Agenda - Council - July 18, 2007

Report – Executive Policy Committee – July 11, 2007

Item No. 9 Openings of parts of Almey Avenue and Ravelston Avenue West File DAO 3/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the openings in accordance with Misc. Plan No. 12363/8.

2. 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 – July 11, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

RE: **DAO 3/2007 – PROPOSED OPENINGS OF PARTS OF ALMEY AVENUE AND RAVELSTON AVENUE WEST**

FOR SUBMISSION TO: The Executive Policy Committee

ORIGINAL REPORT SIGNED BY: Jim Paterson, Acting Director, Planning, Property and Development Department

REPORT DATE: June 4, 2007

RECOMMENDATION(S):

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the openings in accordance with the attached Misc. Plan No. 12363/8.
2. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report Summary

Key Issues:

The requirement to open the subject properties as a public street has been addressed in two street closing applications. Both of the closing applications have received Council approval. The original intent was to dedicate these lands as street through the subdivision process. This is no longer feasible, and it is now necessary to dedicate these lands as street through the by-law process.

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

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

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): The Applicant will pay all costs associated with this project. There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

The dedication of properties identified within this report as a public street requires adoption of a by-law pursuant to Section 139 of The City of Winnipeg Charter.

HISTORY:

In 2004, the Planning, Property and Development Department processed DAC 20/2004, an application to close and purchase parts of Lagimodière Boulevard and Ravelston Avenue West adjacent to the property at 268/280 Almey Avenue. The applicant withdrew the request to acquire part of Ravelston in April of 2005 and the application to close Lagimodière only was approved by the East Kildonan-Transcona Community Committee in May 2005 and by Council in June 2005.

In 2005, 3801233 Manitoba Ltd. applied to purchase the portion of Ravelston Avenue West identified as Parcel "B" on the attached Misc. Plan No. 12363/8. The applicant originally intended to offer Parcel "A" to the property owner adjacent to the south. The offer was declined, and 3801233 Manitoba Ltd. will now acquire both parcels. The applicant intends to incorporate the closed portion of Ravelston Avenue West into its properties adjoining to the north for future commercial development. The application to close Ravelston Avenue West was processed under DAC 21/2005. The East Kildonan- Transcona Community Committee approved the application in November 2005 and Council approved the application in December 2005.

The Public Works Department identified the need for the street corner widening at Almey Street and Lagimodière Boulevard in DAC 20/2004 and the widening of Ravelston Avenue West to accommodate the turnaround area to be created at the terminus of Ravelston Avenue West in DAC 21/2005. Since the applicant intended to dedicate the lands as public streets in a plan of subdivision, Council authority to open these streets by way of a by-law was not required.

DISCUSSION:

The applicant has encountered difficulties in obtaining the title to the mines and mineral rights in a portion of its land. A plan of subdivision cannot be registered unless the applicant is the owner of the mines and minerals. The applicant has therefore obtained permission from the Land Development Branch of the Planning, Property and Development Department to effect the development of the property through an application for a plan of survey. A plan of survey cannot dedicate land as street. It is therefore necessary to open the streets by by-law.

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend current procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

The following criteria must be met before the authority given in the by-law may be exercised:

1. The Director of Public Works must have approved the proposed opening and acquisition.

2. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.
3. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
4. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the proposed opening.
5. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening and either the Standing Policy Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of the Planning, Property and Development Department, as is appropriate.

All of these criteria have been met.

Financial Impact Statement **Date:** May 29, 2007

Project Name:

DAO 3/2007 - PROPOSED OPENING OF PARTS OF ALMEY AVENUE AND RAVELSTON AVENUE WEST

COMMENTS:

The recommendation in this report is that the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the openings in accordance with the attached Misc. Plan No. 12363/8.

