Minute No. 518
Report - Standing Policy Committee on Property and Development - June 7, 2005

Item No. 6 **Street Closing - part of Lagimodiere Boulevard south of Almey Avenue**
File DAC 20/2004

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No. 12363/5 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. 12363/5, 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:

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.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 10, 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 20/2004
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	May 10, 2005 April 5, 2005 Helen Mayba Theatre, Miles Macdonell Collegiate 757 Roch Street March 1, 2005 Gymnasium B, Miles Macdonell Collegiate 757 Roch Street February 1, 2005 Community Committee Chamber, 755 Henderson Highway January 11, 2005 Helen Mayba Theatre, Miles Macdonell Collegiate 757 Roch Street November 30, 2004 Community Committee Chamber, 755 Henderson Highway
Applicant:	Donovan Toews, ND Lea Engineers & Planners Inc., on behalf of Chartier & Associates Inc.
Premises Affected:	part of Lagimodiere Boulevard south of Almey Avenue
Exhibits Filed:	1. Communication from the Real Property Officer dated November 19, 2004, advising that ND Lea Engineers & Planners Inc. has requested that the application be adjourned to the meeting to be held on January 11, 2005 2. Report from the Real Property Officer dated December 20, 2004 3. Inspection Report 4. Communication dated January 11, 2005 from Mike Malyk in opposition to the application 5. Communication faxed February 1, 2005 from Mike Malyk in opposition to the application 6. Report from the Real Property Officer dated April 19, 2005

7. Communication dated May 10, 2005 from Mike Malyk in opposition to the application
8. Inspection Report

REPRESENTATIONS:

In Support:

Greg Jasper, ND Lea
Paul McNeil, ND Lea
Ross Mitchell
Hilda Schollenberg
Donovan Toews, ND Lea

In Opposition:

Mike Malyk
Christine Piotrowski

For Information:

Dale and Shari Pawloski
Mary and George Sumka

For the City:

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

Exhibit "6" referred to in File DAC 20/2004

RE: DAC 20/2004 – PROPOSED CLOSING OF PART OF LAGIMODIÈRE BOULEVARD SOUTH OF ALMEY AVENUE

For submission to: **The East Kildonan-Transcona Community Committee**

Report date: **April 18, 2005**

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 12363/5 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. 12363/5, 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:

- This report has been amended from the original report on DAC 20/2004, submitted to the Community Committee in December of 2004. The applicant has withdrawn his request to close part of Ravelston Avenue West and wishes to address the closing of part of Lagimodière Boulevard only. A separate application for the closing of Ravelston Avenue West will be made in the future.
- The applicant intends to incorporate the portion of Lagimodière Boulevard into the planned commercial development of the property at the south east corner of Lagimodière Boulevard and Almey Avenue.

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:

In September of 2004, the Planning, Property and Development Department received a request from Chartier and Associates Inc. to purchase the portions of Ravelston Avenue West and Lagimodière Boulevard shown shaded and identified as "Proposed Closing" on the attached Misc. Plan No. 12363/4. Chartier and Associates intended to incorporate the portion of Lagimodière Boulevard and the north half of Ravelston Avenue West into the planned commercial development of the property at the south east corner of Lagimodière Boulevard and Almey Avenue. The south half of Ravelston Avenue West was to be conveyed to the adjoining property owner. The configuration of the closing would have allowed the property owner to the south access to his property through the proposed turnaround shown on Misc. Plan 12363/4.

The application was submitted to the Community Committee for consideration at its January 11th public meeting. The matter has been adjourned to the May 10th Community Committee meeting. The applicant has withdrawn his request to close part of Ravelston Avenue West and wishes to address the closing of part of Lagimodière Boulevard only, as shown on the attached Misc. Plan No. 12363/5. A separate application for the closing of Ravelston Avenue West will be made in the future.

The portion of Lagimodière Boulevard proposed to be closed is part of the grassed area of the street and serves no apparent public purpose.

