Minutes - Executive Policy Committee – July 20, 2005

Minute No. 491
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 11 Opening and Closing - parts of Lagimodiere Boulevard and Dawson Road
File DAOC 2/2005 [c/r DAZ 215/2005]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 opening and closing, as outlined on Misc. Plan No. 10510/5, 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 opening and closing in accordance with Misc. Plan No. 10510/5.

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 – July 5, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On June 8, 2005, the Riel Community Committee further adjourned the public hearing to its meeting on June 21, 2005, at the Community Committee Chamber, 604 St. Mary's Road.

On April 4, 2005, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to a Special Meeting of the Committee to be held at 6:30 p.m. on June 8, 2005, at the Winakwa Community Centre, 980 Winakwa Road.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2005 [c/r DAZ 215/2005, DAV 114260/2005D]
Before:	Riel Community Committee Councillor Steeves Chairperson Councillor Magnifico Councillor Swandel
Public Hearing:	June 21, 2005 Community Committee Chamber, 604 St. Mary's Road June 8, 2005 Winakwa Community Centre, 980 Winakwa Road April 4, 2005 St. Norbert Community Centre, 3450 Pembina Highway
Applicant:	Norquay Management (Walter Dyck)
Premises Affected:	parts of Lagimodiere Boulevard and Dawson Road
Exhibits Filed:	1. Report from the Real Property Officer dated March 15, 2005 2. Inspection Report 3. Communication dated Marc 31, 2005, from Guy Bilodeau in opposition to the application 4. Communication dated March 31, 2005, from Aline and Marc Piché in opposition to the application 5. Communication dated March 31, 2005, from John and Caroline Gorrie in opposition to the application 6. Communication dated March 31, 2005, from Vicki Kerfoot in opposition to the application 7. Communication dated March 31, 2005, from Terry Isaryk in opposition to the application 8. Communication dated March 31, 2005, from Ray and Denise Cheys in opposition to the application 9. Communication dated April 1, 2005, from Perry and Rose Shergold in opposition to the application 10. Communication dated April 1, 2005, from Gordon Sutherland in opposition to the application 11. Communication dated April 1, 2005, from Karrie Dumontier in opposition to the application 12. Communication dated April 1, 2005, from David Goyer requesting adjournment 13. Photographs submitted by Edward Van Mierlo

14. Communication dated June 7, 2005, from Darryl and Colette Forbes in opposition to the application
15. Presentation made by Barrie Simoneau at the Public Hearing on June 8, 2005
16. Petition in opposition to the application purporting to contain the signatures of 1,043 area residents submitted by Barrie Simoneau
17. Presentation, overall site plan and supporting information submitted by Ross Mitchell at the Public Hearting on June 8, 2005
18. Communication submitted by Barrie Simoneau and Ray Cheys at the Public Hearing on June 8, 2005
19. Presentation and supporting documentation submitted by Ross Mitchell at the Public Hearing on June 21, 2005
20. Presentation made by Barrie Simoneau at the Public Hearing on June 21, 2005

REPRESENTATIONS:

In Support:

David Blatz
Andrew Buhler
Erick Dyck
Rob Dyck
Walter Dyck
Joyce and Julian Gervais
David Goyer
Dennis Green
Irv Hildebrand
Ed and Liz LaPlante
Raymonde Lemay
Ross Mitchell
Kerra Mruss
Tony Nocita
Richard Tebinka

In Opposition

Gary and Jordan Adamchuk
Noreen Allsopp
Jeannette and Fern Aminot
Raymond and Frances Arnould
Robert and Judy Audette
Doug Bailey
Cliff and Olga Barth
Garnet and Phyllis Bates
G. L. Benoit
Robert and Sharon Besignano
Guy Bilodeau
Alex Blando
J. Jacques and Pierrette Bordeaux
Jimmy Joseph Bouchard
Ernest and Therese Bouchard
Dean Brescacin
Heidi Carriere
Ron Caspen
Joe Cattani
Fern and Doreen Champagne
Lynne Champagne
A. Chartrand
Ray and Denise Cheys
Michael and Nettie Cole

