Minute No. 391
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

Item No. 6 **Waverley Street Underpass Project – Proposed Street Opening and Closings – Southeast Corner of Waverley Street and Taylor Avenue (River Heights - Fort Garry Ward)**
File DAOC 1/2020

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That subject to Recommendation 3, the proposed street opening as shown on Misc. Plan No. 13128/13 (attached as Appendix "B") be approved.

2. That subject to Recommendation 3, the proposed street closings as shown on Misc. Plan No. 13128/13 be approved and that the land be declared surplus to the City's needs.

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 opening and closings in accordance with Misc. Plan No. 13128/13, subject to the Applicant, among other things, fulfilling 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 – June 16, 2020

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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 June 18, 2020, 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 June 16, 2020, 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 June 1, 2020, 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.

HEARING SUMMARY

File:	DAOC 1/2020
Before:	City Centre Community Committee Councillor Rollins, Chairperson Councillor Gilroy Councillor Orlikow
Public Hearing:	June 1, 2020 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Southeast Corner of Waverley Street and Taylor Avenue
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Kate McMillan, Senior Committee Clerk City Centre Community Committee
Report date:	June 2, 2020

Community Committee Recommendation:

On June 1, 2020, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That subject to Recommendation 3, the proposed street opening as shown on Misc. Plan No. 13128/13 (attached as Appendix "B") be approved.

2. That subject to Recommendation 3, the proposed street closings as shown on Misc. Plan No. 13128/13 be approved and that the land be declared surplus to the City's needs.

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 opening and closings in accordance with Misc. Plan No. 13128/13, subject to the Applicant, among other things, fulfilling 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.

Exhibits Filed:

1. Report from the Real Property Officer dated February 27, 2020
2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2020

ADMINISTRATIVE REPORT

Title: WAVERLEY STREET UNDERPASS PROJECT – PROPOSED STREET OPENING AND CLOSINGS – SOUTHEAST CORNER OF WAVERLEY STREET AND TAYLOR AVENUE – FILE DAOC 1/2020

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
R. Robinson	J. Kiernan		

EXECUTIVE SUMMARY

This report requests Council's approval for the opening of Waverley Street, and the closings of Taylor Avenue and Waverley Street as part of the Waverley Street Underpass Project (the "Project").

The street opening and closings are required to facilitate the alignment and new property boundary definitions created as a result of the Project. The registration in the Winnipeg Land Titles Office of the opening/closing plan and associated by-law will provide legal effect to the existing physically opened and closed public rights-of-way. The Planning, Property and Development Department is proceeding with Application DAOC 1/2020 on behalf of the Public Works Department.

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

The Real Estate Branch is in ongoing negotiations with the owner of the property located at 1360 Taylor Avenue, for the sale of the streets closing areas and adjoining City-owned land. Before the streets may be sold, they must be legally closed and declared surplus to the City's needs.

RECOMMENDATIONS

1. That subject to Recommendation 3, the proposed street opening as shown on Misc. Plan No. 13128/13 (attached as Appendix "B") be approved.

2. That subject to Recommendation 3, the proposed street closings as shown on Misc. Plan No. 13128/13 be approved and that the land be declared surplus to the City's needs.

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 opening and closings in accordance with Misc. Plan No. 13128/13, subject to the Applicant, among other things, fulfilling 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 not previously approved 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 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 opening and closings are the responsibility of the Public Works Department, are within the approved current and/or capital budget, and are considered to be immaterial in nature.

HISTORY/DISCUSSION

The Planning, Property and Development Department is proceeding with Application DAOC 1/2020 on behalf of the Public Works Department, to open a portion of Waverley Street and to close portions of Taylor Avenue and Waverley Street, all as shown on Misc. Plan No. 13128/13. This report requests Council's approval for the opening and closings of the public rights-of-way as part of the Waverley Street Underpass Project (the "Project"). The application is essentially a "housekeeping" matter which will provide legal effect to existing physically opened and closed public rights-of-way and the alignment and new property boundary definitions created pursuant to the Project. Construction on the Project commenced in 2017 and is largely complete, with

the exception of landscaping which will be completed in 2020. The Real Estate Branch is in ongoing negotiations with the owner of the property located at 1360 Taylor Avenue, for the sale of the streets closing areas and adjoining City-owned land. Before the streets may be sold, they must be legally closed and declared surplus to the City's needs.

On February 22, 2011, Council concurred with the recommendation of the Executive Policy Committee providing for funding in the 2011 – 2016 Five Year Capital Forecast, to be implemented which budget included funding for the Waverley Street Underpass Project.

On December 12, 2019, Council concurred with the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to declare the City's land identified as "Subject Property" on Misc. Plan No. 13128/11 (attached as Appendix "D"), surplus to the City's needs.

