Minute No. 392
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

Item No. 7 Opening and Closing – Air Force Way, North of Silver Avenue (St. James Ward)
File DAOC 1/2019

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, and rededication of that portion Public Lane Plan 1617 as shown on Misc. Plan No. 13768/7 (attached as Appendix "B"), be approved.

2. That subject to Recommendation 3, the proposed street closing as shown on Misc. Plan No. 13768/7 be approved, declared surplus to the City's needs and conveyed to DND for $1.00.

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, rededication, and closing in accordance with Miscellaneous Plan No. 13768/7, subject to:

   A. the approval by Council or its delegated authority, of the conveyance to DND of the land comprised of the proposed closing of Air Force Way as shown on Misc. Plan No. 13768/7, and

   B. fulfilment of the administrative conditions of approval outlined in Appendix "A" of this report.

4. That subject to Recommendation 3, the value of each tree located on city property to be removed be identified, and either a replanting of tree for tree, or some other measure be determined as part of the project so that the trees can be replaced elsewhere.

5. That subject to Recommendation 3, the Winnipeg Public Service be directed to work with the area Councillor, and if necessary Assiniboine Golf Course, to provide a temporary alternate route for the yellow ribbon greenway trail.

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

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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 Assiniboia Community Committee, with the following amendment:

- In Recommendation 4, add the words “located on city property” immediately after “the value of each tree”

and submitted the matter to the Executive Policy Committee and Council.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On June 3, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Add the following new recommendations and renumber the remaining accordingly:

    "4. That subject to Recommendation 3, the value of each tree to be removed be identified, and either a replanting of tree for tree, or some other measure be determined as part of the project so that the trees can be replaced elsewhere.

    5. That subject to Recommendation 3, the Winnipeg Public Service be directed to work with the area Councillor, and if necessary Assiniboine Golf Course, to provide a temporary alternate route for the yellow ribbon greenway trail."

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

HEARING SUMMARY

File:	DAOC 1/2019
Before:	Assiniboia Community Committee Councillor Klein, Chairperson Councillor Gillingham Councillor Lukes
Public Hearing:	June 3, 2020 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Public Works)
Premises Affected:	Air Force Way, north of Silver Avenue
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Leah Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	June 4, 2020

Community Committee Recommendation:

On June 3, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, 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, and rededication of that portion Public Lane Plan 1617 as shown on Misc. Plan No. 13768/7 (attached as Appendix "B"), be approved.

2. That subject to Recommendation 3, the proposed street closing as shown on Misc. Plan No. 13768/7 be approved, declared surplus to the City's needs and conveyed to DND for $1.00.

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, rededication, and closing in accordance with Miscellaneous Plan No. 13768/7, subject to:

   A. the approval by Council or its delegated authority, of the conveyance to DND of the land comprised of the proposed closing of Air Force Way as shown on Misc. Plan No. 13768/7, and

   B. fulfilment of the administrative conditions of approval outlined in Appendix "A" of this report.

4. That subject to Recommendation 3, the value of each tree to be removed be identified, and either a replanting of tree for tree, or some other measure be determined as part of the project so that the trees can be replaced elsewhere.

5. That subject to Recommendation 3, the Winnipeg Public Service be directed to work with the area Councillor, and if necessary Assiniboine Golf Course, to provide a temporary alternate route for the yellow ribbon greenway trail.

6. 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
3. Communication from Kathryn Smith in opposition to the application
4. Communication dated June 2, 2020, from Graham Barrett, with respect to the application

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Kathryn Smith

For Information:

Graham Barrett

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2019

ADMINISTRATIVE REPORT

Title: PROPOSED OPENING AND CLOSING OF AIR FORCE WAY, NORTH OF SILVER AVENUE – File DAOC 1/2019

Critical Path: ASSINIBOIA 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	N/A	N/A

EXECUTIVE SUMMARY

This report requests Council's approval for the proposed opening and closing of Air Force Way.

The Department of National Defence (DND) approached the City to close and convey to DND a portion of Air Force Way to comply with DND base security requirements. In response, the Public Works Department identified the need for continued access to Hangar Line Road and provided the necessary requirements for an alternate opening of Air Force Way to Hangar Line Road, over DND land, City land and a portion of Public Lane Plan 1617. The Planning, Property and Development Department is proceeding with Application DAOC 1/2019 on behalf of the Public Works Department.

RECOMMENDATIONS

1. That subject to Recommendation 3, the proposed street opening, and rededication of that portion Public Lane Plan 1617 as shown on Misc. Plan No. 13768/7 (attached as Appendix “B”) be approved.