As all costs associated with this proposal will be paid by the applicant, there is no financial impact for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

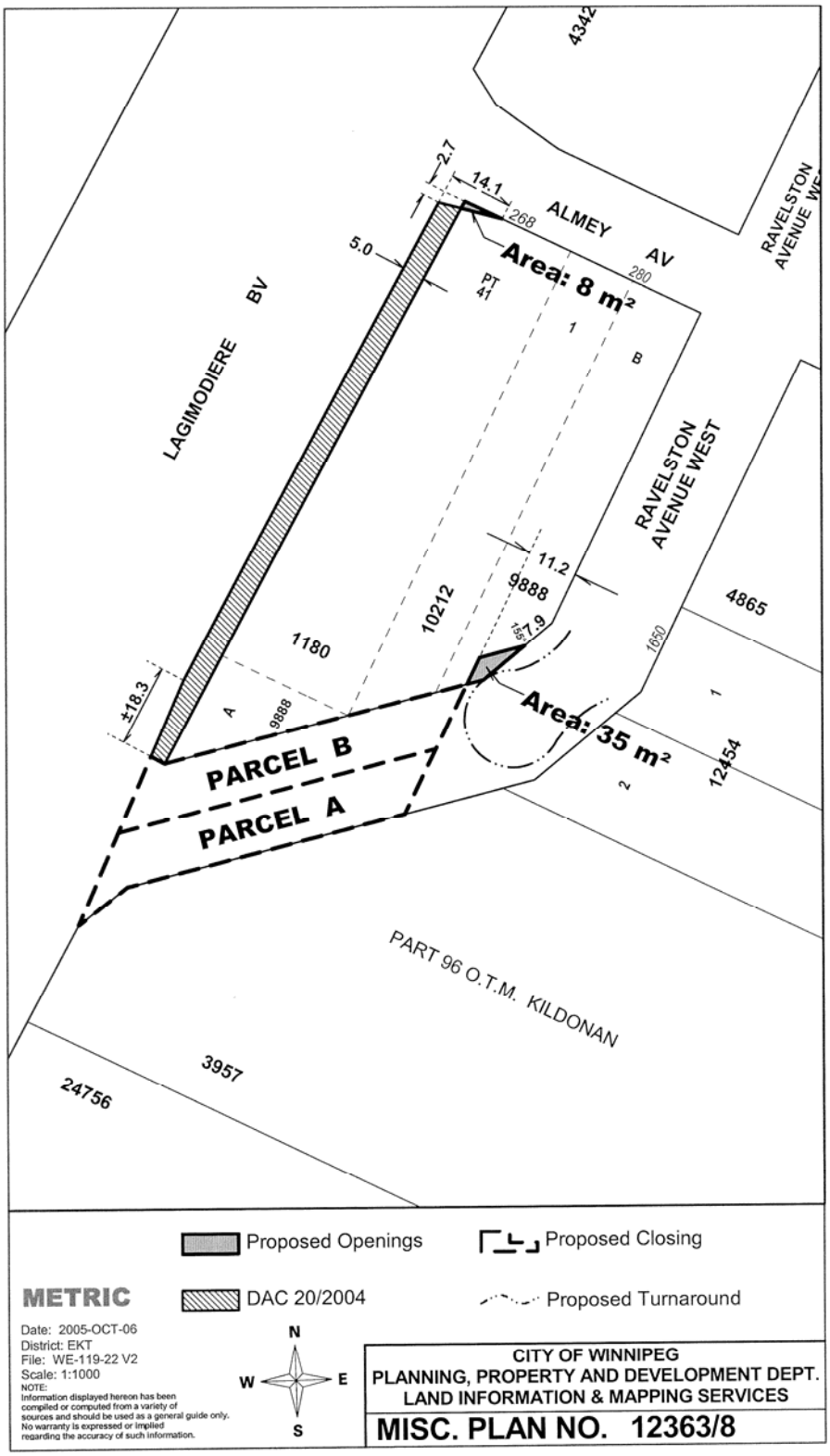
There was no internal consultation involved in the preparation of this report.

External Consultation With:

There was no external consultation involved in the preparation of this report.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Developments and Inspection Division
Prepared by: Glenn Halldorson, Real Property Officer
PPD File No. WE-119-22 VOL 3



4342
2.7
14.1
268
ALMEY AV
280
RAVELSTON AVENUE WE
5.0
Area: 8 m²
PT 41
1
B
LAGIMODIERE BV
RAVELSTON AVENUE WEST
11.2
9888
10212
1180
7.9
155
1650
4865
±18.3
A
9888
Area: 35 m²
1
12454
2
PARCEL B
PARCEL A
PART 96 O.T.M. KILDONAN
3957
24756
Proposed Openings
Proposed Closing
DAC 20/2004
Proposed Turnaround
METRIC
Date: 2005-OCT-06
District: EKT
File: WE-119-22 V2
Scale: 1:1000
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12363/8