Minute No. 592
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 30, 2019

Item No. 5 **Proposed Closing of the Public Lanes North of Riel Avenue, East of Glen Meadow Street for Incorporation into DASZ 17/2019 (St. Vital Ward) File DAC 4/2019 [c/r DAV 125151/2019D and DASZ 17/2019]**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. Subject to Recommendation 2, that the lane closings as shown on Misc. Plan No. 15507 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 lane closings in accordance with Misc. Plan No. 15507 (attached as Appendix "B"), subject to:

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

   B. The purchaser entering into a Purchase and Sales Agreement with the City, which agreement shall include, among other things, a requirement that the purchaser fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closings are 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 Mayes,

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 October 15, 2019, 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 September 30, 2019, 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 September 9, 2019, 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 4/2019
Before:	Riel Community Committee Councillor Chambers, Chairperson Councillor Allard Councillor Mayes
Public Hearing:	September 9, 2019 Council Building, 510 Main Street
Applicant:	Sean Radford (ATLRG Architecture Inc.)
Premises Affected:	25, 31 Riel Avenue and lanes bordering the north and east property lines
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Kate McMillan, Senior Committee Clerk Riel Community Committee
Report date:	September 9, 2019

Community Committee Recommendation:

On September 9, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. Subject to Recommendation 2, that the lane closings as shown on Misc. Plan No. 15507 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 lane closings in accordance with Misc. Plan No. 15507 (attached as Appendix "B"), subject to:

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

    B. The purchaser entering into a Purchase and Sales Agreement with the City, which agreement shall include, among other things, a requirement that the purchaser

fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closings are 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.

Exhibits Filed:

1. Report from the Real Property Officer dated August 6, 2019
2. Inspection Report
3. Communication dated September 5, 2019 from Cheryl Gilarski in opposition to the application
4. Presentation in support of the application submitted by the Applicant at the public hearing
5. Presentation in opposition to the application submitted by Cheryl Gilarski at the public hearing
6. Presentation in support of the application submitted by the Applicant at the public hearing
7. Presentation in opposition to the application submitted by Cheryl Gilarski at the public hearing

REPRESENTATIONS:

In Support:
Greg Grewal
Steven Hung
Pamela Kravetsky
Sean Radford

In Opposition:
Andrew Cobb
Laura Cobb
Bev Edwards
Don Fischer
Keith Fischer
Cheryl Gilarski
Henri Girouard
Shirley Mollard
Dwaine Mollard
Gail Peters
Jen Rempel

For Information:
Judy Conn
Darlene Verhaeghe
Brian Verhaeghe

For the City:
E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
J. Hildebrand, Planner, Planning Property and Development Department

Exhibit "1" referred to in File DAC 4/2019

ADMINISTRATIVE REPORT

Title: Proposed Closing of the Public Lanes North of Riel Avenue, East of Glen Meadow Street for Incorporation into DASZ 17/2019 – File DAC 4/2019

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

Trademark Builders, the applicant, has requested to close and purchase the subject public lanes for incorporation into DASZ 17/2019, an application to subdivide and rezone the adjoining properties for the establishment of a multi-family residence and mixed use commercial development.

The Public Service recommends that the public lanes north of Riel Avenue, east of Glen Meadow Street be closed. Before the lanes may be sold and incorporated into the subdivision, they must be legally closed.

RECOMMENDATIONS

1. Subject to Recommendation 2, that the lane closings as shown on Misc. Plan No. 15507 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 lane closings in accordance with Misc. Plan No. 15507 (attached as Appendix "B"), subject to:

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

B. the purchaser entering into a Purchase and Sales Agreement with the City, which agreement shall include, among other things, a requirement that the purchaser fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closings are 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 lane closings 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 Trademark Builders to close and purchase the public lanes as shown on the attached copy of Misc. Plan No. 15507.

The lanes, if closed, would be incorporated into DASZ 17/2019, an application to subdivide and rezone the adjoining properties to accommodate a multi-family residence and mixed use commercial development.

The public lanes were legally opened by Plan 2579 and registered in the Winnipeg Land Titles Office in September of 1919. They are grass surfaced, undeveloped and serve no apparent public transportation purpose.

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, Shaw Cablesystems, Bell Canada, and Crown Utilities.

Imperial Oil, Fiber, Telus, Norscan and Rogers Communications 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 closings do not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally align 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 6, 2019
File No: DAC 4/2019

Attachments:

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

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V:\development applications\daoc\dev application2019\dac4_2019\final_report\dac4.19rpt

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the lane closings.

Administrative Comments

Geomatics Branch

Approval of this application is subject to the following conditions:

- The proposed closings are subject to approval of associated subdivision and rezoning application DASZ 17/2019.

