Agenda – Council – May 27, 2014

Report – Standing Policy Committee on Property and Development – May 13, 2014

Item No. 2 Closing of Part of Scurfield Boulevard between Waverley Street and Newmarket Boulevard for Incorporation into DASZ 3/2014 and DASSF 515/2014 and Opening of Part of Scurfield Boulevard East of Waverley Street
(River Heights-Fort Garry Ward)
File DAOC 1/2014 [c/r DASZ 3/2014]

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the street opening and closing as shown on Misc. Plan No. 14647/4 be approved and that the portion of the street to be closed 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 opening and closing in accordance with Misc. Plan No. 14647/4, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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

Agenda – Council – May 27, 2014

Report – Standing Policy Committee on Property and Development – May 13, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 13, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 15, 2014, the City Centre 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:	DAOC 1/2014
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	April 15, 2014 Council Building, 510 Main Street
Applicant:	McGowan Russell
Premises Affected:	Part of Scurfield Boulevard between Waverley Street and Newmarket Boulevard
Exhibits Filed:	1. Report from the Real Property Officer dated March 21, 2014 2. Inspection Report

REPRESENTATIONS:

In Support:

Brad Cook
Patrick Hamilton, C. Stevenson Advisors
Don Larke, Hopewell
Aaron Hirota, McGowan Russell Group
Andrew Marquess
David Marsh, Dillon Consulting
Susan Russell, McGowan Russell

In Opposition:

Nil

For Information:

Shengxu Li

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2014

ADMINISTRATIVE REPORT

Title: **DAOC 1/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF SCURFIELD BOULEVARD BETWEEN WAVERLEY STREET AND NEWMARKET BOULEVARD FOR INCORPORATION INTO DASZ 3/2014 AND DASSF 515/2014 AND PROPOSED OPENING OF PART OF SCURFIELD BOULEVARD EAST OF WAVERLEY STREET**

Critical Path: **CITY CENTRE 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 opening and closing as shown on Misc. Plan No. 14647/4 be approved and that the portion of the street proposed to be closed 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 opening and closing in accordance with Misc. Plan No. 14647/4, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

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 opening and 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 McGowan Russell Group Inc. representing Hopewell Development Corporation, to close and open the portions of Scurfield Boulevard so identified on the attached copy of Misc. Plan No. 14647/4.

Part of the closing is to be incorporated into the Bishop Grandin Crossing Major Redevelopment Site currently being processed under subdivision and rezoning application DASZ 3/2014. Hopewell Development is the owner of this property. The balance of the closing is to be incorporated into the development of the adjoining property currently being processed under subdivision application DASSF 515/2014. Hopewell Development is in the process of acquiring this property from Manitoba Hydro.

The applicant is proposing to open an extension of Scurfield Boulevard within a new alignment leading to the redevelopment site. Property required for the opening outside of subdivision boundary DASZ 3/2014 comprises the subject application and is currently owned by Manitoba Hydro and the City of Winnipeg. The City land consists of a 0.3m wide control strip (Part Block 5, Plan 51681 WLTO) at the western limit of the opening area. The applicant has received written confirmation from both Manitoba Hydro and the Real Estate Division providing their consent to include this land in the opening application.

The portion of Scurfield Boulevard proposed to be opened within the development site is owned by Hopewell and will be dedicated as public street under application DASZ 3/2014.

Scurfield Boulevard was opened by Plan No. 51681 and registered in the Winnipeg Land Titles Office in August of 2011. Its opening formed part of the requirements contained in subdivision rezoning application DASZ 6/2007. The right of way exists in legal context only, being unimproved land and providing no current 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, MTS Inc., Shaw Cablesystems, Bell Canada, Telus and Pembina Trails School Division

Imperial Oil, Rogers Communications, Norscan, TeraSpan and Fiber did not respond to the request for comments on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: March 21, 2014
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 opening and closing.

Administrative Comments

Administrative approval of this application is subject to the following conditions:

Land Development Branch:

The Land Development Branch requires the applicant to include a 0.3m buffer control strip, to be transferred to the City for development control purposes, along the north side of the Scurfield Boulevard opening (the control strip is identified on Misc. Plan No. 14647/4).

Zoning and Permits Branch:

Zoning and Permits advises that the existing Manitoba Hydro buildings within the opening area will need to be removed once the opening/closing plan is registered in the Winnipeg Land Titles Office. Otherwise, the applicant will be required to apply for an encroachment license to allow them within a legally open right of way.

