Minute No. 251
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 12, 2021

Item No. 1 Proposed Closing of Turenne Street West of Panet Road, Adjoining 50 and 70 Panet Road (St. Boniface Ward)
File DAC 7/2020

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. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 13662/7 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 13662/7 subject to:

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

   B. The Purchaser or assignee fulfilling its obligations under 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.

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COUNCIL DECISION (continued):

4. That the City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. 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 Gilroy,

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 February 17, 2021, 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 February 12, 2021, 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 February 1, 2021, 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.

HEARING SUMMARY

File:	DAC 7/2020
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard Councillor Chambers
Public Hearing:	February 1, 2021 Council Building, 510 Main Street
Applicant:	Cloverdale Paint Inc.
Premises Affected:	Turenne Street west of Panet Road, adjoining 50 and 70 Panet Road
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Rebecca Ford, Committee Clerk Riel Community Committee
Report date:	February 1, 2021

Community Committee Recommendation:

On February 1, 2021, 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. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 13662/7 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 13662/7 subject to:

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

B. The Purchaser or assignee fulfilling its obligations under 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 City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. 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 January 5, 2021
2. Inspection Report

REPRESENTATIONS:

In Support:

Larry Lozinski

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
E. Finnigan, Planner, Planning Property and Development Department
J. Hildebrand, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning Property and Development Department
J. Roberts, Senior Negotiator, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2020

ADMINISTRATIVE REPORT

Title: Proposed Closing of Turenne Street west of Panet Road, adjoining 50 and 70 Panet Road – DAC 7/2020

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

Council, at its meeting of April 26, 2018, approved an application made by Cloverdale Paint Inc., to close Turenne Street between Panet Road and Dugald Road. Negotiations for the purchase and sale of the street were not completed and the approval expired.

Cloverdale Paint Inc. has now applied to close and purchase that portion of Turenne Street west of Panet Road shown on Miscellaneous Plan No. 13662/7 adjoining its properties at 50 and 70 Panet Road, to accommodate the construction of a removable breezeway for employee passage between the properties. Cloverdale Paint Inc. has been leasing the subject area since June 1987.

The Public Service recommends approval of the proposed closing. Before the street may be sold, it must be legally closed.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 13662/7 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 13662/7 subject to:

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

B. the Purchaser or assignee fulfilling its obligations under 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 City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. 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

Council approval is required for all closings of public rights-of-way.

As per Section 3(1)(i) of the City Organization By-law No. 7100/1997, only Council can declare City-owned property surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the proposed closing are the responsibility of the Purchaser or assignee. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

Council, at its meeting of April 26, 2018, approved an application made by Cloverdale Paint Inc. to close Turenne Street between Panet Road and Dugald Road. Negotiations for the purchase and sale of the street were not completed and the approval expired.

Cloverdale Paint Inc. has now applied to close and purchase that portion of Turenne Street west of Panet Road shown on Miscellaneous Plan No. 13662/7 adjoining its properties at 50 and 70 Panet Road, to accommodate the construction of a removable breezeway for employee passage between the properties. Cloverdale Paint Inc. has been leasing the subject area since June 1987.

Manitoba Hydro is using the westerly portion of the street adjoining its property for equipment storage purposes. Manitoba Hydro has indicated interest in purchasing the balance of Turenne Street which will require submission of a separate and independent closing application.

Turenne Street was originally opened as Leslie Street by Plan No. 5038 registered in the Winnipeg Land Titles Office on March 2, 1950. It was renamed to Turenne Street by By-law No. 557 passed by the Metropolitan Corporation of Greater Winnipeg on February 13, 1964.

The street is unimproved and appears to serve no public transportation purpose.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, Telus Communications, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd.

Imperial Oil, 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 closing 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
Date: January 5, 2021
File No.: DAC 7/2020

Attachments:
Appendix "A": Administrative Approval/Comments
Appendix "B": Miscellaneous Plan No. 13662/7
Appendix "C": Aerial View of Subject Closing

APPENDIX "A" – ADMINISTRATIVE APPROVAL

Administrative Approval

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

Administrative Comments

Geomatics Branch

- The Purchaser or assignee must submit or cause to be submitted a Development Application (DAS, DASZ, DASSF or DAPS) proposing a plan of subdivision that creates a single lot or a plan of survey that creates a single parcel to facilitate consolidation of their adjacent property holdings with the adjacent portion of right-of-way being closed.

- The Purchaser or assignee is responsible for obtaining approval and meeting any necessary conditions in respect to the above noted Development Application.

- The Purchaser or assignee is responsible for all costs associated with the above-noted Development Application, the preparation of the closing plan, subdivision or survey plan, any associated documents and the registration of all necessary documents at the Winnipeg Land Titles Office to facilitate the legal closing of the right-of-way and its conveyance.

- The closing plan mylars, closing by-law, land Transfer and any associated documents will be released to the Purchaser or assignee together with the plan of subdivision/survey mylars and associated documents for registration in series at the Winnipeg Land Titles Office.

