Agenda – Council – January 27, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2022

Item No. 6 Opening and Closing – Rededications for the Pioneer Trail Project (Elmwood-East Kildonan Ward)
File DAOC 1/2021

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That subject to Recommendation 2, the proposed street closings, openings and rededications as shown on Misc. Plan No. 15155/9 (attached hereto as Appendix B), be approved and the land declared surplus to the City's needs.

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 closings, openings and rededication, all in accordance with Misc. Plan No. 15155/9 subject to the approval by Council or its delegated authority of the conveyance of the land comprised of the proposed closings, and of the acquisition of the lands required for the proposed openings.

3. That subject to Council or its delegated authority's concurrence respecting terms and conditions of the exchange of land necessary to facilitate the Project, the City enter into, execute and deliver a Land Exchange Agreement with the Canadian Pacific Railway or assignee(s) and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements"), failing which this proposal shall be deemed rescinded and shall not be proceeded with.

4. That authority be delegated to the Director of the Planning, Property and Development Department to negotiate and approve the terms and conditions of the land exchange and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing and to protect the interests of the City in accordance with this report.

5. 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 – January 17, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2022, 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 January 17, 2022, 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 January 4, 2022, 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.

HEARING SUMMARY

File:	DAOC 1/2021
Before:	East Kildonan-Transcona Community Committee Councillor Nason, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	January 4, 2022 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Pioneer Trail Project
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Tamara Pomanski, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	January 4, 2022

Community Committee Recommendation:

On January 4, 2022, the East Kildonan-Transcona 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 2, the proposed street closings, openings and rededications as shown on Misc. Plan No. 15155/9 (attached hereto as Appendix B), be approved and the land declared surplus to the City's needs.

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 closings, openings and rededication, all in accordance with Misc. Plan No. 15155/9 subject to the approval by Council or its delegated authority of the conveyance of the land comprised of the proposed closings, and of the acquisition of the lands required for the proposed openings.

3. That subject to Council or its delegated authority's concurrence respecting terms and conditions of the exchange of land necessary to facilitate the Project, the City enter into, execute and deliver a Land Exchange Agreement with the Canadian Pacific Railway or assignee(s) and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements"), failing which this proposal shall be deemed rescinded and shall not be proceeded with.

4. That authority be delegated to the Director of the Planning, Property and Development Department to negotiate and approve the terms and conditions of the land exchange and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing and to protect the interests of the City in accordance with this report.

5. 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 December 6, 2021
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

Exhibit "1" referred to in File DAOC 1/2021

ADMINISTRATIVE REPORT

Title: Proposed Street Closings, and Openings and Rededications for the Pioneer Trail Project – File DAOC 1/2021

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			

EXECUTIVE SUMMARY

The Planning, Property and Development Department is proceeding with an application on behalf of the Public Works Department, to close, open, and rededicate streets for the Pioneer Trail Project (the "Project").

The Real Estate Branch has negotiated terms and conditions for a land exchange with Canadian Pacific Railway for land required for the project.

All street and lane closings and openings must be approved by Council. Before public rights-of-way can be conveyed, they must be legally closed and declared surplus to the City's needs. The Public Service recommends approval of the proposed street closings, openings, and rededications.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street closings, openings and rededications as shown on Misc. Plan No. 15155/9 (attached hereto as Appendix B), be approved and the land declared surplus to the City's needs.

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 closings, openings and rededication, all in accordance with Misc. Plan No. 15155/9 subject to the approval by Council or its delegated authority of the conveyance of the land comprised of the proposed closings, and of the acquisition of the lands required for the proposed openings.

3. That subject to Council or its delegated authority's concurrence respecting terms and conditions of the exchange of land necessary to facilitate the Project, the City enter into, execute and deliver a Land Exchange Agreement with the Canadian Pacific Railway or assignee(s) and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements"), failing which this proposal shall be deemed rescinded and shall not be proceeded with.

4. That authority be delegated to the Director of the Planning, Property and Development Department to negotiate and approve the terms and conditions of the land exchange and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing and to protect the interests of the City in accordance with this report.

5. 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 openings not previously approved by Council or a Standing Committee of Council.

As per Section 3.1(i) of the City Organization By-law No. 7100/1997, only Council can declare City-owned property surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the closings, openings and rededications 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 an application on behalf of the Public Works Department, to close, open, and rededicate streets for the Pioneer Trail Project (the "Project").

The Real Estate Branch has negotiated terms and conditions for a land exchange with Canadian Pacific Railway for land required for the project.

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, TC Energy, Fibre.Ca Inc., Crown Pipeline Ltd., have indicated that they have no concerns with the proposal. Imperial Oil, Canadian National Railway Company, Canadian Pacific Railway, Telus Communications, and Teraspan Networks did not respond to the request for comment on this application.

Plan 78, registered in the Winnipeg Land Titles Office on September 10, 1878, opened a railway for Canadian Pacific Railway (CPR) and road allowances immediately adjoining either side of the CPR Pembina Branch Railway's northern extension. The road allowance on the east side of the right-of-way became known as Wolfe Street and was later renamed Gateway Road by By-law No. 18195 approved on March 9, 1959. The road allowance on the west side of the right-of-way became known as Roland Street and was subsequently renamed Elmwood Road by By-law No. 307 approved on October 25, 1962. Elmwood Road was further extended pursuant to By-law No. 15378 approved on September 15, 1941, by Plan No. 4244 registered in the Winnipeg Land Titles Office on October 27, 1941. The latter was later closed by By-law No. 15633 approved on December 20, 1943 and registered I the said Office as Instrument No. E18937.

The proposed closings are unimproved and serve no public transportation purposes.