2. That subject to Recommendation 3, the proposed street closing as shown on Misc. Plan No. 13768/7 be approved, declared surplus to the City’s needs and conveyed to DND for $1.00.

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, rededication, and closing in accordance with Miscellaneous Plan No. 13768/7, subject to:

   (A) the approval by Council or its delegated authority, of the conveyance to DND of the land comprised of the proposed closing of Air Force Way as shown on Misc. Plan No. 13768/7, and

   (B) fulfilment of 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 street closing, opening and rededication are the responsibility of the Public Works Department and are within the approved current and/or capital budget.

HISTORY/DISCUSSION

The Department of National Defence (DND) approached the City to close and convey to DND a portion of Air Force Way to comply with DND base security requirements. In response, the Public Works Department identified the need for continued access to Hangar Line Road identified the necessary requirements for an alternate opening of Air Force Way to Hangar Line Road, over DND land, City land and a portion of Public Lane Plan 1617. The Planning, Property and Development Department is proceeding with Application DAOC 1/2019 on behalf of the Public Works Department, for the opening and rededication, and closing of Air Force Way. The opening together with rededication of the portion of Public Lane Plan 1617 will provide a uniform designation of the physical realignment of Air Force Way.

On November 21, 2019, Council concurred with the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works providing funding in the 2019 Capital Budget and authorizing the City to enter into a contribution agreement with DND for construction of the Air Force Way realignment. Because the area of the street being opened within the DND land exceeds the area of the street being closed, the Public Service recommends that the land comprising the closing area be conveyed to DND for the nominal sum of $1.00.

Air Force Way was opened by Plan No. 38777 registered in the Winnipeg Land Titles Office on September 15, 2000, and the public lane, a portion of which is to be rededicated as Air Force Way, was opened by Plan No. 1617 registered in the Winnipeg Land Titles Office on February 15, 1911.

The portion of Public Lane Plan 1617 within the opening area is currently undeveloped, exists in a legal context only and appears to serve no public transportation purpose. The portion of Air Force Way to be closed is a fully improved concrete street maintained by the City, providing access to an outdoor aviation museum, a parking lot, DND facilities, and connectivity to Hangar Line Road. No addressed properties are affected by the proposed closing.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

Proposed Opening and Closing of Air Force Way, North of Silver Avenue - DAOC 1/2019

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 open, rededicate and close the subject land has been provided by the Public Works Department under Account No. 2019 TEIP - Roadside Safety Improvement 003-181000-180603-1831000719-ISLANDSUR. These costs are considered to be immaterial in nature.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services (as to legal issues)
CAO-Office of Sustainability
Corporate Finance
Fire Paramedic Services
Public Works Department
Winnipeg Police Services
Water and Waste Department
Transit Department
CAO-Office of Sustainability
Ward Councillor

External Consultation:

Manitoba Hydro, Centra Gas, Bell Canada, BellMTS, Shaw Cablesystems, Fibre.Ca Inc., and Crown Pipeline Ltd.

Rogers Communications, Teraspan Networks, Telus Communications, Imperial Oil, and TC Energy, did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions

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 1/2019

Attachments:

Appendix "A": Administrative Approval/Comments
Appendix "B": Miscellaneous Plan No. 13768/7
Appendix "C": Aerial View of subject closing, opening, and rededication

APPENDIX "A" - ADMINISTRATIVE APPROVAL

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

Administrative Comments

Approval of this application is subject to the following conditions:

Public Works Department, Transportation Division

- The Department of National Defence Capital Assistance Program – Contribution Agreement #2 (the "Contribution Agreement") for the construction of the new Air Force Way, being fully executed.

- Any existing street lighting poles within the Air Force Way closing area may remain at the discretion of DND and will be conveyed to DND ownership/responsibility (removed from City billing). Any costs for this (physical or administrative in nature) will be borne by DND via the Contribution Agreement.

- New street lighting poles will be installed to illuminate the realigned Air Force Way within the proposed opening area, and some existing poles may need to be relocated or removed to accommodate the work. Any capital costs for this (physical or administrative in nature) will be borne by DND via the Contribution Agreement. Ongoing operating costs for street lighting of the proposed new Air Force Way opening will be borne by the City.

- A private access application being submitted to, and approved by the Public Works Department, to allow for retention/modification as a private approach, of the existing street turn-out to Air Force Way.

- A private access application being submitted to and approved by the Public Works Department, for that portion of the new Air Force Way that will abut the Winnipeg Airports Authority land (Hangar Line Road).

Water and Waste Department

- The existing 300mm water main located within the opening is a private water service, and should remain a private water service at the sole risk and responsibility of its owner.

