Agenda – Council – July 16, 2014

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

Item No. 2 **Opening and Closing - Part of Fermor Avenue between Plessis Road and Royal Mint Drive and Proposed closing of part of Plessis Road south of Fermor Avenue for incorporation into DASZ 52/2013 (St. Boniface Ward) File DAOC 1/2013 [c/r DASZ 52/2013]**

STANDING COMMITTEE RECOMMENDATION:

On July 9, 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. 14536/2 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. 14536/2, 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.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

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:	DAOC 1/2013
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 Fermor Avenue between Plessis Road and Royal Mint Drive and Proposed closing of part of Plessis Road south of Fermor Avenue

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 DAOC 1/2013

ADMINISTRATIVE REPORT

Title: **DAOC 1/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING AND CLOSING OF PART OF FERMOR AVENUE BETWEEN PLESSIS ROAD AND ROYAL MINT DRIVE AND PROPOSED CLOSING OF PART OF PLESSIS ROAD SOUTH OF FERMOR AVENUE 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 opening and closing as shown on Misc. Plan No. 14536/2 be approved and that the portion of the proposed 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. 14536/2, 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, 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

In July of 2013, the Planning, Property and Development Department 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 Fermor Avenue identified as Parcel "A" on the attached copy of Misc. Plan No. 14536/2. This portion of Fermor, once closed, was 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".

During the course of initial consultation, the Public Works Department identified two requirements which are being included as part of this application. The first is for the future widening of the south side of Fermor Avenue to accommodate a service road. The opening requirement is identified on the sketch. The applicant is amenable to providing a portion of their property for right of way purposes.

The second requirement is for the future closing of an additional portion of Fermor Avenue and Plessis Road shown as Parcel "B" on the sketch. Although not originally part of the development, this closing is now to be included within the DASZ 52/2013 subdivision boundary as shown. This portion of right of way will remain physically open until alternative access is provided and Public Works deems it appropriate to close. No time frame for either of Public Works' opening/closing requirements has been identified.

In December of 2013, MMM Group made a further application for the closing of part of Dawson Road South for incorporation into DASZ 52/2013. This application was processed under file DAC 19/2013 and is to be considered concurrently with the subject DAOC 1/2013 application.

The portion of the proposed Fermor Avenue closing was opened by By-law No. 4405 of the then City of St. Boniface and registered in the Winnipeg Land Titles Office by way of Plan No. 8296 in July of 1963. The closing portion to be acquired by the applicant (Parcel "A") consists of scrub prairie. The future closing portion requested by Public Works (Parcel "B") is also scrub prairie and contains a service road leading to Plessis Road.

The portion of the proposed Plessis Road closing was opened by Plan No. 433 and registered in the Winnipeg Land Titles Office in January of 1894. It presently provides access to Fermor Avenue.

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, Louis Riel School Division, Rogers Communications, Norscan 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.

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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 condition:

Transportation Division of the Public Works Department:

> The Public Works Department has no objections to the future proposed legal closing and sale of Parcel "B", subject to the Developer, at no cost to the City, transferring and legally opening property required for a cul-de-sac turnaround at the north terminus of Plessis Road with a right of way radius of 25.0m and constructing the cul-de-sac at the north terminus of Plessis Road with a radius of 16.7m plus shoulder, to a similar standard as the adjoining Plessis Road, and that an alternative means of road access between Plessis Road and Fermor Avenue be provided for in the Precinct Plan for Precinct "J", all as determined by and to the satisfaction of the Director of Public Works.

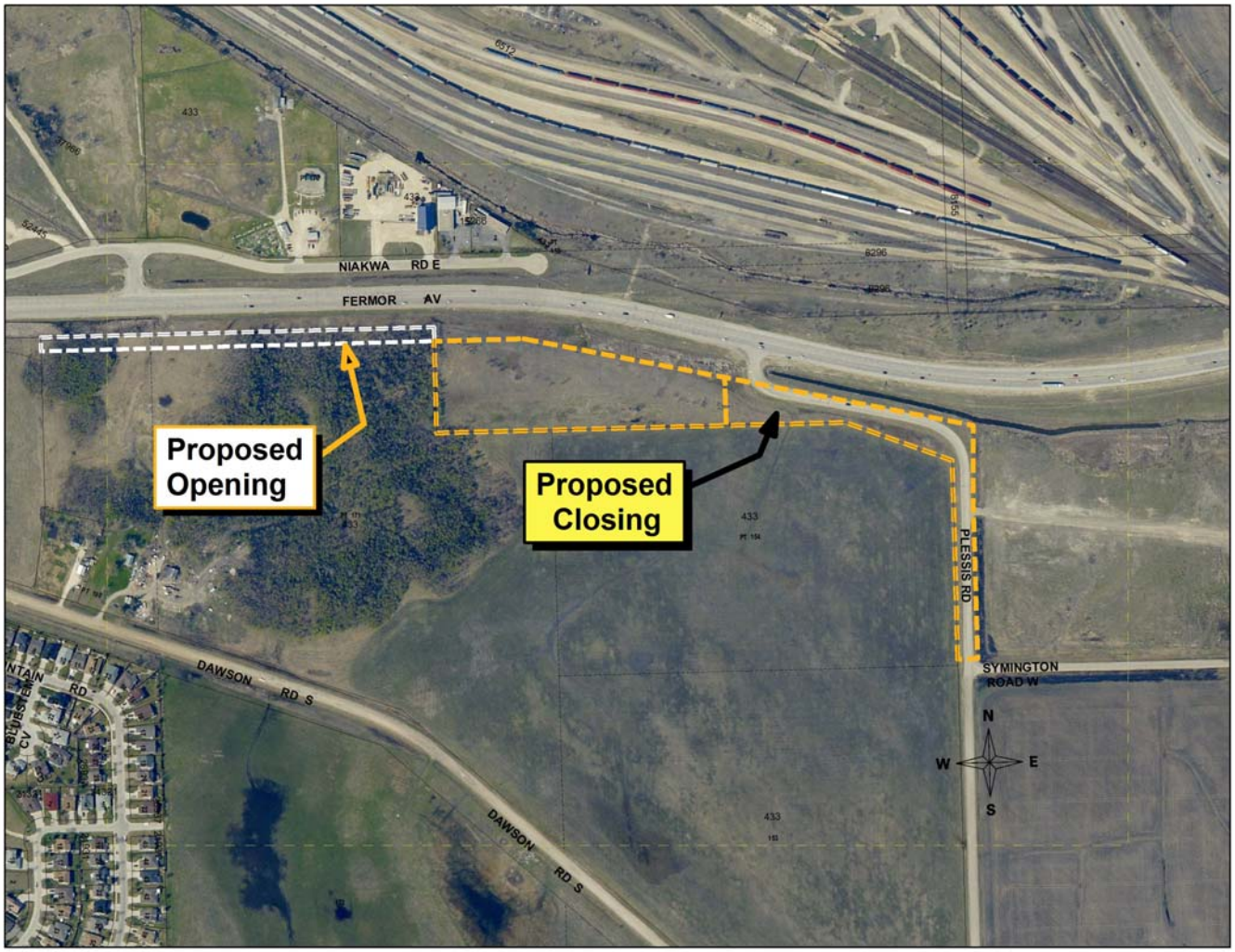
Easements

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

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 Opening and Closing



Miscellaneous Plan

