Agenda - Council - October 26, 2005

Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 7 Closing - part of Kenaston Boulevard opposite Lindenwood Drive East
File DAC 20/2005

STANDING COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the street closing shown on Misc. Plan No. 12587 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12587, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the lease of the land.

3. 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 - October 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 20, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 20/2005
Before:	Assiniboia Community Committee Councillor Eadie, Chairperson Councillor Clement Councillor De Smedt
Public Hearing:	September 20 2005 Community Committee Chamber 5006 Roblin Boulevard
Applicant:	Stevenson Real Estate Group (Patrick Hamilton)
Premises Affected:	part of Kenaston Boulevard opposite Lindenwood Drive East
Exhibits Filed:	1. Report from the Real Property Officer dated September 7, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. R. Humble, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 20/2005

RE: DAC 20/2005 – PROPOSED CLOSING OF PART OF KENASTON BOULEVARD OPPOSITE LINDENWOOD DRIVE EAST

For submission to:	**The Assiniboia Community Committee**
Report date:	**September 7, 2005**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12587 be approved.** **2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12587, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the lease of the land.** **3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.**

REPORT SUMMARY

Key Issues:

- An application has been received to lease a portion of Kenaston Boulevard. Before the land may be leased, the portion of the street must be legally closed.

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:

☒ **No**

☐ **Yes**

Comment(s):

-

Human resources implications:

☒ **No**

☐ **Yes**

Comment(s):

-

Financial implications:

☐ **Within approved current and/or capital budget**

☐ **Current and/or capital budget adjustment required**

Comment(s):

- All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

On March 23 and April 27, 2005. Council approved DAC 21/2004, the closings of the portions of Kenaston Boulevard shown on the attached Misc. Plan No. 12519. The closed portions of the streets will be incorporated in DASZ 39/2004, an application to subdivide and rezone the adjacent lands approved by Council on March 23, 2005.

The Water and Waste Department approved DAC 21/2004 on the condition that the portion of Kenaston opposite Lindenwood Drive East containing a 1050mm wastewater interceptor sewer was left open as public street. The Water and Waste Department did not want the land containing this sewer to be transferred to the applicant.

The Planning, Property and Development Department has received a request from Patrick Hamilton of the Stevenson Real Estate Group, on behalf of his client, Hopewell Development Corporation, to close an additional portion of Kenaston Boulevard, shown as "Land Available for Lease (Proposed Closing)" on the attached Misc. Plan No. 12587. Title to the closed street will remain in the name of the City of Winnipeg and the land will be leased to Hopewell.

Mr. Hamilton made the following comments in his application:

"…Hopewell intends to incorporate these lands into the Kenaston Common Retail Development, operating under the name Kenaston Common Centre Ltd. The Kenaston right of way is excessively wide at this location due to the existence of an interceptor sewer and this creates an unusual setback from the Kenaston pavement to the property line of our clients property. As discussed, the closing and use of these lands will allow for improved aesthetics of the main entrance into the proposed development and will allow for the placement of entrance features at the street rather than considerably further back on the site. It also avoids the creation of an awkward strip of difficult to maintain land between the right of way and the property line. In keeping with the high site development standards of the developer, and those requested by the City, this will allow a much improved entrance feature for the benefit of the community. "

DISCUSSION:

Administrative Approval

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

Easements

There are no services other than the interceptor sewer in the street. As the land will remain City property, no easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be leased. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to lease the land until this has been done.