- A land drainage easement or equivalent agreement allowing for drainage of the proposed opening area into adjacent, privately owned drainage infrastructure may be required.

Easements

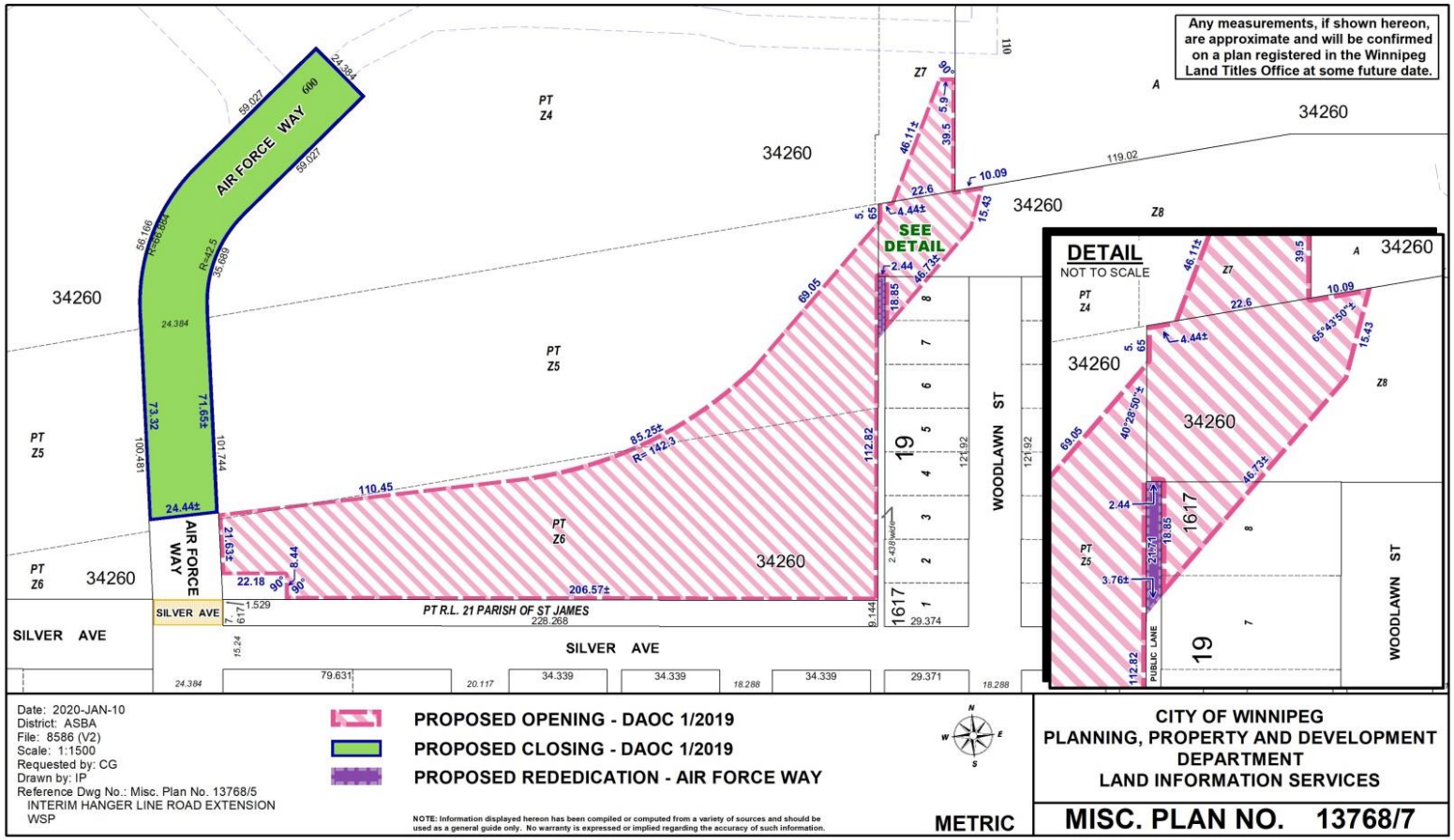
BellMTS advised that it will require easements for existing and/or future telecommunications facilities for both the proposed closing area and the opening area. No permanent structures will be allowed within the easement areas.

Any removal or relocation of 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 it can be conveyed. Title to all public rights-of-way in Manitoba is vested in the Province. Registration in The Property Registry of a closing By-law removes the public right-of-way status from the street and vests ownership with the City. The City is not entitled to dispose of the street until this has been done.

APPENDIX "B" - MISCELLANEOUS PLAN NO. 13768/7



APPENDIX "C" - AERIAL VIEW OF SUBJECT CLOSING, OPENING AND REDEDICATION