- The closing plan mylars, closing Bylaw and any associated documents are to be released along with the plan of subdivision mylars for DASZ 17/2019 and subsequently registered in series with and prior to the associated plan of subdivision.

- The applicant is responsible for all costs related to the preparation of the necessary closing plan and any associated documents and registration of same at The Property Registry.

Easements

Manitoba Hydro has identified underground services within the closing areas, but will acquire their easements under subdivision and rezoning application DASZ 17/2019.

In the event that the subdivision does not move forward but the public lanes are closed, easements for these existing facilities will be required under application DAC 4/2019. No permanent structures will be allowed within the easement areas.

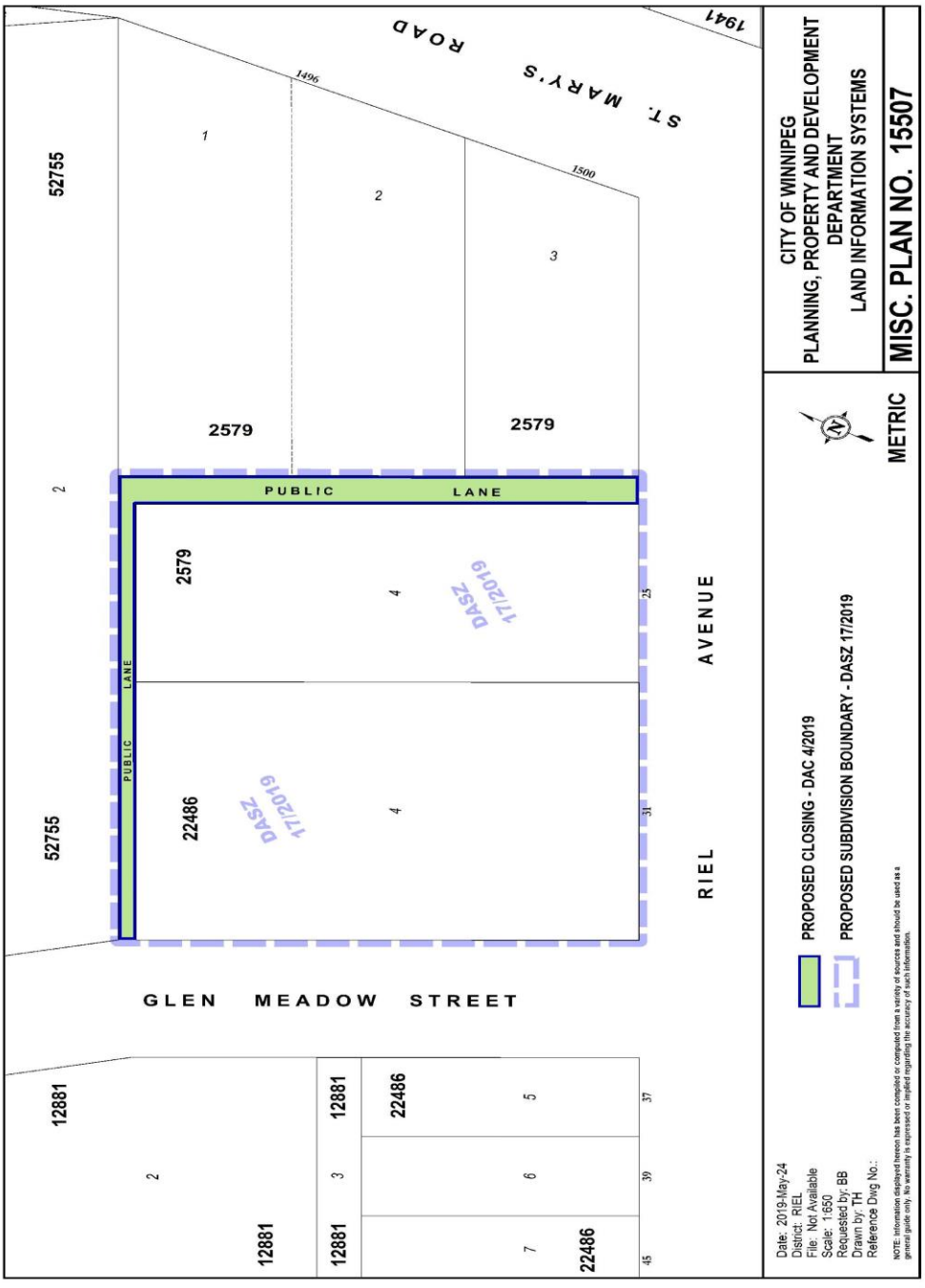
Any removal or relocation of existing facilities as a result of the proposed lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The lanes must be legally closed before they 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"

Miscellaneous Plan



Aerial View of Subject Closings

