Minute No. 285
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 4 **Closing and Walkway Lighting - Public Walk between Tudor Crescent and Besant Street**
Files DAC 19/2004 and FL-2

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development, as amended, and adopted the following:

1. That the proposed walkway closing under File DAC 19/2004, as shown on Misc. Plan No. 12361, not be proceeded with.

2. That the cost for the installation of a light on the existing hydro pole in the public walk between Tudor Crescent and Besant Street, as well as the cost for the purchase of a refuse container for placement in the public walk, not to exceed the amount of $5,000.00, be allocated from the East Kildonan-Transcona Land Dedication Reserve.

3. That the criteria of the Council Policy for the Land Dedication Reserve Fund be waived for any expenditures which do not qualify.

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 - March 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, incorporating the following recommendation from the Community Committee, namely:

- That the cost for the installation of a light on the existing hydro pole in the public walk between Tudor Crescent and Besant Street, as well as the cost for the purchase of a refuse container for placement in the public walk, not to exceed the amount of $5,000.00, be allocated from the East Kildonan-Transcona Land Dedication Reserve.

- That the criteria of the Council Policy for the Land Dedication Reserve Fund be waived for any expenditures which do not qualify,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and 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 February 1, 2005, the East Kildonan-Transcona Community Committee considered an application for a proposed closing of a public walk between Tudor Crescent and Besant Street. Community Committee concurred in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the proposed walkway closing under File DAC 19/2004, as shown on Misc. Plan No. 12361, not be proceeded with.

Report - Standing Policy Committee on Property and Development - March 7, 2005

DECISION MAKING HISTORY (continued):

On February 1, 2005, the East Kildonan-Transcona Community Committee also recommended to Executive Policy Committee that, in an effort to address maintenance and safety concerns, funding in an amount not to exceed $5,000.00 be approved from the East Kildonan-Transcona Land Dedication Reserve Fund to assist with the costs of the purchase of a refuse container and installation of a light on the existing hydro pole in the public walkway between Tudor Crescent and Besant Street.

On February 1, 2005, the East Kildonan-Transcona Community Committee approved a Per Capita Grant in the amount of $255.25, funded from the Elmwood-East Kildonan Ward allocation, to Nansy Bova-Marsigla for reimbursement of fees paid for the application to close the public walk between Tudor Crescent and Besant Street.

PUBLIC HEARING SUMMARY

File:	DAC 19/2004
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	February 1, 2005 Community Committee Chamber 755 Henderson Highway January 11, 2005 Helen Mayba Theatre, Miles Macdonell Collegiate 757 Roch Street November 30, 2004 Community Committee Chamber 755 Henderson Highway
Applicant:	Massimo and Nansy Marsiglia, Bernard and Dora Hill, Joe and Thelma Maendel, Joel and Elsa Mandap
Premises Affected:	Public walk between Tudor Crescent and Besant Street
Exhibits Filed:	1. Report from the Real Property Officer dated November 15, 2004 2. Inspection Report 3. Communication dated November 18, 2004 from Barbara Goldhawk in opposition to the application 4. Communication dated November 29, 2004 from Helene Gouriluk in opposition to the application 5. Petition in opposition to the application purporting to contain the signatures of 46 area residents, submitted by Helene Gouriluk 6. Presentation submitted by Nancy Marsiglia (Bova) in support of the application submitted at the public hearing held on November 30, 2004 7. Photograph of the subject walkway submitted by Nancy Marsiglia (Bova) submitted at the public hearing held on November 30, 2004 8. Communication dated January 10, 2005, from A. Duech in opposition to the application

