Agenda - Council - June 29, 2005

Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 7 Street Closing - part of Riverbend Crescent
File DAC 4/2005

STANDING COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the identified encroachment area be included in the street closing as shown on Misc. Plan No. 12499/1, the closing be approved and the land declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12499/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

3. 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 - June 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 22, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Recommendation 1 be deleted in its entirety and replaced with the following, namely:

    "1. That the identified encroachment area be included in the proposed street closing as shown on Misc. Plan No. 12499/1, the closing be approved, and the land be declared surplus to the City's needs.",

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On April 19, 2005, the Assiniboia Community Committee adjourned the public hearing to its meeting on May 10, 2005.

PUBLIC HEARING SUMMARY

File:	DAC 4/2005
Before:	Assiniboia Community Committee Councillor De Smedt, Chairperson Councillor Clement Councillor Eadie
Public Hearing:	May 10, 2005 April 19, 2005 Community Committee Chamber 5006 Roblin Boulevard
Applicant:	Ellery and Catherine Demedash
Premises Affected:	part of Riverbend Crescent
Exhibits Filed:	1. Report from the Real Property Officer dated March 30, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Ellery B. and Catherine DeMedash

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. R. Humble, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2005

RE: DAC 4/2005 – PROPOSED CLOSING OF PART OF RIVERBEND CRESCENT

For submission to:	**The Assiniboia Community Committee**
Report date:	**March 30, 2005**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12499/1 be approved and that the land be declared surplus to the City's needs.** **2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12499/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.** **3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.**

REPORT SUMMARY

Key Issues:

- The owners of No. 104 Riverbend Crescent have applied to purchase the portion of the boulevard identified as "Proposed Closing" on Misc. Plan No. 12499/1. The property owners pay an annual fee for the encroachment of a hedge and fence into the boulevard. The Public Works Department has advised that a portion of the boulevard 1.5 metres in width between the curb and the encroachment area must be retained for snow storage purposes. The closing and sale of the balance of the boulevard will reduce, but not eliminate, the encroachment area.

Implications of the Recommendation(s):

General implications:

X	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

- All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

Riverbend Crescent was created in 1946 by the subdivision of the adjoining lands.

The Planning, Property and Development Department has received a request from the owners of No. 104 Riverbend Crescent to purchase the portion of boulevard identified as "Proposed Closing" on Misc. Plan No. 12499/1. The property owners are currently paying an annual fee for the encroachment of a hedge and fence into Riverbend and they wish to own this area and as much of the boulevard as the City is willing to sell.

DISCUSSION:

Administrative Approval

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

The Transportation Division of the Public Works Department has advised that a portion of the boulevard 3.0 metres in width between the curb and the portion of the street proposed to be closed must be retained for snow storage purposes. A reduction of the snow storage area within the encroachment area to 1.5 metres will be allowed in this case. The closing and sale of this portion of the street will reduce, but not eliminate, the encroachment.

Easements

MTS has advised that it will require an easement for the maintenance of a buried cable at Portage and Riverside.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

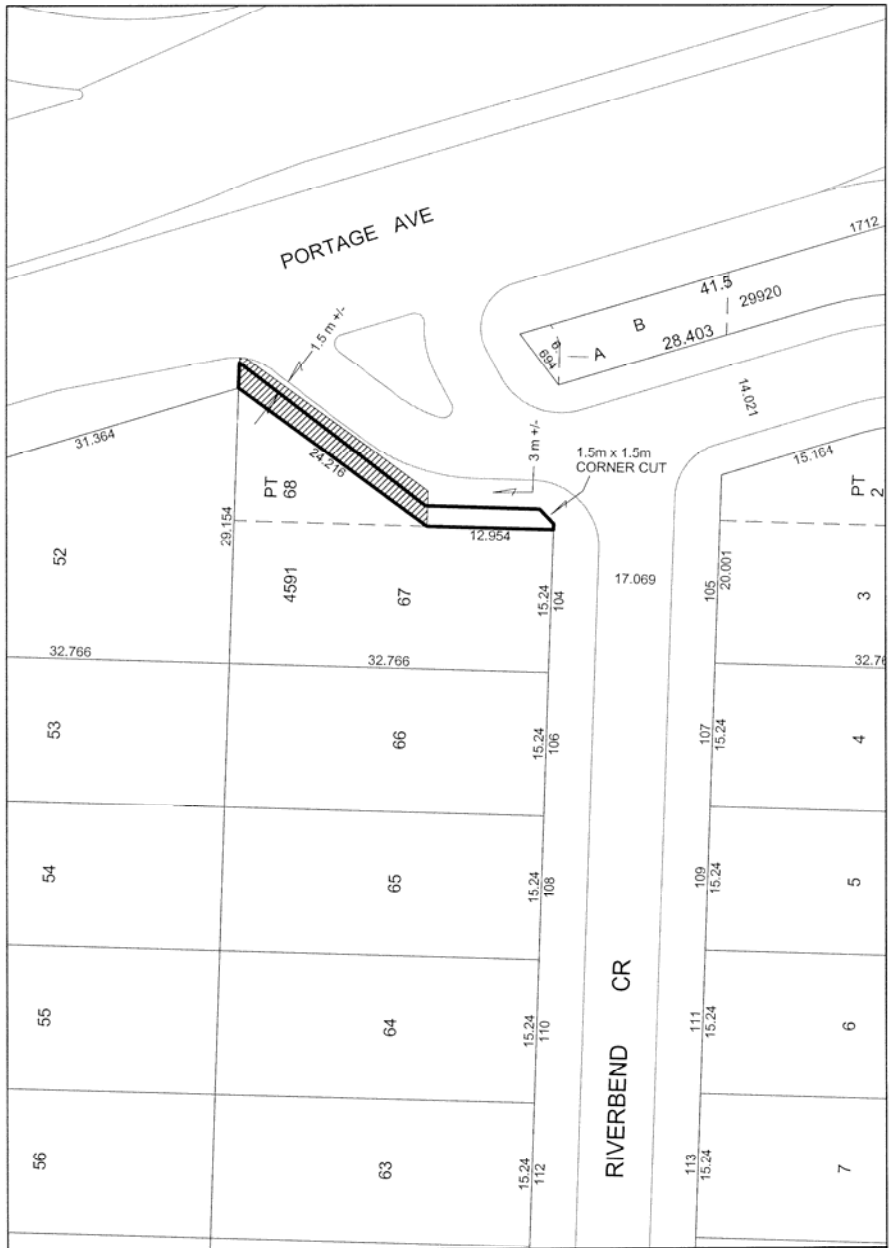
Water and Waste Department – Engineering Division

Centra Gas, MTS Communications

Manitoba Hydro and Shaw Cable did not respond to the request for their easement requirements. It is assumed that they have no plants in the area proposed to be closed.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 4/04



Encroachment Area 3m +/- wide

Proposed Closing

Date: 2005-MAR-09
District: ASBA
File: DAC 4 / 2005
Scale: 1:500

METRIC

NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 12499 / 1