Minute No. 197
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 13 **Permanent Easement Requirements Located on Parkland (Sir John Franklin Community Club) Adjoining 1710 Grosvenor Avenue in favour of Y.M.H.A. Jewish Community Centre of Winnipeg Inc. (River Heights – Fort Garry Ward)**

COUNCIL DECISION:

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

1. That the City enter into a permanent easement in favour of Y.M.H.A. Jewish Community Centre of Winnipeg Inc. for the purpose of providing access to two parking stalls over a portion of City-owned parkland (Sir John Franklin Community Club) for the benefit of 1710 Grosvenor Avenue, which is owned by Y.M.H.A. Jewish Community Centre of Winnipeg Inc., as identified on the attached Misc. Plan No. 14251/5.

2. That the Director of Planning, Property and Development be delegated the authority to negotiate and approve the final terms and conditions of the easement agreement as determined necessary by the Director of Legal Services and City Solicitor in accordance with the terms and conditions set forth in Schedule “A” attached and such other terms and conditions determined necessary by the Director of Legal Services and City Solicitor in order to protect the interests of the City.

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, Heritage and Downtown Development – February 16, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Proposed Permanent Easement Requirements Located on Parkland (Sir John Franklin Community Club) Adjoining 1710 Grosvenor Avenue in favour of Y.M.H.A. Jewish Community Centre of Winnipeg Inc.**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
J. Zabudney	J. Kiernan	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That the City enter into a permanent easement in favour of Y.M.H.A. Jewish Community Centre of Winnipeg Inc. for the purpose of providing access to two parking stalls over a portion of City-owned parkland (Sir John Franklin Community Club) for the benefit of 1710 Grosvenor Avenue, which is owned by Y.M.H.A. Jewish Community Centre of Winnipeg Inc., as identified on the attached Misc. Plan No. 14251/5.

2. That the Director of Planning, Property and Development be delegated the authority to negotiate and approve the final terms and conditions of the easement agreement as determined necessary by the City Solicitor/Director of Legal Services in accordance with the terms and conditions set forth in Schedule “A” attached and such other terms and conditions determined necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

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

REASON FOR THE REPORT

In accordance with s.205 of The City of Winnipeg Charter, all dispositions of property designated or acquired for park or cemetery purposes require approval of at least 2/3 of all members of Council. The subject City property is zoned 'PR 2' – Parks and Recreation. The subject easement is a disposition of an interest in land, and therefore falls under this section of The City of Winnipeg Charter.

EXECUTIVE SUMMARY

- The proposed Access Easement will benefit the owner of 1710 Grosvenor Avenue by allowing them access over the City-owned Parkland, Parcel B, Plan 57916, which is required for Transit use for a future bus turning radius.

IMPLICATIONS OF THE RECOMMENDATIONS

- The proposed easement requirements will limit the City's ability to use that portion of the parkland (Sir John Franklin Community Club) property in the proposed easement area and are a benefit to the adjacent property owner.

- There are no regulatory or human resource implications associated with this report.

HISTORY

In August 2013, the Public Service was approached by representatives of the Rady Jewish Community Centre offering to purchase 1710 Grosvenor Avenue for the purpose of developing a non-profit daycare licensed under the Community Child Care Standards Act. Rady JCC is a not-for-profit registered charity serving Winnipeg's Jewish and general communities since 1919. The Standing Policy Committee on Property and Development, Heritage and Downtown Development approved the sale of the subject City-owned property, to the Rose and Max Rady Jewish Community Centre, on February 24, 2014. At that time, Parcel B, Plan 57916 was retained by the City for Transit to use as a bus turning radius.

The owners of 1710 Grosvenor Avenue, Y.M.H.A. Jewish Community Centre of Winnipeg Inc., were granted a variance approval by the Board of Adjustment for the establishment of an accessory parking area to permit no aisle behind two parking stalls on January 7th, 2015. A condition of the variance was for the owner to be granted an easement/access agreement by the City to allow access over Parcel B, Plan 57916, which is under Park's jurisdiction.

The proposed access easement request was circulated to Parks and Open Spaces Division of Public Works, the Urban Design Division of the Planning, Property and Development Department, and the Transit Department with no objections being received. The Transit

Department confirmed no objections to the request as long as they are able to maintain their current operation (bus turning radius) through the site.