9. Communication dated January 3, 2005, from Brian and Beryle Sellner in opposition to the application
10. Communication dated January 10, 2005, from Margaret and John Jansen in opposition to the application
11. Communication dated January 10, 2005, from Harold Gaudette in opposition to the application
12. Communication dated January 11, 2005, from Marc Jaeger in opposition to the application
13. Communication dated January 25, 2005, from Wes and Elizabeth Zieske in opposition to the application
14. Communication dated January 25, 2005, from Dan Zieske in opposition to the application
15. Communication dated January 20, 2005, from Vince Mariani, Secretary-Treasurer/CFO, River East Transcona School Division, addressed to Nansy Bova (Marsiglia) in opposition to the application
16. Communication dated January 26, 2005, from Amy Soke in opposition to the application
17. Communication dated January 27, 2005, from Don and Alice Asselstine in opposition to the application
18. Communication dated January 28, 2005, from Teresa Greenley in opposition to the application
19. Communication dated January 26, 2005, from Bill and Rhoda Marchant in opposition to the application
20. Communication undated from George, Judy, Kim, and Susanne Babij to opposition to the application
21. Communication dated January 27, 2005, from Stan and Lorraine Scarr in opposition to the application
22. Communication dated undated from Hon Bung Hong in opposition to the application
23. Communication dated February 1, 2005, from John Demkiw in opposition to the application
24. Presentation submitted by Nancy Marsiglia (Bova) in support of the application submitted at the public hearing held on February 1, 2005

REPRESENTATIONS:

In Support:

Frances and Joseph Bova
Bernard and Dora Hill

Joe and Thelma Maendel
Josel and Elsa Mandap
Massimo Marsiglia and Nansy Marsiglia (Bova)

In Opposition:

Don and Alice Assestine
George, Judy, Kim, and Susanne Babij
John Demkiw
A. Duech
Barbara Goldhawk
Harold Gaudette
Gary and Helene Gouriluk
Teresa Greenley
Hon Bung Hong
Marc Jaeger
Margaret and John Jansen
John Komadowski
Peter and Carolyn Lehman
Bill and Rhoda Marchant
Vince Mariani, Secretary-Treasurer/CFO, River East Transcona School Division
Richard Massey
Stan and Lorraine Scarr
Debra Schmuland
Brian and Beryle Sellner
Amy Soke
Bill and Ingrid Wedlake
Dan Zieske
Wes and Elizabeth Zieske

For Information:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 19/2004

RE: DAC 19/2004 – PROPOSED CLOSING OF THE PUBLIC WALK BETWEEN TUDOR CRESCENT AND BESANT STREET

For submission to: **The East Kildonan-Transcona Community Committee**

Report date: **November 15, 2004**

Recommendation: That the proposed walkway closing as shown on Misc. Plan No. 12361 not be approved.

REPORT SUMMARY

Key Issues:

- The applicants intend to purchase the walkway and close it to pedestrian and bicycle traffic. The City administration feels that this will adversely affect the area residents, particularly the students of Hampstead School who use the walkway for access to and from the school.

Implications of the Recommendation(s):

General implications:

x	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

- There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

Closings of public rights-of-way require the consideration of the Community Committee.

HISTORY:

The subject walkway was created in 1958 by By-Law 4252 of the former City of East Kildonan. The walkway is paved and open to the public.

The Planning, Property and Development Department has received an application from the four property owners adjoining the walkway to purchase the land. The owners have stated that the walkway is a nuisance and they intend, if their application is approved, to close the walkway to pedestrian and bicycle traffic.

DISCUSSION:

Administrative Objection

The proposal has been considered by all affected City departments and public utilities. The Parks Superintendent objects to the closing, citing the loss of a neighbourhood link to Hampstead School at 920 Hampstead Avenue.

The River East Transcona School Division No. 9 Objection

The Board of Trustees of the River East Transcona School Division considered this proposal on November 2, 2004. The School Division has stated their opposition to this closing, reiterating the City administration's concerns regarding the loss of ease of access for the students of Hampstead School.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division, Parks & Open Space Division

