Agenda – Council – September 20, 2018

Report – Executive Policy Committee – September 12, 2018

Item No. 11 Opening – Fultz Boulevard at Henlow Bay
(River Heights-Fort Garry Ward)
File DAO 4/2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 12, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the proposed street opening as shown on Misc. Plan No. 11375/5 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. 11375/5 (attached as Appendix "B").

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – September 20, 2018

Report – Executive Policy Committee – September 12, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 12, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Proposed Opening of Fultz Boulevard at Henlow Bay – File DAO 4/2018

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	D. Wardrop, Acting CAO

EXECUTIVE SUMMARY

This report requests approval for the opening of Fultz Boulevard at Henlow Bay. As a condition of an Offer to Purchase of a City-owned control strip associated with File DAPS 6/2017, the Purchaser is required to pay the City $6,000.00 to undertake the subject legal opening.

The City of Winnipeg is the owner of the property, being Parcel “G”, Plan 47553 WLTO, which currently functions as a physically open asphalt surfaced roadway.

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. 11375/5 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. 11375/5 (attached as Appendix “B”).

3. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

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

Costs for the street opening have been provided to the City of Winnipeg as part of an associated Offer to Purchase, the particulars of which are outlined in the History Section of this report. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

On December 13, 2017, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated November 27, 2017, and approved the sale of a City-owned control strip identified as "Subject City Property" on the attached copy of Misc. Plan No. 11375/4, subject to the terms and conditions of the Offer to Purchase with 7314290 Manitoba Ltd.

One of the conditions of the Offer to Purchase required the Purchaser to pay the City the amount of $6,000.00 for the opening, as public right of way, of City-owned Parcel "G", Plan 47553 WLTO at Fultz Boulevard and Henlow Bay.

Discussion

The Planning, Property and Development Department are proceeding with an application to open Fultz Boulevard at Henlow Bay, so identified on the attached copy of Misc. Plan No. 11375/5.

The subject property originally formed part of the Canadian Pacific Railway Sugar Beet Spur Line Right of Way, Plan 9115 WLTO. Application DAPS 23/2007, registered in July of 2008 as Plan 47553 WLTO, subsequently subdivided the former spur line between Kenaston Boulevard and Waverley Street. A condition of approval from the Public Works Department for this application required the Developer to provide to the City property for the extension of the 24m wide Fultz Boulevard right of way, including a 4.0m x 4.0m corner cut. Canadian Pacific Railway transferred the land to the City as part of the development agreement requirement, with title issuing as Parcel "G", Plan 47553 WLTO. The parcel was never legally opened as public street.

In July of 2017, an application was submitted under File DAPS 6/2017 for a proposed parcel plan to accommodate a future bare land condominium plan of survey, east of the southerly terminus of Fultz Boulevard. The purchase of an existing City-owned control strip identified as Lot 3, Block 1, Plan 26133 WLTO on Misc. Plan No. 11375/4 forms part of the land required for the parcel plan. As a condition of its sale, the Purchaser was required to provide the City with payment of $6,000.00 to cover the costs of the subject opening.

The Real Estate Branch is in receipt of the payment. The City will initiate the opening application and oversee the preparation and registration of the required plan and associated documentation required to legally open the subject parcel as public right of way.

The parcel is an asphalt surfaced physically open roadway, with concrete curbs, adjoining grassed boulevards and a concrete sidewalk on the east side.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 29, 2018

Project Name:

Proposed Opening of Fultz Boulevard at Henlow Bay - File DAO 4/2018

COMMENTS:

Funding for the preparation and registration of the documents required to dedicate the land as public street has been provided by the Planning, Property and Development Department under Account No. 209-163040-638070, subsequent to the receipt of a $6,000.00 payment to cover these costs from the Developer for Application DAPS 6/2017. There are no financial implications for the City of Winnipeg.

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

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: August 30, 2018
File No: DAO 4/2018

Attachments:

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plans 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 or conditions to the street opening.