Water and Waste Department:

For information purposes, Water and Waste has identified a privately owned 1050mm land drainage sewer running through parts of the subject opening/closing property. They have no objections or conditions to this application.

Easements

There are no Civic or utility services within the closing area. No easements will be required.

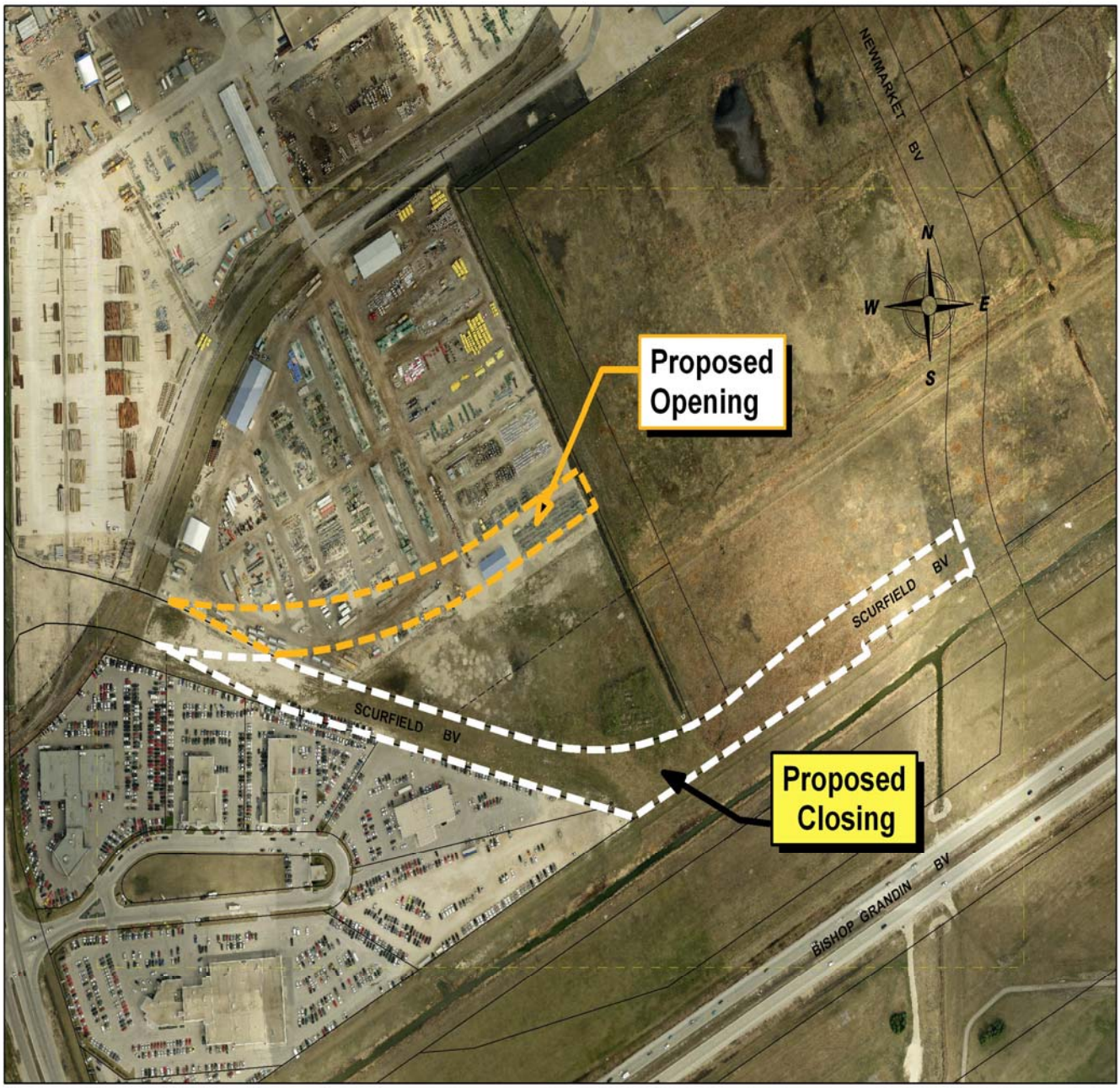
Conveyance of Street for $1.00

The areas of the streets being created by the realignment and within subdivision rezoning application DASZ 3/2014 exceeds the area of the street being closed. In accordance with City policy, the closed portion of Scurfield Boulevard 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 conveyed. 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 Opening and Closing



Miscellaneous Plan

