Minute No. 398
Report – Executive Policy Committee – June 6, 2018

Item No. 2 **Opening – East Side of Osborne Street, North of Don Avenue (Fort Rouge-East Fort Garry Ward) File DAO 1/2018**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed street opening as shown on Misc. Plan No. 15318 (attached as Appendix "B") be approved.

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 opening in accordance with Misc. Plan No. 15318.

3. That in the event the subject opening 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 – Executive Policy Committee – June 6, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 6, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Opening of the East Side of Osborne Street, North of Don Avenue – File DAO 1/2018

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

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

EXECUTIVE SUMMARY

This report requests approval for the opening of the east side of Osborne Street, north of Don Avenue. The street opening is a condition of approval for rezoning application DAZ 217/2017.

The City of Winnipeg is the owner of the subject property.

Council approval is required before the property can be legally opened as public right of way.

RECOMMENDATIONS

1. That the proposed street opening as shown on Misc. Plan No. 15318 (attached as Appendix “B”) be approved.

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 opening in accordance with Misc. Plan No. 15318.

3. That in the event the subject opening 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

The dedication of this property as a public street requires a by-law pursuant to Section 139 of The City of Winnipeg Charter. As per Section 4(20) of the Org By-law, Executive Policy Committee considers and makes "recommendations to Council on street, land and walkway closings and openings".

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 opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

On February 22, 2018, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 2, 2018, and approved rezoning application DAZ 217/2017 for 380 Osborne Street.

One of the recommendations required the Developer to address all of the conditions outlined in Schedule "B" of the report of the Administrative Coordinating Group dated November 22, 2017, one of which being the submission of an application to open, at no expense to the City, the City of Winnipeg owned parcel at the west limit of the applicant's property as public right of way.

Discussion

The Planning, Property and Development Department is proceeding with an application submitted by R & T Asset Management to open the east side of Osborne Street, so identified on the attached copy of Misc. Plan No. 15318. The subject DAO application will fulfill the Administrative Coordinating Group's condition of approval contained in rezoning application DAZ 217/2017.

Property required for the opening (Parcel "J", Plan 20010 WLTO) is owned by the City of Winnipeg, consisting of a grassed area adjoining the public sidewalk. The southerly 5 feet contains broken pavement along with remnants of an old metal sign base.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street opening, and comments provided by the Geomatics Branch of the Planning, Property and Development Department are attached as Appendix "A".

FINANCIAL IMPACT

Financial Impact Statement Date: April 27, 2018

Project Name:

Proposed Opening of the East Side of Osborne Street, North of Don Avenue – File DAO 1/2018

COMMENTS:

All costs associated with the street opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance & Administration

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

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS and Shaw Cablesystems

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 opening 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: April 23, 2018
File No: DAO 1/2018

Attachments:

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

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 opening.

Administrative Comments

Geomatics Branch

The applicant has been made aware by the Land Development Branch that the release of the zoning agreement for DAZ 217/2017 is conditional on the Geomatics Branch receiving plan mylars for the subject opening.

By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

APPENDIX "B"

Aerial View of Subject Opening



Miscellaneous Plan

