**Agenda - Council - September 24, 2008**

**Report - Standing Policy Committee on Property and Development - September 2, 2008**

**Item No. 6 Rezoning - 280 Almey Avenue (Transcona Ward) File DAZ 213/2008**

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213 /2008 dated June 25, 2008 to a "C2" Commercial Community District subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

            a. That for the proposed Keg Steakhouse and Bar detailed site plans shall be submitted to the East Kildonan-Transcona Community Committee for plan approval on September 15, 2008.

        ii. That the most easterly 15 feet of all the proposed lots be established and maintained for a landscaped berm and fence and no other use. The landscaped berm and fence are to be comprised of a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and the owners and its respective successors in title shall said landscape berm and fence to the satisfaction of the Director of Planning, Property and Development or his designate.

**Report - Standing Policy Committee on Property and Development - September 2, 2008**

iii. That no vehicular access to Ravelston Avenue West shall be permitted from the land.

iv. That no mobile signs, mobile poster signs, A-frames and similar temporary signs shall be permitted on the land.

v. That free-standing identification signage shall be limited to one (1) pylon sign on Lot 1 of the land, and one (1) pylon sign for the remainder of the land. Each pylon sign shall each be a maximum of thirty (35) feet in height and three hundred and twenty-three (323) square feet in area.

vi. That there shall be no facia or free-standing signage permitted to face the residential area.

vii. That the maximum number of 24 hour operations on the land shall be limited to two and it is understood that all other operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

viii. That no more than one drive through food service shall be located on the site.

ix. That no more than one fuel sales kiosk / gasoline service station shall be located on the site.

x. That any and all HVAC equipment should be located within a completely enclosed building or structure.

xi. That no exterior public announcement and ordering system shall be permitted except as approved for a drive-through food service and shall be limited to the front wall of the said drive through food service building.

xii. That no building feature, wall feature or sign shall be permitted on the east side any building.

xiii. That all deliveries to the land shall be restricted to the hours of 6:00 a.m. and 9:00 p.m.

**Report - Standing Policy Committee on Property and Development - September 2, 2008**

xiv. That the following uses shall not be permitted on any of the proposed lots:

a. amusement parlour
b amusement enterprise, licensed as a sports facility
c. automobile washing as a principle use
d. beer: sales
e. billboards
f. contractors' establishment
g. dry-cleaning, pressing, dyeing
h. hotel, including a beverage room or any conditional use
i. machinery / heavy equipment supplies and parts: sales, installation, service
j. pawnshop
k. stone or monument sales, including incidental finishing
l. tire: sales, service
m. wood products: manufacture from finished wood, including a cabinet shop

xv. That the following uses shall be conditional on any of the proposed lots:

a. cabaret
b. cocktail lounge

xvi. That the closing hours for the outdoor patio shall be 12:00 midnight Sunday thru Thursday, and 1:00 a.m. on Friday and Saturday.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

**Report - Standing Policy Committee on Property and Development - September 2, 2008**

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

## Report - Standing Policy Committee on Property and Development – September 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, 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 July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend recommendation 1.A.i by adding the following:

  a. That for the proposed Keg Steakhouse and Bar detailed site plans shall be submitted to the East Kildonan-Transcona Community Committee for plan approval on September 15, 2008.

- Amend recommendation 1.A by adding the following:

  xv. That the following uses shall be conditional on any of the proposed lots:

  (a) Cabaret
  (b) Cocktail Lounge

  xvi. That the closing hours for the outdoor patio shall be 12:00 midnight Sunday thru Thursday, and 1:00 a.m. on Friday and Saturday.

and forwarded to the Standing Policy Committee on Property and Development.

**RE:** **Rezoning – 280 Almey Avenue**
**File DAZ 213/2008 [c/r ZAA 7/2008]**

**For submission to:** **Standing Policy Committee on Property and Development**

**Prepared by:** **Monique Wright, Clerk**
**East Kildonan-Transcona Community Committee**

**Report date:** **July 7, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2008, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213 /2008 dated June 25, 2008 to a "C2" Commercial Community District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

         ***a. That for the proposed Keg Steakhouse and Bar detailed site plans shall be submitted to the East Kildonan-Transcona Community Committee for plan approval on September 15, 2008.***

      ii. That the most easterly 15 feet of all the proposed lots be established and maintained for a landscaped berm and fence and no other use. The landscaped berm and fence are to be comprised of a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and the owners and its respective successors in title shall said landscape berm and fence to the satisfaction of the Director of Planning, Property and Development or his designate.

iii. That no vehicular access to Ravelston Avenue West shall be permitted from the land.

