**Agenda – Council – July 17, 2013**

**Report – Standing Policy Committee on Property and Development – July 2, 2013**

**Item No. 3** **Closing – Nelson Avenue (Government Road Allowance) and part of Angela Street (Government Road Allowance) south of CPR Plan No. 1042 WLTO, east of Peguis Street**
**(Transcona Ward)**
**File DAC 5/2013 [c/r DASZ 11/2013 and DASZ 12/2013]**

STANDING COMMITTEE RECOMMENDATION:

On July 10, 2013, 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 following to Council:

1. That the street closings as shown on Misc. Plan No. 14447 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 closings in accordance with Misc. Plan No. 14447.

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

**Agenda – Council – July 17, 2013**

**Report – Standing Policy Committee on Property and Development – July 2, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendations 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 July 2, 2013, 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 June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On May 21, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on June 18, 2013, at 6:00 p.m., in the Council Building, 510 Main Street.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAC 5/2013 |
| Before: | East Kildonan-Transcona Community Committee<br>Councillor Browaty, Chairperson<br>Councillor Steen<br>Councillor Wyatt |
| Public Hearing: | May 21, 2013<br>June 18, 2013<br>Council Building, 510 Main Street |
| Applicant: | Genstar Development Company (Dave Boles) |
| Premises Affected: | Nelson Avenue (Government Road Allowance) and part of Angela Street (Government Road Allowance) south of CPR Plan No. 1042 WLTO, east of Peguis Street |
| Exhibits Filed: | 1. Report from the Real Property Officer dated May 1, 2013<br>2. Inspection Report<br>3. Communication dated May 14, 2013, from Mike Malyk in opposition to the application<br>4. Notice of Adjournment dated May 28, 2013 |

REPRESENTATIONS:

In Support:

Dave Boles and Jerry Klein, Genstar Development Company
Nathan Janzen
Vic Janzen
Lilita Klavins

In Opposition

Noni Bodnar
Stan and Judith Burym
George Hartwig
Troy Hildebrand and Melody Rogan
Chris Howells
Faye and Michael Lozinski
Mike Malyk
Christine Piotrowski
Peter and Judy Pshednovak

For Information:

Heather Bell
Troy Hildebrand

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Ms C. Desjardine, Community Traffic Engineer, Public Works Department

Exhibit "1" referred to in File DAC 5/2013

# ADMINISTRATIVE REPORT

**Title:** **DAC 5/2013: To Seek Council Approval for the Proposed Closing of Nelson Avenue (Government Road Allowance) and party of Angela Street (Government Road Allowance) South of CPR Plan No. 1042 WLTO, East of Peguis Street for Incorporation into DASZ 11/2013 and DASZ 12/2013**

**Critical Path:** **East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council**

## AUTHORIZATION

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

## RECOMMENDATIONS

1. That the proposed street closings as shown on Misc. Plan No. 14447 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 closings in accordance with Misc. Plan No. 14447.

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 closings 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. Dave Boles, Development Manager of Genstar Development Company, to close Nelson Avenue (Government Road Allowance) and the portion of Angela Street (Government Road Allowance) so identified on the attached copy of Misc. Plan No. 14447. The Nelson Avenue closing is to be incorporated into DASZ 11/2013, an application to subdivide and rezone the adjoining property as part of Phase 2 of the Devonshire Park South Neighbourhood Development. The Angela Street closing is to be incorporated into DASZ 12/2013, an application to subdivide and rezone the adjoining property as part of Phase 3 of the Devonshire Park North Neighbourhood Development.

The proposed closings within the new alignment of streets created by these developments are shown on the attached additional sketches contained within Appendix "A".

The subject rights of way were created in 1877 by the original Dominion Government Survey of the Outer Two Miles of the Parish of Kildonan. These streets exist in a legal context only, consisting of open prairie and serving no apparent public transportation purpose.

## 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, Shaw Cablesystems, Norscan and TeraSpan.
MTS Inc., Bell Canada, Rogers Communications, Imperial Oil, Canadian Pacific Railway, 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: | May 1, 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 closings.

Easements

The Engineering Division of the Water and Waste Department has identified an existing 1500mm interceptor sewer within the entire length of the Nelson Avenue closing area. The sewer is located approximately 3.1m south of the north limit of the Nelson Avenue right of way. As a condition to the approval of the subject closing, Water and Waste will require a 3.0m easement, offset north of the north limit of Nelson Avenue, for maintenance purposes.

