Minute No. 215
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

Item No. 2 **Closing – 1462 Ravelston Avenue West; Block 7, Plan 60480; Lot 23, Block 1, Plan 60480**
(Transcona Ward)
File DAC 12/2016 [c/r DASZ 16/2017 and DAV 149871/2017D]

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 street closing as shown on a sketch dated December 18, 2017 and identified as "Waterside Development Proposed Ravelston Road Closing – Option A1" 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 and bring directly to Council for enactment a by-law to facilitate the street closing in accordance with the sketch referenced in Recommendation 1, 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, which agreement shall include, among other things, a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is not proceeded with expeditiously and the by-law:

    A. is not enacted within two (2) years following the date the subject report is approved by Council, and

    B. is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

    the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

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COUNCIL DECISION (continued):

4. That the proper officers of the City be authorized to do all things necessary to implement 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 February 13, 2018, 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 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2018, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service, and submitted the following to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. Subject to Recommendation 2, that the proposed street closing as shown on a sketch dated December 18, 2017 and identified as "Waterside Development Proposed Ravelston Road Closing – Option A1" be approved and that the land be declared surplus to the City's needs.

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the street closing in accordance with the sketch referenced in Recommendation 1, 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, which agreement shall include, among other things, a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is not proceeded with expeditiously and the by-law:

    A. is not enacted within two (2) years following the date the subject report is approved by Council, and

    B. is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

    the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

On December 19, 2017, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 16, 2018, at 6:30 p.m. in the Council Building, 510 Main Street.

On November 7/8, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on December 12, 2017, at 6:30 p.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File:	DAC 12/2016
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Browaty
Public Hearing:	January 16, 2018 December 19, 2017 November 7 and 8, 2017 Council Building, 510 Main Street
Applicant:	Robert Doolan, Waterside Development Corporation
Premises Affected:	1462 Ravelston Avenue West; Block 7, Plan 60480; Lot 23, Block 1, Plan 60480
Exhibits Filed:	1. Report from the Real Property Officer dated October 16, 2017 2. Inspection Report 3. Notice of Adjournment dated November 14, 2017 4. Notice of Meeting Date Change dated November 20, 2017 5. Road Closing Options submitted by the Applicant at the hearing 6. Notice of Adjournment dated December 22, 2017 7. Proposed Plan of Subdivision and Rezoning – Option A1 submitted by the Applicant at the hearing 8. Proposed Ravelston Road Closing – Option A1 submitted by the Applicant at the hearing

REPRESENTATIONS:

In Support:

Bob Doolan
Bill McGarry
Ha Na Park
Susan Russell
Donna Thordarson
Robin Whiddon

In Opposition:

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Engineer, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
G. Doney, Senior Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department
B. Neirinck, Manager of Engineering, Public Works Department
C. Desjardine, Traffic Assessment Engineer, Public Works Department

Exhibit "1" referred to in File DAC 12/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF PART OF RAVELSTON AVENUE WEST, NORTH AND SOUTH OF EL TASSI DRIVE, FOR INCORPORATION INTO DASZ 16/2017 – FILE DAC 12/2016**

Critical Path: **EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

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

EXECUTIVE SUMMARY

Waterside Development Corp. has submitted an application to close and purchase a portion of Ravelston Avenue West, north and south of El Tassi Drive, for incorporation into the development of their adjoining property concurrently being processed under subdivision and rezoning application DASZ 16/2017. The subdivision is to accommodate a residential development as part of the Starlight Village Neighbourhood.

In order for any public right of way to be sold and incorporated into a subdivision application, it must first be legally closed.

The Public Works Department has objected to the street closing as the land is required for future transportation purposes.

RECOMMENDATIONS

1. That the proposed street closing under File No. DAC 12/2016 not be proceeded with.

REASON FOR THE REPORT

All street and lane closings must be considered by the Community Committee.

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

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the report's recommendation. Consequently, there are no financial implications for The City of Winnipeg.

