Agenda – Council – February 24, 2010

Report – Executive Policy Committee – February 17, 2010

Item No. 2 Opening of the west side of Osborne Street, north of River Avenue (Fort Rouge-East Fort Garry Ward) File DAO 12/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service 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 street opening in accordance with Misc. Plan No. 8768/5.

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 – February 17, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

ISSUE: TO SEEK COUNCIL APPROVAL FOR DAO 12/2009 – PROPOSED OPENING OF THE WEST SIDE OF OSBORNE STREET, NORTH OF RIVER AVENUE

CRITICAL PATH: EXECUTIVE POLICY COMMITTEE - COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Saj	D. Joshi	N/A	P. Sheegl Deputy CAO

RECOMMENDATIONS

1. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with the attached Misc. Plan No. 8768/5.

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

IMPLICATIONS OF THE RECOMMENDATIONS

The dedication of this property as a public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

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

HISTORY

The Geomatics Branch of the Planning, Property and Development Department is processing an application to open the west side of Osborne Street north of River Avenue, so identified on the attached copy of Misc. Plan No. 8768/5. The subject property is currently registered to Canada Safeway Limited.

On June 23, 2004, Council passed rezoning By-law No. 107/2004 and approved a subdivision and rezoning application, DASZ 1/2004, for the redevelopment of the Canada Safeway site at River and Osborne. Included in Council's approval was the Report of the Standing Policy Committee on Property and Development dated June 8, 2004 recommending the exchange of a lane right of way within the Safeway site for the subject property required for street opening purposes. The land exchange between the City and Canada Safeway has not been completed.

The lane right of way was closed via application DAC 5/2004. Title to this property, being Parcels A and B, Plan 42912 WLTO, was issued in the name of the City of Winnipeg on July 30, 2004. The opening of the subject property was to have been effected via DASZ 1/2004 which also was to have consolidated various Safeway titles into a two lot subdivision.

Enactment of the conditions of By-law 107/2004 was to be completed by June 23, 2006, however, in January of 2006, the first of two extensions were requested by Canada Safeway and approved by Council, the first extension was given to June 24, 2008 and the second to March 1, 2010. These extensions were granted in order for Canada Safeway to address certain financial encumbrances registered against nine of its eleven certificates of title requiring consolidation.

The solicitor for Canada Safeway has advised that the financial encumbrances registered against the Canada Safeway certificates of title have now been discharged. However, title to part of the Safeway property within the subdivision is encumbered by a building restriction caveat. In order for the property to be dedicated as public right of way, the consent of all encumbrance holders having a registered interest in that property must be obtained. The solicitor for Canada Safeway recently advised that the required consent of the encumbrance holder for the building restriction caveat cannot be secured.

To allow the land exchange to proceed, the opening aspect has been excluded from the DASZ application and it will be necessary to effect the opening via the subject DAO. Once the Safeway property has been dedicated as public street, the City will be in position to transfer Parcels A and B, Plan 42912 WLTO and complete the land exchange.

The concrete pavement within the street opening has been constructed and is currently in use by the general public.

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend 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.

FINANCIAL IMPACT

Financial Impact Statement Date: January 22, 2010

Project Name:

DAO 12/2009: Proposed Opening of the West Side of Osborne Street, North of River Avenue

COMMENTS:

The recommendations contained in this report are that the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with the attached Misc. Plan No. 8768/5.

All costs associated with the street opening are the responsibility of the applicant. As such, there are no financial implications for the City of Winnipeg.

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

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic Departments.

External Consultation:

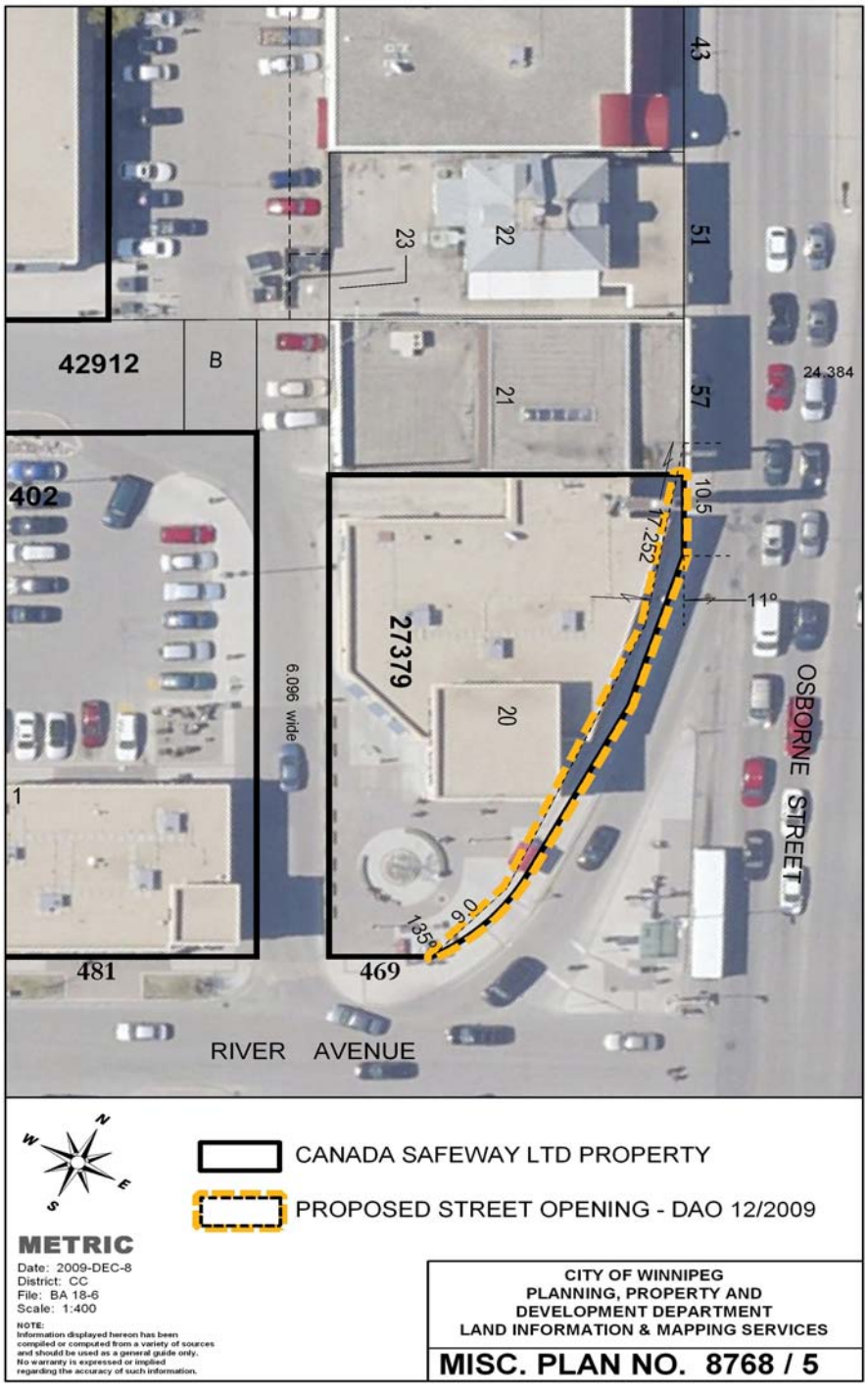
Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	February 2, 2010
File No.	

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Aerial View of Opening



Miscellaneous Plan