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

Water and Waste Department – Engineering Division

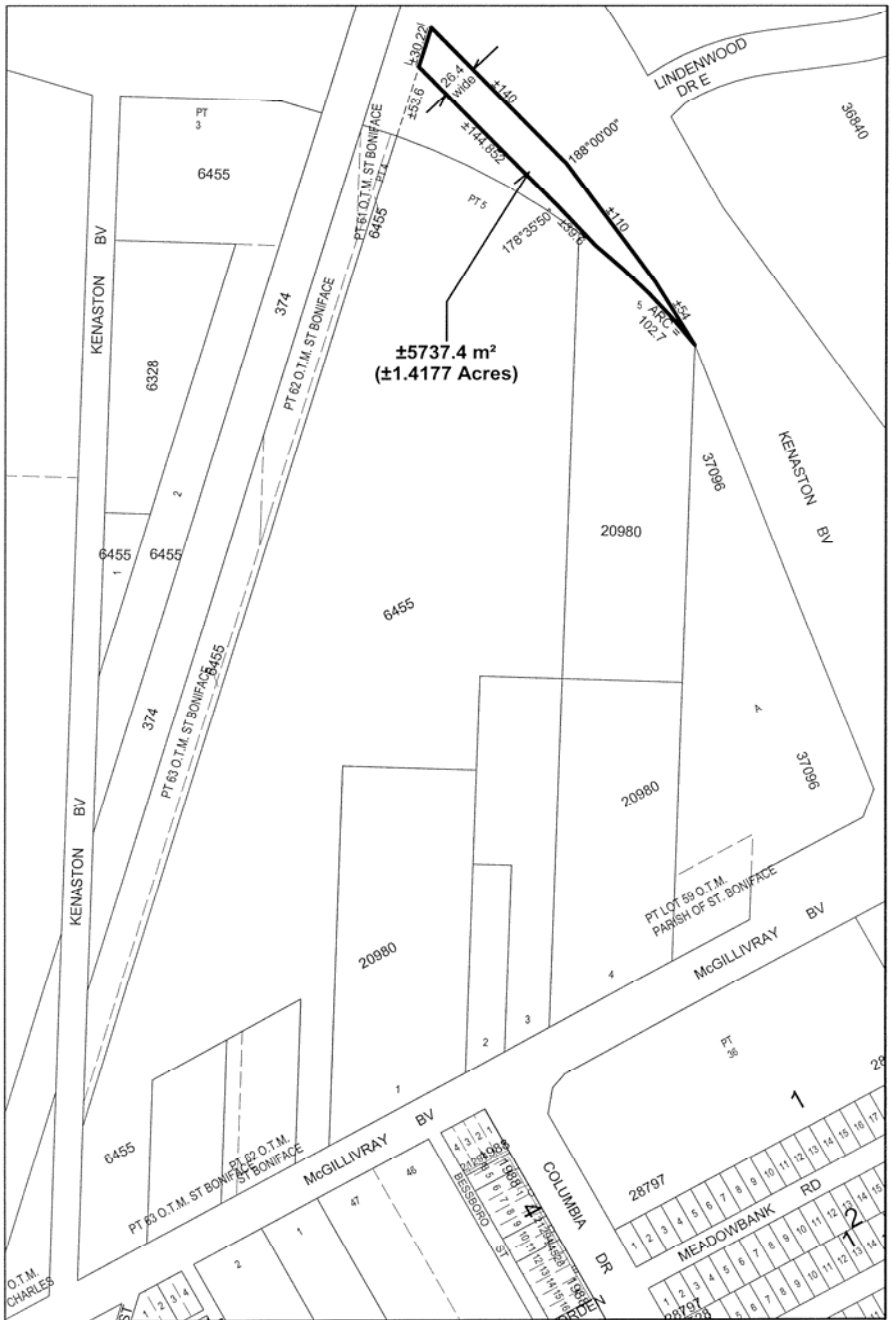
Centra Gas, MTS Communications

Manitoba Hydro and Shaw Cable did not respond to requests for their comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 20/05

Document name:v:\word\daoc\dac20_05rpt.doc



Land available for Lease (Proposed Closing)
Area: ±5737.4 m² (±61756 ft²)