HISTORY/DISCUSSION

The City of Winnipeg's Planning, Property and Development Department has received a request from Waterside Development Corp ("Waterside") to close and purchase the portion of Ravelston Avenue West so identified on the attached copy of Misc. Plan No. 15218/1. The street, once closed and sold to Waterside, is to be incorporated into DASZ 16/2017, an application to subdivide and rezone the adjoining property as part of a residential development for the Starlight Village Neighbourhood.

Waterside is the registered owner of the adjoining property within the development area. Steinbach Credit Union is the registered owner of property adjoining a portion of the closing area to the west, being Parcel "A", Plan 43426 WLTO. They will continue to have access to this holding either through their property at 1625 Lagimodiere Boulevard or via the portion of Ravelston Avenue remaining legally open.

Parcels "A" and "B" of the proposed closing comprise a developed granular surfaced public right of way. The westerly limit of the closing boundary approximates the western limit of the roadway. Waterside will be providing a portion of their land for a cul de sac at the terminus of the east/west portion of Ravelston Avenue as shown on the sketch. The opening component will be accommodated under the DASZ application. Additionally, the subdivision will open Art Miki Way, providing a north/south collector road between El Tassi Drive and the remaining legally open east/west portion of Ravelson Avenue West.

Parcel "C" of the closing area is open field and adjoins the portion of Ravelston Avenue remaining legally open and providing access southerly to Almey Avenue.

The subject right of way was opened as “Public Road” by Plan No. 9165 and registered in the Winnipeg Land Titles Office in March of 1966. It serves as a service road adjoining Lagimodiere Boulevard, formerly known as P.T.H. No. 59. In 1970, Metro By-law No. 1775 (Instrument No. K 25521) changed the name to its present designation of “Ravelston Avenue West”.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services (as to legal issues)
Corporate Finance
Public Works
Water and Waste
Transit
Fire Paramedic

External Consultation:

Bell Canada, Crown Utilities, MTS Inc. and Shaw Communications Inc.

Manitoba Hydro, Centra Gas, Imperial Oil, Rogers Communications, 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 Public Works Department’s objection has indicated that the subject land is required for the future expansion of Lagimodiere Boulevard, which is a strategic road in the Council Approved Master Plan.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: October 16, 2017

File No: DAC 12/2016

Attachments:

Appendix “A” – Administrative Objection/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 12.16 RPT_Ravelston W

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APPENDIX "A"

Administrative Objection

The proposal has been considered by all affected City departments and public utilities.

Public Works Department

Public Works objects to the subject closing because of the possible detrimental restrictive effects that a premature closure of a portion of Ravelston Avenue West, as part of the regional street Lagimodiere Boulevard right of way, could have on the future improvement/expansion plans for this major City transportation facility, which plans have not been finalized at this time. It is critical that this land be retained for the future expansion of Lagimodiere Boulevard which is a strategic road in the Council Approved Master Plan.

Administrative Comments

Geomatics Branch

Should the recommendation of the Public Service not be concurred in and the closing is approved by Council, the Geomatics Branch recommends that such approval be subject to the approval of the associated subdivision and rezoning application DASZ 16, 2017, and on condition that:

1. the proposed closing parcels be wholly incorporated into the associated subdivision and rezoning application DASZ 16/2017, being considered concurrently;
2. the closing plan mylars, closing by-law and any associated documents be released in conjunction with the plan of subdivision mylars for DASZ 16/2017 and subsequently registered in series with and prior to the associated plan of subdivision for DASZ 16/2017;
3. the applicant be responsible for all costs associated with the registration and preparation of the necessary closing plan and any associated documents; and
4. in the event the subject closing is not proceeded with expeditiously and the by-law:
    (a) is not enacted within two (2) years following the date the subject report is approved by Council; and
    (b) is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to above and Council approves the extension.

Water and Waste Department

Infrastructure

The original sketch attached to the departmental circular for this application extended the northerly closing area further north of its present location, contiguous to the turnaround bulb as shown on Misc. Plan No. 15218/1. The Water and Waste Department identified the Transcona feeder main within this area and requested that the northerly closing boundary be reduced to its present location. Consequently, no easement for the feeder main will be required.

