Minute No. 268
Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – February 6, 2012

Item No. 1 **Permanent and Temporary Easement - Bonny Castle Park / Assiniboine Riverwalk - Adjoining 280/290/300/318 Assiniboine Avenue - Heritage Landing on Assiniboine Inc. and Manitoba Hydro (Fort Rouge - East Fort Garry Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and adopted the following:

1. That permanent and temporary easements in favour of Heritage Landing on Assiniboine Inc. and Manitoba Hydro over a portion of the City-owned parkland (Bonny Castle Park/Assiniboine Riverwalk), identified on Misc. Plan No. 8289/15, be approved.

2. That the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor in order to protect the interests of the City.

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

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 15, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 6, 2012, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Proposed Permanent and Temporary Easement Requirements Located on Parkland (Bonny Castle Park/Assiniboine Riverwalk) Adjoining 280/290/300/318 Assiniboine Avenue in favour of Heritage Landing on Assiniboine Inc. and Manitoba Hydro**

Critical Path: **Standing Policy Committee on Downtown Development, Heritage and Riverbank Management**
Executive Policy Committee
Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Zabudney	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That permanent and temporary easements in favour of Heritage Landing on Assiniboine Inc. and Manitoba Hydro over a portion of the City-owned parkland (Bonny Castle Park/Assiniboine Riverwalk) identified on the attached Misc. Plan No. 8289/15, be approved by Council.

2. That the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

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

REASON FOR THE REPORT

In accordance with City Policy, all sales of property designed or acquired for park or cemetery purposes require approval of at least 2/3 of all members of Council. The subject easements fall under this City Policy.

IMPLICATIONS OF THE RECOMMENDATIONS

- The proposed easement requirements will limit the City's ability to use the parkland (Bonny Castle Park/Assiniboine Riverwalk) property and are for the exclusive benefit of the purchaser.

- There are no regulatory or human resources implications associated with this report.

HISTORY

The Department is negotiating a proposed sale of the subject City-owned property shown as "Property Boundary" on the attached Misc. Plan No. 8289/15.

As part of the terms and conditions of the proposed Amended and Restated Industrial/Commercial Purchase Agreement, the Purchaser and Manitoba Hydro are requesting the following proposed easements over City of Winnipeg parkland (Bonny Castle Park/Assiniboine Riverwalk) identified on the attached Misc. Plan No. 8289/15:

1. A permanent easement just outside the western boundary of the subject City-owned property, in favour of Manitoba Hydro for the placement of a relocated 66kv hydro distribution line. Manitoba Hydro also requires an easement at this same location for a hydro pole and guy wire. The location of this proposed easement is identified as "Easement for Manitoba Hydro Cable" and "Easement for Manitoba Hydro Pole & Guy Wire".
2. A permanent easement just outside the western boundary of the subject City-owned property, in favour of the Purchaser for the purpose of service vehicle turnaround. This proposed easement is identified "Easement for Service Vehicle Turnaround". This required turnaround area was identified in the Planner's report which was approved by Council on June 23, 2010.
3. A permanent easement just outside the eastern boundary of the subject City-owned property, in favour of the Purchaser for spatial separation. This proposed easement area is identified as, "Easement for Spatial Separation". The Purchaser has advised that this proposed 7m. spatial separation easement is required to meet with the City of Winnipeg building code requirements.

4. Two temporary easements located just outside the eastern boundary and just outside the southern boundary of the subject City-owned property. Identified as, “40 foot & 20 foot Temporary Construction Easements”, on the attached Misc. Plan. Once construction of the buildings is complete, these easements will be discharged.

The proposed easement areas were circulated to the Parks, Waterways and Community Initiatives Division. No objections were received to the proposed easement requests.

At this time, the Department is requesting that Council approve the proposed easements areas and that the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

FINANCIAL IMPACT

Financial Impact Statement Date: January 5, 2012

Project Name:

Proposed Permanent and Temporary Easement Requirements Located on Parkland (Bonny Castle Park/Assiniboine Riverwalk) Adjoining 280/290/300/318 Assiniboine Avenue in favour of Heritage Landing on Assiniboine Inc. and Manitoba Hydro

COMMENTS:

The recommendations contained in this report include 1) that permanent and temporary easements in favour of Heritage Landing on Assiniboine Inc. and Manitoba Hydro over a portion of the City-owned parkland (Bonny Castle Park/Assiniboine Riverwalk) identified on the attached Misc. Plan No. 8289/15, be approved by Council and 2) that the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

There are no fees associated with these particular easements and, as such, there are no financial implications associated with these recommendations.

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

CONSULTATION

In preparing this report there was consultation with:

Parks Waterway and Community Initiatives Division.

