Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 5, 2016

Item No. 4 Closing – Part of Bayridge Avenue, West of Ulster Street (South Winnipeg - St. Norbert Ward) File DAC 8/2016

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 subject to Recommendation 2, the proposed street closing as shown on Misc. Plan No. 15049 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. 15049, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

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

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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 July 6, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 6, 2016, the Riel 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 8/2016
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard Councillor Lukes
Public Hearing:	June 6, 2016 Council Building, 510 Main Street
Applicant:	Brier Holdings Ltd.
Premises Affected:	Bayridge Avenue, West of Ulster Street
Exhibits Filed:	1. Report from the Urban Planning Division dated May 27, 2016 2. Inspection Report

REPRESENTATIONS:

In Support:

Christian Korell
Chrys Pappas
David Johnston
Jim Lothian

In Opposition:

Nil

For Information:

Nil

For the City:

R. Mahé, Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF BAYRIDGE AVENUE, WEST OF ULSTER STREET – FILE DAC 8/2016**

Critical Path: **RIEL 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. Subject to Recommendation 2, that the proposed street closing as shown on Misc. Plan No. 15049 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. 15049, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

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 applicant is in the process of acquiring Manitoba Hydro property immediately north of the subject closing. This property, the closed street and the applicant's existing holding at No. 2634 Pembina Highway will be consolidated by a future subdivision and rezoning application. The consolidated lots are to accommodate the expansion of Windsor Plywood's lumber business at this location. In order to form part of the proposed subdivision, the street must be legally closed and declared surplus to the City's needs. If the cost of acquiring the subject portion of Bayridge Avenue proves to be prohibitive, the applicant will not proceed with the closing.

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 Barnes & Duncan, representing Brier Holdings Ltd., to close and purchase the portion of Bayridge Avenue so identified on the attached copy of Misc. Plan No. 15049.

Brier Holdings Ltd. is the owner of the property as shown on the sketch. The property houses their Windsor Plywood operation at this location. They are in the process of acquiring the portion of Manitoba Hydro property adjoining the proposed closing. It is their intention to eventually consolidate all of these lands to facilitate the expansion of their lumber business. The applicant has indicated that a subdivision and rezoning application will be made pending the successful closing and purchase of the subject street. If the acquisition cost proves to be prohibitive, the applicant will not proceed with the street closing.

Brier Holdings has indicated that numerous attempts have been made to contact the property owner to the south of the proposed closing at No. 45 Dalhousie Drive, being The Church of Jesus Christ of Latter Day Saints, to see if they would be interested in acquiring a portion of Parcel "A". The owner of the property at No. 2656 Pembina Highway, being Scott's Trustee Corp., has also been contacted as to any concerns with the closing application or interest in acquiring the portion of Parcel "A" adjoining their holding. To date, no responses have been received. In the event that these neighbours have no interest in this land, the applicant is prepared to acquire both Parcels.

The subject street was opened as "St. George Avenue" by Plan No. 1798 and registered in the Winnipeg Land Titles Office in April of 1912. Rural Municipality of Fort Garry By-law No. 4063

changed the name of the street to “Grierson Avenue” in March of 1959. City of Winnipeg By-law No. 1860/78 subsequently changed the name to its present designation in June of 1978.

Bayridge Avenue originally provided access to Pembina Highway. Portions of the street were closed by By-law Nos. 5014/1988 (Plan 23366) and 201/2006 (Plan 45408) which were registered in the Winnipeg Land Titles Office in January of 1989 and September of 2006 respectively. The closed portions were subsequently transferred to the adjoining property owners.

The subject street is undeveloped land which only provides access to the Hydro facilities at No. 22 Bayridge Avenue. This portion of the right of way will remain open to accommodate that ingress/egress. The balance of the right of way serves 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, MTS Inc., Shaw Cablesystems, Fiber.

Imperial Oil, 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: May 27, 2016
File No. DAC 8/2016

Attachments

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

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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 closing.

Administrative Comments

Approval of the closing by the Geomatics Branch is subject to:

1. The successful acquisition of the adjacent Manitoba Hydro property, being Lots 3 and 4, Block 1, Plan 1798 WLTO, and
2. A subsequent subdivision application to facilitate consolidation of the applicant's current holding with both the closed right of way and the lands to be purchased from Manitoba Hydro.

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.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