By-Law 7325/98

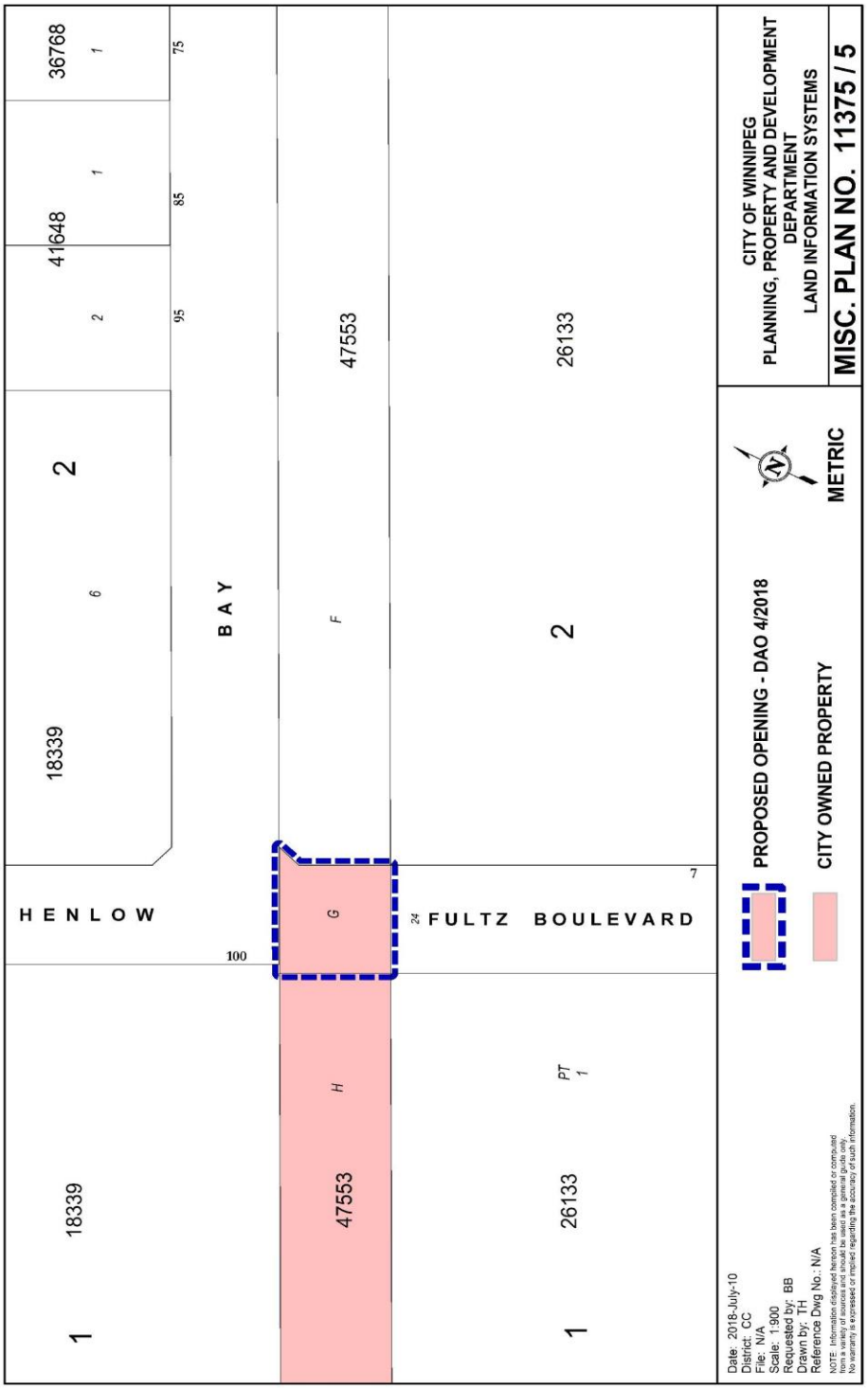
This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

APPENDIX "B"

Aerial View of Subject Opening



Miscellaneous Plan No. 11375/5: Proposed Opening



Miscellaneous Plan No. 11375/4: City Control Strip Sale