iv. That no mobile signs, mobile poster signs, A-frames and similar temporary signs shall be permitted on the land.

v. That free-standing identification signage shall be limited to one (1) pylon sign on Lot 1 of the land, and one (1) pylon sign for the remainder of the land. Each pylon sign shall each be a maximum of thirty (35) feet in height and three hundred and twenty-three (323) square feet in area.

vi. That there shall be no facia or free-standing signage permitted to face the residential area.

vii. That the maximum number of 24 hour operations on the land shall be limited to two and it is understood that all other operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

viii. That no more than one drive through food service shall be located on the site.

ix. That no more than one fuel sales kiosk / gasoline service station shall be located on the site.

x. That any and all HVAC equipment should be located within a completely enclosed building or structure.

xi. That no exterior public announcement and ordering system shall be permitted except as approved for a drive-through food service and shall be limited to the front wall of the said drive through food service building.

xii. That no building feature, wall feature or sign shall be permitted on the east side any building.

xiii. That all deliveries to the land shall be restricted to the hours of 6:00 a.m. and 9:00 p.m.

xiv. That the following uses shall not be permitted on any of the proposed lots:

(a) AMUSEMENT PARLOUR
(b) AMUSEMENT ENTERPRISE, LICENSED as a sports facility
(c) AUTOMOBILE WASHING as a principle use
(d) BEER: SALES
(e) BILLBOARDS
(f) CONTRACTORS' ESTABLISHMENT
(g) DRYCLEANING, PRESSING, DYEING
(h) HOTEL, including a beverage room or any conditional use
(i) MACHINERY / HEAVY EQUIPMENT SUPPLIES AND PARTS: SALES, INSTALLATION, SERVICE
(j) PAWNSHOP
(k) STONE or MONUMENT SALES, including incidental finishing
(l) TIRE: SALES, SERVICE
(m) WOOD PRODUCTS: MANUFACTURE from finished wood, including a cabinet shop

***xv. That the following uses shall be conditional on any of the proposed lots:***

***(a) CABARET***
***(b) COCKTAIL LOUNGE***

***xvi. That the closing hours for the outdoor patio shall be 12:00 midnight Sunday thru Thursday, and 1:00 a.m. on Friday and Saturday.***

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation

***Note: The wording in bold and italics denotes amendments made by the Community Committee.***

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated June 25, 2008.

2. The applicant has agreed and takes no issue with the future closing of Almey Avenue at Ravelston Avenue.

**PUBLIC HEARING SUMMARY**

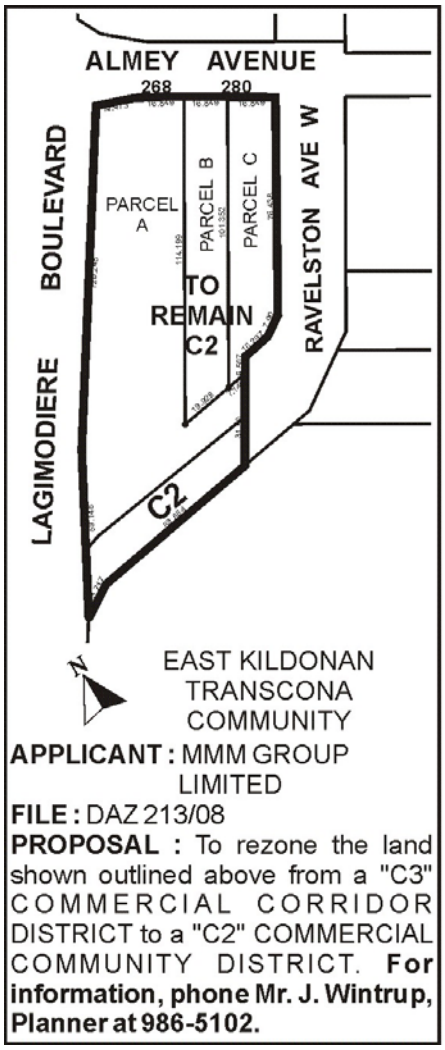
File: DAZ 213/2008 [c/r ZAA 7/2008]

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Browaty
Councillor Thomas

Public Hearing: July 7, 2008
755 Henderson Highway

Applicant: MMM Group Limited (Misty Sklar)

Subject:




Premises Affected: 280 Almey Avenue

6086

Exhibits Filed:

