**Minute No. 312**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018**

**Item No. 1 Closing – Turenne Street between Dugald and Panet Roads (St. Boniface Ward) File DAC 3/2017**

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 Misc. Plan No. 13662/3 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 Misc. Plan No. 13662/3 (attached as Appendix "B"), subject to:

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

   B. the applicant and the registered owners of the adjoining properties entering into Purchase and Sales Agreements with the City, which agreements shall include, among other things, a requirement that the applicant and the registered owners of the adjoining properties 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.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018**

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 April 17, 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 April 9, 2018, 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 March 5, 2018, 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 3/2017 |
| Before: | Riel Community Committee<br>Councillor Mayes, Chairperson<br>Councillor Lukes<br>Councillor Allard |
| Public Hearing: | March 5, 2018<br>Council Building, 510 Main Street |
| Applicant: | Larry Lozinski |
| Premises Affected: | Turenne Street between Dugald and Panet Roads |
| Exhibits Filed: | 1. Report from the Real Property Officer dated February 6, 2018<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Larry Lozinski

In Opposition:

Nil

For Information:

Nil

For the City:

B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2017

# ADMINISTRATIVE REPORT

**Title:** **PROPOSED CLOSING OF TURENNE STREET BETWEEN DUGALD AND PANET ROADS – FILE DAC 3/2017**

**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 |
|---|---|---|---|
| M. Pittet | J. Kiernan | N/A | N/A |

## EXECUTIVE SUMMARY

This report requests approval for the closing of Turenne Street between Dugald and Panet Roads.

Cloverdale Paint Inc. is the applicant, requesting to purchase the portion of the street adjoining their property as shown on the attached copy of Misc. Plan No. 13662/3. They have been leasing this portion of the street since June of 1987.

The City of Winnipeg has requested that the balance of Turenne Street northwest of the Cloverdale property be included in the closing application. This land will be offered for sale to the adjoining property owners.

Before the street may be sold, it must be legally closed.

## RECOMMENDATIONS

1. Subject to Recommendation 2, that the proposed street closing as shown on Misc. Plan No. 13662/3 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 Misc. Plan No. 13662/3 (attached as Appendix "B"), subject to:

   (a) the approval of the conveyance of the land by Council or its delegated authority, and

   (b) the applicant and the registered owners of the adjoining properties entering into Purchase and Sales Agreements with the City, which agreements shall include, among other things, a requirement that the applicant and the registered owners of the adjoining properties 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.

## 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 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/DISCUSSION

The Planning, Property and Development Department has received a request from Cloverdale Paint Inc. to close and purchase the portion of Turenne Street adjoining their property at Nos. 50 and 70 Panet Road, so identified on the attached copy of Misc. Plan No. 13662/3. The street, once closed, is to form an addition to the applicant's current holdings in order to accommodate the construction of a removable breezeway for employee passage between the northern and southern portions of Cloverdale's property.

The City has requested that the balance of Turenne Street northwest of Cloverdale's property be included in the subject application. Manitoba Hydro is the owner of Lots 9 and 17, Plan 5038 WLTO. Borebank Holdings Ltd. is the owner of Lot 10, Plan 5038 WLTO. Both owners have provided written confirmation of their interest in acquiring the portion of Turenne Street adjoining their holdings. The parceling of the closing area will be mutually determined by all property owners subsequent to Council's approval of this application.

Turenne Street was originally opened as "Leslie Street" by Plan No. 5038 and registered in the Winnipeg Land Titles Office in March of 1950. In 1964, Metro By-law No. 557 (Instrument No. F90947) changed the name of the street to its present designation.

The right of way appears to serve no public transportation purpose. The portion adjoining the Cloverdale property is currently being leased by them for the operation of their business. The lease has been in effect since June 17, 1987. The portion adjoining the Hydro land is fenced at Dugald Road and is being used exclusively by them for equipment storage purposes. The closing and sale will remove the existing trespass.

## 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:**

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada and Crown Utilities

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 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: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: February 6, 2018
File No: DAC 3/2017

**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/purchaser(s) making development application(s) for a plan of subdivision (DAS, DASZ or DASSF) to facilitate consolidation of each adjoining current property holding with the respective adjacent portion of the street being closed for creation of single lots.

The closing plan mylars, closing by-law, land transfer(s) and any associated documents will be released along with plan of subdivision mylars and subsequently registered in series with and prior to the associated plan of subdivision.

The applicant is responsible for all costs associated with the preparation of the necessary closing plan, subdivision plan and any associated documents, and registration of same at The Property Registry to facilitate legal closing of the street and its conveyance.

Transportation Engineering Division

The applicant is required to submit application to the Public Works Department as per the Private Access By-law to either remove the existing street turn-out(s) at Panet Road and/or Dugald Road and restore the curb, boulevard and sidewalk at that location or to retain the existing turn-out(s) as Private Approach(es), where Turenne Street is proposed to be closed at Panet Road and/or Dugald Road.