DISCUSSION:

Administrative Approval

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

Developer's Lands required for Street

The Applicant will be required to dedicate lands to accommodate a corner cut at the north west corner of his property. These lands will be dedicated as public streets by the plan of survey being prepared to consolidate the title to the Applicant's land with the title to the closed street.

Easements

Centra Gas has advised that it will require an easement for the maintenance of its plant in the portion of the street to be closed. No permanent structures will be allowed in the easement area.

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, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for information on whether or not easements would be required. It is assumed that Shaw Cable does not have any services in the streets.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: WE-119-22(V2)

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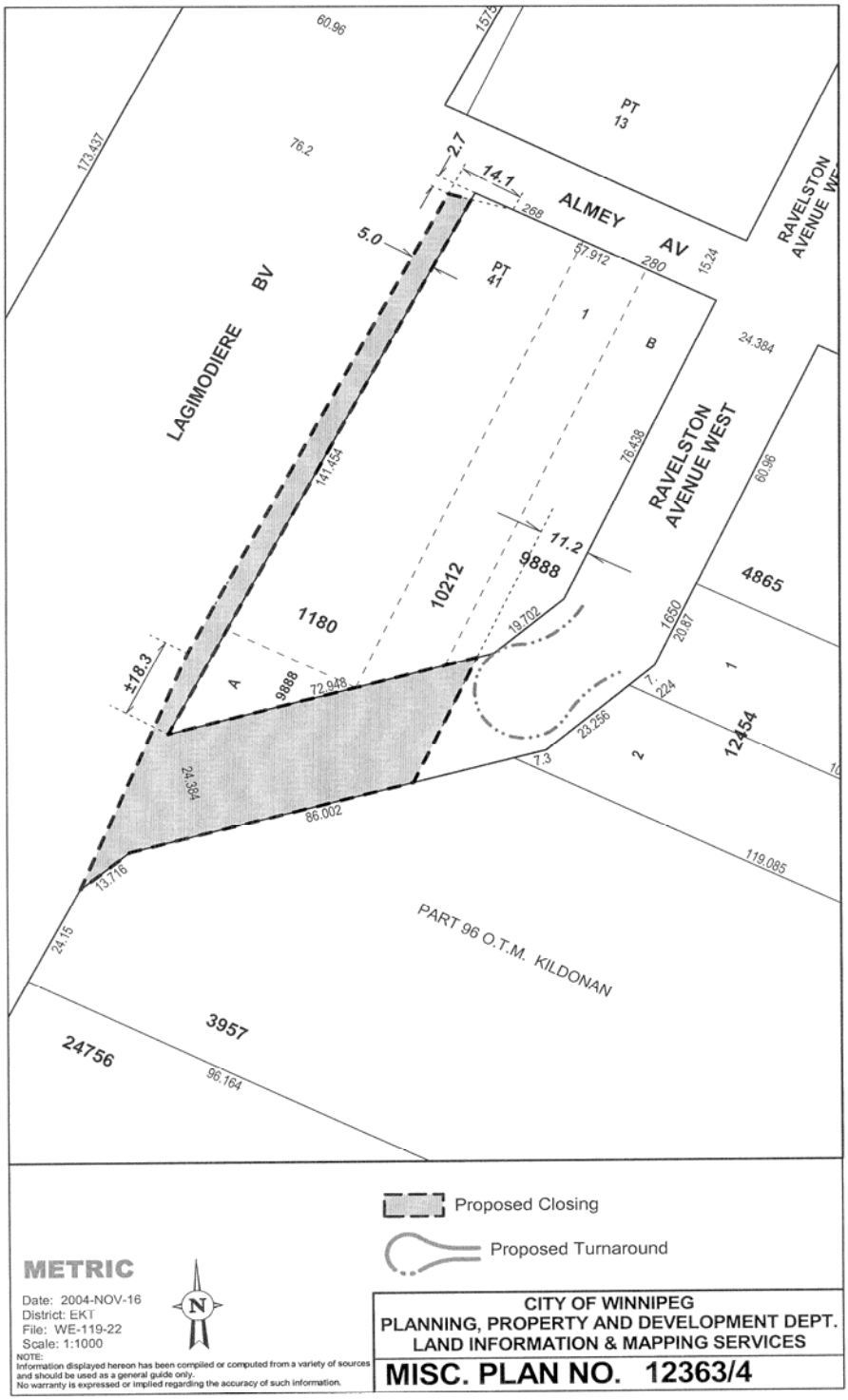
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PART 96 O.T.M. KILDONAN
Proposed Closing
Proposed Turnaround
METRIC
Date: 2004-NOV-16
District: EKT
File: WE-119-22
Scale: 1:1000
NOTE:
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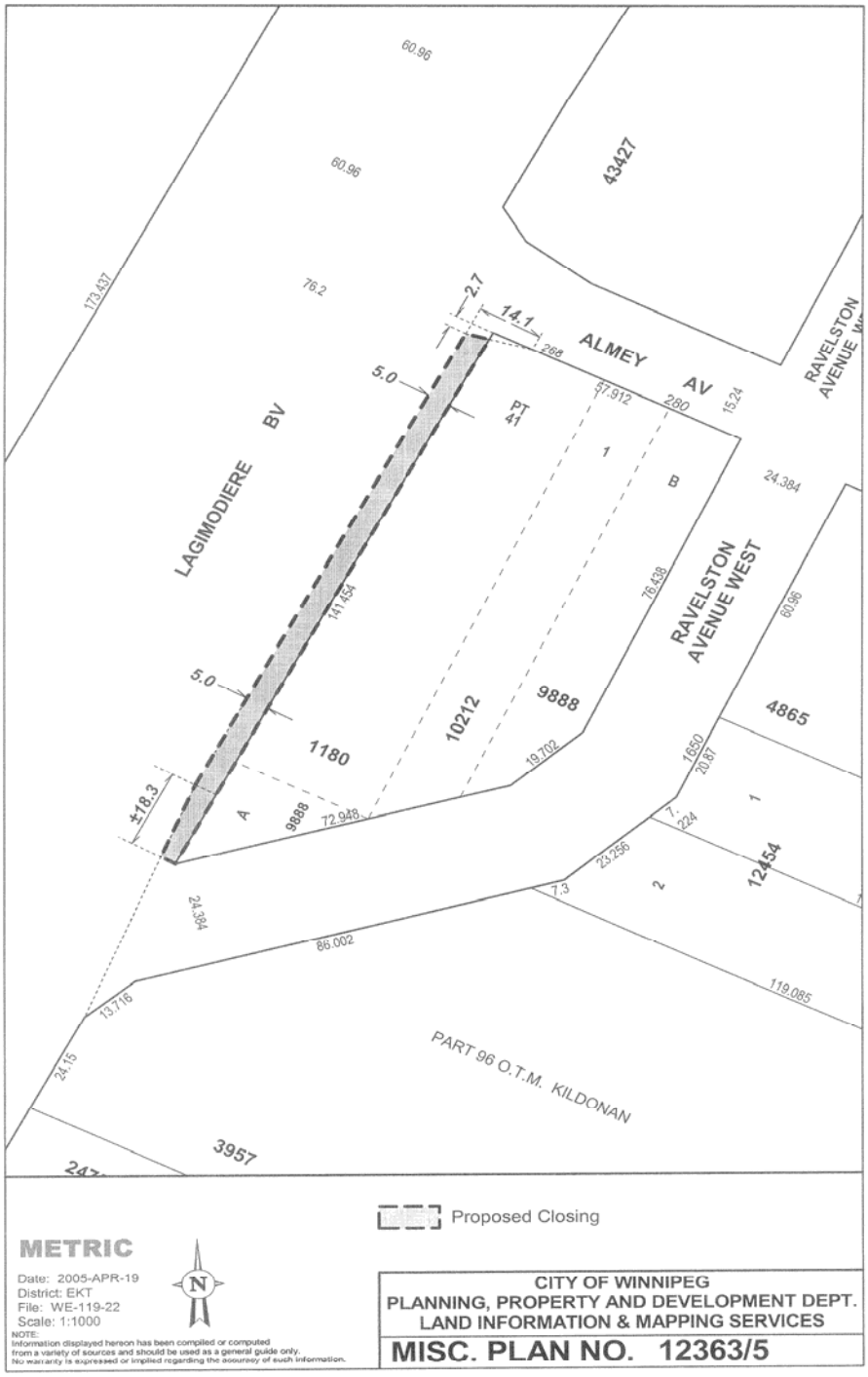
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12363/4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PART 96 O.T.M. KILDONAN
3957
Proposed Closing
METRIC
Date: 2005-APR-19
District: EKT
File: WE-119-22
Scale: 1:1000
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12363/5