Waverley Street was opened by Plan No. 307 registered in the Winnipeg Land Titles Office on February 1, 1882. Taylor Avenue was originally opened by Plan No. 5307 registered in the Winnipeg Land Titles Office on October 22, 1951, and later closed by Plan No. 6600 registered September 16, 1957. A new, relocated Taylor Avenue was opened by Plan No. 6949 registered in the said Office on January 23, 1959.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

Waverley Street Underpass Project - Proposed Opening of Waverley Street and Closings of Taylor Avenue and Waverley Street - File DAOC 1/2020

First Year of Program

	0	1	2	3	4
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 legally open and close the subject rights-of-way has been provided by the Public Works Department under Account No. 003-181000-180604-1805001413-Property. These costs are considered to be immaterial in nature.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:
Legal Services Department (as to legal issues)
Public Works Department
Water and Waste Department
Transit Department
Winnipeg Fire Paramedic Services
Ward Councillor

External Consultation:
Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, Telus Communications, Fibre.Ca Inc., Crown Pipeline Ltd. and TC Energy. Imperial Oil, Teraspan Networks, Canadian National Railway and Canadian Pacific Railway 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 and closings align with the overall vision and direction of the *Transportation Master Plan.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: February 27, 2020
File No: DAOC 1/2020
Attachments:
Appendix “A”: Administrative Approval/Comments
Appendix “B”: Miscellaneous Plan No. 13128/13
Appendix “C”: Aerial View of subject opening and closings
Appendix “D”: Miscellaneous Plan No. 13128/11

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

Geomatics Branch

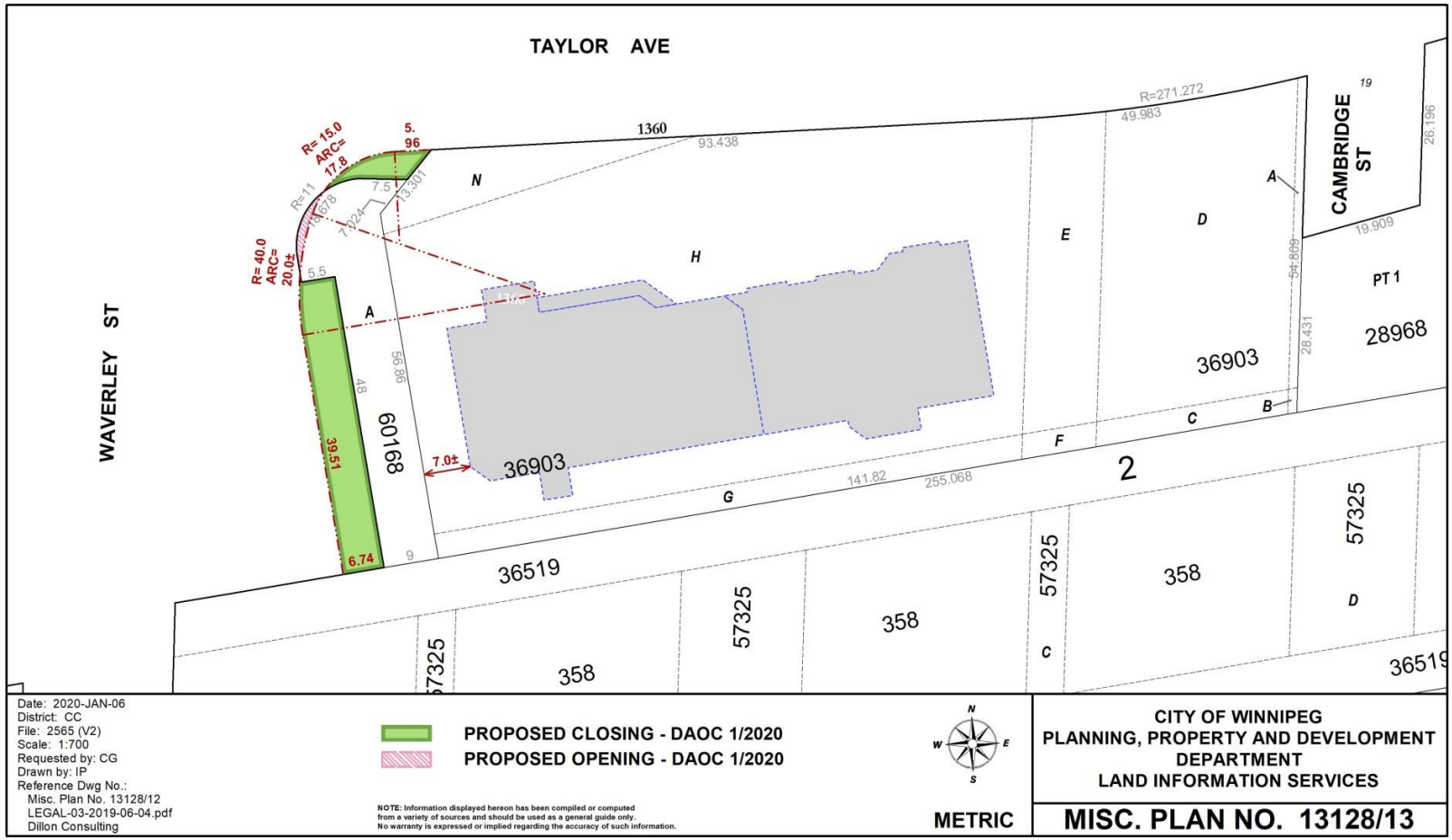
Approval of this application is subject to the following conditions:

- The closed rights-of-way and adjacent City land are both consolidated with the adjoining property Title so as to create a single and indivisible Title.

