Agenda - Executive Policy Committee - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 5 Street Closing - Public lane adjacent to 145 Emerson Avenue
File DAC 8/2005

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 12527 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. 12527, 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.

Agenda - Executive Policy Committee - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2005, the East Kildonan-Transcona 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 8/2005
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Thomas
Public Hearing:	June 14, 2005 Community Committee Chamber 755 Henderson Highway
Applicant:	Geoffrey Natyna
Premises Affected:	Public Lane adjacent to 145 Emerson Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated May 24, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Geoffrey Natyna

In Opposition:

Nil

For Information:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 8/2005

RE: DAC 8/2005 – PROPOSED CLOSING OF THE PUBLIC LANE ADJACENT TO NO. 145 EMERSON AVENUE

For submission to:	**The East Kildonan-Transcona Community Committee**
Report date:	**May 24, 2005**
Recommendations:	**1. That the proposed lane closing as shown on Misc. Plan No. 12527 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. 12527, 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 applicant wishes to purchase the portion of the public lane identified as "Proposed Closing"on the attached drawing. He is currently paying an annual fee for the encroachment of his garage into the lane. He intends to build a double garage on the site, should his application to purchase the land be successful.

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 public lane adjacent to No. 145 Emerson Avenue was created in 1912 by the subdivision of the adjoining lands. The lane is unpaved and serves no apparent public purpose.

In 1987, the East Kildonan-Transcona Community Committee approved DAC 20/87, an application to close all of the public lane between Emerson and Glenway Avenues. The application was later reduced to the northerly portion of the lane, which was eventually incorporated into the property at No. 214 Glenway, leaving the balance of the lane open.

In April of 2005, the Planning, Property and Development Department received a request from Mr. Geoffrey Natyna, the owner of No. 145 Emerson Avenue, to purchase the balance of the public lane, identified as “Proposed Closing” on Misc. Plan No. 12527. Mr. Natyna is currently

paying an annual fee for the encroachment of his garage into the lane. He intends to build a double garage on the site, should his application to purchase the land be successful.

DISCUSSION:

Administrative Approval

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

Zoning

The west half of the closed lane will assume the "C1" and "C2" zoning of the adjacent properties. The east half of the closed lane will assume the "R1-5.5" zoning of 145 Emerson. Depending on the size and location of the garage Mr. Natyna intends to build, a rezoning application may be required. This matter will be addressed when Mr. Natyna applies for the building permit.

Easements

Manitoba Hydro, MTS Allstream and Shaw Cable will require an easement for the maintenance of their facilities on the west side of the lane. No permanent structures will be allowed in the easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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 – 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, MTS Communications, Shaw Cable
The Community Planner did not respond to the request for comments on the proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:8186

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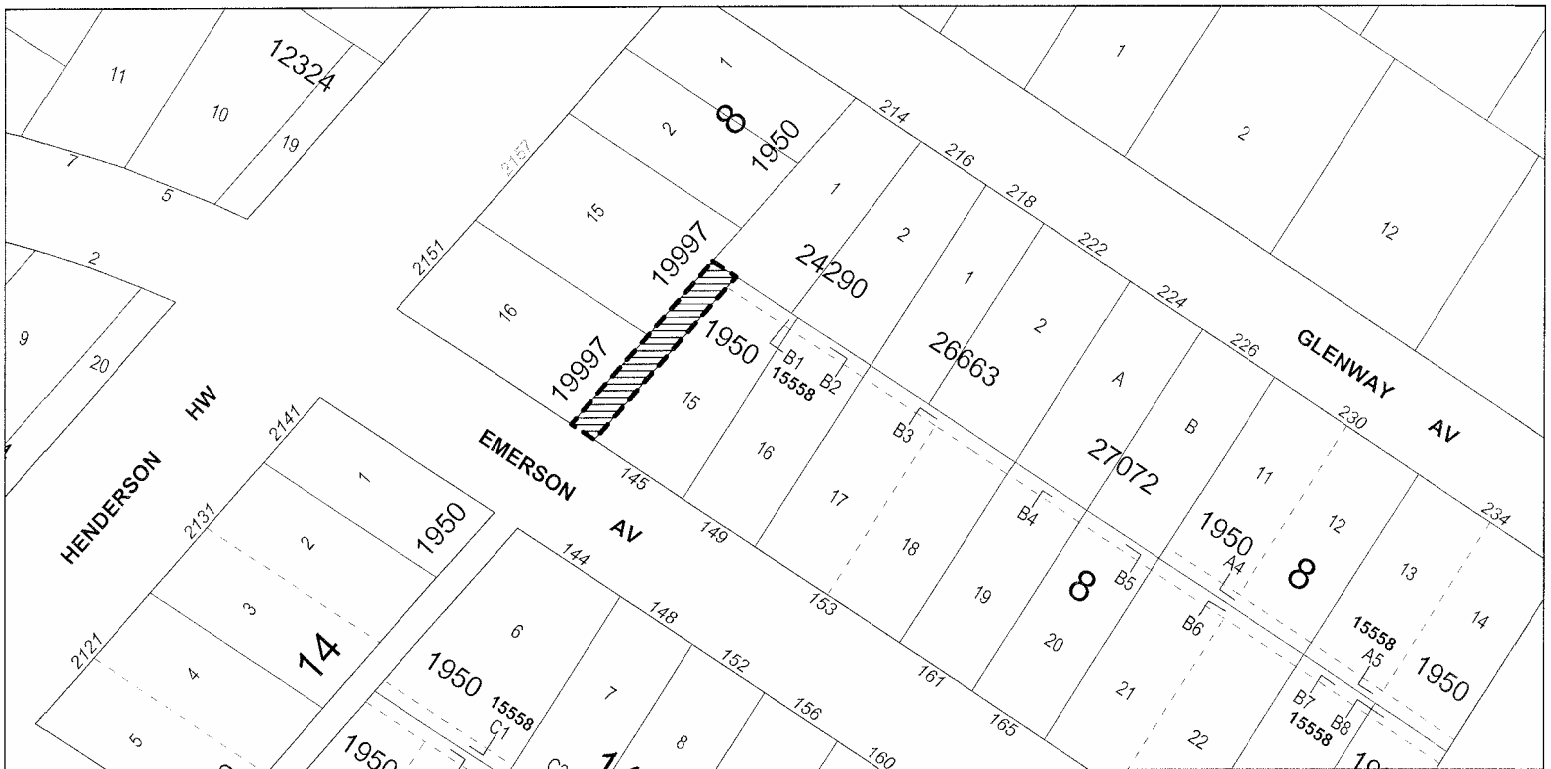

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METRIC

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Proposed Closing

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

MISC. PLAN NO. 12527