Minute No. 120
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 4 **Proposed Closing of Public Walk Plan 8677 Bordered by 59 Salme Drive on the East, Lotus Lane to the North, and 1, 2, and 3 Sandee Bay on the West**
(St. Vital Ward)
File DAC 6/2021

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 the street closing under File DAC 6/2021 be rejected.

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

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 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 23, 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 that the street closing under File DAC 6/2021 be rejected.

HEARING SUMMARY

File:	DAC 6/2021
Before:	Riel Community Committee Councillor Allard, Chairperson Councillor Chambers Councillor Mayes
Public Hearing:	November 23, 2021 Council Building, 510 Main Street
Applicant:	Ali Raza Esmail and Farzana Hashik Esmail
Premises Affected:	Public Walk Plan 8677 bordered by 59 Salme Drive on the east, Lotus Lane to the north, and 1, 2, and 3 Sandee Bay on the west
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:	November 24, 2021

Community Committee Recommendation:

On November 23, 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 that the street closing under File DAC 6/2021 be rejected.

Exhibits Filed:

1. Report from the Real Property Officer dated October 5, 2021
2. Inspection Report
3. Communication dated November 15, 2021 from Kevin Donnelly in opposition to the application
4. Presentation from Chrystal and Terrance Landgraff in opposition to the application
5. Communication and photos from Ali Esmail in support of the application

REPRESENTATIONS:

In Support:

Ali Esmail

In Opposition:

Kevin Donnelly
April Gobert
Joel Green
Chrystal Landgraff
Terrance Landgraff
David Tetlock

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
C. Gagnon, Real Property Officer, Planning, Property and Development Department
D. Iskierski, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2021

ADMINISTRATIVE REPORT

Title: Proposed Closing of Public Walk Plan 8677 bordered by 59 Salme Drive on the east, Lotus Lane to the north, and 1, 2, and 3 Sandee Bay on the west.

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

Ali Raza Esmail and Farzana Hashik Esmail (the "Purchaser") have submitted an application to close Public Walk Plan 8677 bordered by their property at 59 Salme Drive on the east, Lotus Lane to the north, and the properties known as 1, 2 and 3 Sandee Bay on the west. The Purchaser wishes to close and purchase the Walk to accommodate a garden shed, landscaping, and to facilitate weed control and treatment against invasive pests that they believe could destroy the existing canopy of mature trees and vegetation.

The City is committed to OurWinnipeg and the Winnipeg Climate Action Plan, which includes strategies for safeguarding natural areas for the protection of biodiversity and the integrity of ecosystems. The Owners of 1, 2, and 3 Sandee Bay are opposed to the proposed closing.

The Public Service does not support the proposed closing.

RECOMMENDATIONS

That the proposed closing of Public Walk Plan 8677 under DAC 6/2021 not be proceeded with.

REASON FOR THE REPORT

All closings of public rights-of-way must be considered by the Community Committee.

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

As per section 3(1)(i) of the City Organization By-law 7100/1997, only Council can declare City-owned property as surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the proposed closing are the responsibility of the applicant. There are no financial implications for the City.

HISTORY/DISCUSSION

Ali Raza Esmail and Farzana Hashik Esmail (the "Purchaser") have submitted an application to close Public Walk Plan 8677 bordered by their property at 59 Salme Drive on the east, Lotus Lane to the north, and the properties known as 1, 2, and 3 Sandee Bay on the west shown illustrated and identified as Public Walk 8677 on Misc. Plan 15762 (attached as Appendix A). The Purchaser wishes to close and purchase the Public Walk to accommodate a garden shed, landscaping, and to facilitate weed control and treatment against invasive pests that they believe could destroy the existing canopy of mature trees and vegetation.

The Owners of 1, 2, and 3 Sandee Bay adjoining the Public Walk on the west boundary, have all advised that they object to the proposed closing of the Public Walk. They cite concerns regarding potential loss of what they consider a unique tree canopy that could potentially negatively impact existing wildlife as well as a possible negative impact to their properties from land drainage changes through development and/or landscaping within the Public Walk. However, each of these Owners have indicated that in the event Council approves closing of the Public Walk, they are interested in purchasing that portion of the closing area which aligns with their respective adjoining holdings.
In keeping with OurWinnipeg and the Winnipeg Climate Plan, retaining control of the Public Walk will ensure the City's continuing commitment to safeguard natural areas such as wetlands and urban forests, for the protection of biodiversity and the integrity of ecosystems. The Public Service does not support the proposed closing.

Plan 8677 registered in the Winnipeg Land Titles Office on July 22, 1964, created the Public Walk.

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 each indicated that they have no objections to the proposal.