Norbert Collette
F. Les Cox and Diana C. Cox
Walter and Sally Davie
Lorraine Davies-Gubic
Romeo and Debbie Desrosiers
Gaylene Douglas
F.C. and Joyce J. Doman
Donna and Paul Downie
Gaylene Douglas
Darlene Dowhy
Eugene and Barbara Drul
Anna Maria Du Croix
Carly and Carlton Duguay
Harvey V. Dumontier
Karrie Dumontier
Scott Edwards
Brenda Ellement
Merle Feir
Ross Fife
Darryl and Collette Forbes
Harold Gibbons
Guy George
Holly and Herman Giesbrecht
Keith Glawson
Carol Goebel
John and Caroline Gorrie
Frank Hemming
K. and Christine Hetzel
Brian Heinrichs
Tannis and Scott Hewitt
Ivan Hiebert
Dave Hislop
Katherine Hudek
Elsie Hudson
A. and A. Huyghe
Barry Hyde
Terry Isaryk
Ken Jenner
Wilma and Don Johnson
Ben and Susan Kauenhofen
John and Lenora Kauenhofen
Vicki Kerfoot
Patrick and Kimberley Kiemeney
Jeff Krahn
Valarie and Phil Kuhtey
Margaret and Michael Kulczycki
Elsie, Mary, Shirley and Jules Lajoie
Ronald Lamontagne
Michel Landry
Susanne and Walter Langver
Ingemar J. Laur
Aaron and Lori Lennon
Charles Lemay
Frank R. Leslie
Gerald Manaigre
Shelley and Don Marion
Lance Mastaler
Roland Maynard
Amanda, Bobbie, Darryl, Jill and Julie McCallum
Dale McComb
Leonard J. McGowan
Matt Meder
Fran and John W. Meneer
Helen Mitchell
M. F. and Sheila Paddon
Adrian Pastulovic
Calvin and Maxine Pattle
John Pelletier
Aline and Marc Piche
Lily Popp
Ari Potash
Dianne Ramm
Ursula and Gundars Reinfelds
Irene and Roger Remillard
Mark Richter
William and Louise Riegle
Albert Rioux
John R. Roberts
Colin Rochon
Florence Rochon
Gerald and Dorothy Rochon
Sharon Ross
Shelly Rozon
Gerry Savard
Wanda Schlamb
Larry Schlamb
Jean and Peter Schramke
Lisa and Larry Schultz
Clint and Monique Seys

Perry and Rose Shergold
Brian Shrimpton
Barrie Simoneau
Mark Slogan
Sandra and Peter Slusarenko
Brian Smith
Dwight and Annette Smith
Louise Smith
Solveig. J. Stetski
Gisele Strong
Gordon Sutherland
Lucille and James E. Thurston
Robert Touchette
Marcel Trudeau
John Truijen
Brad and Diana Vaile
Edward and Joan Van Mierlo
Stephen Van Mierlo
Walter Wiens
Heather and Randy Yakimoski
Norman Yee
Ernie Zacharias

For Information:

Rod and Janice Biebrich
Pete Cassels
JoAnne Gillan
Brian Kiene
Michelle Masserey
Darlene Meissner
Henry Miller
Bill Pankiw
Gene Perry
Richard Rajotte
Michelle Riese
Billie Schibler
Larry Schlamb
Robert J. Stevenson

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Roy Hartman, Traffic Assessment Engineer, Public Works Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department
Michael Robinson, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2005 [c/r DAZ 215/2005, DAV 114260/2005D]

RE: DAOC 2/2005 – PROPOSED OPENING AND CLOSING OF PARTS OF LAGIMODIERE BOULEVARD AND DAWSON ROAD

For submission to:	**The Riel Community Committee**
Report date:	**March 15, 2005**
Recommendations:	**1. That the proposed opening and closing as shown on Misc. Plan No. 10510/5 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 opening and closing in accordance with Misc. Plan No. 10510/5.** **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:

- Council approved the sale of the streets proposed to be closed on January 26, 2005. The purchaser intends to incorporate the streets into a residential development of the adjoining lands. One of the terms of sale is the dedication of parts of the purchaser's property as Lagimodière Boulevard.

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:

On January 26, 2005, Council approved the sale of the portions of Lagimodière Boulevard and Dawson Road identified as "Proposed Closings" on the attached Misc. Plan No. 10510/5 to 4937938 Manitoba Ltd. The purchaser intends to incorporate the streets into a residential development of the adjoining lands.

The sale of the land involves the dedication of portions of the purchaser's property as public street. A strip of City property opposite Tascona Road will also be dedicated as street. These lands are identified as "Proposed Street Openings" and "4937938 Manitoba Ltd. Lands to be Transferred to the City" on Misc. Plan No. 10510/5
An offer from Fairweather Properties to purchase the streets for incorporation into a proposed development was approved by Council in February of 1999. In November of 1999, the purchaser advised that he was unable to secure a tenant for the property and would not be proceeding with the transaction. The proposed opening and closings shown on Misc. Plan No. 10510/5 are identical to those approved by the Riel Community Committee in February of 1999 under Application No. DAOC 1/1999 in conjunction with the original offer to purchase.

DISCUSSION:

Administrative Approval

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

Zoning

This opening and closing application is being made in conjunction with DAZ 215/2005, an application to rezone the property to RM-3.

Easements

Manitoba Hydro has a plant within the streets proposed to be closed. The Applicant will be required to either relocate this plant or enter into an easement agreement. No permanent structures of any kind will be allowed within the easement area. MTS will need to examine the planned lotting before they can comment on easement requirements.

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.

