Agenda – Council – December 16, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 5 Closing – Part of Ravelston Avenue West, adjoining 1555 Lagimodière Boulevard (Transcona Ward) File DAC 5/2021

STANDING COMMITTEE RECOMMENDATION:

On December 8, 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 closing of the portion of the street shown on Miscellaneous Plan No. 15749 (attached hereto as Appendix B) be approved and 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 closings in accordance with Miscellaneous Plan No. 15749, subject to:

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

    B. the Purchaser(s) or assignee(s) fulfilling their 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 – December 2, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

4. That the City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser(s) or assignee(s) 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(s) 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 – December 2, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 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 December 2, 2021, 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 22, 2021, 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.

HEARING SUMMARY

File:	DAC 5/2021
Before:	East Kildonan-Transcona Community Committee Councillor Nason, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	November 22, 2021 Council Building, 510 Main Street
Applicant:	10023987 Manitoba Ltd.
Premises Affected:	Part of Ravelston Avenue West, adjoining 1555 Lagimodière Boulevard
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Tamara Pomanski, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	November 22, 2021

Community Committee Recommendation:

On November 22, 2021, the East Kildonan-Transcona 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 closing of the portion of the street shown on Miscellaneous Plan No. 15749 (attached hereto as Appendix B) be approved and 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 closings in accordance with Miscellaneous Plan No. 15749 subject to:

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

    B. the Purchaser(s) or assignee(s) fulfilling their 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(s) or assignee(s) 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(s) 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 13, 2021
2. Inspection Report
3. Communication dated November 18, 2021, and photos from Debbie Janzen in opposition to the application

REPRESENTATIONS:

In Support:

Chris Alto
Brian Lowes

In Opposition:

Brittany Fabbri
Christine Piotrowski

For Information:

Debbie Janzen

For the City:

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

Exhibit “1” referred to in File DAC 5/2021

ADMINISTRATIVE REPORT

Title: Proposed Closing of part of Ravelston Avenue W., adjoining 1555 Lagimodière Boulevard – DAC 5/2021

Critical Path: East Kildonan-Transcona 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

10023987 Manitoba Ltd. has submitted an application to close a portion of Ravelston Avenue W., adjoining its property at 1555 Lagimodière Boulevard, to accommodate expansion of its existing property for use as an automobile dealership. The owner of the land south of and immediately adjoining the proposed closing area has indicated an interest in purchasing a portion of the property.

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 closing of the portion of the street shown on Miscellaneous Plan No. 15749 (attached hereto as Appendix B) be approved and 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 closings in accordance with Miscellaneous Plan No. 15749 subject to:

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

    B. the Purchaser(s) or assignee(s) fulfilling their 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(s) or assignee(s) 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(s) 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

10023987 Manitoba Ltd. has applied to the City to close a portion of Ravelston Avenue W., adjoining its property at 1555 Lagimodière Boulevard to accommodate expansion of its existing property for use as an automobile dealership. The owner of the land south of and immediately adjoining the proposed closing area has also indicated an interest in purchasing a portion of the proposed closing area. The Owners of 1650 Ravelston Avenue W., lying to the east of the proposed closing, have indicated that they have no objections and no interest in purchasing any portion of the proposed closing area.

Plan No. 9888 registered in the Winnipeg Land Titles Office on July 18, 1968, opened the right-of-way as “Public Road”. By-law No. 1858 passed by the Metropolitan Corporation of Greater Winnipeg on July 22, 1971, named it Ravelston Avenue West.

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
Ward Councillor

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd., have indicated that they have no concerns with the closing.

Telus Communications, 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: October 13, 2021
File No.: DAC 5/2021

Attachments:
Appendix A: Administrative Approval/Comments
Appendix B: Miscellaneous Plan No. 15749
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(s) or assignee(s) 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(s) or assignee(s) is responsible for obtaining approval and meeting any necessary conditions in respect to the above noted Development Application.
- The Purchaser(s) or assignee(s) 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(s) and any associated documents will be released to the Purchaser(s) or assignee(s) together with the subdivision or survey plan mylars and associated documents for registration in series at the Winnipeg Land Titles Office.

Land Development Branch

- Consolidation of the closing area with the Purchaser(s) or assignee's adjoining property is required.

Water and Waste Department

- The City requires unlimited and unrestricted access to the drainage ditches on both the north and south sides of the proposed closing area at all times.
- The north and south ditch flow provides drainage for the surrounding area and must not be disturbed.

Public Works Department

- Removal and/or relocation of existing hydro poles, street lighting and appurtenances, and other utilities may be required. Determination will be dependent on development of the consolidated lands.
- The Purchaser(s) or assignee(s) will be exclusively responsible for all costs associated with the relocation of hydro poles, street lights and appurtenances, and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Purchaser(s) or assignee(s) to serve the subject lands, as determined by and to the satisfaction of the Director of Public Works.

