**Agenda – Council – February 27, 2013**

**Report – Standing Policy Committee on Property and Development – February 19, 2013**

**Item No. 4** **Closing - Part of Templeton Avenue (Government Road Allowance) between Alton Way and Ritchie Street (Old Kildonan Ward) File DAC 1/2013 [c/r DASZ 38/2012]**

STANDING COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submits the following to Council:

1. That the street closing as shown on Misc. Plan No. 14409 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14409.

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

**Report – Standing Policy Committee on Property and Development – February 19, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAC 1/2013 |
| Before: | Lord Selkirk-West Kildonan Community Committee<br>Councillor Pagtakhan, Chairperson<br>Councillor Eadie<br>Councillor Sharma |
| Public Hearing: | February 12, 2013<br>North Committee Room<br>Council Building, 510 Main Street |
| Applicant: | Genstar Development Company (Marc Brown) |
| Premises Affected: | Part of Templeton Avenue (Government Road Allowance) between Alton Way and Ritchie Street |
| Exhibits Filed: | 1. Report from the Real Property Officer dated January 29, 2013<br>2. Inspection Report<br>3. Plans (2 pages) submitted by Marc Brown, Genstar Development Company, at the public hearing |

REPRESENTATIONS:

In Support:

Dave Boles, Genstar Development Company
Marc Brown, Genstar Development Company

In Opposition

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2013

# ADMINISTRATIVE REPORT

**Title:** **DAC 1/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF TEMPLETON AVENUE (GOVERNMENT ROAD ALLOWANCE) BETWEEN ALTON WAY AND RITCHIE STREET FOR INCORPORATION INTO DASZ 38/2012**

**Critical Path:** **LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Buyachok | B. Thorgrimson | N/A | N/A |

## RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 14409 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14409.

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

## REASON FOR THE REPORT

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

## IMPLICATIONS OF THE RECOMMENDATIONS

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

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

## HISTORY

The Planning, Property and Development Department has received a request from Mr. Marc Brown, Development Manager of Genstar Development Company, to close the portion of Templeton Avenue (Government Road Allowance) so identified on the attached copy of Misc. Plan No. 14409. Genstar will be acquiring the portion of Templeton shown as Parcel "A" on the sketch. This portion of the street, once closed, is to be incorporated into DASZ 38/2012, an application to subdivide and rezone the adjoining property as part of the next phase of residential development in the Amber Trails community. The portion of the closing identified as Parcel "B" is to be retained by the City as a buffer adjoining the future Chief Peguis Trail extension.

The lands adjacent to the closing within the DASZ 38/2012 planning area are owned partly by Templeton North Developments Ltd. and partly by Genstar Development Company. The required authorizations from Templeton North Developments Ltd. and Genstar Titleco Ltd. have been submitted as part of the DASZ application explicitly stating the intent to close the subject portion of Templeton Avenue as part of the subdivision application.

Templeton Avenue is to be re-dedicated as a new public right of way within DASZ 38/2012. The new alignment of streets created in this development is shown on the attached additional sketch contained in Appendix "A".

The subject right of way was created in 1877 by the original Dominion Government Survey of the Outer Two Miles of the Parish of Kildonan. There are no residences on either side of the street. The subject closing area consists of a granular roadway which connects to Ritchie Street which is presently barricaded at its terminus at Mollard Road.

## 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 Inc., Shaw Cablesystems, Bell Canada, Rogers Communications, Norscan and TeraSpan.
Imperial Oil and Fibre did not respond to the request for comments on this proposal.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: January 29, 2013
File No.

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**APPENDIX "A"**

Administrative Approval

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

Administrative Comments

The Transportation Division of the Public Works Department has provided the following comment:

> Approval of the closing is subject to the applicant entering into a Servicing Agreement requiring the applicant to pay all costs of the City barricading and signing Ritchie Street, north of the future Chief Peguis Trail, to physically close the dead-end of Ritchie Street being created by the subject legal closure.

Easements

Any easement requirements will be addressed through subdivision and rezoning application DASZ 38/2012.