SUBMITTED BY

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	Joedi Pruden
Date:	January 6, 2012
File No.	R-26-W

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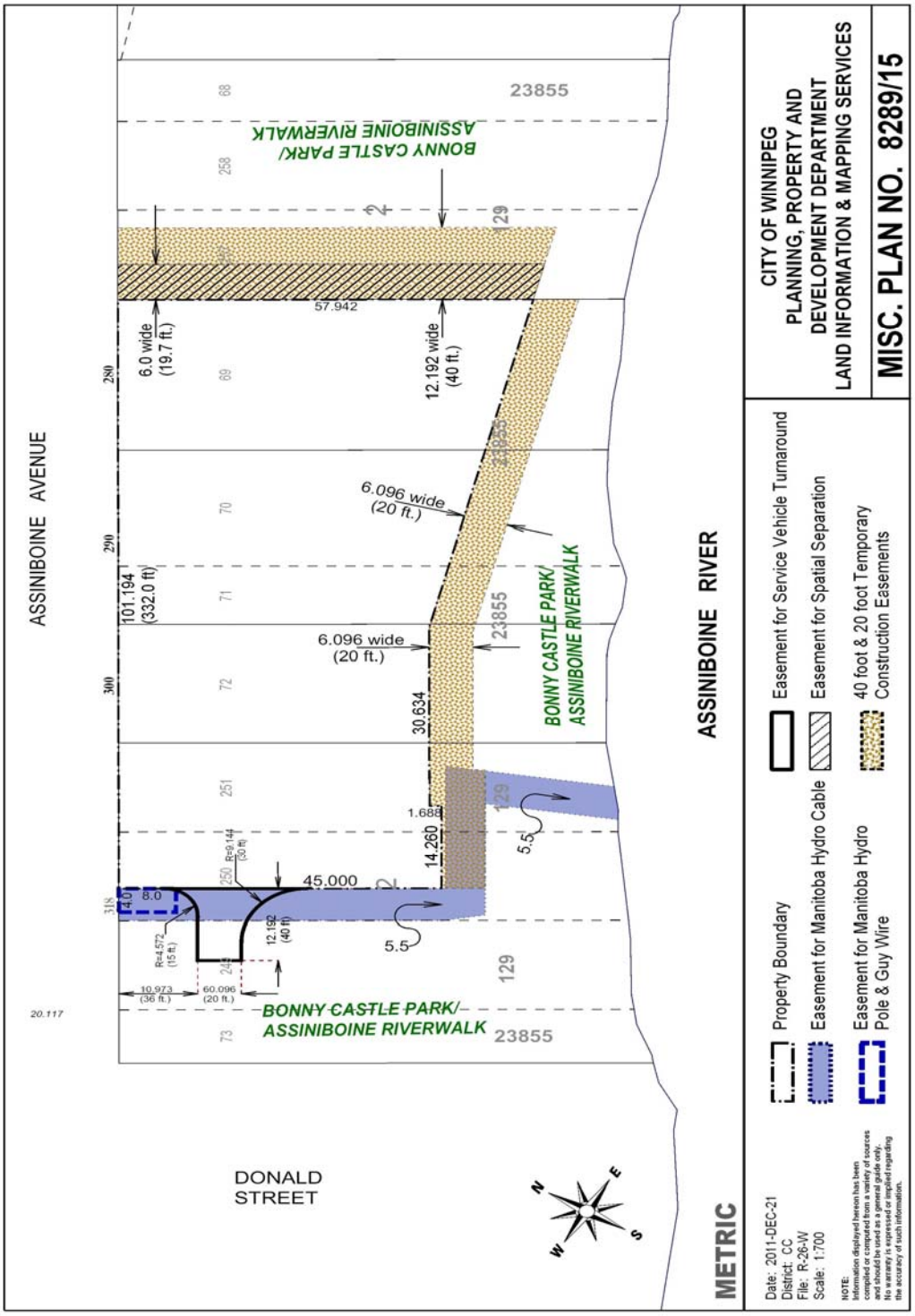
ASSINIBOINE AVENUE
ASSINIBOINE RIVER
DONALD STREET
BONNY CASTLE PARK/ ASSINIBOINE RIVERWALK
BONNY CASTLE PARK/ ASSINIBOINE RIVERWALK
BONNY CASTLE PARK/ ASSINIBOINE RIVERWALK
23855
57.942
6.0 wide (19.7 ft.)
12.192 wide (40 ft.)
6.096 wide (20 ft.)
6.096 wide (20 ft.)
101.194 (332.0 ft)
30.634
1.688
14.260
45.000
8.0
4.0
R=9.144 (30 ft)
R=4.572 (15 ft.)
12.192 (40 ft)
10.973 (36 ft.)
60.096 (20 ft.)
5.5
5.5
20.117
METRIC
Date: 2011-DEC-21
District: CC
File: R-26-W
Scale: 1:700
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
Property Boundary
Easement for Manitoba Hydro Cable
Easement for Manitoba Hydro Pole & Guy Wire
Easement for Service Vehicle Turnaround
Easement for Spatial Separation
40 foot & 20 foot Temporary Construction Easements
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 8289/15