1. Application dated May 21, 2008
2. Notification of Public Hearing dated June 6, 2008
3. Manitoba Status of Title 1775270
4. Letter of authorization dated April 24, 2008, from 3801233 Manitoba Ltd. to MMM Group
5. Site Plan
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated June 25, 2008
8. Inspection Report
9. Letter in opposition to the application from Mike Malyk dated July 7, 2008
10. Photographs (8) of The Keg Steakhouse & Bar established at 2553 Portage Avenue and 2034 McGillivray Boulevard submitted at the Public Hearing by Paul McNeil
11. Additional photographs of the Ravelston Buffers submitted at the Public Hearing by Paul McNeil
12. Preliminary site plan for The Keg Steakhouse & Bar at 280 Almey Avenue submitted at the Public Hearing by Paul McNeil
13. Audio Recording of representations of Public Hearing

REPRESENTATIONS:

In Support:

Gordon Howard, The Keg Restaurant
Paul McNeil, MMM Group
Misty Sklar, MMM Group

In Opposition:

Mike Malyk
Jeff and Varina Okun

For Information:

Catherine Whitfield

For the City:

John Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 213/2008 [c/r ZAA 7/2008]

Winnipeg

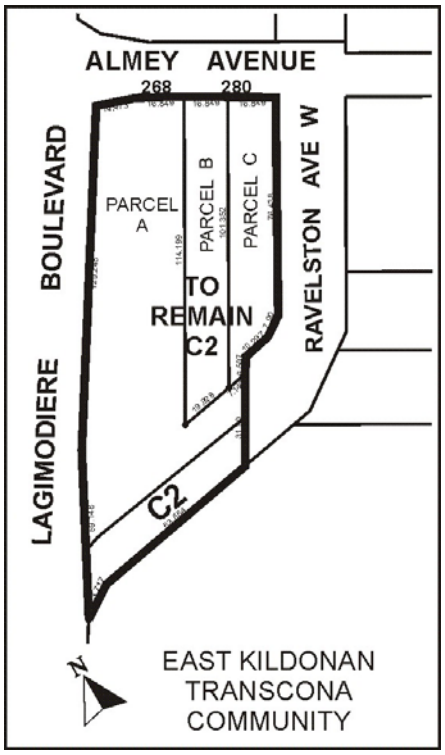
## Planning, Property and Development Department Report

**To the East Kildonan - Transcona Community Committee**

---

**Date:** **June 25, 2008**
**File:** **DAZ 213/2008**
**Related Files:** **DASZ 14/99; DAO 3/2007; ZAA 7/2008**

**Subject:** **Rezone the closed Ravelston Avenue ROW to C2 Commercial from C3 Commercial**
**Location:** **280 Almey**




**Applicant:** **MMM Group**

**Owner:** **3801233 Manitoba LTD.**

6088

**Recommendation:** **Approval**

**Report Summary:**

- When a street right-of-way is closed, it takes on the zoning of the two adjacent land parcels to the middle of the street.
- The southern half of the closed Ravelston Ave West right-of-way is zoned "C3" whereas the northern half is zoned "C2".
- The land owner to the north is purchasing the entire right-of-way and would like a consistent commercial zone of C2.

## Site Description

The subject property is approximately **9,719 square feet** located on the south of 280 Almey Avenue in the Peguis neighbourhood of the Transcona Ward. The site is zoned **"C2" Commercial Community District** and is vacant. Adjacent lands include Storageville to the south zoned "**C3" Commercial Corridor District**. Surrounding uses include single family dwellings to the east and the Steinbach Credit Union to the north.

## Background

**DASZ 14/99**

The applicant proposes to create six (6) separate developable sites - north of Almey and south of Almey along side Lagimodiere Blvd. The proposed "C2" Commercial District would permit a range of intensive commercial uses that do not have a local or neighbourhood orientation. The proposed development was to contain a mixture of high traffic generating commercial uses, which will include a restaurant, coffee shop, gas bar and office spaces.

**DAO 3/2007**

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. In 2005, 3801233 Manitoba Ltd. applied to purchase the northern half of Ravelston Avenue West (**9,633 square feet**). The applicant originally intended to offer the southern half of Ravelston Avenue (**9,719 square feet**) to the adjacent property owner to the south. The offer was declined, and 3801233 Manitoba Ltd. acquired both parcels.

**ZAA 7/2008**

The applicant intends delete from the list of prohibited uses 'cocktail lounge' and 'cabaret'. In a letter to residents, it was indicated a 'Keg' restaurant with outdoor patio and lounge is interested in developing on the subject property.

**Description of the Proposed Development**

The applicant intends to rezone the southern portion of Ravelston Avenue West to reflect the zoning of their larger land holdings.

