Minute No. 448
Report – Executive Policy Committee – May 16, 2023

Item No. 12 **Proposed Opening on the south side of Peter Herner Bay adjoining 110, 114 and 118 Peter Herner Bay**
(North Kildonan Ward)
File DAO 3/2022

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That subject to Recommendation 2, the proposed street opening as shown on Misc. Plan No. 15783 (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. 15783.

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

Report – Executive Policy Committee – May 16, 2023

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 2023, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Proposed Opening on the south side of Peter Herner Bay adjoining 110, 114 and 118 Peter Herner Bay – File DAO 3/2022

Critical Path: Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Chappell (Acting)	M. Pittet (Acting)	N/A	M. Jack

EXECUTIVE SUMMARY

The Public Service is proceeding with an application to open a portion of land on the south side of Peter Herner Bay to provide legal access to an adjoining privately owned property.

On March 20, 1996, Council approved the subdivision and rezoning of land under DASZ 20/1995. A condition of approval required the creation of a one-foot-wide strip of land on the south side of Peter Herner Bay as a means for the City to collect costs of developer-installed services from owners of benefitting private lots.

The owners of 110, 114 and 118 Peter Herner Bay have paid the servicing costs attributable to those properties and, therefore, the Public Service recommends approval of the 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. 15783 (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. 15783.

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

The dedication of land as a public right-of-way requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

Council approval is required before land can be legally opened as public right-of-way.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications associated with the recommendations.

HISTORY/DISCUSSION

The Public Service applied to open a portion of land on the south side of Peter Herner Bay to provide legal access to adjoining privately-owned property.

On March 20, 1996, Council approved the subdivision and rezoning of land under DASZ 20/1995. A condition of approval required the creation of a one-foot-wide strip of land on the south side of Peter Herner Bay as a means for the City to collect costs of developer-installed services from owners of benefitting private lots. The owners of the properties known as 110, 114 and 118 Peter Herner Bay have paid the servicing costs attributable to those properties.

Monies collected by the Public Service included funds related to the preparation and registration of the opening plan and associated documentation and fees required to legally open the subject portion of the City's land as Peter Herner Bay. The Public Service applied for the proposed opening once all costs had been paid. 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.

FINANCIAL IMPACT

Financial Impact Statement Date: March 13, 2023

Project Name:

Proposed Opening on the south side of Peter Herner Bay adjoining 110, 114 and 118 Peter Herner Bay – File DAO 3/2022

COMMENTS:

There are no material financial implications associated with the recommendations contained in this report.

Mike McGinn Mar. 13, 2023
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

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

OURWINNIPEG POLICY ALIGNMENT

The proposed opening does not contravene OurWinnipeg Policy.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed opening does not contravene the Winnipeg Climate Action Plan.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

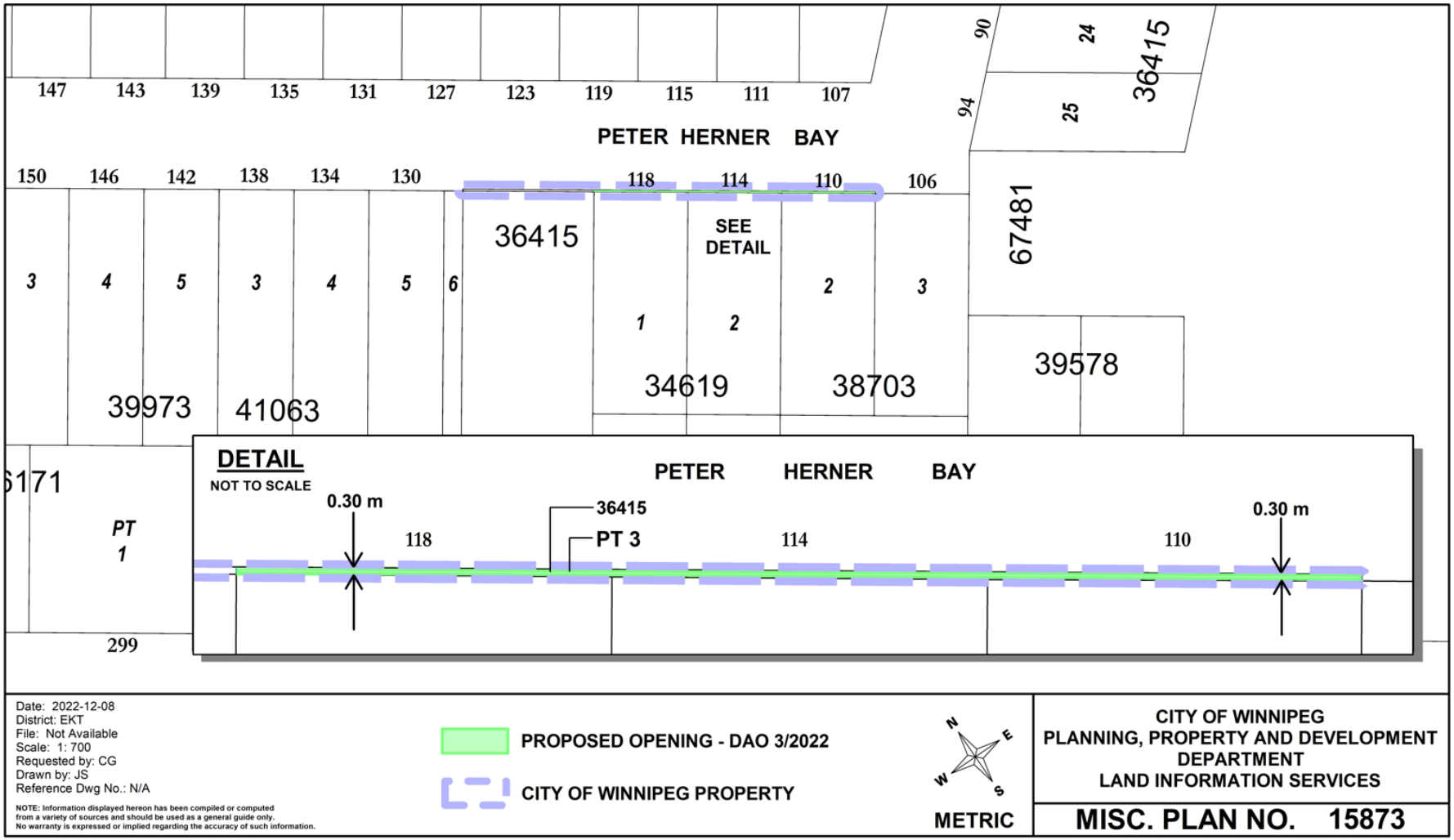
N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: March 16, 2023
File No.: DAO 3/2022

Attachments:
Appendix A: Misc. Plan 15783
Appendix B: Aerial View of Proposed Opening

APPENDIX A – MISC. PLAN 15873



APPENDIX B - AERIAL VIEW OF PROPOSED OPENING

