Minute No. 394
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 7, 2016

Item No. 3 **Closing – Waterford Green Phase 3: Prairie Springs and Malwa Coves, Millpond Path and the Public Lane West of Brooksmere Trail (Point Douglas Ward)**
File DAC 7/2016 [c/r DASZ 12/2016 and DCU 111464/2016D]

COUNCIL DECISION:

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

1. That the street and lane closings as shown on Misc. Plan No. 15026 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 and lane closings in accordance with Misc. Plan No. 15026, subject to the approval 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, Heritage and Downtown Development – June 7, 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 by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2016, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File:	DAC 7/2016
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Eadie, Chairperson Councillor Pagtakhan Councillor Sharma
Public Hearing:	May 17, 2016 Council Building, 510 Main Street
Applicant:	Lombard North Group (Jeff Pratte)
Premises Affected:	Waterford Green Phase 3: East of King Edward & Old Commonwealth Path
Exhibits Filed:	1. Report from the Real Property Officer dated April 25, 2016 2. Inspection Report 3. PowerPoint Presentation in support of the application submitted by Jeff Pratte, Lombard North Group at the public hearing

REPRESENTATIONS:

In Support:

David Palubeski, Lombard North Group
Jeff Pratte, Lombard North Group
Mile Rendulic
Narinder Sharma

In Opposition

Nil

For Information:

Robert Wiebe

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 7/2016

ADMINISTRATIVE REPORT

Title: **DAC 7/2016: PROPOSED CLOSING OF PRAIRIE SPRINGS AND MALWA COVES, MILLPOND PATH AND THE PUBLIC LANE WEST OF BROOKSMERE TRAIL FOR INCORPORATION INTO DASZ 12/2016**

Critical Path: **LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. That the proposed street and lane closings as shown on Misc. Plan No. 15026 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 and lane closings in accordance with Misc. Plan No. 15026, subject to the approval 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 openings and closings require Council approval.

EXECUTIVE SUMMARY

The subject closings are to be incorporated into the redevelopment of the applicant's adjoining property concurrently being considered under subdivision and rezoning application DASZ

12/2016. In order for this to occur, they must be legally closed and declared surplus to the City's needs. New rights of way will be opened under application DASZ 12/2016.

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 and lane closings are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

On December 12, 2012, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and approved subdivision and rezoning application DASZ 15/2012 for the Waterford Green Development. By-law No. 59/2013 was subsequently passed by Council on April 24, 2013 approving the plan of subdivision. On December 24, 2013, Plan No. 55201 for DASZ 15/2012 was registered in the Winnipeg Land Titles Office, opening the subject streets and lane.

Discussion

The Planning, Property and Development Department has received a request from Lombard North Group, representing Terrascape Developments, to close and purchase the public streets and lane so identified on the attached copy of Misc. Plan No. 15026. The streets and lane, once closed, are to be incorporated into DASZ 12/2016, an application to subdivide and rezone the adjoining property as part of the Waterford Green Phase 3 Development. Parts of the closings will be reconfigured as new rights of way as shown on the sketch. The openings will be accommodated under DASZ 12/2016.

The subject property forms part of the initial Waterford Green Development originally processed under application DASZ 15/2012. Due to the changing needs of the Winnipeg School Division, Terrascape Developments is undertaking the process of reconfiguring the existing site in order to accommodate a future elementary school within Phase 3 of the development. This includes redesigning the subject portion of the neighbourhood which had previously been rezoned and subdivided into blocks with legally opened public rights of way. Terrascape is proposing to maintain the same street name designations for the openings within DASZ 12/2016 as shown on the sketch.

The rights of way proposed to be closed exist in a legal sense only and are not physically in place, presently serving no apparent 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, Shaw Cablesystems and Bell Canada.

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

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: April 25, 2016
File No. DAC 7/2016

Attachments

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 7.16 RPT_Millpond

V:\development applications\daoc\dev application2016\dac7_2016\final_report\dac7.16rpt

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections or comments regarding the street and lane closings.

Easements

There are no services within the closing area. Any future easements, if required, will be obtained via DASZ 12/2016.