**Analysis**

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

SECONDARY PLANS
The lands fall within the Transcona West Area Structure Plan. This plan is currently proceeding to Council at the time of this Planner's Report. The TWASP indicates the subject lands have been designated 'Commercial'.

ZONING
- **C2 Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, rrecreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.
- **C3 Commercial Corridor District** is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.

There are differences between "C2" and "C3" Commercial Zones:
- C3 Districts allows mini-warehousing, accessory outside storage and retail uses to a maximum of 120,000 square feet of gross floor area.
- In the C2 zoning districts a retail sales use is limited to a maximum of 40,000 square feet of gross floor area.
- In the C2 zoning district, restaurants are limited to a maximum of 5,000 square feet of gross floor area.

LAND-USE BY-LAW
- Zoning Agreement **No. 3084917** prohibits most types of drinking establishments with the exception of licensed dining room.
- Plan Approval is required by the East Kildonan – Transcona Community Committee.
- The most easterly 15 feet of all the land must be establish and maintain a landscaped berm and fence and no other use.

- The landscaped berm and fence are to be comprised of a minimum eight (8) foot fence for a total height of not less than eleven (11) feet.
- No vehicular access to Ravelston Avenue West shall be permitted from any of the lots.
- No facia or free-standing signage permitted to face the residential area.
- Any HVAC equipment should be located within a completely enclosed building or structure;
- No building feature or wall or sign on the east side of a building shall be illuminated;

COMPATIBILITY
The "C2" lands directly to the north of Almey have been partially developed with a small Steinbach Credit Union drive through. Site plans have been submitted for a building permit to construct a four storey financial institution (credit union). The ATM drive- thru will be re-located to the north side of the new building.

TRANSPORTATION AND SITE ACCESS
Site Access will be limited to Almey Avenue. The City of Winnipeg intends to sever Almey Avenue at Ravelston when Reenders Drive is connected to Peguis Street.

SITE PLAN
No site plan has been submitted at the time of this application.

PUBLIC INPUT
The applicant held a public open house at Canad Inns - Regent 826 Regent Avenue West on Thursday, June 26, 7:00PM to 8:00PM. The Applicant invited the residents of Almey & those nearby on Ravelston to the open house to discuss the application amendments to the Zoning Agreement. The invitations were delivered June 20, 2008.

**Recommendation**

The Planning and Land Use Division recommends approval of the rezoning the **9,719 square feet** of subject lands from C3 to C2. The proposed C2 district will be consistent with the zoning for the larger land holding to the north.

The Planning and Land Use Division is further recommending that the same zoning agreement attached to the C2 Commercial lands to the north as part of DASZ 14/99 **(No. 3084917)** also be attached to the proposed new C2 lands.

**Recommended Conditions of Approval**

1. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 213 /2008 dated June 25, 2008 to a "C2" Commercial Community District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the most easterly 15 feet of all the proposed lots be established and maintained for a landscaped berm and fence and no other use. The landscaped berm and fence are to be comprised of a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and the owners and its respective successors in title shall said landscape berm and fence to the satisfaction of the Director of Planning, Property and Development or his designate;

iii. That no vehicular access to Ravelston Avenue West shall be permitted from the land;

iv. That no mobile signs, mobile poster signs, A-frames and similar temporary signs shall be permitted on the land;

v. That free-standing identification signage shall be limited to one (1) pylon sign on Lot 1 of the land, and one (1) pylon sign for the remainder of the land. Each pylon sign shall each be a maximum of thirty (35) feet in height and three hundred and twenty-three (323) square feet in area;

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vii. That the maximum number of 24 hour operations on the land shall be limited to two and it is understood that all other operations shall be limited to the hours of 6:00 am to 10:00 pm;

viii. That no more than one drive through food service shall be located on the site;

ix. That no more than one fuel sales kiosk / gasoline service station shall be located on the site;

x. That any and all HVAC equipment should be located within a completely enclosed building or structure;

xi. That no exterior public announcement and ordering system shall be permitted except as approved for a drive-through food service and shall be limited to the front wall of the said drive through food service building;

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xiv. That the following uses shall not be permitted on any of the proposed lots:

(a) AMUSEMENT PARLOUR
(b) AMUSEMENT ENTERPRISE, LICENSED as a sports facility
(c) AUTOMOBILE WASHING as a principle use
(d) BEER: SALES
(e) BILLBOARDS
(f) CONTRACTORS' ESTABLISHMENT
(g) DRYCLEANING, PRESSING, DYEING
(h) HOTEL, including a beverage room or any conditional use
(i) MACHINERY / HEAVY EQUIPMENT SUPPLIES AND PARTS: SALES, INSTALLATION, SERVICE
(j) PAWNSHOP
(k) STONE or MONUMENT SALES, including incidental finishing
(l) TIRE: SALES, SERVICE
(m) WOOD PRODUCTS: MANUFACTURE from finished wood, including a cabinet shop

