Talbot and Hespeler Avenues.

The portions of Henderson Highway, Public Street and Lane proposed to be closed are surplus to the land assembly requirements for the Project. Once closed, the land will be retained by the City as greenspace under the jurisdiction of the Public Works Department.

RECOMMENDATIONS

1. Subject to Recommendation 3, that the proposed street closing as shown on Misc. Plan No. 15167/2 be approved.

2. Subject to Recommendation 3, that the proposed street openings and rededications as shown on Misc. Plan Nos. 15167/2 and 15167/3 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. 15167/2 and 15167/3 (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 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.

All costs associated with the 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 cash to capital 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 and close portions of Henderson Highway, open Midwinter Avenue, and close portions of the Public Street and Lane so identified on the attached copy of Misc. Plan No. 15167/2.

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 Henderson Highway, Midwinter Avenue and Talbot Avenue as shown on Misc. Plan No. 15167/2, and Hespeler Avenue on Misc. Plan No. 15167/3. The rededications will

provide a consistent naming to these existing rights of way between the Red River and Hespeler Avenue.

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 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 the Red River and Hespeler Avenue, application DAOC 2A/2015 will be considered by the Standing Policy Committee on Property and Development, Heritage and Downtown Development for the segment 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.

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: February 12, 2018
File No: DAOC 2C/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 or comments with respect to the public right of way openings, rededications and closing.

Easements

Centra Gas Manitoba Inc. has identified services within the closing area and will require an easement for these existing facilities. They also require the preparation of a survey to locate these 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. 15167/2

Opening

The opening of part Lot 22, Plan 38903 WLTO, part Lots 16 and 17, Block "B", Plan 8978 WLTO, part Parcel "A" and all Parcels "B" and "C", Plan 50780 WLTO, part Lot 5, Plan 30700 WLTO as Midwinter Avenue and Lot 45, Block "B", Plan 817 WLTO and part Lot 1, Plan 1015 WLTO as Henderson Highway is required to facilitate roadway

improvements at these locations. The City of Winnipeg is the registered owner of all these properties, save for Lot 1, Plan 1015 WLTO and Lot 5, Plan 30700 WLTO. The City of Winnipeg is entitled to ownership of portions of these properties required for the Project by virtue of Offers to Purchase entered into with the registered owners on July 26, 2017 and September 24, 2017 respectively.

Rededication

The rededication of Henderson Highway comprises parts of underlying Public Street, Plans 6775 and 6825 WLTO, Riverton and Talbot Avenues and Public Lane, Plan 817 WLTO and Mighton Avenue, Plan 1015 WLTO. The rededication of Midwinter Avenue comprises parts of underlying Henderson Highway (formerly Kelvin Street), Plan 514 WLTO and Public Street, Plan 6775 WLTO. The rededication of Talbot Avenue comprises part of underlying Public Street, Plan 6775 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. Part of Henderson Highway at the projection of Midwinter Avenue is Old System. There are no addressed properties affected.

Closing

The closing of part of Henderson Highway, Public Street and Lane comprises residual portions of rights of way not required for the Project. The area consists of the Red River's grass embankment and serves no public transportation purpose. Once closed, the City of Winnipeg will assume ownership of this land under the jurisdiction of the Public Works Department. Its usage will remain as public greenspace.

The Henderson Highway portion of the subject closing was originally opened as Kelvin Street by Metro By-law No. 8076 in March of 1914. In January of 1965, Metro By-law No. 776 subsequently changed the name of the street to its present designation. The Public Street portion of the closing was originally opened by Plan No. 6775 and registered in the Winnipeg Land Titles Office in May of 1958. The Public Lane portion of the closing was originally opened by Plan No. 514 and registered in the Winnipeg Land Titles Office in August of 1897. Part of this lane was subsequently closed by By-law No. 14956 in July of 1937 and re-opened as part of Public Street, Plan 6775 WLTO.

