Minute No. 516
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 4 **Street Closings - Public Road Plan 7559, Crozier Avenue and part of Perfanick Drive**
File DAC 1/2005 [c/r DASZ 50/2004]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closings shown on Misc. Plan No. 12510 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 closings in accordance with Misc. Plan No. 12510.

3. That the Developer be responsible for maintaining access to Peguis Street and Perfanick Drive from the Public Road shown on Misc. Plan No. 12510 until the roadway for Concordia Avenue East is open to traffic.

4. 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:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

On May 3, 2005, the Standing Policy Committee on Property and Development laid over consideration of the closing to the meeting of the Committee scheduled for June 7, 2005.

COMMUNITY COMMITTEE RECOMMENDATION:

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

PUBLIC HEARING SUMMARY

File:	DAC 1/2005 [DASZ 50/2004]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	April 5, 2005 Helen Mayba Theatre Miles Macdonell Collegiate 757 Roch Street
Applicant:	Lyne Jones, Qualico Developments (Winnipeg) Ltd.
Premises Affected:	Public Road Plan 7559, Crozier Avenue and part of Perfanick Drive
Exhibits Filed:	1. Report from the Real Property Officer dated March 29, 2005 2. Inspection Report 3. Communication dated March 28, 2005, from Joan Perfanick with respect to the application 4. Communication dated April 4, 2005, from Jim Perfanick with respect to the application

REPRESENTATIONS:

In Support:
Eric Vogan, Qualico Developments (Winnipeg) Ltd., Applicant
Kevin Crozier
Greg Davey
Bob Hinkelman
M. and Sally Jaworsky

In Opposition:
Shawn Boissonneault
Paul Brandford
Barbara and Marc Fortier
Marc Labossiere

Mike Maluk
Patricia Machado
Sharon McLaughlin
Roman and Karen Naumiuk
Yardley Ploegman
James Rudolph
Robert Schultz
Stacy and Kevin Stephew
Tracy Stople
R. Woods
Kim Zaenali

For Information:
Arthur Crozier
Warren Earl
Doug Jentsch
Bob, Jerry, Terri-Ann Perfanick
Mary and George Sumka

For the City:
Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2005 [c/r DASZ 50/2004]

RE: DAC 1/2005 – PROPOSED CLOSING OF PUBLIC ROAD PLAN 7559, CROZIER AVENUE AND PART OF PERFANICK DRIVE FOR INCORPORATION INTO DASZ 50/2004

For submission to:	The East Kildonan-Transcona Community Committee
Report date:	March 29, 2005
Recommendations:	1. That the proposed street closings as shown on Misc. Plan No. 12510 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 closings in accordance with Misc. Plan No. 12510. 3. That the Developer be responsible for maintaining access to Peguis Street and Perfanick Drive from the Public Road shown on Misc. Plan No. 12510 until the roadway for Concordia Avenue East is open to traffic. 4. 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 streets are proposed to closed and incorporated into DASZ 50/204, an application to subdivide and rezone the adjoining lands. The subdivision will re-open Perfanick Drive in a reduced width.
- The recommendations in this report are intended to facilitate the development of the lands under DASZ 50/2004 while maintaining the rights of residents living on the south side of Perfanick Drive to continued access to their properties.

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:

Crozier Avenue and Perfanick Drive were created in 1877 by the establishment of the Parish of Kildonan. The Public Road was created in 1961 by By-Law 1564 of the R.M. of East Kildonan.

In December of 2004, the Planning, Property and Development Department received a request from Qualico Developments (Winnipeg) Ltd. to incorporate the subject streets into DASZ 50/2004, an application to subdivide and rezone in Phase 2 of the Harbour View South subdivision.

The Public Road will be rendered obsolete by the construction of the roads in the subdivision. Crozier Avenue does not physically exist. Perfanick Drive will be reduced from 99 feet to 18.0 metres in width by closing the northerly 12.175 metres.

DISCUSSION:

Closing and Re-Opening Perfanick Drive

Perfanick Drive will be closed, in a legal sense, for a moment in time when the closing by-law is registered in the Winnipeg Land Titles Office. It will immediately be opened again, in its reduced width, by the plan of subdivision. This method of closing the street and re-opening it is preferred for legal and surveying reasons, and is superior to simply closing the northerly 12.175 metres of the street. At no time will the street be physically closed to traffic.

Retaining Access for Existing Residences on Perfanick Drive

There are 7 residences fronting on the south side of Perfanick Drive. These property owners use the Public Road and Peguis Street to access their properties. The City of Winnipeg Charter states that the City may not close a street and prevent a property owner from accessing his or her property without compensation. The proposed closings will allow the subdivision to proceed without closing the existing roadways in Perfanick Drive or Peguis Street. These streets will remain open until they are no longer required.

The access from the Public Road will be replaced by access from Concordia Avenue East. Until that roadway has been constructed, the Developer should be responsible for maintaining the existing roadway to allow the area residents continued access from Ham Street.

Administrative Approval

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

Easements

The Water and Waste Department advises that there is an existing 1800mm wastewater interceptor sewer crossing through the proposed subdivision, falling primarily within the Peguis Street right-of-way, as well as a 30mm Wastewater sewer in the Crozier Avenue right-of-way. There are easement agreements identifying the City's requirement to maintain the interceptor sewer as it passes through the proposed subdivision. The Water and Waste Department has no objections to the proposed closings based on the understanding that the easement requirements are maintained. An easement will be required for the sewer in the Crozier right-of-way. This and all other easement/relocation requirements will be addressed under the subdivision approval process.

