Minute No. 516
Report - Standing Policy Committee on Property and Development – July 5, 2011

Item No. 6 **Building Restriction Caveat - Kenaston Industrial Park Inc.**
25 Lowson Crescent
(Charleswood-Tuxedo Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Building Restriction Caveat in favour of Kenaston Industrial Park Inc. affecting 25 Lowson Crescent shown outlined on Misc Plan No. 13563/5 be cancelled.

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

Report - Standing Policy Committee on Property and Development – July 5, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **To Seek Council Approval to Cancel the Building Restriction Caveat in favour of Kenaston Industrial Park Inc. - 25 Lowson Crescent.**

Critical Path: **Standing Policy Committee on Property and Development, Executive Policy Committee, Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Thorgrimson	D. Joshi	N/A	A. Robinson Deputy CAO

RECOMMENDATIONS

1. That the Building Restriction Caveat in favour of Kenaston Industrial Park Inc. affecting 25 Lowson Crescent shown outlined on Misc Plan No. 13563/5 attached, be cancelled.

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

REASON FOR THE REPORT

- The Winnipeg Land Titles Office requires that Building Restriction Caveat #2306222 in favour of Kenaston Industrial Park Inc. affecting 25 Lowson Crescent shown outlined on Misc Plan No. 13563/5 be cancelled prior to its acceptance of the registration of the Street Opening Plan for the widening of the east side of Kenaston Boulevard at Lowson Crescent.

- Kenaston Industrial Park Inc. is a dissolved company and therefore regular notice cannot be served to the company. A Municipal Board Order canceling or discharging the building restriction caveat is required. Before the Municipal Board can order the discharge of the caveat, City Council must by resolution, recommend the cancellation of the Building Restriction Caveat.

IMPLICATIONS OF THE RECOMMENDATIONS

- Upon approval by Council, the City will request the Municipal Board to issue an order to cancel or discharge the Building Restriction Caveat #2306222 to facilitate the registration of the Street Opening Plan along the east side of Kenaston Boulevard.

HISTORY

- On March 25, 2009, Council approved the Tuxedo Yards Redevelopment which is comprised of the lands at the southwest and northwest quadrants of Sterling Lyon Parkway and Kenaston Boulevard.

- Item #14 of the disposition of Council delegated authority to the Chief Administrative Officer to negotiate and approve the terms and conditions of any and all agreements required in respect of the land acquisitions needed for the widening of Kenaston Boulevard and Sterling Lyon Parkway, the widening of Shaftesbury Boulevard and the widening of the Shaftesbury Boulevard/Sterling Lyon Parkway/McCreary Road/Wilkes Avenue intersection to achieve the intent of Council under DASZ 37/2008.

- The Planning, Property and Development Department has concluded its negotiations with the five affected property owners (Centra Gas Manitoba Inc., Tuxedo Business Centre Inc., Enviro West Inc., GMW Properties Ltd. and the Canadian National Railway Company) to acquire the lands required for the street widenings.

- The Department has determined that there are no negative implications to the City in having the Building Restriction Caveat #2306222 cancelled, which will in turn facilitate the registration of the Street Opening Plan along the east side of Kenaston Boulevard.

FINANCIAL IMPACT

Financial Impact Statement Date: June 3, 2011

Project Name:

To seek Council Approval to Cancel Building Restriction Caveat # 2306222 - 25 Lowson Crescent.

COMMENTS:

The recommendation contained in this report is that the Building Restriction Caveat in favour of Kenaston Industrial Park Inc. affecting 25 Lowson Crescent shown outlined on Misc Plan No. 13563/5 attached, be cancelled.

There are no financial implications associated with this recommendation.

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	Barry Lucyk
Date:	June 6, 2011
File No.	7813 7

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W
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S
TUXEDO BUSINESS CENTRE INC PROPERTY
Date: 2011-MAY-27
District: ASBA
File: 78137
Scale: 1:1400
METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13563/5