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

5. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John Wintrup
PPD File # DAZ 213/2008

**Schedule "A"**

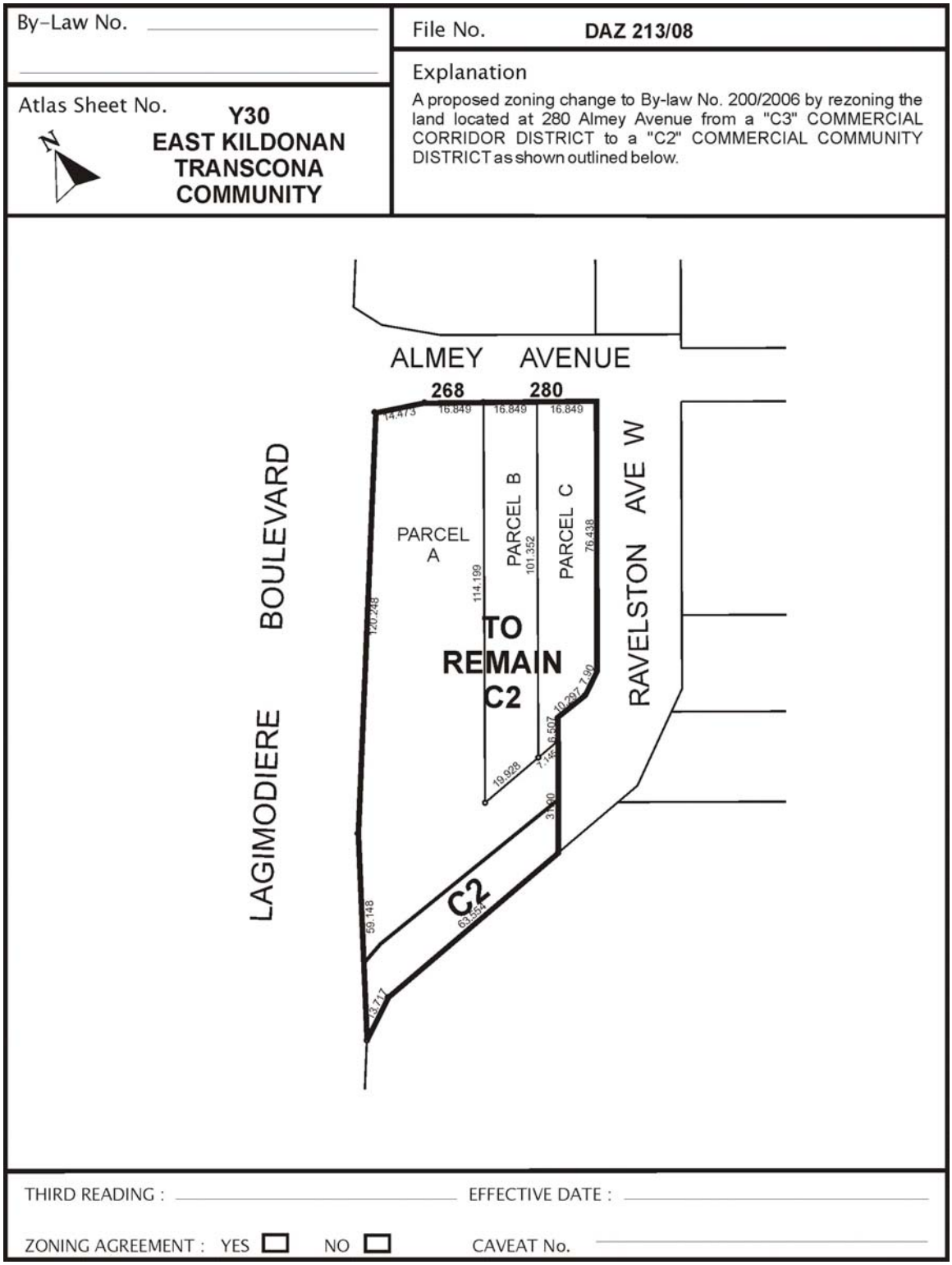



**Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File. DAZ 213/2008, dated June 30, 2008.