Agenda - Executive Policy Committee – July 9, 2014

Report - Standing Policy Committee on Property and Development – July 8, 2014

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 1 **Closing – Part of Dawson Road south between Plessis Road and Royal Mint Drive for incorporation into DASZ 52/2013**
(St. Boniface Ward)
File DAC 19/2013 [c/r DASZ 52/2013]

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the street closing as shown on Misc. Plan No. 14614/2 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. 14614/2, 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 implement the intent of the foregoing.

Agenda - Executive Policy Committee – July 9, 2014

Report - Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2014, the Riel Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

On June 2, 2014, the Riel Community Committee adjourned the public hearing to its Special Meeting on June 16, 2014 at 9:30 a.m. in the Council Building, 510 Main Street.

On May 5, 2014, the Riel Community Committee concluded public representation on the application and adjourned the public hearing to its meeting on June 2, 2014 at 5:00 p.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File:	DAC 19/2013
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Mayes
Public Hearing:	June 2, 2014 May 5, 2014 Council Building, 510 Main Street
Applicant:	MMM Group Limited
Premises Affected:	Part of Dawson Road south of Plessis Road and Royal Mint Drive
Exhibits Filed:	1. Report from the Real Property Officer dated April 22, 2014 2. Inspection Report 3. Communication from Paul McNeil with respect to the application, submitted at the public hearing 4. Communication from Barrie Ottenbreit with respect to the application, submitted at the public hearing 5. Notice of Adjournment dated May 9, 2014. 6. Notice of Adjournment dated June 3, 2014

REPRESENTATIONS:

In Support:

Mike Armstrong
Brent Bellamy
Frank Buetti
Vince Buetti
Derrick Chartier
Paul McNeil
Barrie Ottenbreit
Kenn Rosin
Frank Spezzano
Sam Spezzano
Tony Spezzano
Eric Vogan
Bryan Ward

In Opposition:

Bob Bodnaruk

For Information:

Ben Bredo
Marcel Dagesse
Syl Desilets
Dan Novak
Adam Lukow

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. G. Doney, Planner, Planning, Property and Development Department
Mr. R. Mahé, Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 19/2013

ADMINISTRATIVE REPORT

Title: **DAC 19/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF DAWSON ROAD SOUTH BETWEEN PLESSIS ROAD AND ROYAL MINT DRIVE FOR INCORPORATION INTO DASZ 52/2013**

Critical Path: **RIEL 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 closing as shown on Misc. Plan No. 14614/2 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. 14614/2, 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.

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 MMM Group Limited, representing 5086109 Manitoba Ltd., 5086095 Manitoba Ltd., 5154635 Manitoba Ltd., and 5154643 Manitoba Ltd. to close and purchase the portion of Dawson Road South as identified on the attached copy of Misc. Plan No. 14614/2. This portion of Dawson Road, once closed, is to be incorporated into the land use, transportation and servicing plans for the redevelopment of the applicant's adjoining property currently being processed under subdivision and rezoning application DASZ 52/2013. The subdivision is to form part of the further development of the surrounding land area proposed under Precinct Plan "J".

Two closing options were provided by MMM as shown on the attached copies of Misc. Plan Nos. 14614/2 and 14614/3. The first option proposed to close the entire width of the street with a portion remaining open as access to the subdivision. The second option proposed to leave the southerly ±20m of the right of way open. The administration favours the first option. Access to Dawson Road South on either side of the proposed closing will be maintained by the creation of new rights of way. The new rights of way will be opened under DASZ 52/2013.

In July of 2013, MMM Group made an application for the opening/closing of part of Fermor Avenue and the closing of part of Plessis Road for incorporation into DASZ 52/2013. This application was processed under file DAOC 1/2013 and is to be considered concurrently with the subject DAC 19/2013 application.

Dawson Road South was opened by Plan No. 433 and registered in the Winnipeg Land Titles Office in January of 1894. It presently provides access between Royal Mint Drive and Plessis 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, Telus and TeraSpan.

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

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: Richard Sherby, Geomatics and Land Information Services Administrator
Date: April 22, 2014
File No.
O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 19.13 RPT.doc

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

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

Public Works Department:

The Public Works Department supports the closing option shown on Misc. Plan No. 14614/2 subject to the plan being revised with a proper alignment for a Collector Roadway and at an appropriate intersection location to the satisfaction of the Director of Public Works.

Water and Waste Department:

The Water and Waste Department supports the closing option shown on Misc. Plan No. 14614/2 subject to two conditions. There are City owned ditches running down the current Dawson Rd S right-of-way. The new owner of the property would need to make sure that the site drainage will not impede the existing drainage pattern of the surrounding City ditching. As well, there is a 250 PVC Wastewater Sewer running north/south and a Concrete Land Drainage Sewer entering the right-of-way connecting to a sewer inlet structure or manhole (within the ditch), within the proposed closing area.