<u>Misc. Plan No. 15167/3</u>

Rededication

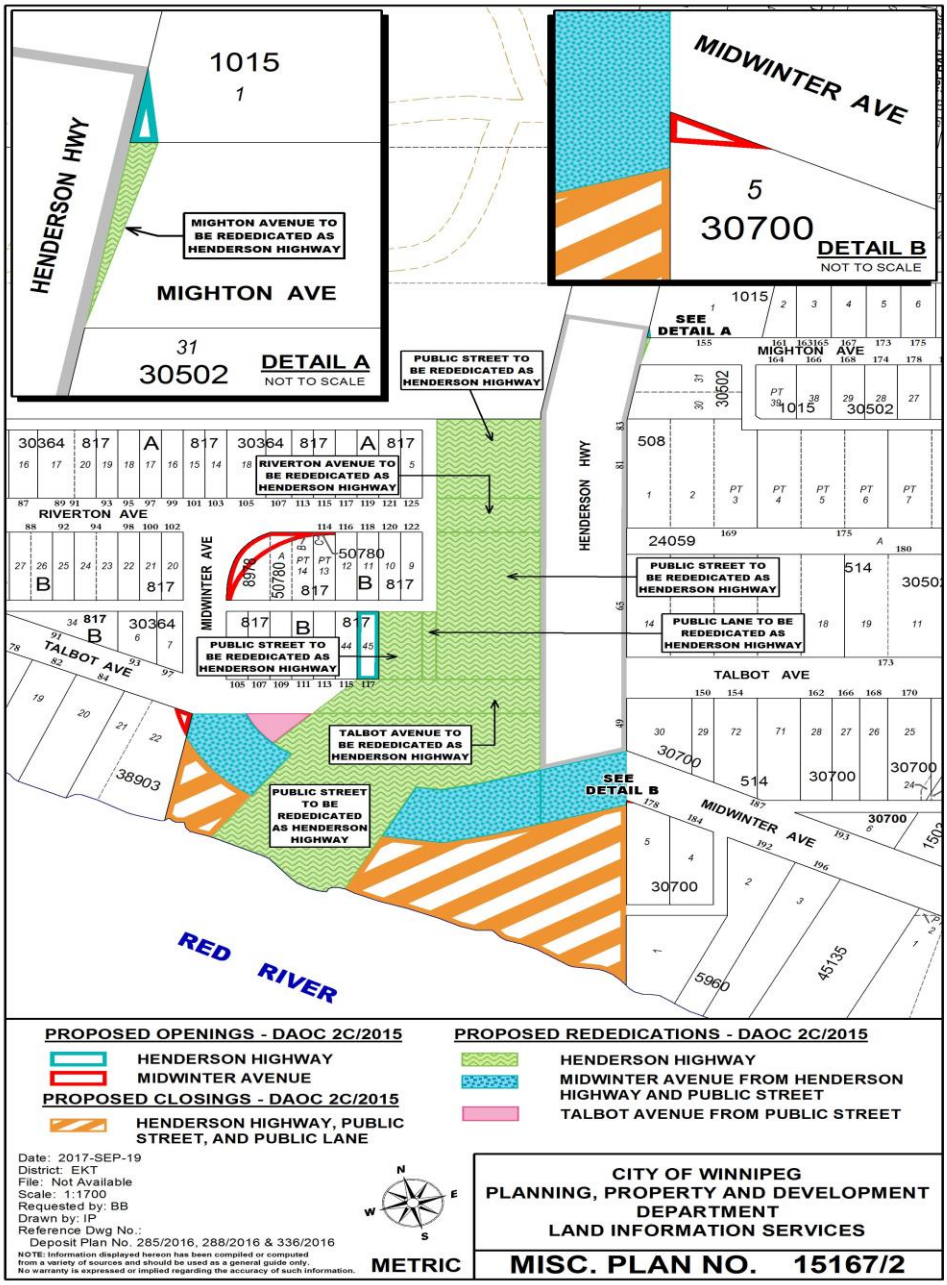
The rededication of Hespeler Avenue comprises part of underlying Henderson Highway, Plan 27739 WLTO. Title is vested in the name of HMQ Manitoba. There are no addressed properties affected.

APPENDIX "C"

Aerial View of Subject Openings, Rededications and Closing



Miscellaneous Plan 15167/2



Miscellaneous Plan 15167/3