The proposed access easement agreement will ensure that Y.M.H.A. Jewish Community Centre of Winnipeg Inc. will maintain vehicular access to the two southernmost parking stalls on its land at all times.

At this time, the Department is requesting that Council approve the proposed access easement area and that the Director of Planning, Property and Development be delegated the authority to finalize the terms and conditions of the necessary Easement Agreement, and any other terms and conditions deemed necessary by the Director of Legal Services/City Solicitor in order to protect the interests of the City.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 15, 2016

Project Name:

Proposed Permanent Easement Requirements Located on Parkland (Sir John Franklin Community Club) Adjoining 1710 Grosvenor Avenue in favour of Y.M.H.A. Jewish Community Centre of Winnipeg Inc.

COMMENTS:

There are no financial implications associated with this report other than a nominal rent of $1 per annum.

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

CONSULTATION

Legal Services as to legal issues, Public Works, Transit, and Parks.

OURWINNIPEG POLICY ALIGNMENT

Not applicable

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate
Prepared by: Leah Furedi
Date: January 18, 2016
File No.: 32/V2/2985

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Schedule "A"

Grantor:	The City of Winnipeg (the "City");
Grantee:	Y.M.H.A. Jewish Community Centre of Winnipeg Inc. and all future owners of 1710 Grosvenor Avenue;
Term:	in perpetuity;
Fee:	$1.00
Purpose:	to grant Y.M.H.A. Jewish Community Centre of Winnipeg Inc. a private access agreement with the City (as the owner of Parcel "B", Plan 57916 WLTO, in RL 57, Parish of St. Boniface, shown bordered in dashed line, cross hatched and identified as "Easement Area: 22.6± m^2 (243± ft^2) on a drawing on file in the City's Planning, Property and Development Department as Misc. Plan No. 14251/5) so as to ensure vehicular access to the two southernmost parking stalls on its land at all times, via streets or internal roads;
Easement Area:	as shown identified on Misc. Plan No. 14251/5 attached hereto as Schedule "B";
Easement Terms:	City to grant Y.M.H.A. Jewish Community Centre of Winnipeg Inc. an easement and right of way access to cross over the easement area for the purposes of ingress and egress and shall permit common usage of driveways, vehicular passageways, entrances and exits as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Owner's Lands at all times by Users (including Owner and tenants) and vehicles; Y.M.H.A. Jewish Community Centre of Winnipeg Inc., and all future owners, are granted the rights, liberties, and easement cross access, in accordance with applicable statutes, regulations, by-laws; Y.M.H.A. Jewish Community Centre of Winnipeg Inc. to indemnify and release the City for any loss, damages, claims, etc. that may arise out of the negligent use of the Easement Area by the grantee or those for whom, at law, they are responsible; Y.M.H.A. Jewish Community Centre of Winnipeg Inc. to maintain liability insurance over the Easement Area; Y.M.H.A. Jewish Community Centre of Winnipeg Inc. not to build any structures or do any landscaping within the Easement Area without the prior written approval of the Director of Planning, Property & Development.

I, Gayle Waxman, duly authorized to act on behalf of the Y.M.H.A. Jewish Community Centre of Winnipeg Inc., hereby agree that the Y.M.H.A. Jewish Community Centre of Winnipeg Inc. will enter into an Easement Agreement with the City of Winnipeg for the use of City owned lands identified as "Easement Area" on Misc. Plan No. 14251/5, attached, in accordance with the terms and conditions as outlined herein on this Schedule A, dated this _____ day of **January, 2016**.

Y.M.H.A Jewish Community Centre of Winnipeg Inc.

Per: _____

Contact Person: Gayle Waxman Phone: 204 477-7532

E-mail Address: gwaxman@radyjcc.com

Schedule "B"


GROSVENOR AVENUE
RENFREW STREET
PUBLIC LANE
57916
26146
26146
26670
26670
1710
1325
11079
1558
A
B
CITY OWNED PROPERTY
EASEMENT AREA: 22.6± m² (243± ft²)
Date: 2015-OCT-13
District: CC
File: 32/2985
Scale: 1:500
Requested by: KK
Drawn by: MS
Reference Dwg No.: 1710 Grosvenor Renfrew.jpg
- Route 68 Bus Loop (Renfrew Loop)
Winnipeg Transit Operations Division
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14251 / 5