Conveyance of Streets for $1.00

The area of the streets being created by the subdivision exceeds the area of the streets being closed. In accordance with City policy, the closed streets will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they may be incorporated into the subdivision. 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, Land Development and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

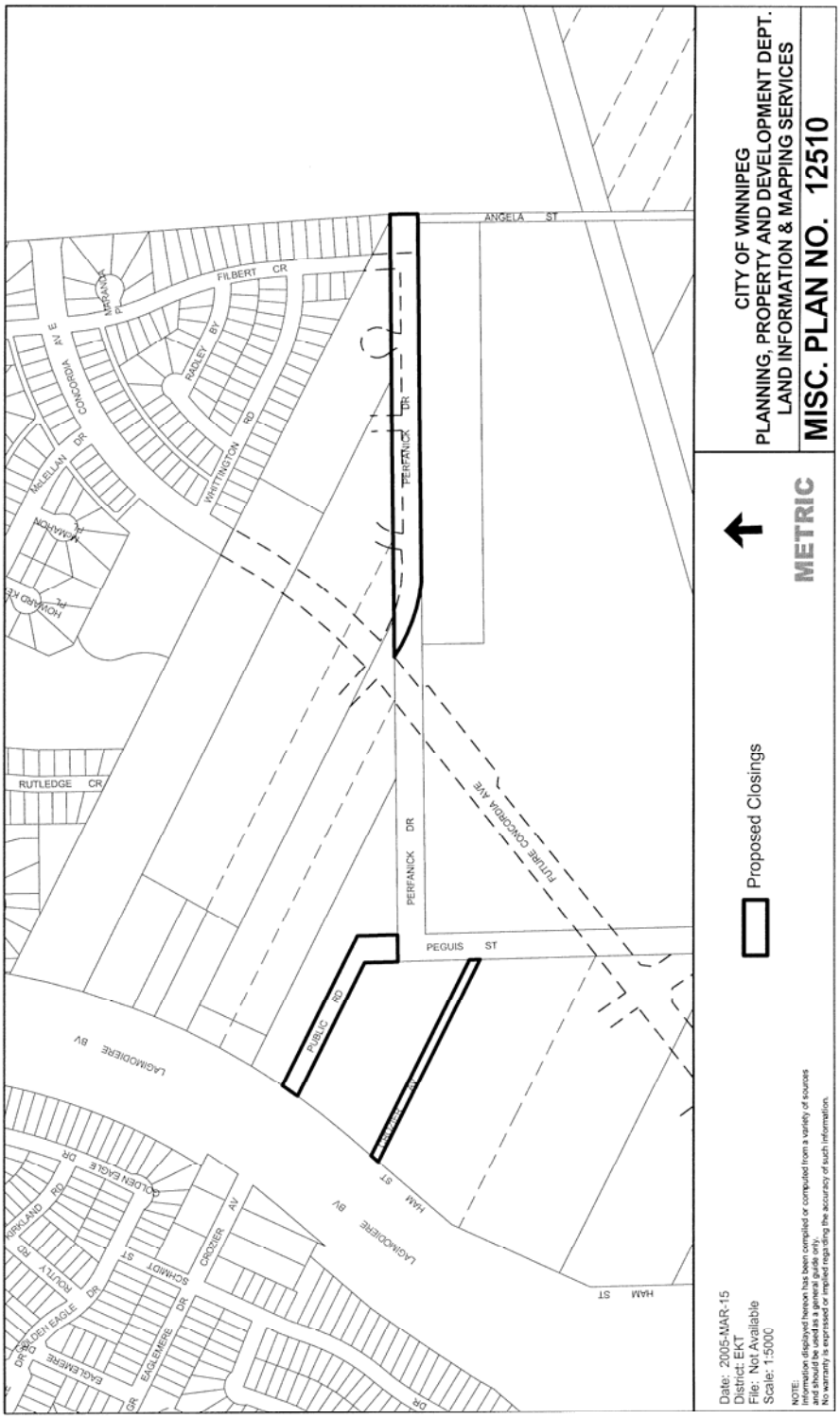
Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

The Community Planner, Centra Gas, Manitoba Hydro, MTS Communications and Shaw Cable did not respond to the request for their comments.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 1/05


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12510
METRIC
Proposed Closings
Date: 2005-MAR-15
District: EKT
File: Not Available
Scale: 1:5000
NOTE:
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No warranty is expressed or implied regarding the accuracy of such information.
ANGELA ST
FILBERT CR
MARANDA PL
RADLEY BY
WHITTINGTON RD
CONCORDIA AV E
McLELLAN DR
McMAHON PL
HOWARD KEY PL
PERFANICK DR
RUTLEDGE CR
FUTURE CONCORDIA AVE
PEGUIS ST
PUBLIC RD
LAGIMODIERE BV
HAM ST
GOLDEN EAGLE DR
KIRKLAND RD
ROUTLY RD
SCHMIDT ST
CROZIER AV
EAGLEMERE DR