Minutes – Council – December 12, 2024

Minute No. 60
Report – Executive Policy Committee – December 4, 2024

Item No. 12 **Proposed Opening and Rededication of Public Walk Plan 43984 between Strongberg Drive and De Vries Avenue, as McIvor Avenue File DAO 2/2023**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That subject to Recommendation 2, the proposed street opening and rededication of Public Walk Plan 43984 as McIvor Avenue, shown on Miscellaneous Plan No. 15950 (Appendix A), be approved.

2. That, upon instruction from the Director of Planning, Property and Development, 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 rededication in accordance with Miscellaneous Plan No. 15950.

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

Report – Executive Policy Committee – December 4, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 4, 2024, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Proposed opening and rededication of Public Walk Plan 43984 between Strongberg Drive and De Vries Avenue, as McIvor Avenue – File DAO 2/2023

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Robinson (Acting)	H. Borys	T. Graham	S. Armbruster, Interim CAO

EXECUTIVE SUMMARY

The Public Service is proceeding with an application to legally open Parcels A and B Plan 43984, and rededicate Public Walk Plan 43984 as McIvor Avenue. The Parcels and Public Walk lie between Strongberg Drive and DeVries Avenue (Appendix A and aerial diagram Appendix B). The opening will align the existing street limits with the adjoining properties.

The Public Service recommends the opening.

RECOMMENDATIONS

1. That subject to Recommendation 2., the proposed street opening and rededication of Public Walk Plan 43984 as McIvor Avenue, shown on Miscellaneous Plan No. 15950 (Appendix A), be approved.

2. That, upon instruction from the Director, the City Solicitor be instructed to prepare and bring directly to Council for enactment, a by-law to facilitate the street opening and rededication in accordance with Miscellaneous Plan No. 15950.

3. 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

Council approval is required before land can be legally opened and/or rededicated as public right-of-way.

The application has been submitted to the Executive Policy Committee in accordance with Section 4(20) of the City Organization By-law No. 7100/97.

Dedication of land as a public right-of-way requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the opening are the responsibility of the Public Works Department.

HISTORY/DISCUSSION

The Public Service is proceeding with an application to legally open Parcels A and B Plan 43984 and rededicate Public Walk Plan 43984 as McIvor Avenue as shown on Misc. Plan No. 15950 (Appendix A and aerial diagram Appendix B). The Parcels and Public Walk lie between Strongberg and DeVries Avenue, are physically improved as a street and used by vehicles. The opening will align the existing street limits with the adjoining properties.

At its meeting of November 21, 2001, Council approved amendments to conditions for DASZ 13/2000 regarding:

- the closure of McIvor Avenue at De Vries Avenue;
- granting the Developer an option to acquire the closed portion of McIvor Avenue; and
- retention of a portion of McIvor Avenue as a walkway.

At its meeting of March 24, 2004, Council:

- approved the closure of a portion of McIvor Avenue and the retention of the north side as a walkway between Strongberg Drive and De Vries Avenue shown on Miscellaneous Plan No. 12145/1 (Appendix C); and
- granted an easement to William Hrushovetz to enable access to his property at 1922 De Vries Avenue from the existing McIvor Avenue approach.

At its meeting of May 18, 2005, Council enacted By-law No. 90/2005 to close a portion of McIvor Avenue and open Public Walk. On June 3, 2006, Plan No. 43984 was registered at the Winnipeg Land Titles Office, giving legal effect to the closing and opening of Public Walk.

At its meeting of March 21, 2007, Council:

- approved re-opening the closed portion of McIvor Avenue between Strongberg Drive and DeVries Avenue;
- rescinded the option to acquire the land previously granted to the Developer under DASZ 13/2000; and
- rescinded the access easement granted to William Hrushovetz.

Public Walk Plan 43984 remained open as a Public Walk.

The report considered by Council on March 21, 2007, stipulated that “The Administration can be directed to prepare the necessary opening by-law for consideration by Council.” However, the direction was not completed at that time.

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

FINANCIAL IMPACT

Financial Impact Statement Date: October 10, 2024

Project Name:

Proposed opening and rededication of Public Walk Plan 43984 between Strongberg Drive and De Vries Avenue, as McIvor Avenue – File DAO 2/2023

COMMENTS:

All minor costs, if any, can be accommodated within the department's budget.