The Water and Waste Department also requires that the public right of way to be known as Devonshire Drive (replacing Nelson Avenue within DASZ 11/2013) be opened in a timely manner, thereby ensuring that the interceptor sewer infrastructure is within the public street. If this cannot be accomplished within a short time frame, Water and Waste will require an additional easement for this facility to be established over the entire Nelson Avenue closing area, approximately 10.05m wide.

Manitoba Hydro has also identified services within the closing areas and will require easements for their existing facilities.

No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closings will be at the expense of the applicant.

Any additional easement requirements will be addressed through subdivision and rezoning applications DASZ 11/2013 and DASZ 12/2013.

Conveyance of Street for $1.00

The area of the streets being created by subdivision DASZ 11/2013 (56.23 acres) exceeds the area of Nelson Avenue being closed (2.01 acres). The area of the streets being created by subdivision DASZ 12/2013 (17.42 acres) exceeds the area of Angela Street being closed (1.47 acres). In accordance with City policy, the closed portions of Nelson Avenue and Angela Street will be conveyed to the Developer for the nominal sum of $1.00.

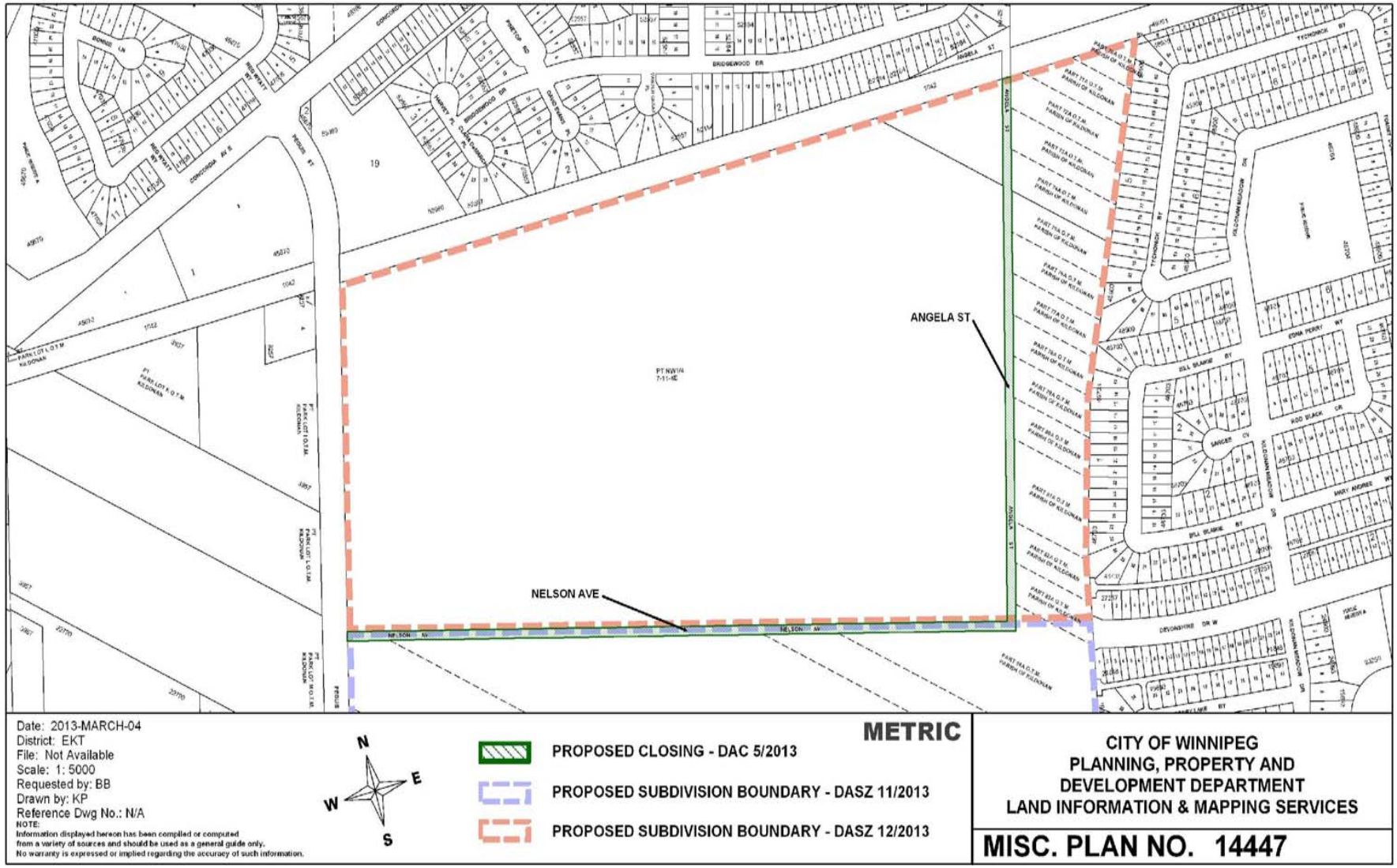
Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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.