Telus Communications, Imperial Oil, and Teraspan Networks did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

A component of the OurWinnipeg Policy is the safeguarding of natural areas such as wetlands and urban forests, for the protection of biodiversity and the integrity of ecosystems. Not closing the Public Walk will ensure the City's control and commitment to the policy.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

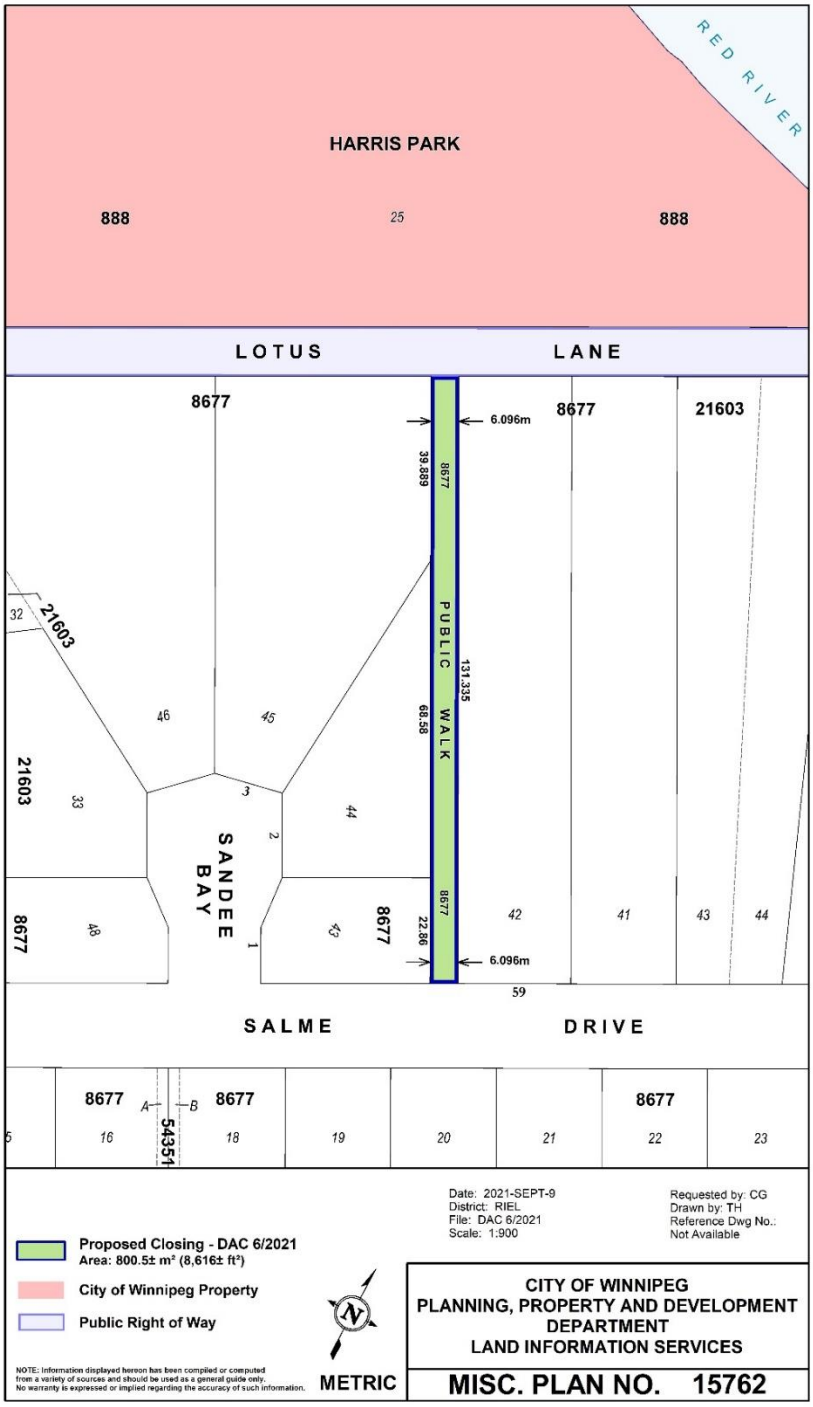
The Winnipeg Climate Action Plan contains guidelines to enhance connectivity of green spaces and parks throughout the City, supporting biodiversity and natural systems. Not closing the Public Walk will ensure the City's control and commitment to the Plan.

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 6/2021

Attachments:
Appendix A: Miscellaneous Plan No. 15762
Appendix B: Aerial View of Subject Closing

APPENDIX "A" – MISCELLANEOUS PLAN 15762



APPENDIX "B" – AERIAL VIEW OF SUBJECT CLOSING