Water and Waste Department

The Engineering Division of the Water and Waste Department has identified existing services within the closing area. Their approval is subject to the following conditions:

1. An easement 13m wide from the south limit of Turenne Street will be required from Panet Road to 20m south of the second manhole south of Dugald Road. A

wider easement will be required at the northern curve of Turenne Street to enclose a 750mm sewer main within the easement. This will be determined at a later time.

2. All catch basin assemblies within Turenne Street will become privately owned.
3. The Water and Waste Department must have 24/7 access to the underground infrastructure for maintenance repairs or replacement.

Easements

Centra Gas Manitoba Inc. has identified services within the closing area. At this time, Centra is unable to determine where those existing facilities are located, and requires the applicant's surveyor to prepare a sketch showing the location of the facilities for the preparation of a plan of easement, if required.

Easements for the above noted existing facilities will be required. No permanent structures will be allowed within the easement areas.

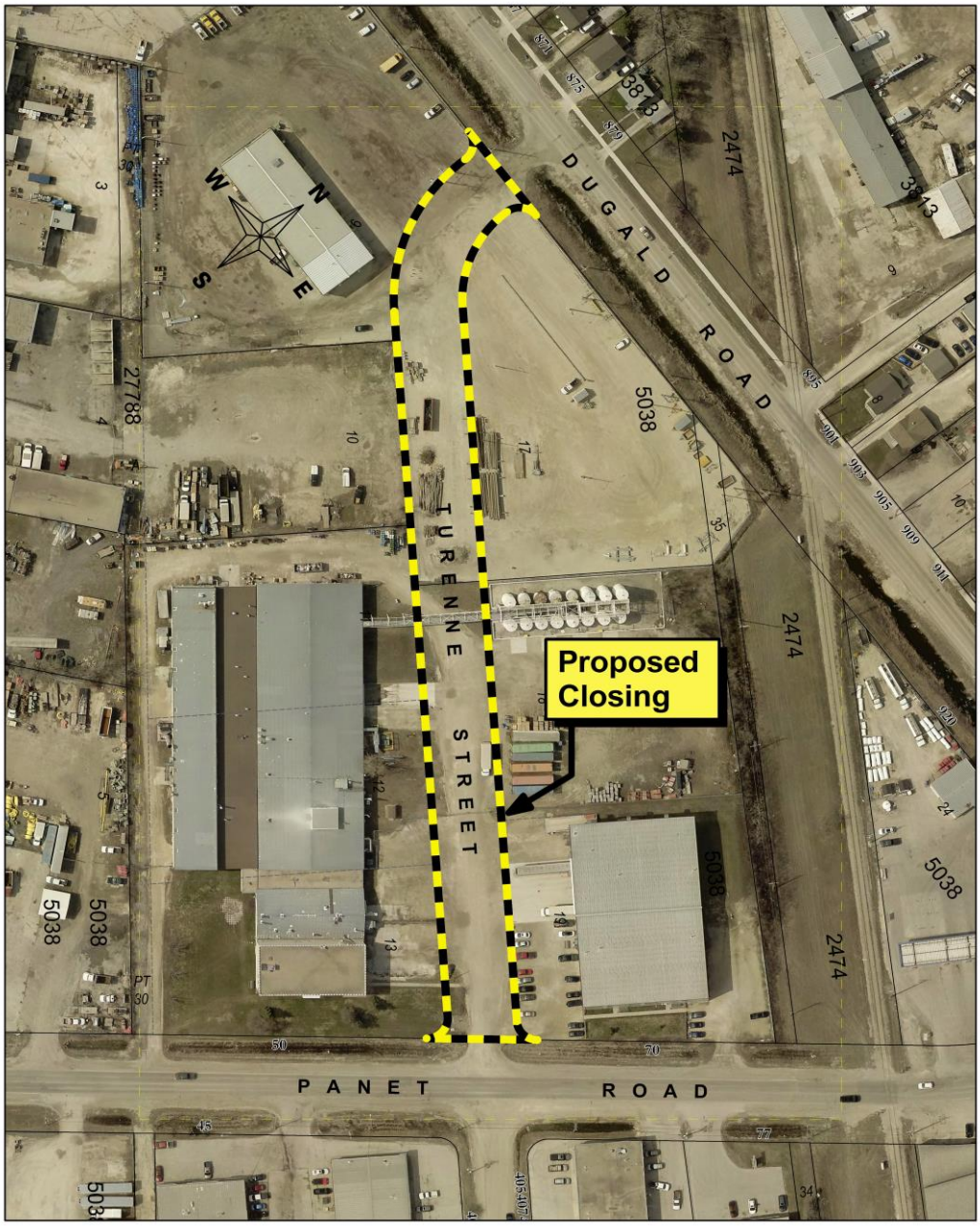
Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The 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