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

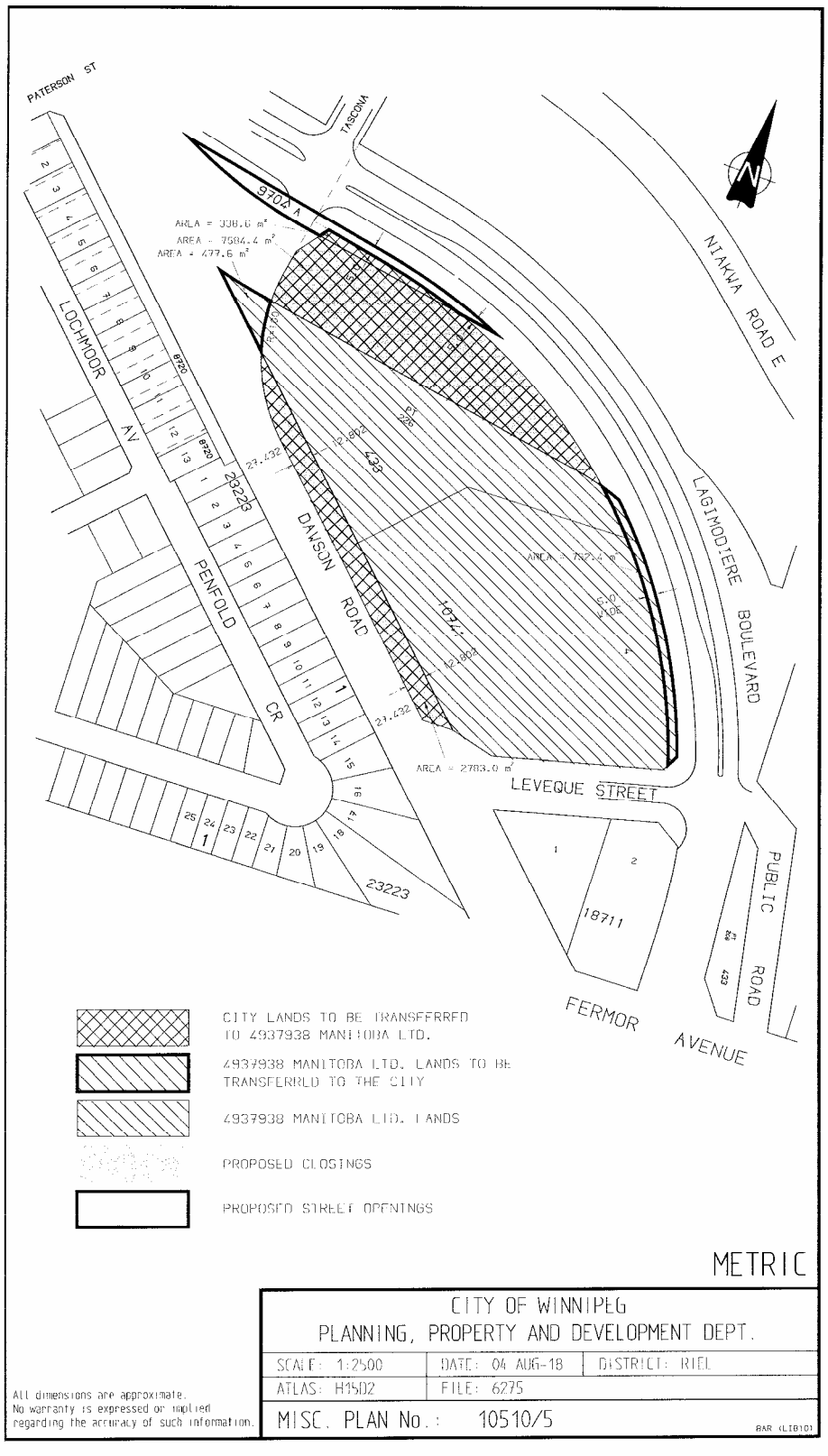
Centra Gas, Manitoba Hydro, MTS Allstream

The Community Planner and the Parks, Riverbanks and Community Initiatives Coordinator did not respond to the request for their comments on this proposal. Shaw Cable did not respond to the request for easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:6275 Vol 3

Document name: V:\word\DAOC\daoc2_05RPT.doc


PATERSON ST
TASCONA
9704 A
AREA = 338.6 m²
AREA = 7584.4 m²
AREA = 477.6 m²
NIAKWA ROAD E
LOCHMOOR AV
PENFOLD CR
DAWSON ROAD
LAGIMODIERE BOULEVARD
AREA = 752.4 m²
AREA = 2783.0 m²
LEVEQUE STREET
PUBLIC ROAD
FERMOR AVENUE
18711
23223
CITY LANDS TO BE TRANSFERRED TO 4937938 MANITOBA LTD.
4937938 MANITOBA LTD. LANDS TO BE TRANSFERRED TO THE CITY
4937938 MANITOBA LTD. LANDS
PROPOSED CLOSINGS
PROPOSED STREET OPENINGS
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:2500
DATE: 04 AUG-18
DISTRICT: RIEL
ATLAS: H15D2
FILE: 6275
MISC. PLAN No.: 10510/5
All dimensions are approximate.
No warranty is expressed or implied regarding the accuracy of such information.