Public Works Department

- The Purchaser or assignee is required to submit an application to the Public Works Department as per the Private Access By-law to remove the existing street turn-out at Panet Road and restore the curb, boulevard and sidewalk in that location, or to retain the existing turn-out as a private approach, where Turenne Street is proposed to be closed at Panet Road.

Water and Waste Department

It has been reviewed and determined that this right-of-way can be closed with the following conditions:

- All catch basin assemblies within this Turenne Street Closure will become privately owned by the Purchaser or assignee.

- The Water and Waste Department must have uninterrupted 24/7 access to fire hydrants and underground infrastructure for inspection, maintenance, repairs and/or replacement.

- An easement 13 metres wide, from the south limit of Turenne Street will be required along the entire extent of this street closure as shown on Misc. Plan No. 13662/7.

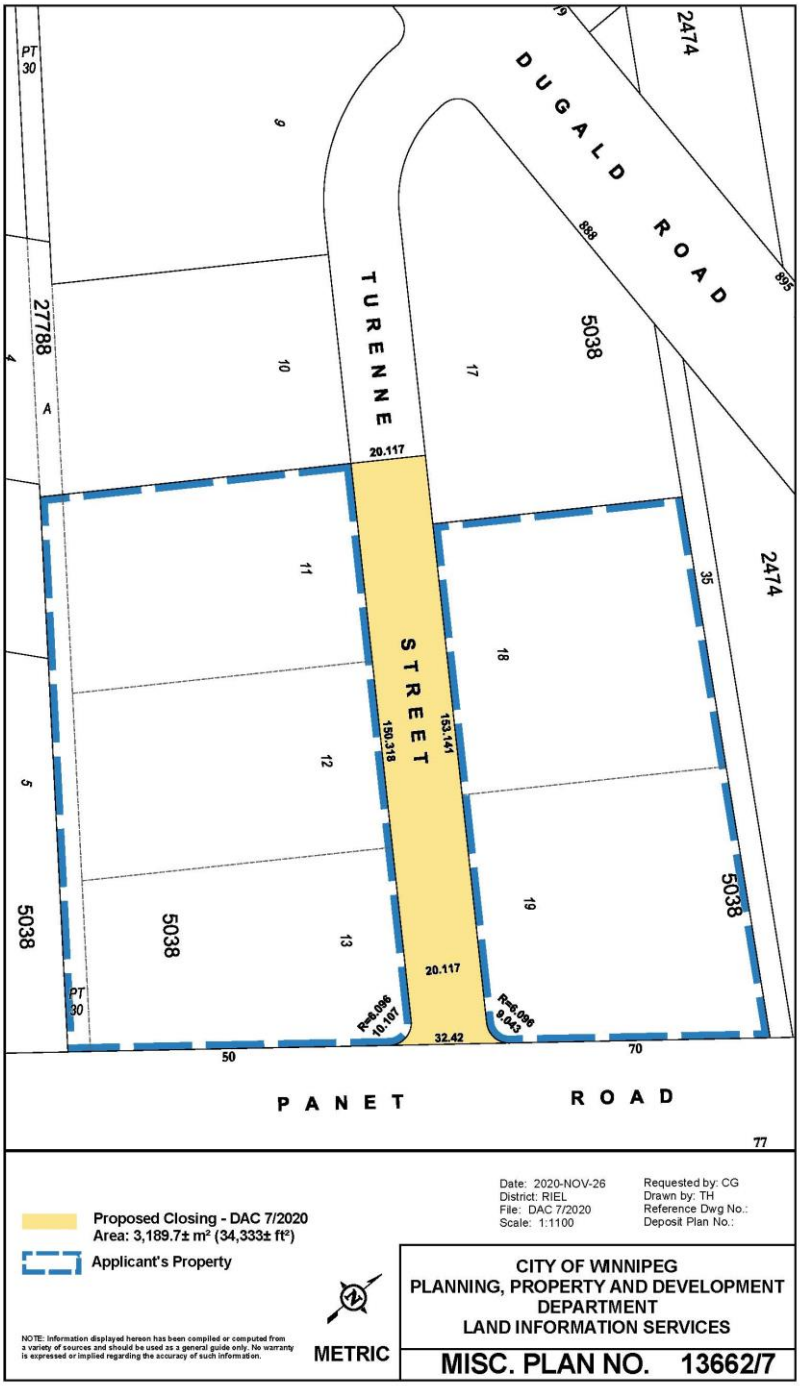
Manitoba Hydro and Centra Gas Manitoba Inc. have each identified services within the closing area.

Easements for any and all facilities as noted above (the “facilities”) will be required.

No permanent structures will be allowed within the easement areas.

Any removal or relocation of the facilities required as a result of the proposed closing will be at the expense of the Purchaser or assignee.

APPENDIX "B" – MISCELLANEOUS PLAN NO. 13662/7



APPENDIX "C" – AERIAL VIEW OF SUBJECT CLOSING

