Agenda – Council – December 14, 2016

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

Item No. 4 Closing – Part of Miriam Avenue, East of Ryan Street (St. James-Brooklands-Weston Ward) File DAC 15/2016

STANDING COMMITTEE RECOMMENDATION:

On December 7, 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 following to Council:

1. That subject to Recommendation 2, the proposed street closing as shown on Misc. Plan No. 15105 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. 15105, 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 implement the intent of the foregoing.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 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 December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 8, 2016, the Assiniboia 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 15/2016
Before:	Assiniboia Community Committee Councillor Morantz, Chairperson Councillor Dobson Councillor Gillingham
Public Hearing:	November 8, 2016 Council Building, 510 Main Street
Applicant:	Richard Wintrup and Associates, on behalf Prendiville Industries Ltd.
Premises Affected:	part of Miriam Avenue, east of Ryan Street
Exhibits Filed:	1. Report from the Real Property Officer dated October 20, 2016 2. Inspection Report

REPRESENTATIONS:

In Support:

John Wintrup, Applicant

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Boyachuk, Real Property Officer, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF MIRIAM AVENUE, EAST OF RYAN STREET – FILE DAC 15/2016**

Critical Path: **ASSINIBOIA 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. 15105 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. 15105, 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 consolidated with the applicant's adjoining property. In order for this to occur, the street must be legally closed and declared surplus to the City's needs prior to its sale.

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 Richard Wintrup & Associates, representing Prendiville Industries Ltd., to close the portion of Miriam Avenue so identified on the attached copy of Misc. Plan No. 15105.

Prendiville Industries is the owner of the adjoining property as shown on the sketch. It is their intention to acquire the street, once closed, and consolidate it with their existing holdings.

Miriam Avenue was opened by Plan No. 1163 and registered in the Winnipeg Land Titles Office in November of 1906. The subject portion of the street is gravel surfaced with a chain link fence at the western limit of the closing area. It is presently being used exclusively by Prendiville Industries and appears to serve no public transportation purpose. The closing and subsequent sale will regularize the use of this land and remove the existing trespass.

The balance of Miriam Avenue provides loading access to the property at No. 113 Ryan Street. It is to remain in its present status as a legally open public right of way.

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 and Bell Canada.

Rogers Communications, Imperial Oil, 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: October 20, 2016
File No. DAC 15/2016

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

Geomatics Branch

Approval is subject to the applicant making a development application to create a single lot (DASSF) or parcel (DAPS) in order to facilitate true consolidation of their adjoining property with the closed street. The creation of multiple parcels through a DAPS application is also acceptable provided that all parcels are consolidated into a single Certificate of Title. The registration of the closing plan and by-law is to proceed concurrently and in series with the subdivision plan.

Easements

Manitoba Hydro and Shaw Cablesystems 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 street closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public 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