CONSULTATION

This Report has been prepared in consultation with:
Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor
The Public Service have no objections to the proposed closings, openings and rededications.

OURWINNIPEG POLICY ALIGNMENT

The proposed closings, openings, and rededications align with objectives of OurWinnipeg Policy 2045 (subject to a third reading) to prioritize an integrated and sustainable transportation system providing safe, efficient and effective movement of people, goods and services; managing traffic congestion; stimulating affordable mobility choice; protecting environment, and championing targets for net zero carbon emissions to improve air quality. It ensures that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed closings, openings and rededications align with the Winnipeg Climate Action Strategic Opportunity No. 3: Advancing Sustainable Transportation, and Key Directions as follows:

3.4 Increase Active Transportation Rates
3.5 Reduce Traffic Congestion

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: December 6, 2021
File No: DAOC 1/2021

Attachments:
APPENDIX A - Administrative Approval
APPENDIX B - Miscellaneous Plan 15155/9
APPENDIX C - Aerial Diagram showing proposed Pioneer Trail

APPENDIX A – ADMINISTRATIVE APPROVAL

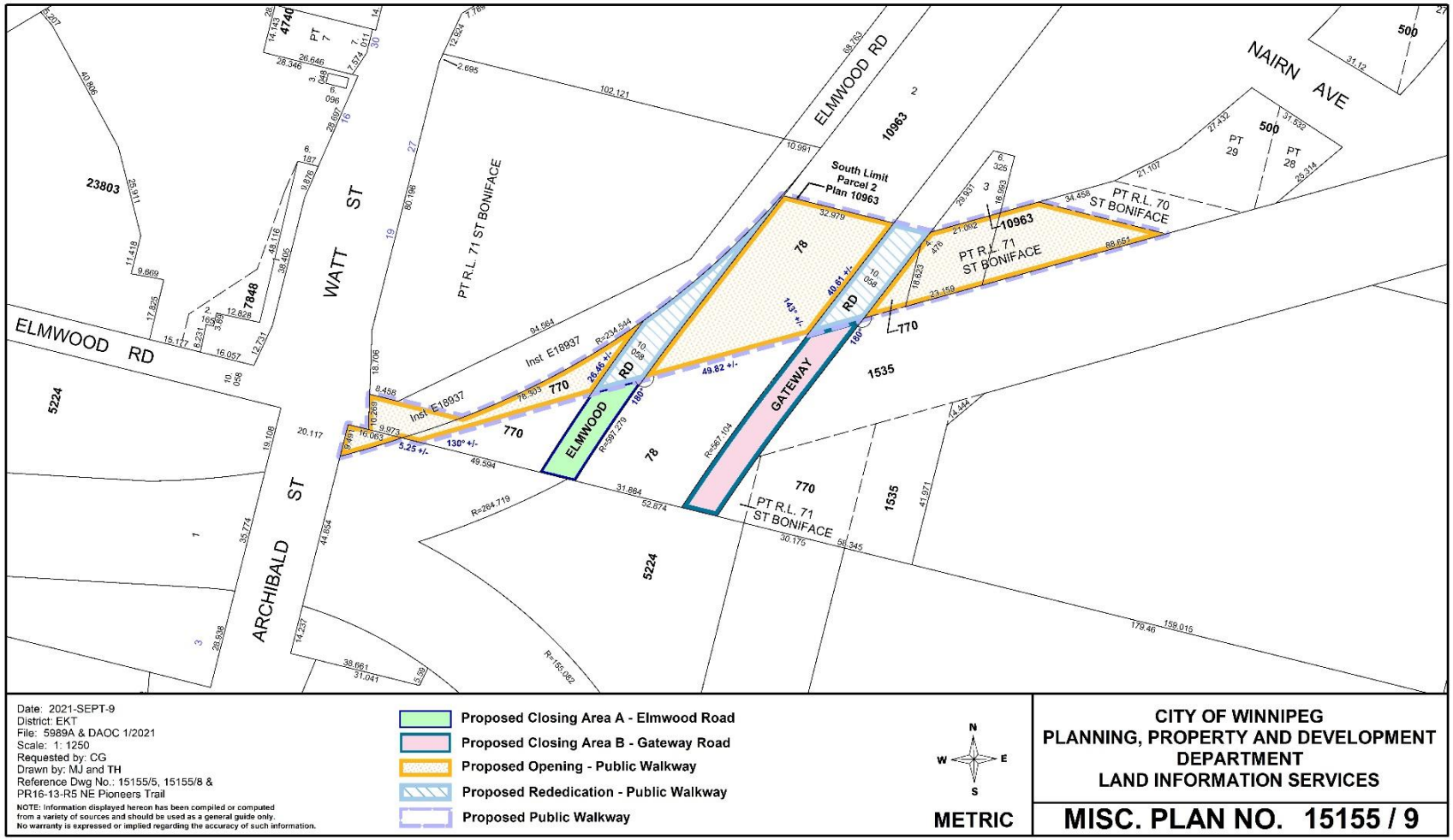
Conditions of Approval/ Comments

Water and Waste Department

There is a 1650 x 2060mm CS Sewer Main (the “Main”) located within Elmwood Road and the proposed Pioneer Trail openings. It appears the Main does not fall within either proposed closings (Areas A and B). It does fall within the proposed opening and rededication areas.

The Water and Waste Department will require unrestricted 24/7 access to the underground infrastructure for inspection, maintenance, repairs and/or replacement purposes. A physical surface such as asphalt or packed gravel overtop of the Main is acceptable. Permanent structures are not allowed.

APPENDIX B – MISC. PLAN NO. 15155/9



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSINGS, OPENINGS, AND REDEDICATIONS