**



**Figure 2: Existing Land-Uses for subject property and Surrounding Area.**

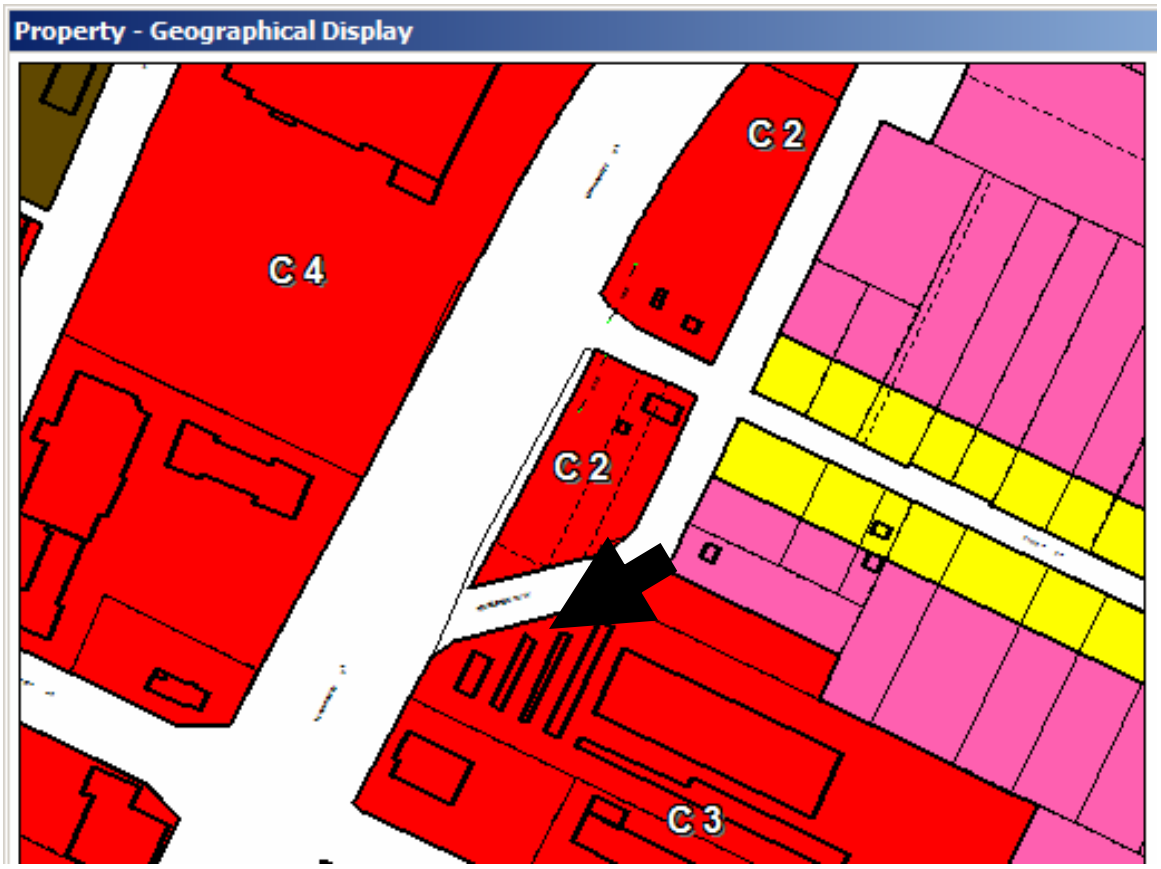
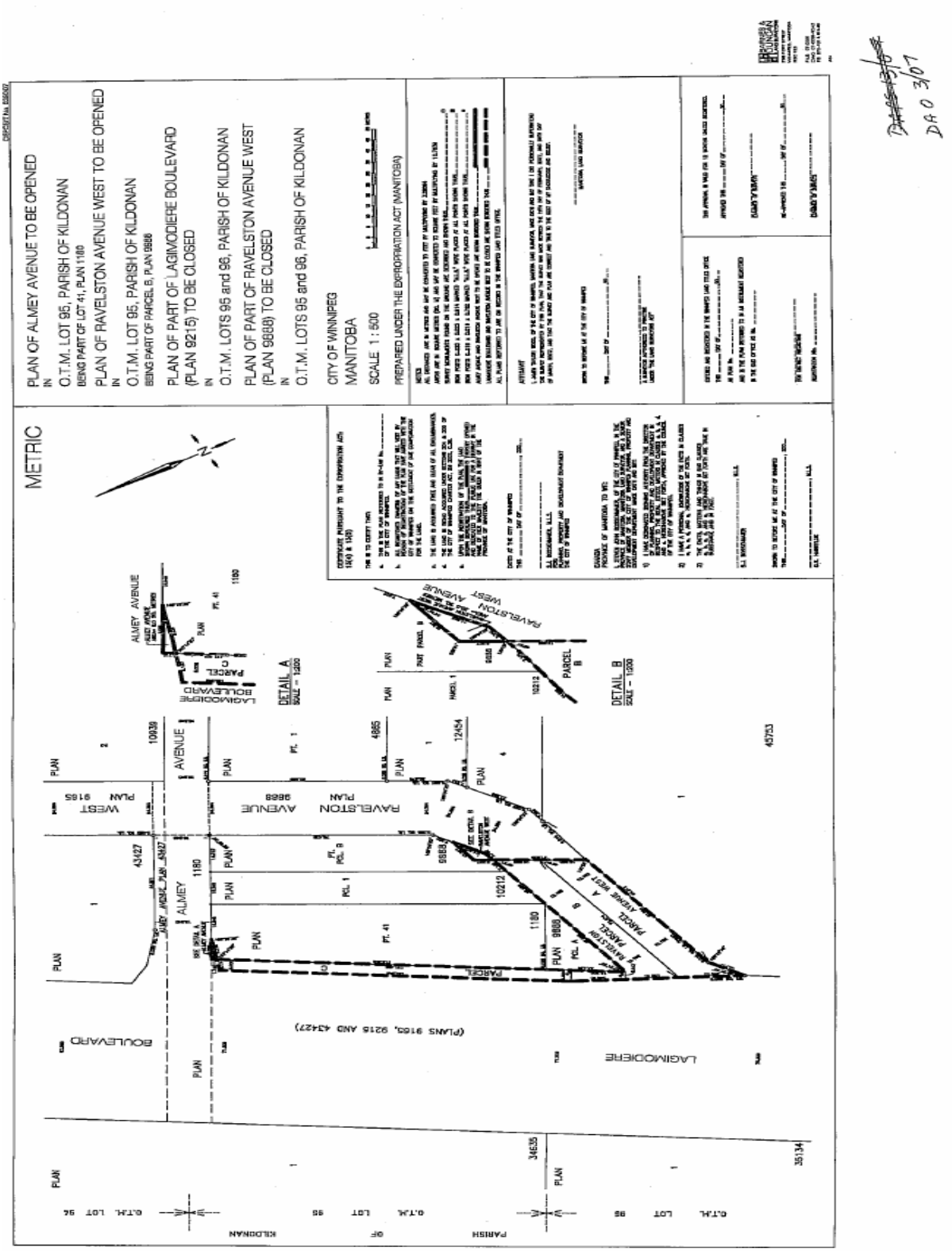