Mike McGinn Oct. 10, 2024
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

The physical improvements of the opening and public walk occurred a number of years ago. The improvements align with objectives of OurWinnipeg Policy by providing safe, efficient and effective movement of people, affordable mobility choice, transportation of goods and services, management of traffic congestion and environment protection. It champions targets for net zero carbon emissions to improve air quality. It ensures that land use, transportation modes, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The Winnipeg Climate Action Plan includes seven strategic opportunities and supporting key directions. The physically improved opening and public walk aligns with Strategic Opportunity No. 3: Advancing Sustainable Transportation, and Key Directions Nos. 3.4 and 3.5 as follows:

3.4 Increase Active Transportation Rates; and
3.5 Reduce Traffic Congestion.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

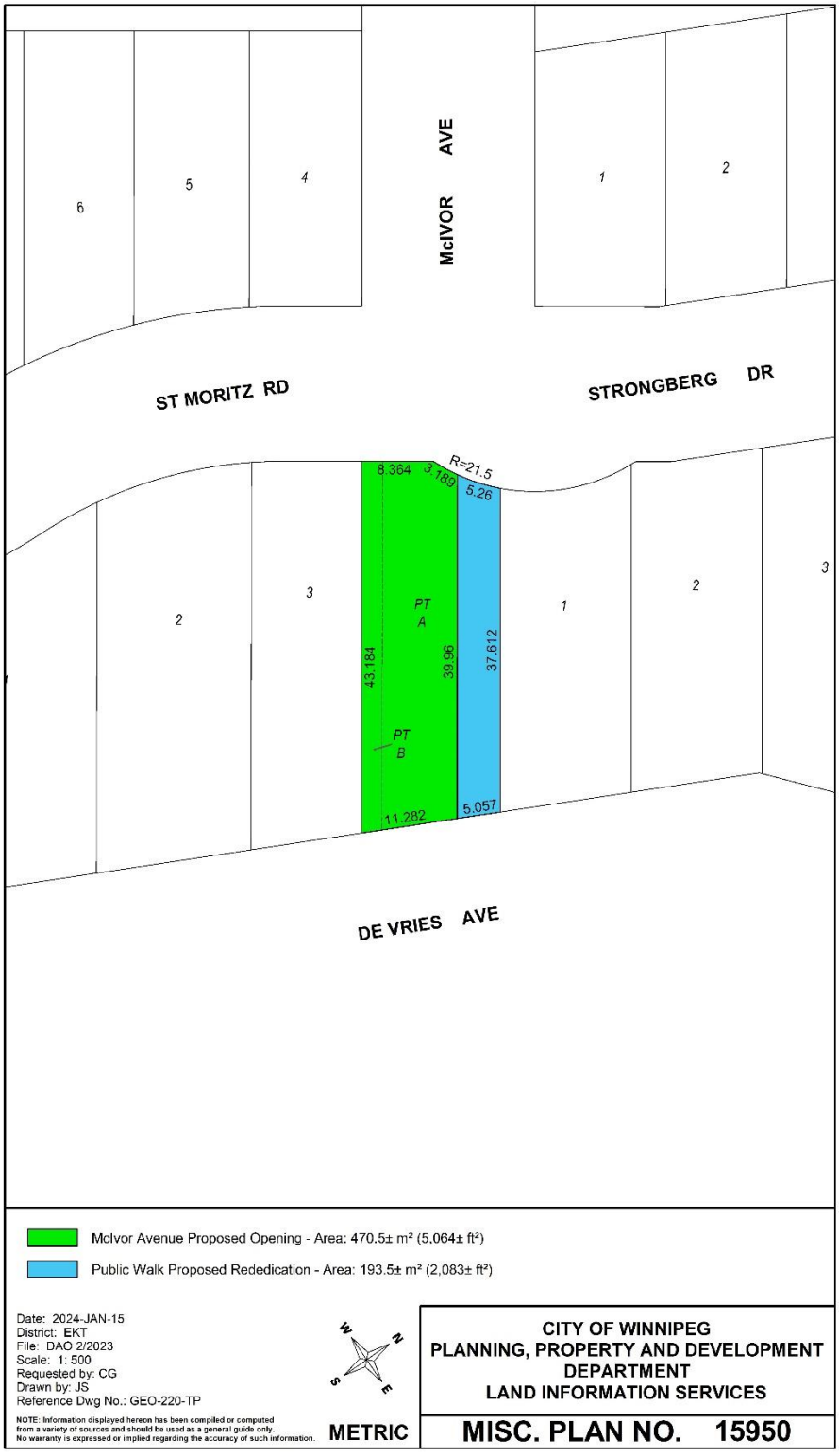
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan. It was determined that the Strategy is not applicable to this specific report.

