Minute No. 41
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 4 **Closing – Public Lane South of Rue Hébert, East of Avenue Taché for Incorporation into DASZ 26/2016**
(St. Boniface Ward)
File DAC 9/2016 [c/r DASZ 26/2016]

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. Subject to Recommendation 2, that the proposed lane closing as shown on Misc. Plan No. 15029 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 lane closing in accordance with Misc. Plan No. 15029, 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 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.

Councillors Allard and Mayes asked to be recorded as having voted against the item in accordance with in accordance with 47(7) of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 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 November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Riel Community Committee, concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2016, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service, and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the street closing under File DAC 9/2016 [c/r DASZ 26/2016] be rejected.

On October 3, 2016, the Riel Community Committee concluded public representations and adjourned the public hearing to its meeting on October 19, 2016, at 5:00 p.m.in the Council Building at 510 Main Street.

On September 12, 2016, the Riel Community Committee adjourned the public hearing to its meeting on October 3, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

File: DAC 9/2016

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard

Public Hearing: October 19, 2016
October 3, 2016
September 12, 2016
Council Building, 510 Main Street

Applicant: Qualico Developments (Winnipeg) Ltd.

Premises Affected: 836-842 Taché Avenue and Public Lane to the East

Exhibits Filed:

1. Report from the Real Property Officer dated August 22, 2016
2. Inspection Report
3. Maps of the surrounding area (2), photos (5) and communication to the residents from Qualico Developments (Winnipeg) Ltd., submitted at the public hearing by Don Sawatzky
4. Communication dated October 1, 2016, from André Vermette in opposition to the application
5. Communication dated September 30, 2016, from Caridad Quesada in opposition to the application
6. Application Sketch for Bareland Condominium submitted at the public hearing by Eric Wogan
7. Communication dated October 3, 2016, submitted at the public hearing from Walter Kleinschmit in opposition to the application

REPRESENTATIONS:

In Support:

Eric Vogan
Trevor Grafton
Ray MacNutt
Elliot Hannam
Lyne Jones

In Opposition:

Real Rioux
Walter Kleinschmit
Gavin Jag
Leo JR Pelland
Don Sawatzky
Jennifer Janzen
Margie Harris
Sheila Holland
Ben Starkey
Louise R. Potter
Annelie Reimer
David Lesage
Mireille Lamontagne
Gil Grenier
Dr. Pat O'Leary
Brad Senkiw
Malinda Lee
Stephane Dorge
Daniel Simard
Ray MacNutt
Gerard Pelland
Richard Baril
Tom Scott
John Stockwell
Brenda Hildebrand
Karl Brosch
Susan Brosch
André Vermette
Caridad Quesada

For Information:

Jeremy Frost
Adam Janzen
Christopher Nikkel
Pat Wat
Scott Chang
Ravi Joshi
Adam Janzen
Asha Janzen

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 9/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF RUE HÉBERT, EAST OF AVENUE TACHÉ FOR INCORPORATION INTO DASZ 26/2016 – FILE DAC 9/2016**

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 lane closing as shown on Misc. Plan No. 15029 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 lane closing in accordance with Misc. Plan No. 15029, 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.

As per Section 3.1 (i) of the City Organization By-law, only Council can declare City-owned property as surplus.

EXECUTIVE SUMMARY

The subject closing is to be incorporated into the redevelopment of the applicant's adjoining property concurrently being considered under subdivision and rezoning application DASZ 26/2016. In order for this to occur, the lane must be legally closed and declared surplus to the City's needs.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the lane 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 Qualico Developments (Winnipeg) Ltd., to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 15029. The lane, once closed, is to be incorporated into DASZ 26/2016, an application to subdivide and rezone the adjoining property for the development of a multi-family condominium residence.

A rezoning will be required in order to accommodate the proposed development. A closed right of way assumes the zoning designation of the adjoining property. Under the current zoning, Parcel "A" would take on a R1-S Residential Single Family Zoning while Parcel "B" would take on a R2 Residential Two Family Zoning.

The subject lane was opened by Plan No. 4603 and registered in the Winnipeg Land Titles Office in September of 1946. Qualico currently owns or has entered into unconditional offers to purchase all the properties adjoining the lane closing area.

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, TeraSpan and Bell Canada.

Rogers Communications, Imperial Oil, Fiber, Norscan, 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: August 22, 2016
File No. DAC 9/2016

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 lane closing.

