Agenda – Council – November 25, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

Item No. 9 Proposed Closing of Part - Turenne Street South of Dugald Road, East of Dawson Road North
(St. Boniface Ward)
File DAC 4/2021

STANDING COMMITTEE RECOMMENDATION:

On November 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 following to Council:

1. That subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 13662/10 (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. 13662/10 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

STANDING COMMITTEE RECOMMENDATION (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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 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 November 10, 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 October 26, 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 4/2021
Before:	Riel Community Committee Councillor Chambers, Chairperson Councillor Allard
Public Hearing:	October 26, 2021 Council Building, 510 Main Street
Applicant:	The Manitoba Hydro-Electric Board (Ryan Romans)
Premises Affected:	Turenne Street south of Dugald Road, east of Dawson Road North
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:	October 27, 2021

Community Committee Recommendation:

On October 26, 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. 13662/10 (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. 13662/10 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 October 5, 2021
2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2021

ADMINISTRATIVE REPORT

Title: Proposed closing of part - Turenne Street south of Dugald Road, east of Dawson Road North - File DAC 4/2021

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			

EXECUTIVE SUMMARY

On February 25, 2021, Council approved an application submitted by Cloverdale Paint Inc. to close part of Turenne Street west of Panet Road adjoining 50 and 70 Panet Road. Manitoba Hydro has applied to the City to close and purchase the balance of Turenne Street south of Dugald Road, east of Dawson Road North, to facilitate expansion of its facilities at 375 Dawson Road North.

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

RECOMMENDATIONS

1. That, subject to Recommendation 2, the proposed street closing shown on Miscellaneous Plan No. 13662/10 (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. 13662/10 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.

Pursuant to 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

On February 25, 2021, Council approved an application submitted by Cloverdale Paint Inc., to close part of Turenne Street west of Panet Road adjoining 50 and 70 Panet Road. Manitoba Hydro has applied to the City to close and purchase the balance of Turenne Street south of Dugald Road, east of Dawson Road North to facilitate expansion of its facilities at 375 Dawson Road North.

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:

Winnipeg Fire Paramedic Services
Legal Services Department (as to legal issues)
Winnipeg 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, Imperial Oil, Exxon Mobil, Fibre.Ca Inc., Crown Pipeline Ltd., and the Canadian National Railway Company have confirmed that they have no concerns or objections to the proposal.

Teraspan Networks and the Canadian Pacific Railway Company 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: October 5, 2021
File No.: DAC 4/2021

Attachments:
Appendix A: Administrative Approval/Comments
Appendix B: Miscellaneous Plan No. 13662/10
Appendix C: Aerial View of Subject Closing

APPENDIX A – ADMINISTRATIVE APPROVAL

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

Comments/Conditions of Approval

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.

Urban Planning

- A DASZ application will be required to consolidate the closed right-of-way with the applicant's properties. Ideally, the consolidated lot should be rezoned to M3.

Water and Waste Department

- 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.

- A full easement will be required along the entire extent of this street closure as shown on Misc. Plan No. 13662/10.

The Purchaser will need to provide easements and enter into agreements as may be required by the above noted parties.

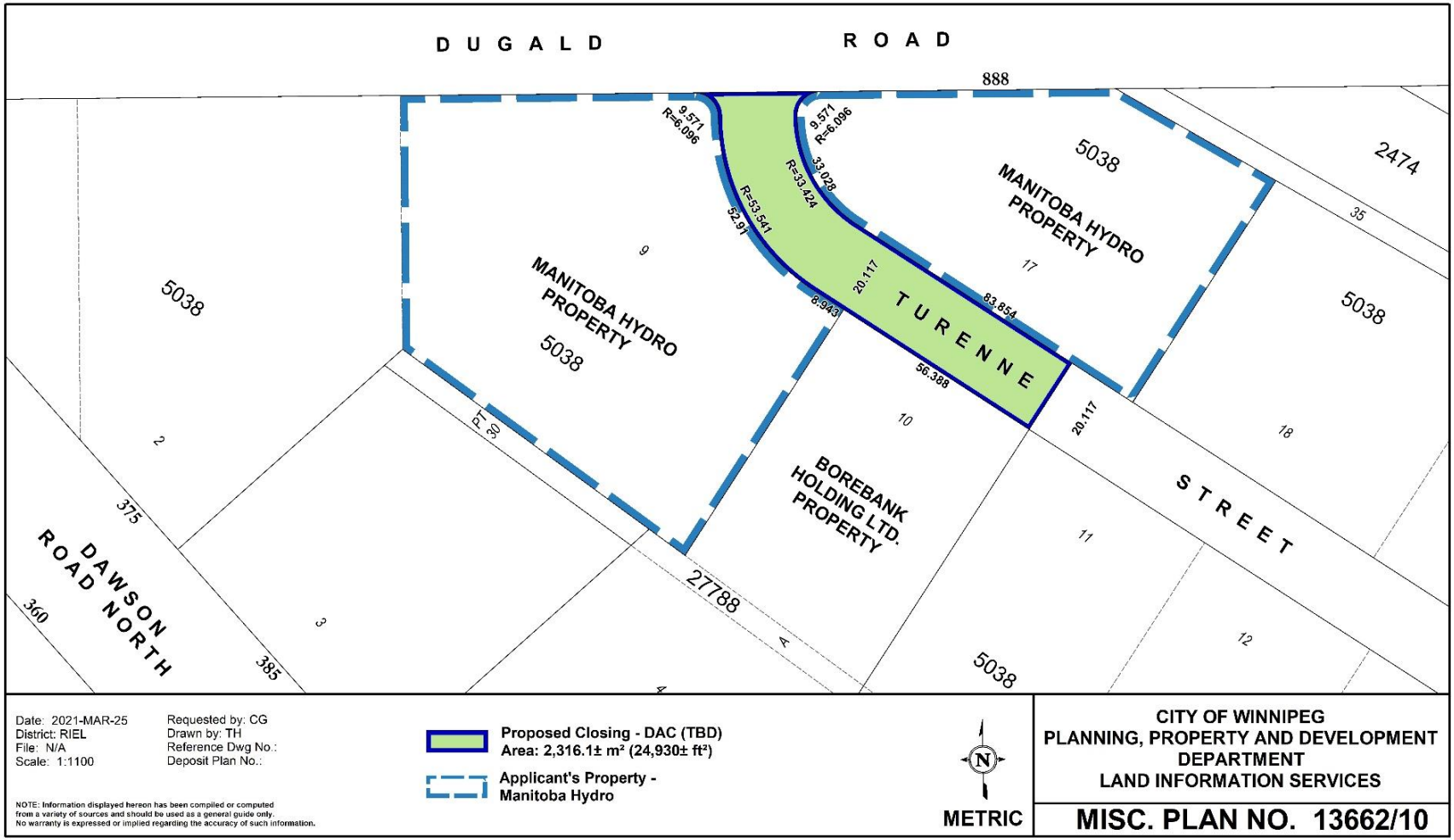
Permanent structures located within the easement areas will not be allowed.

Any removal or relocation of existing facilities required because of the proposed closing will be at the expense of the Purchaser or assignee.

Public Works Department

- The Purchaser or assignee is required to submit an application to the Public Works Department in accordance with the Private Access By-law to remove the existing street turn-out at Dugald 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 Dugald Road. In the event the Purchaser or assignee intends to maintain the turn-out as a private approach, the Purchaser or assignee must, at its sole effort and expense, do all works as are necessary to ensure that it meets the requirements of the Private Access By-law.

APPENDIX B – MISCELLANEOUS PLAN 13662/10



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