APPENDIX A – ADMINISTRATIVE APPROVAL

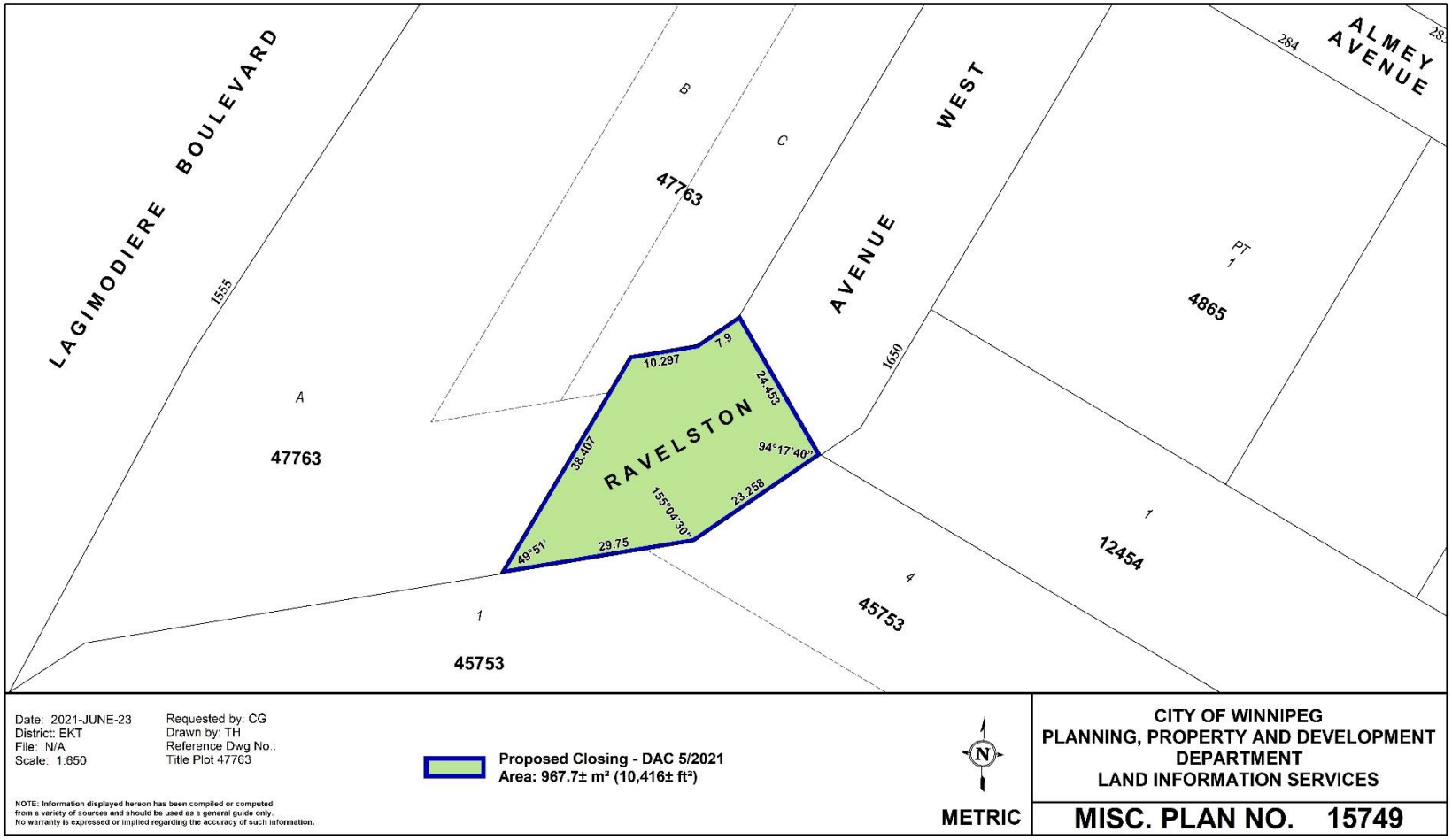
Easements:

- The Water and Waste Department advises that easements for existing and/or future facilities may be required. Determination will be dependent on development of the consolidated lands.

- The Public Works Department advises that the Purchaser(s) (or assignee(s) must provide an easement, and enter into an easement agreement with the City, for the purposes of providing a public pedestrian pathway, in, on, through or over the consolidated lands, as determined by and to the satisfaction of the Director of Public Works.

- BellMTS and Manitoba Hydro have each identified services within the closing area. The Purchaser(s) or assignee(s) will need to provide easements and enter into agreements as may be required by the Utilities. 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(s) or assignee(s).

APPENDIX B – MISCELLANEOUS PLAN 15749



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