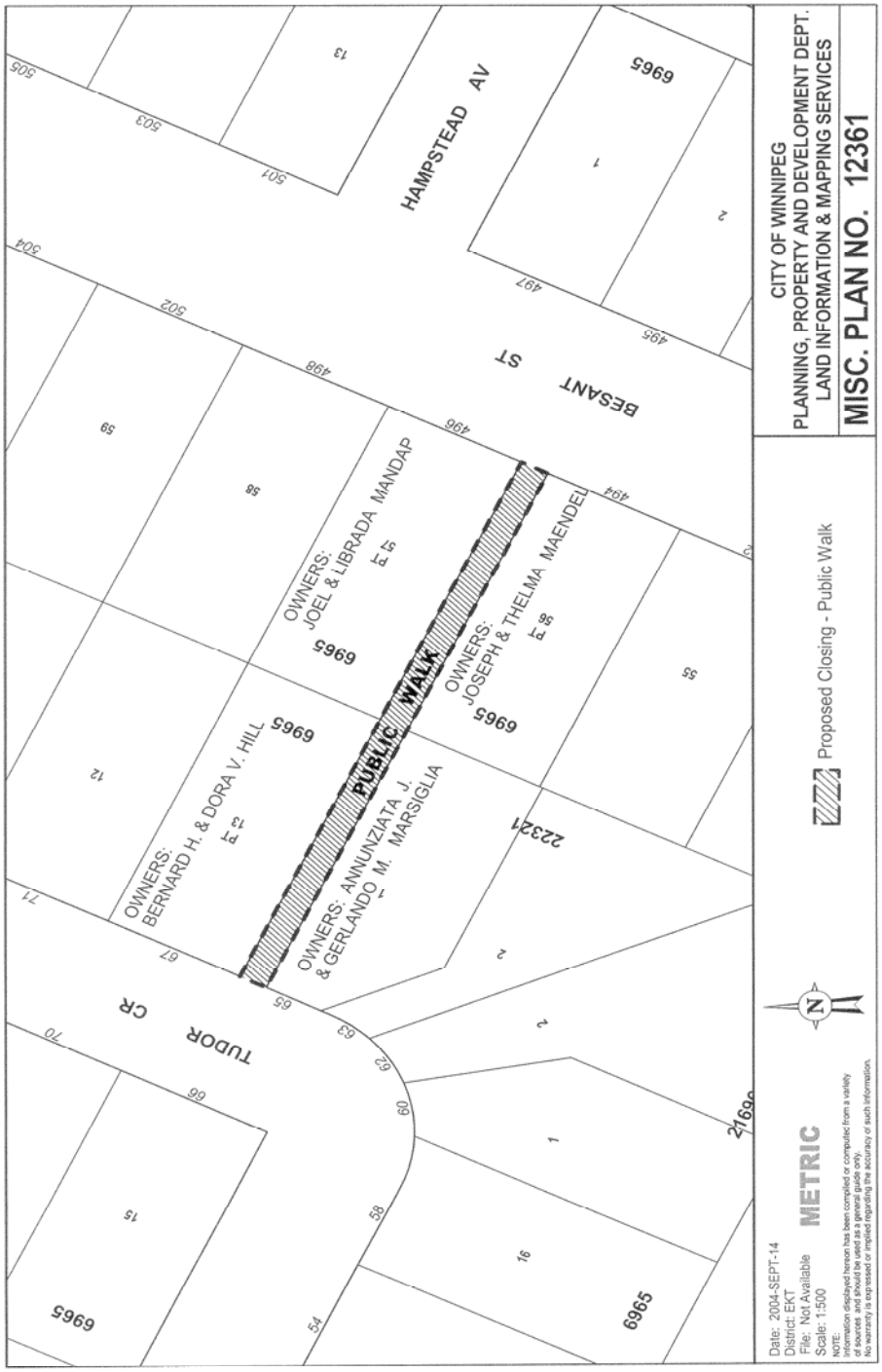
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:DAC 19/04

Document name:V:\word\DAOC\dac19_04RPT.doc


HAMPSTEAD AV
BESANT ST
TUDOR CR
PUBLIC WALK
OWNERS: JOEL & LIBRADA MANDAP
OWNERS: JOSEPH & THELMA MAENDEL
OWNERS: BERNARD H. & DORA V. HILL
OWNERS: ANNUNZIATA J. & GERLANDO M. MARSIGLIA
6965
6969
22321
Proposed Closing - Public Walk
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12361
Date: 2004-SEPT-14
District: EKT
File: Not Available
Scale: 1:500
METRIC
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