Administrative Comments

Public Works Department

The Public Works Department has advised that as a condition of approval, the applicant shall remove the existing lane turnout on rue Hébert and shall restore the curb and boulevard in that location, all as determined by and to the satisfaction of the Director of Public Works. Should the applicant wish to retain the existing lane turnout as a private approach, they must make application to the Public Works Department for private approach approval.

Easements

Manitoba Hydro and Centra Gas Manitoba Inc. have identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement area.

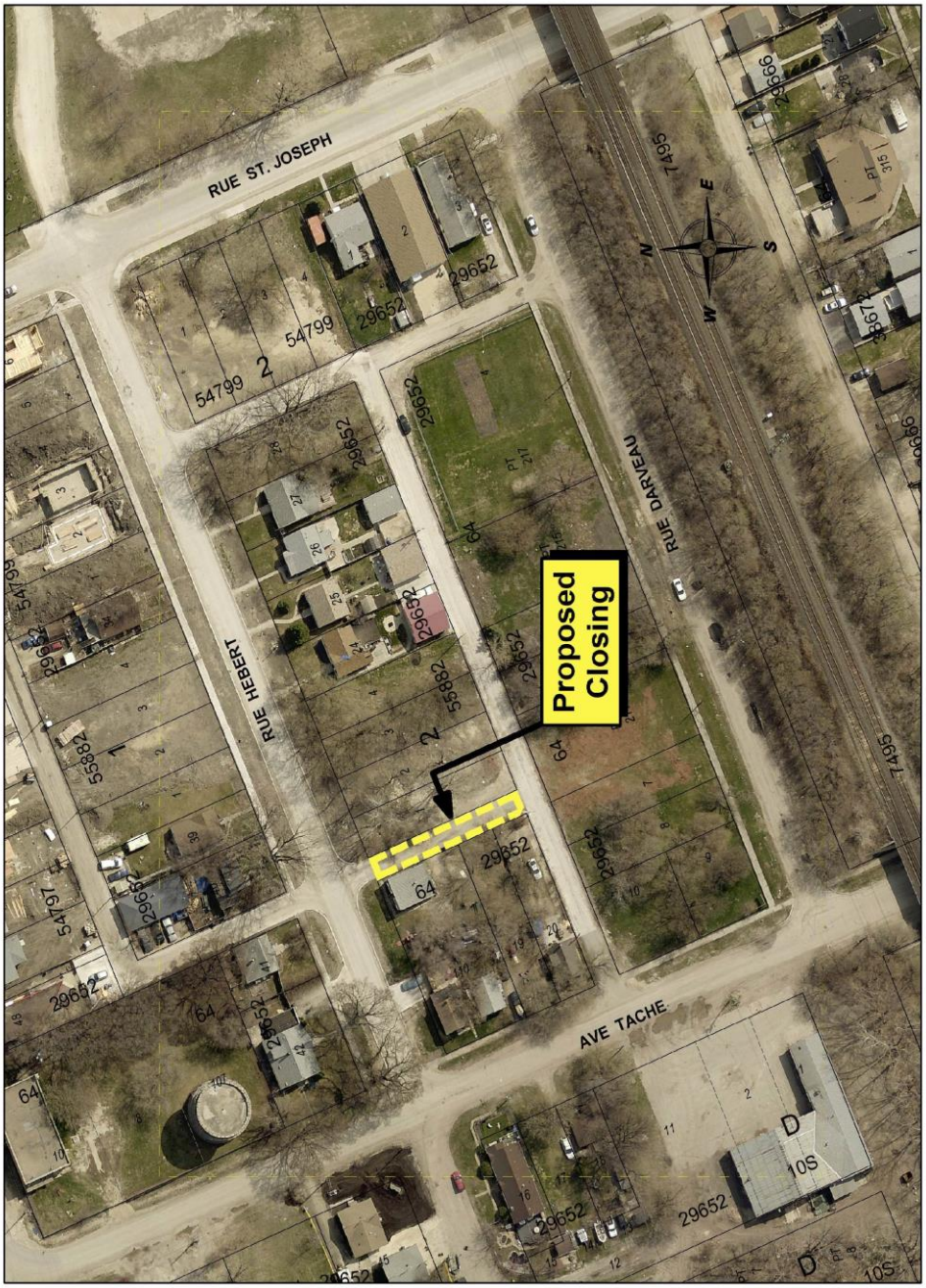
Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public lane must be legally closed before it 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.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