Urban Planning Division:

The Urban Planning Division supports the closing option shown on Misc. Plan No. 14614/2, as the associated DASZ 52/2013 application shows the Dawson Road right of way being closed in its entirety at the subject location with the northern half of the right of way being rezoned CMU and the southern half being rezoned to PR1.

Urban Design Division:

The Urban Design Division supports the closing option shown on Misc. Plan No. 14614/2 subject to the condition that the southerly portion of the right of way be retained by the City as Public Reserve.

Zoning

Each half of a closed street assumes the zoning designation of the adjoining land. The applicant's property north of the closing is designated M1: Manufacturing – Light and RR5: Rural Residential – 5. The adjoining property to the south is designated R1 – M: Residential – Single Family.

Easements

The Engineering Division of the Water and Waste Department will require easements for their existing infrastructure within the closing area.

Manitoba Hydro has identified services within the closing area. Manitoba Hydro will require easements for these existing facilities and future plants. No permanent structures will be allowed within the easement areas.

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

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.

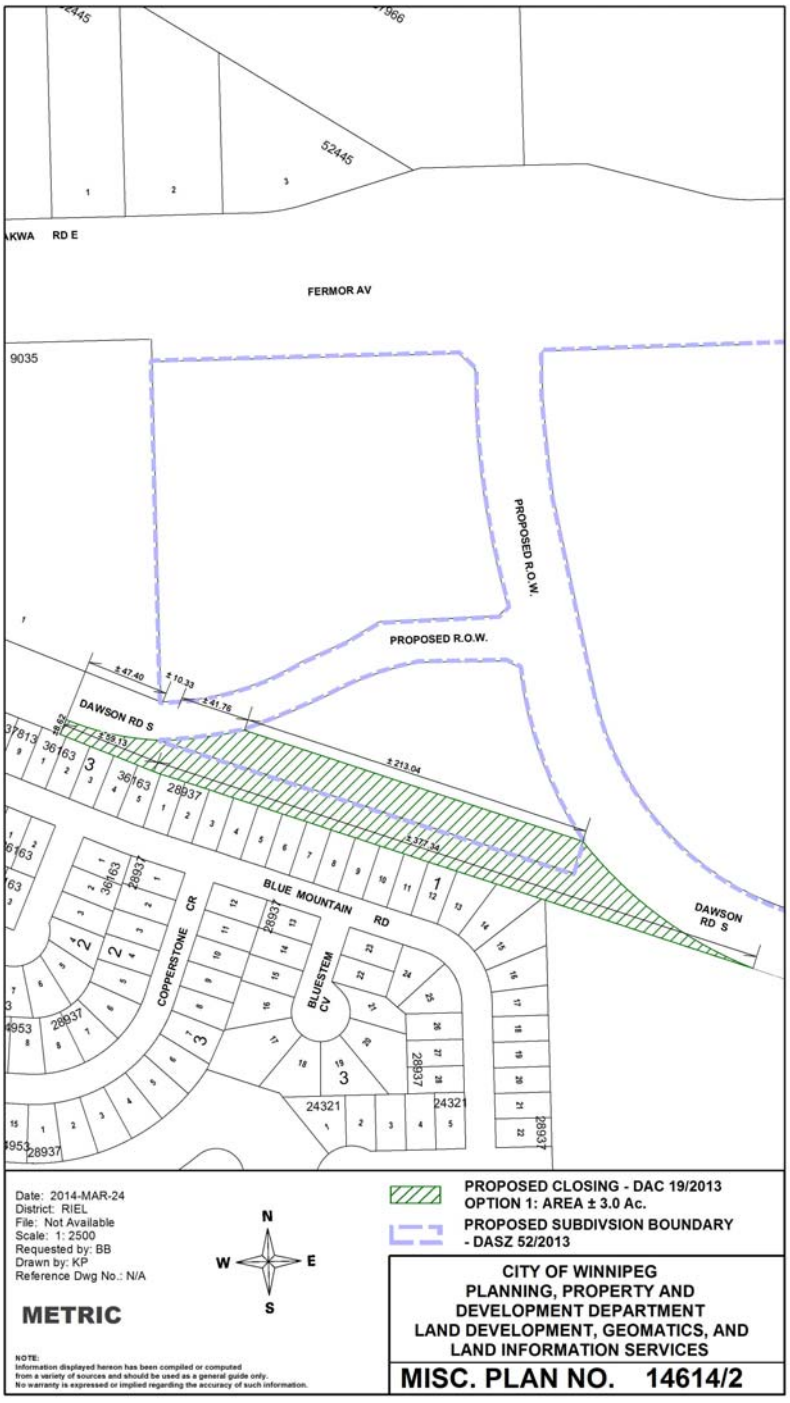
Aerial View of Subject Closing Option1



Aerial View of Subject Closing Option 2


NIAKWA RD E
FERMOR AV
NIAKWA RD E
FERMOR AV
N
Proposed Closing
DAWSON RD S
DAWSON RD S
BLUE MOUNTAIN RD
RED WILLOW CR
COPPERSTONE CR

Miscellaneous Plan: Closing Option 1



Miscellaneous Plan: Closing Option 2