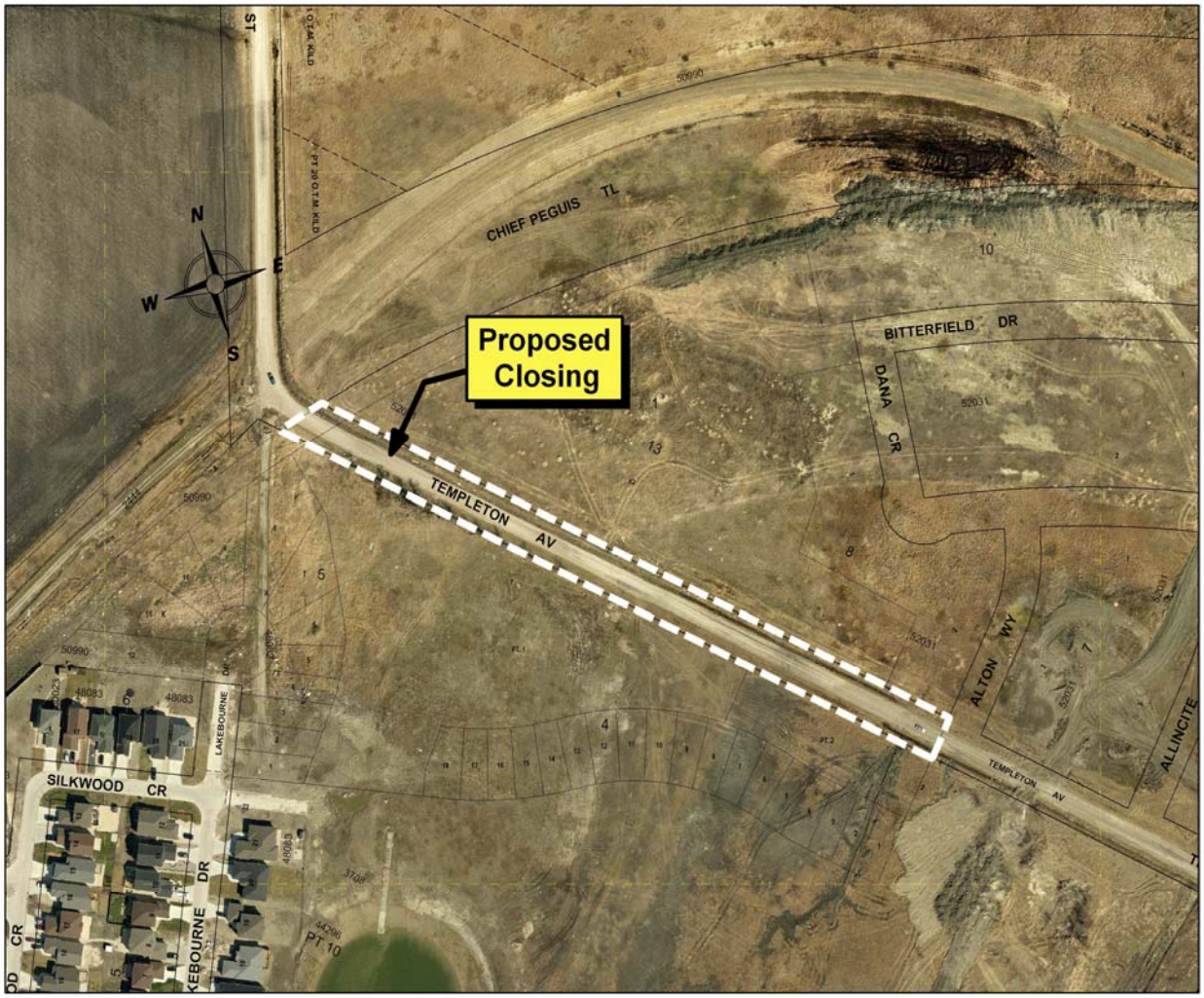
Conveyance of Street for $1.00

The area of the streets being created by the subdivision (± 3.17 acres) exceeds the area of the street being closed (± 1.70 acres). In accordance with City policy, the closed portion of Templeton Avenue will be conveyed to the Developer for the nominal sum of $1.00.