Solid Waste

Waste removal trucks will require the use of the turnaround after area collection. Should the closing be approved, this may require that no parking signs be placed on a stretch of Ravelston Avenue West on collection days.

Easements

Shaw Communications has advised that their easement requirements will be secured by way of the proposed subdivision and rezoning of the adjoining property currently being processed under application DASZ 16/2017.

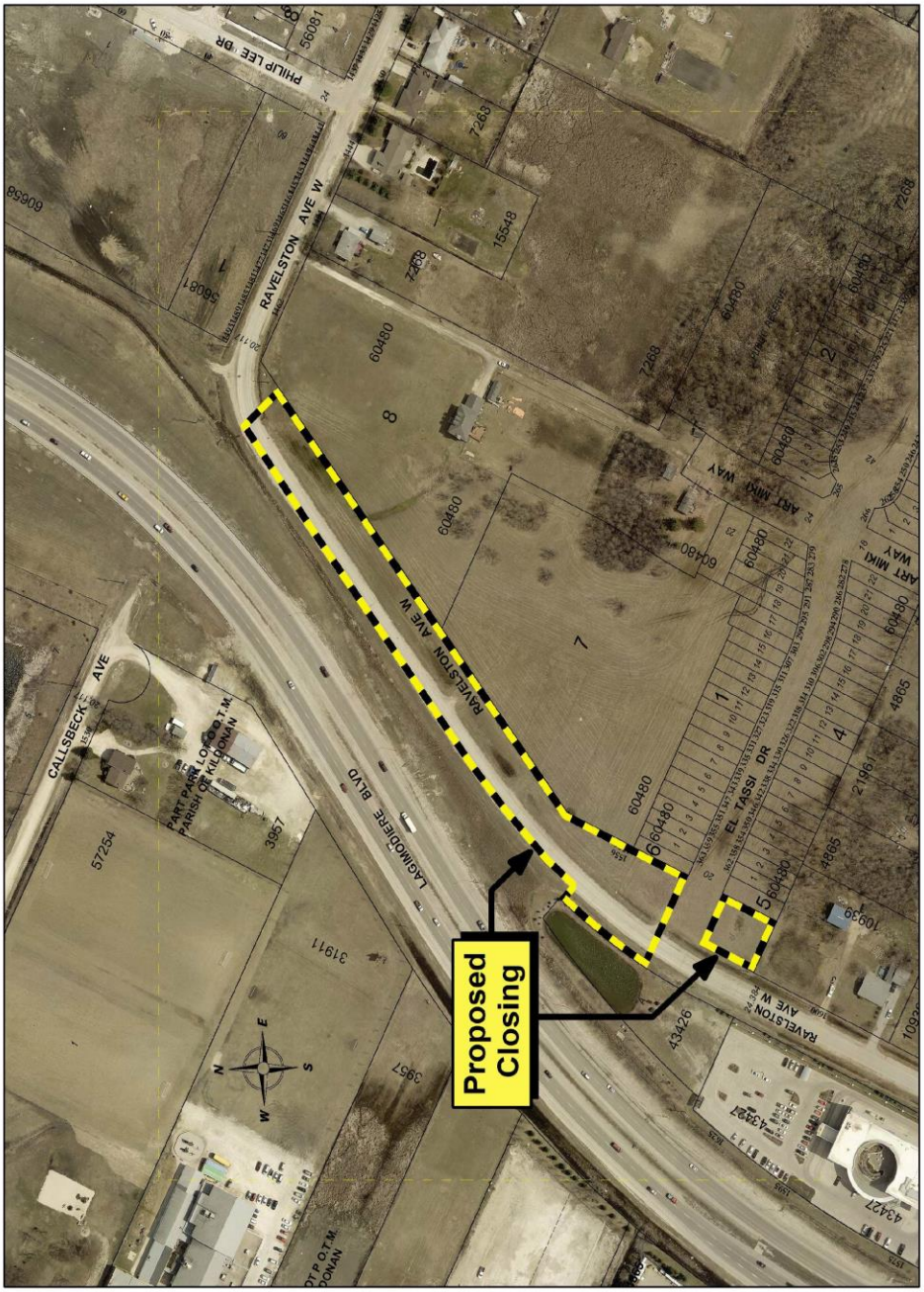
No additional services have been identified within the closing area. No easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