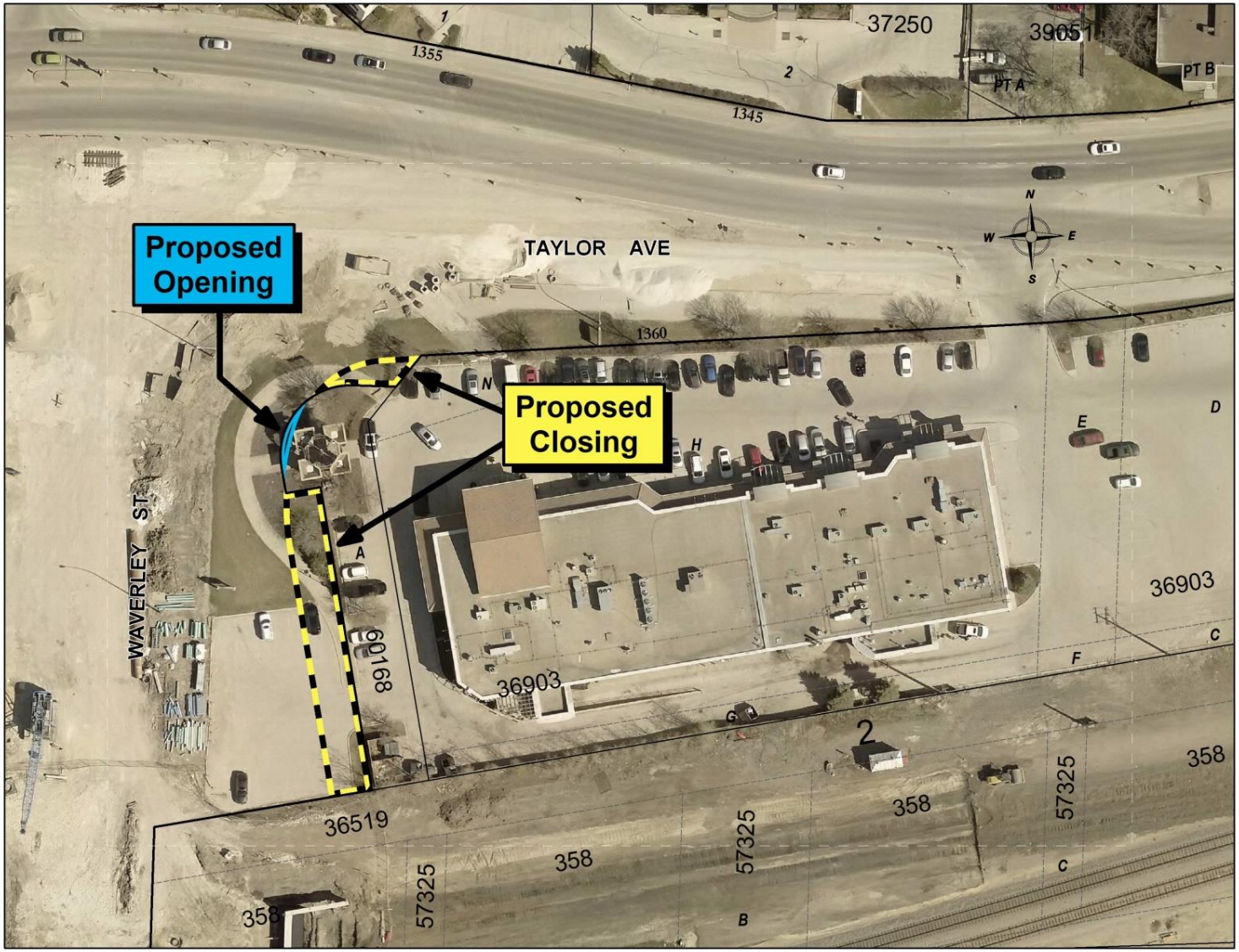
Easements

- Shaw Cablesystems Limited has identified services within the closing area. Easements for those existing facilities will be required.
- No permanent structures will be allowed within the easement areas.
- Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

APPENDIX "B" - MISCELLANEOUS PLAN NO. 13128/13



APPENDIX "C" - AERIAL VIEW OF SUBJECT OPENING AND CLOSINGS



APPENDIX "D" - MISCELLANEOUS PLAN NO. 13128/11

