Agenda - Council - June 29, 2005

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

Item No. 8 Street and Lane Closing - part of Bayridge Avenue and the public lane at the rear of 2634 Pembina Highway
File DAC 7/2005

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 Riel Community Committee and submits the following to Council:

1. That the street and lane closing shown on Misc. Plan No. 12521 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. 12151, 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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 17, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 7/2005
Before:	Riel Community Committee Councillor Magnifico, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	May 17, 2005 Community Committee Chamber, 219 Provencher Boulevard
Applicant:	Windsor Building Supplies Ltd. (Michael Bodnar)
Premises Affected:	part of Bayridge Avenue and the public lane at the rear of 2634 Pembina Highway
Exhibits Filed:	1. Report from the Real Property Officer dated May 4, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Jim Lothian

In Opposition:

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 7/2005

RE: DAC 7/2005 – PROPOSED CLOSING OF PART OF BAYRIDGE AVENUE AND THE PUBLIC LANE AT THE REAR OF NO. 2634 PEMBINA HIGHWAY

For submission to:	**The Riel Community Committee**
Report date:	**May 4, 2005**
Recommendations:	**1. That the proposed street and lane closing as shown on Misc. Plan No. 12521 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. 12151, 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 portions of the street and lane proposed to be closed are not paved or used for any apparent public purpose.
- The applicant is currently using the land for storage.

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:

The portions of the street and lane shown as "Proposed Closing" on Misc. Plan No. 12521 were created in 1912 by the subdivision of the adjoining property. These lands are not paved or used for any apparent public purpose.

The Planning, Property and Development Department has received a request from Windsor Building Materials Ltd. to the purchase the street and lane. Windsor Building Materials Ltd. is currently using this area for storage of materials at the rear of their lumber store at 2634 Pembina Highway.

DISCUSSION:

Administrative Approval

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

Consent of Adjoining Property Owner

The property on the east side of the lane is owned by Manitoba Hydro. The applicant advises that the Manitoba Hydro sub-station on the property is being relocated, and that Windsor Building Materials Ltd. is negotiating for the purchase of the land. Manitoba Hydro has advised that it has no objections to the closing and sale of the lane to Windsor Building Materials Ltd..

Zoning

Half the closed lane will take on the residential zoning of the property adjacent to the east. It will be necessary to re-zone this portion of the lane to the C2 zoning of the Windsor Building Materials Ltd. property. Development permits will be required.

Easements

Manitoba Hydro will require an easement along the northerly 3.5 metres of the lane for the maintenance of a pole line. No permanent structures other than fences will be allowed in this easement area.

Sale of Lot 39 Plan 20470

The City of Winnipeg owns a 2 foot wide strip of land between the Windsor Building Materials Ltd. property and the public lane. Windsor Building Materials Ltd. will be required to purchase this property.

Transfer of Jurisdiction Over Public Rights-of-Way

The street and lane must be legally closed before they 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 –Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro

The Community Planner, MTS Communications and Shaw Cable did not respond to the request for comments.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:DAC 7/05

Document name:V:\word\DAOC\dac7_05RPT.doc



Date: 2005-APR-08
District: RIEL
File: DAC 7 / 05
Scale: 1:1500

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. 12521