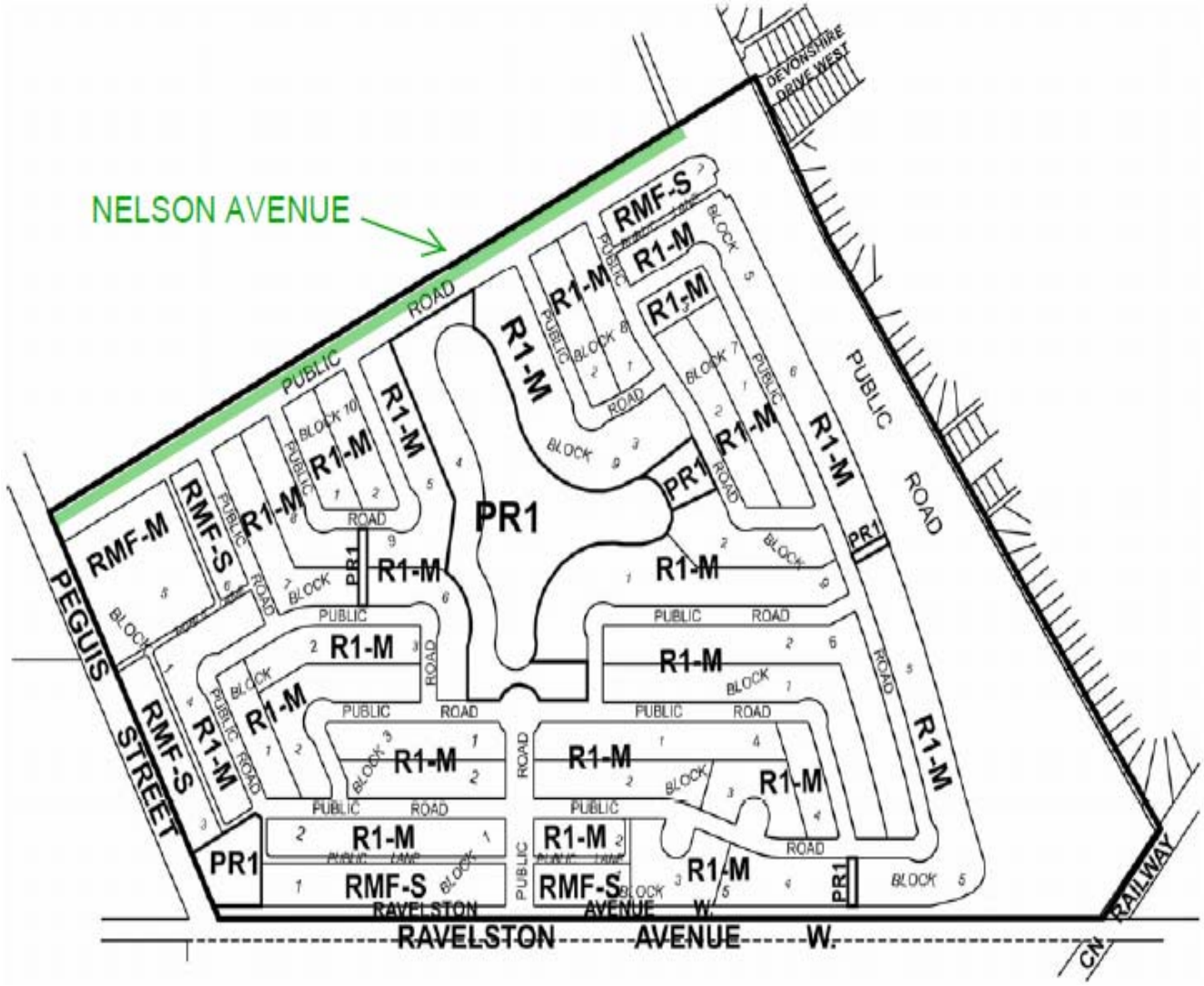
Aerial View of Subject Closing



Miscellaneous Plan



Closing Within Streets in DASZ 11/2013



Closing Within Streets in DASZ 12/2013