SUBMITTED BY

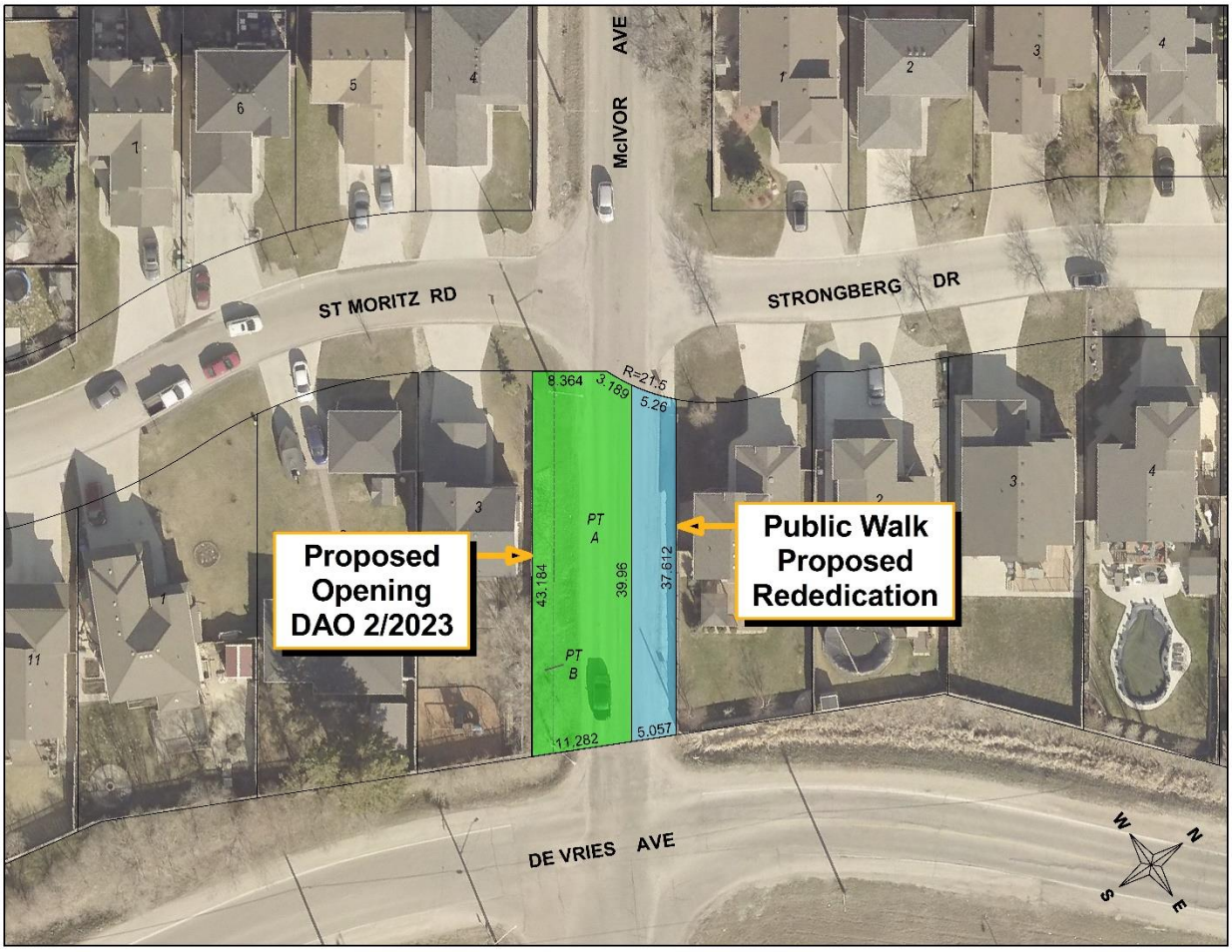
Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: October 10, 2024
File No.: DAO 2/2023

Attachments:
Appendix A: Miscellaneous Plan 15950
Appendix B: Aerial View of Proposed Opening and Proposed Rededication
Appendix C: Miscellaneous Plan 12145/1

APPENDIX A – MISCELLANEOUS PLAN 15950



APPENDIX B - AERIAL VIEW OF PROPOSED OPENING AND REDEDICATION



APPENDIX C – MISCELLANEOUS PLAN 12145/1

