**Agenda – Executive Policy Committee – December 9, 2020**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020**

**Item No. 8 Opening – south side of Peter Herner Bay**
**(North Kildonan Ward)**
**File DAO 5/2019**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That subject to Recommendation 2, the proposed street opening as shown on Misc. Plan No. 15571 (attached as Appendix "A") 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. 15571.

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

**Agenda – Executive Policy Committee – December 9, 2020**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020**

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

| | | |
|---|---|---|
| Yea: | Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins | 7 |
| Nay: | | 0 |

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2020, 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 November 24, 2020, the East Kildonan-Transcona 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.

# ADMINISTRATIVE REPORT

**Title:** Proposed Opening on the south side of Peter Herner Bay – File No. DAO 5/2019

**Critical Path:** East Kildonan-Transcona Community Committee, Standing Policy Committee on Planning, 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

The Planning, Property and Development Department is proceeding with an application to open a portion of land on the south side of Peter Herner Bay to provide legal access to adjoining property.

The City owns a one (1) foot wide strip of land on the south side of Peter Herner Bay, legally described as Block 3 Plan 36415 WLTO. The strip, which separates privately owned lots from Peter Herner Bay, was created to provide a way for the City to collect a proportionate share of services installed within the street from the owners of benefitting lots by prohibiting legal access to a benefitting lot until payment of the apportioned share of the services is received by the City. The owner of the property known as 105 Peter Herner Bay (Lot 3 Plan 38703 WLTO) has paid its share of those costs.

The Public Service recommends the approval of proposed street opening. Council approval is required before land can be legally opened as public right-of-way.

## RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street opening as shown on Misc. Plan No. 15571 (attached as Appendix “A”) 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. 15571.

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

All street and lane openings not previously approved by Council must be considered by the Community Committee.

The dedication of the land 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 resource, or general, implications associated with the recommendations.

## HISTORY/DISCUSSION

On March 20, 1996, Council concurred in the recommendation of the Committee on Planning and Community Services and approved a subdivision and rezoning under File No. DASZ 20/1995. A condition of the approval required the creation of a one (1) foot wide strip of land along the south side of Peter Herner Bay. The strip of land land separates privately owned property from Peter Herner Bay and serves as a reminder to the City to collect from the owners of those adjoining properties, a proportionate share of costs for services installed in the street by the original developer. The Owner of Lot 3 Plan 38703 WLTO has paid its share of those costs.

Discussion

Monies collected by the Land Development Branch included funds related to the preparation and registration of the opening plan and associated documentation required to legally open the subject portion of the City's land as Peter Herner Bay. The Branch provided direction to proceed with the application for the proposed opening. The City's land is currently unimproved grassland maintained by the City.

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

## CONSULTATION

This Report has been prepared in consultation with the departments listed below.

**Internal Consultation:**

Fire Paramedic Services
Legal Services Department (as to legal issues)
Office of Sustainability
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor

**External Consultation:**

Manitoba Hydro, Centra Gas, BellMTS, Shaw Cablesystems, Rogers Communications, Fibre.Ca, and Crown Pipeline Ltd.

Bell Canada, Imperial Oil, TC Energy, Telus Communications, and Teraspan Networks 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 opening does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

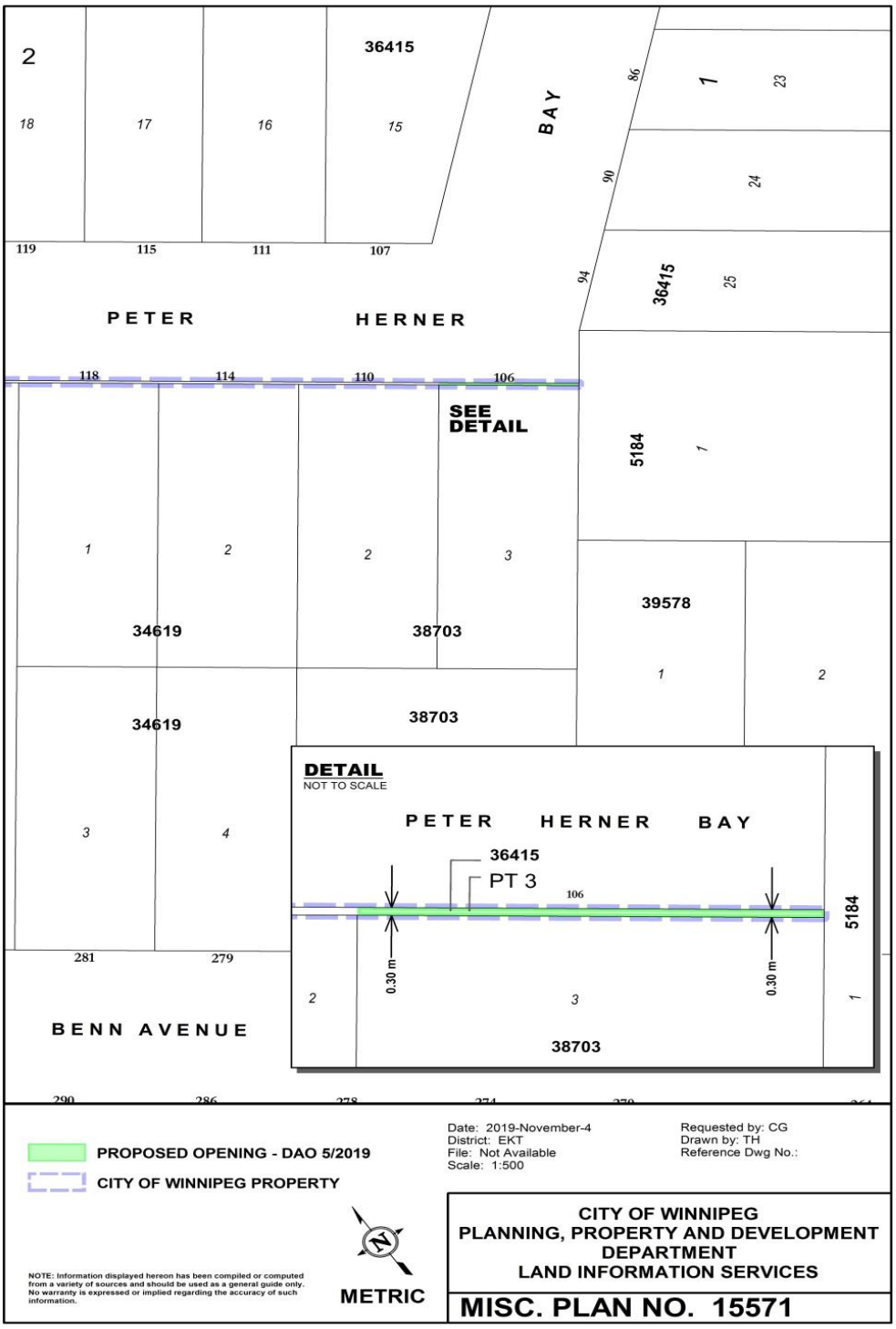
N/A

## SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon, Real Property Officer
Date: November 2, 2020
File No: DAO 5/2019

**Attachments:**
APPENDIX "A" - Miscellaneous Plan No. 15571
APPENDIX "B" - Aerial view of proposed opening

## APPENDIX "A" - MISCELLANEOUS PLAN NO. 15571



**APPENDIX "B" – AERIAL VIEW OF PROPOSED OPENING**