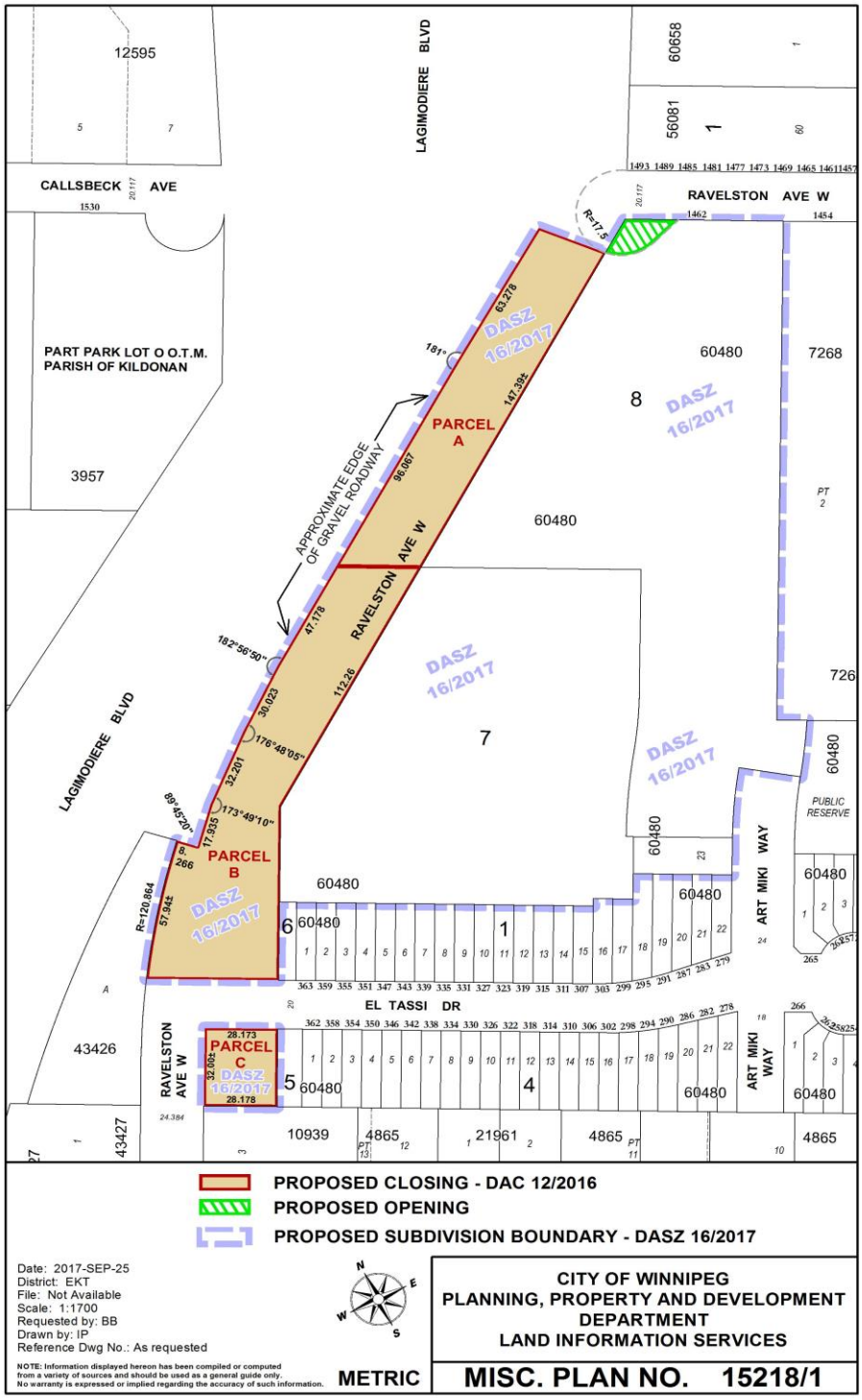
Should this application be approved, the street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land 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.