Exhibit "2" referred to in File DAC 20/2004

RE: DAC 20/2004 – PROPOSED CLOSING OF PARTS OF RAVELSTON AVENUE WEST AND LAGIMODIÈRE BOULEVARD SOUTH OF ALMEY AVENUE

For submission to:	**The East Kildonan-Transcona Community Committee**
Report date:	**December 20, 2004**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12363/4 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. 12363/4, 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 intends to incorporate a portion of Lagimodière Boulevard and the northerly portion of Ravelston Avenue West into the planned commercial development of the property at the south east corner of Lagimodière Boulevard and Almey Avenue. The southerly portion of Ravelston Avenue West is to be conveyed to the adjoining property owner.

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:

Lagimodière Boulevard and Ravelston Avenue West were dedicated as public streets in 1966 and 1968, respectively. The Planning, Property and Development Department has received a request from Chartier and Associates Inc. to purchase portions of Ravelston Avenue West and Lagimodière Boulevard shown shaded and identified as "Proposed Closing" on the attached Misc. Plan No. 12363/4. Chartier and Associates intends to incorporate the portion of Lagimodière Boulevard and the north half of Ravelston Avenue West into the planned commercial development of the property at the south east corner of Lagimodière Boulevard and Almey Avenue.

The portion of Lagimodière Boulevard proposed to be closed is part of the grassed area of the street and serves no apparent public purpose. The portion of Ravelston Avenue West proposed to be closed is a gravel road with access from Almey Avenue and no connection to Lagimodière Boulevard.

The south half of Ravelston Avenue West is to be conveyed to the adjoining property owner. The configuration of the closing will allow the property owner to the south access to his property through the proposed turnaround shown on Misc. Plan 12363/4.

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 will require the applicant to enter into a Servicing Agreement for the construction of a cul-de-sac turnaround at the southerly terminus of the southerly terminus of the portion of Ravelston Avenue West remaining open to standards consistent with the existing Ravelston Avenue roadway and all related works, all as determined by and to the satisfaction of the Director of Public Works.

The District Planner has advised that closing should be subject to the approval of the East Kildonan – Transcona Community Committee of the site plan regarding the exact location and design (fencing, landscaping, etc.) of the turnaround terminus.

Developer's Lands required for Street

The Applicant will be required to dedicate lands to accommodate a corner cut at the north west corner of his property and the turnaround area at the new terminus of Ravelston Avenue West. These lands will be dedicated as public streets by the plan of survey being prepared to consolidate the title to the Applicant's land with the title to the closed street.

Easements

Centra Gas has advised that it will require an easement for the maintenance of its plant in the portion of the street to be closed. No permanent structures will be allowed in the easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets 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.