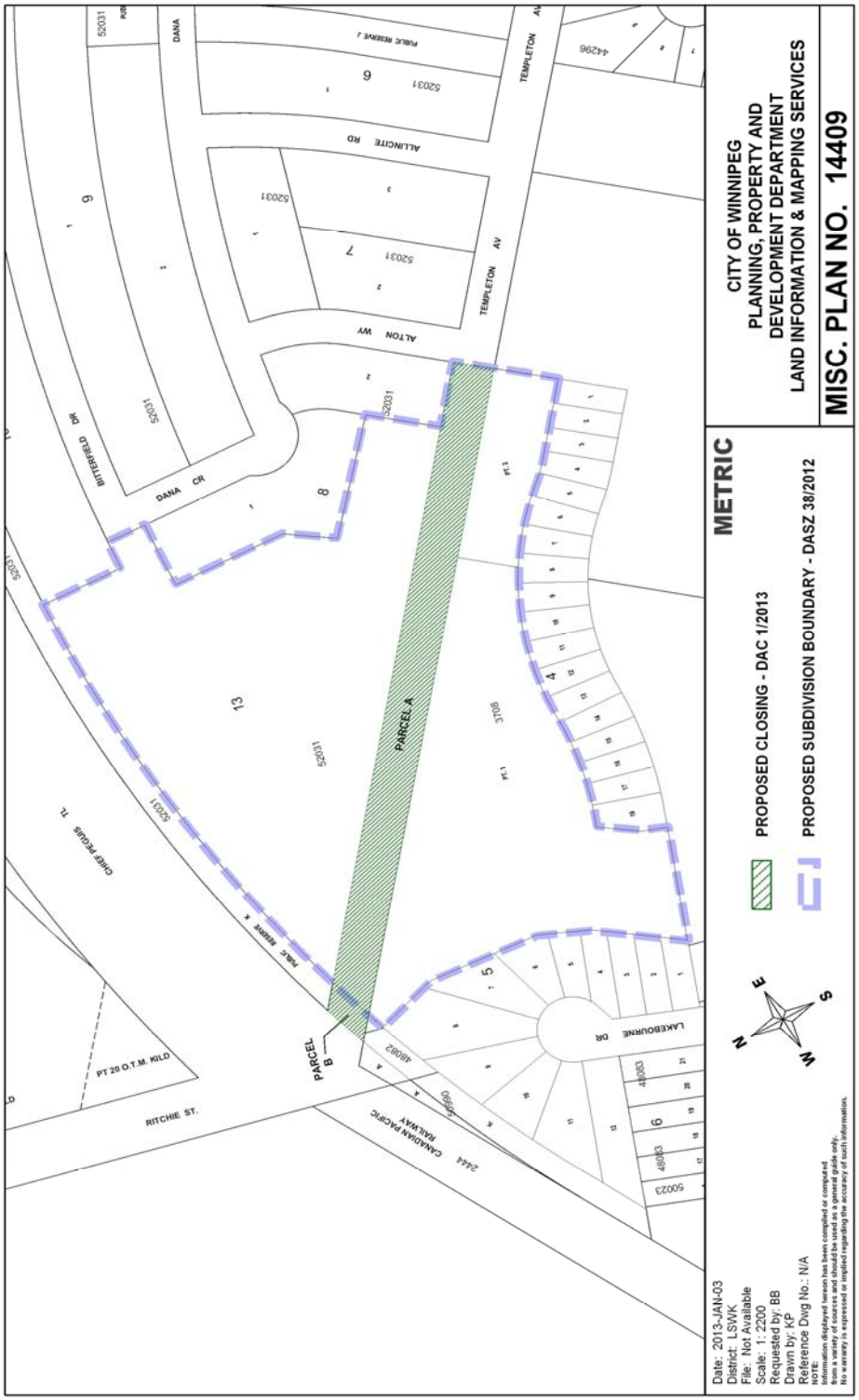
Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold. 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 dispose of the land until this has been done.

Aerial View of Subject Closing



Miscellaneous Plan



Closing Within Streets in DASZ 38/2012