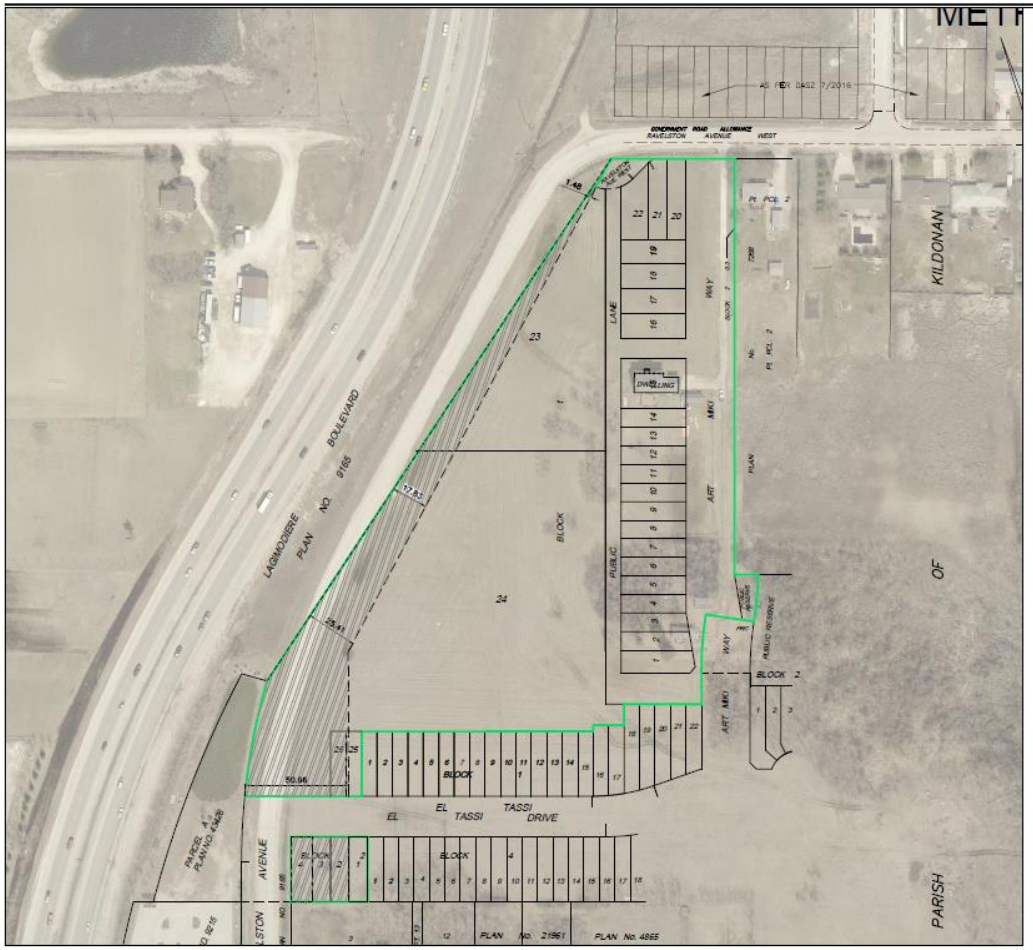
APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan





LEGEND

PROPOSED ROAD CLOSING AREA

LIMIT OF DASZ 16/2017 PLANNED AREA

WATERSIDE DEVELOPMENT

PROPOSED RAVELSTON ROAD CLOSING - OPTION A1

ASSOCIATED WITH DASZ 16/2017

DECEMBER 18, 2017
SCALE 1:2000

0 10 25 50 100m

NORTH