METRIC

Date: 2005-AUG-25
District: ASBA
File: 8542
Scale: 1:3500

NOTE:
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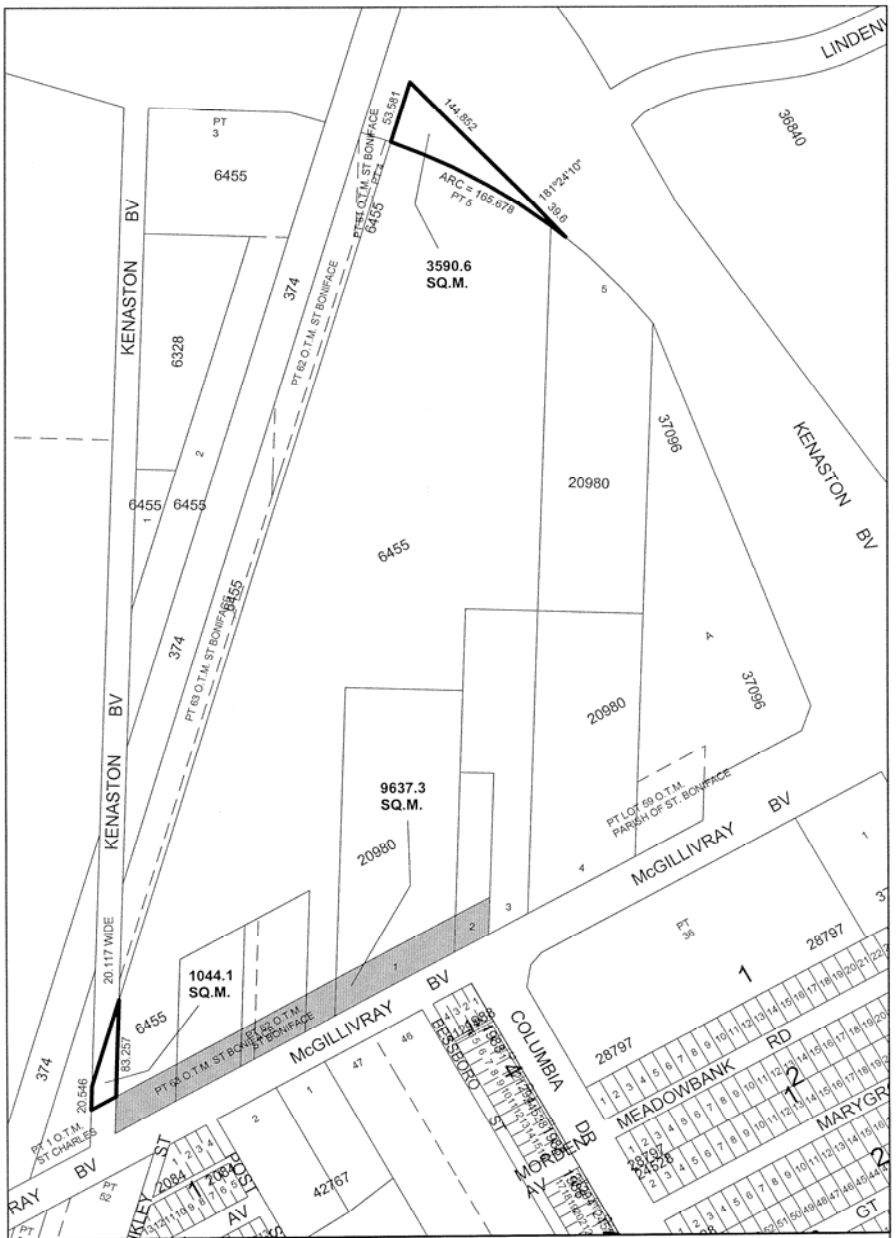
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 12587



Proposed sale to Hopewell Developments Limited
4634.7 sq.m +/-

Proposed Street Opening
9637.3 sq.m. +/-

METRIC

Date: 2005-APR-11
District: ASBA
File: 8542
Scale: 1:4000

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MISC. PLAN NO. 12519