Transfer of Jurisdiction Over Public Rights-of-Way

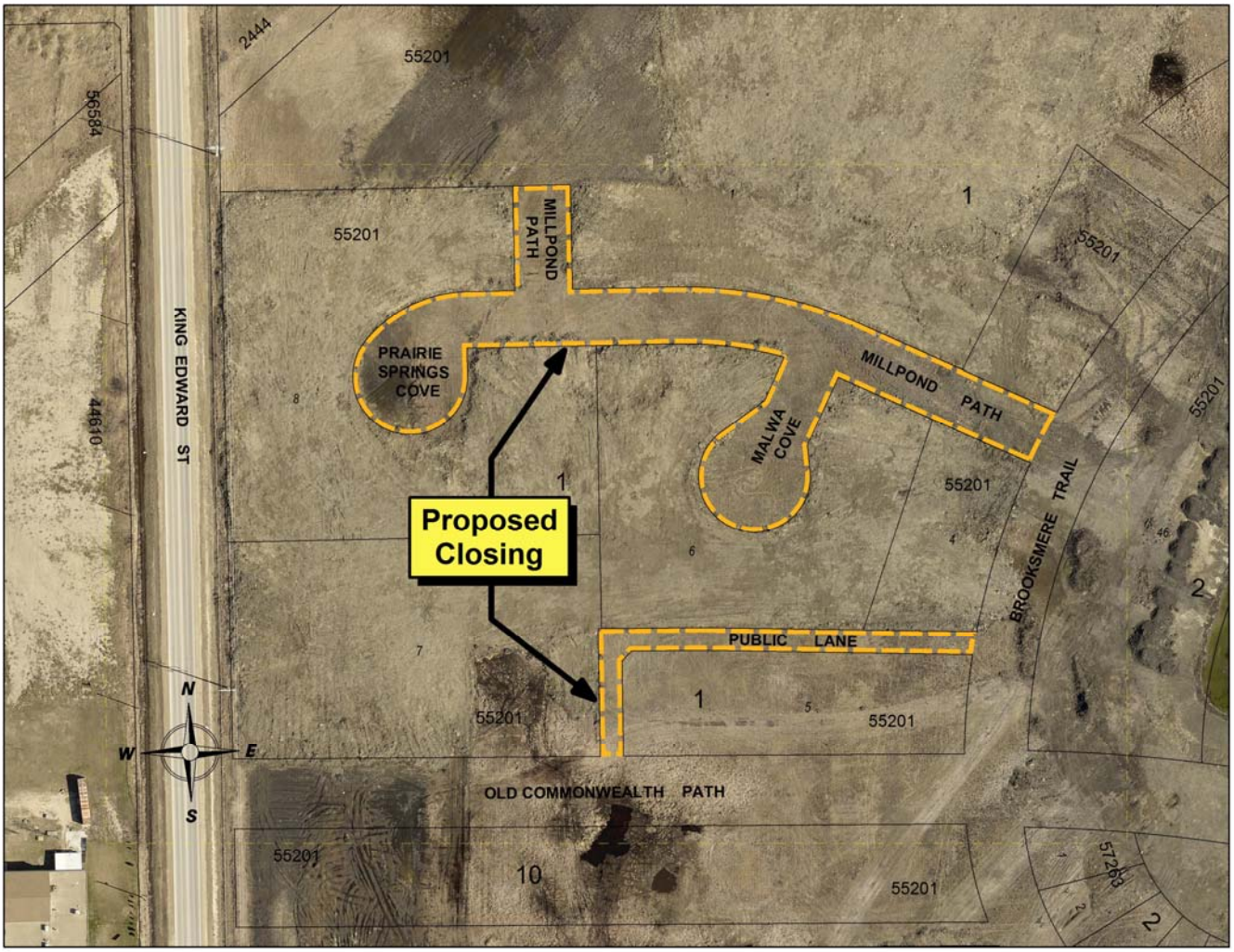
The streets and lane must be legally closed before they may be sold and incorporated into the subdivision of the adjoining property. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the 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.

Conveyance of Streets and Lane for $1.00

The area of the streets being created by the subdivision (18,110.3± m^2) exceeds the area of the streets and lane being closed (7,668.3± m^2). In accordance with City policy authorized by Council on December 6, 1978 and amended on July 21, 1993, the closings of Prairie Springs and Malwa Coves, Millpond Path and the Public Lane will be conveyed to the Developer for the nominal sum of $1.00.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