**Figure 3: Existing Zoning for subject property and Surrounding Area.**

Exhibit "6" referred to in File DAZ 213/2008

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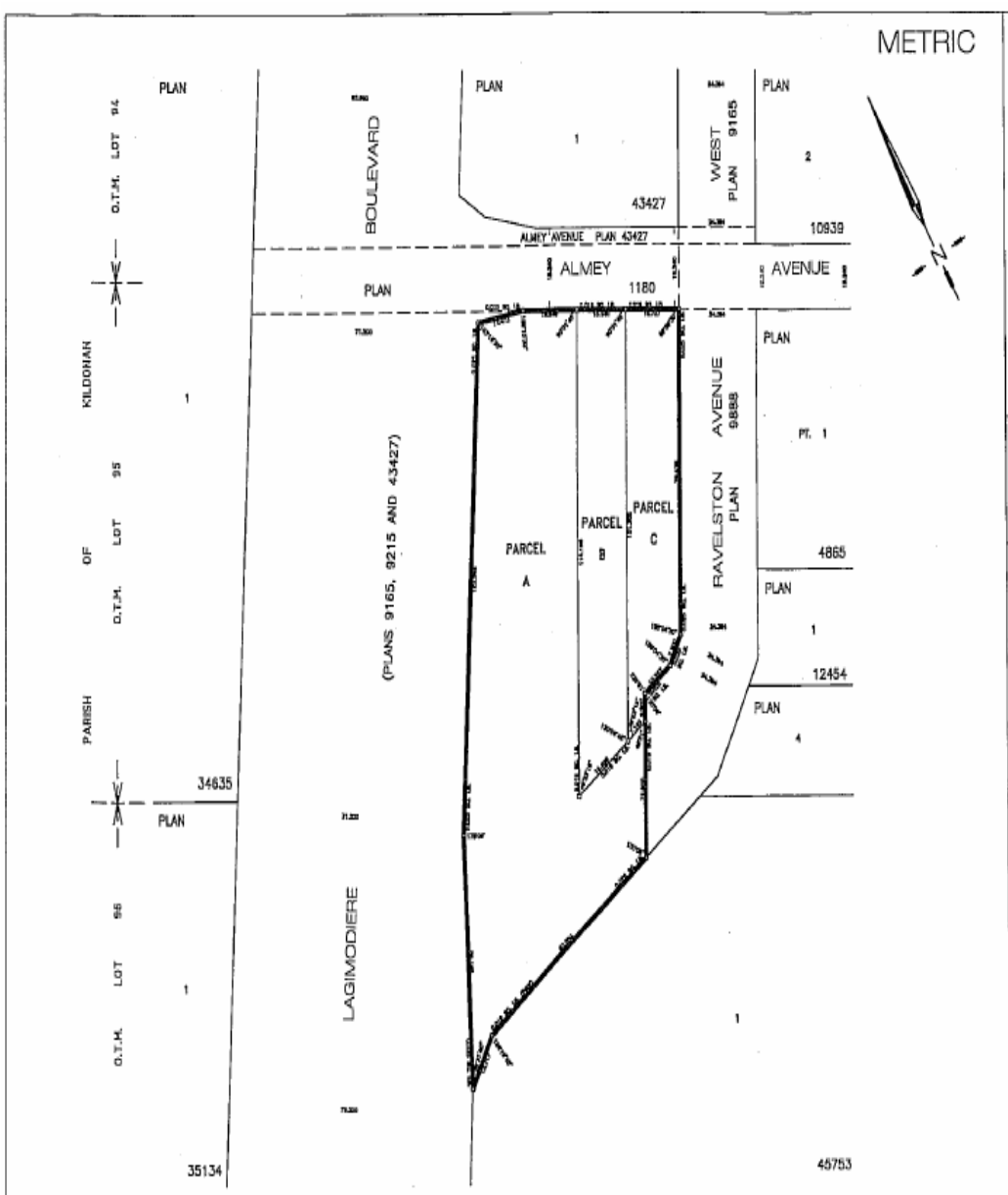


# PLAN OF SURVEY

OF PART OF

## O.T.M. LOTS 95 and 96, PARISH OF KILDONAN

BEING
PART LOT 41, PLAN 1180,
PARCEL 1, PLAN 10212,
PARCEL A AND PART PARCEL B, PLAN 9888,
PARCELS A, B and C, PLAN

CITY OF WINNIPEG

MANITOBA

SCALE 1 : 500

NOTES

ALL DISTANCES ARE IN METRES AND MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084
SURVEY MONUMENTS FOUND ON THE GROUND ARE DESCRIBED AND SHOWN THUS _____ ○
PORTIONS AFFECTED BY THIS PLAN ARE SHOWN BORDERED THUS _____
ALL PLANS REFERRED TO ARE ON RECORD IN THE WINNIPEG LAND TITLES OFFICE.

AFFIDAVIT

I, JAMES TAYLOR WOOD, OF THE CITY OF WINNIPEG, MANITOBA LAND SURVEYOR, MAKE OATH AND SAY THAT I DID PERSONALLY SUPERINTEND THE SURVEY REPRESENTED BY THIS PLAN, THAT THE SURVEY WAS MADE BETWEEN THE 10TH DAY OF FEBRUARY, 2007, AND THE 29TH DAY OF MARCH, 2007, AND THAT THE SURVEY AND PLAN ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SWORN TO BEFORE ME AT THE CITY OF WINNIPEG

MANITOBA LAND SURVEYOR

THIS ____ DAY OF _____ 20__

A SURVEYOR AUTHORIZED TO PRACTICE UNDER "THE LAND SURVEYORS ACT"

APPROVALS

APPROVED BY THE CITY OF WINNIPEG

THIS ____ DAY OF _____ 20__

DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT

GEOMATICS | LAND DEVELOPMENT

ENTERED AND FILED IN THE WINNIPEG LAND TITLES OFFICE

THIS ____ DAY OF _____ 20__

AS PLAN No. _____

FOR DISTRICT REGISTRAR

REGISTRATION No. _____

THIS APPROVAL IS VALID FOR 12 MONTHS UNLESS REGISTERED.

APPROVED THIS ____ DAY OF _____ 20__

EXAMINER OF SURVEYS

RE-APPROVED THIS ____ DAY OF _____ 20__

EXAMINER OF SURVEYS

BARNES & DUNCAN LAND SURVEYORS
204 FORT STREET
WINNIPEG, MANITOBA
R3C 1E5

WE-110-22(111)

DAPS 13/07

6099

Exhibit “5” referred to in File DAZ 213/2008