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Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: WE-119-22

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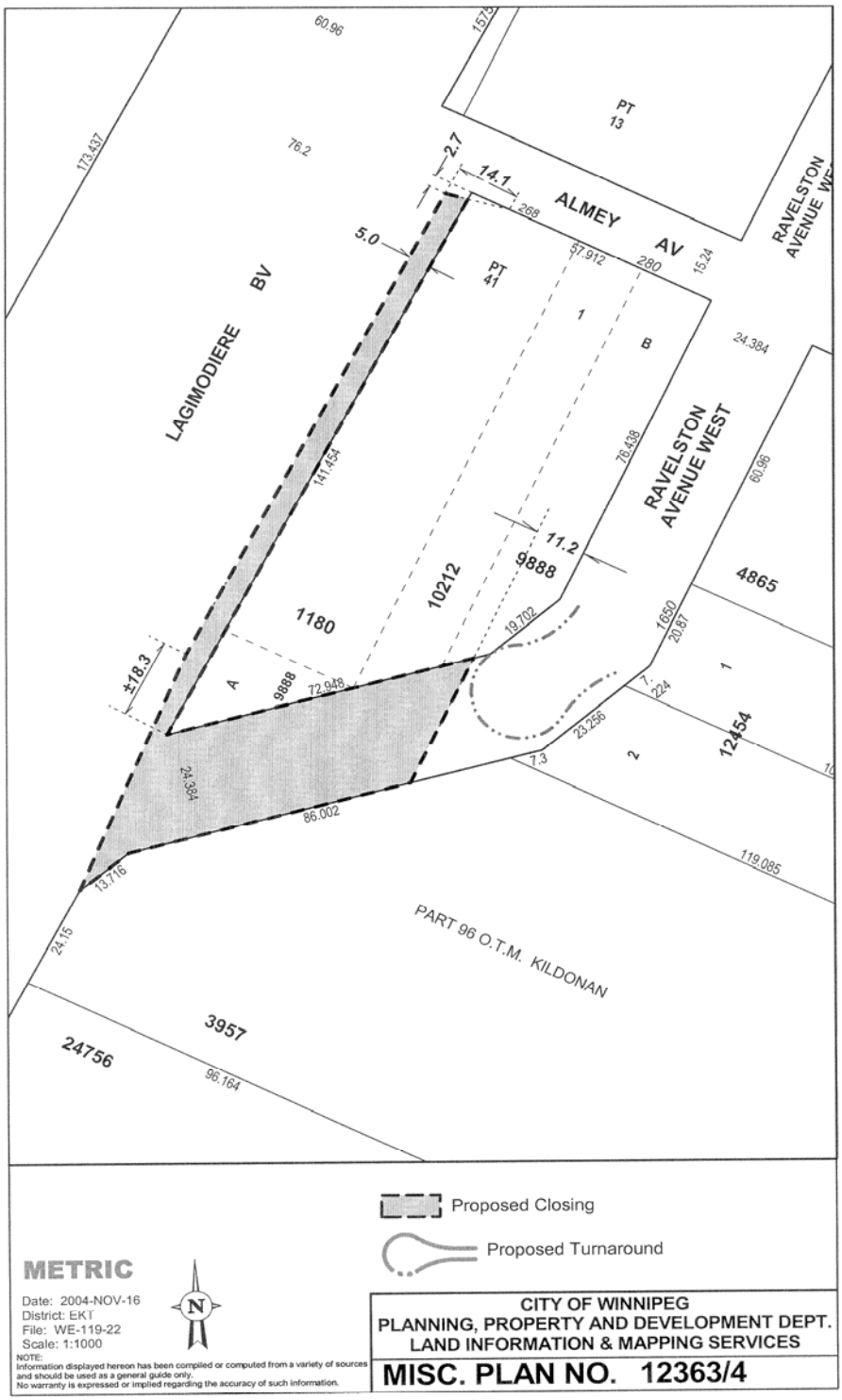
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