Minute No. 596
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 7 **Street and Lane Closing - part of Barnes Street and the public lane west of Barnes Street between Comdale Avenue and Colebrook Drive File DAC 10/2005**

COUNCIL DECISION:

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

1. That the street and lane closing shown on Misc. Plan No. 12543/1 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. 12543/1, 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 - July 5, 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 July 20, 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 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.

PUBLIC HEARING SUMMARY

File:	DAC 10/2005
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Magnifico Councillor Swandel
Public Hearing:	June 21, 2005 Community Committee Chamber, 604 St. Mary's Road
Applicants:	Property Owners at Nos. 3 to 55 Colebrook Drive
Premises Affected:	Public lane west of Barnes Street between Comdale Avenue and Colebrook Drive
Exhibits Filed:	1. Report from the Real Property Officer dated June 8, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Ettore and Sheryl Chiapetta

In Opposition:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 10/2005

RE: DAC 10/2005 – PROPOSED CLOSING OF PART OF BARNES STREET AND THE PUBLIC LANE WEST OF BARNES STREET BETWEEN COMDALE AVENUE AND COLEBROOK DRIVE

For submission to: **The Riel Community Committee**

Report date: **June 8, 2005**

Recommendations:

1. That the proposed street and lane closing as shown on Misc. Plan No. 12543/1 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. 12543/1, 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 owners of Nos. 3 to 55 Colebrook Drive have applied to purchase the portions of the lane adjacent to their properties.
- The portion of Barnes Street proposed to be closed will be incorporated into the portions of Barnes Street previously closed by DAC 9/2004, approved by the Community Committee in June of 2004 and by Council in July of 2004.
- The street and lane are not paved and serve no apparent public purpose.

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 Applicants. 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:

Barnes Street and the subject lane were created in 1913 by the subdivision of the adjacent lands. The street and lane are not paved and serve no apparent public purpose.

In July of 2004, Council approved DAC 9/2004, an application to close and declare as surplus to the City's needs the portions of Barnes Street shown shaded on Misc. Plan No. 12543/1. The portion of Barnes Street proposed to be closed by this application will be incorporated into the portions closed by DAC 9/2004. The Real Estate Division of the Planning, Property and Development Department intends to market this land.

In May of 2005, the Planning, Property and Development Department received a request from the owners of Nos. 3 to 55 Colebrook Drive to purchase the portions of the lane adjacent to their properties.

DISCUSSION:

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 will require easements for land drainage sewer connections and a swale in the closed street and lane. No permanent structures other than fences will be allowed in the easement areas.

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 – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

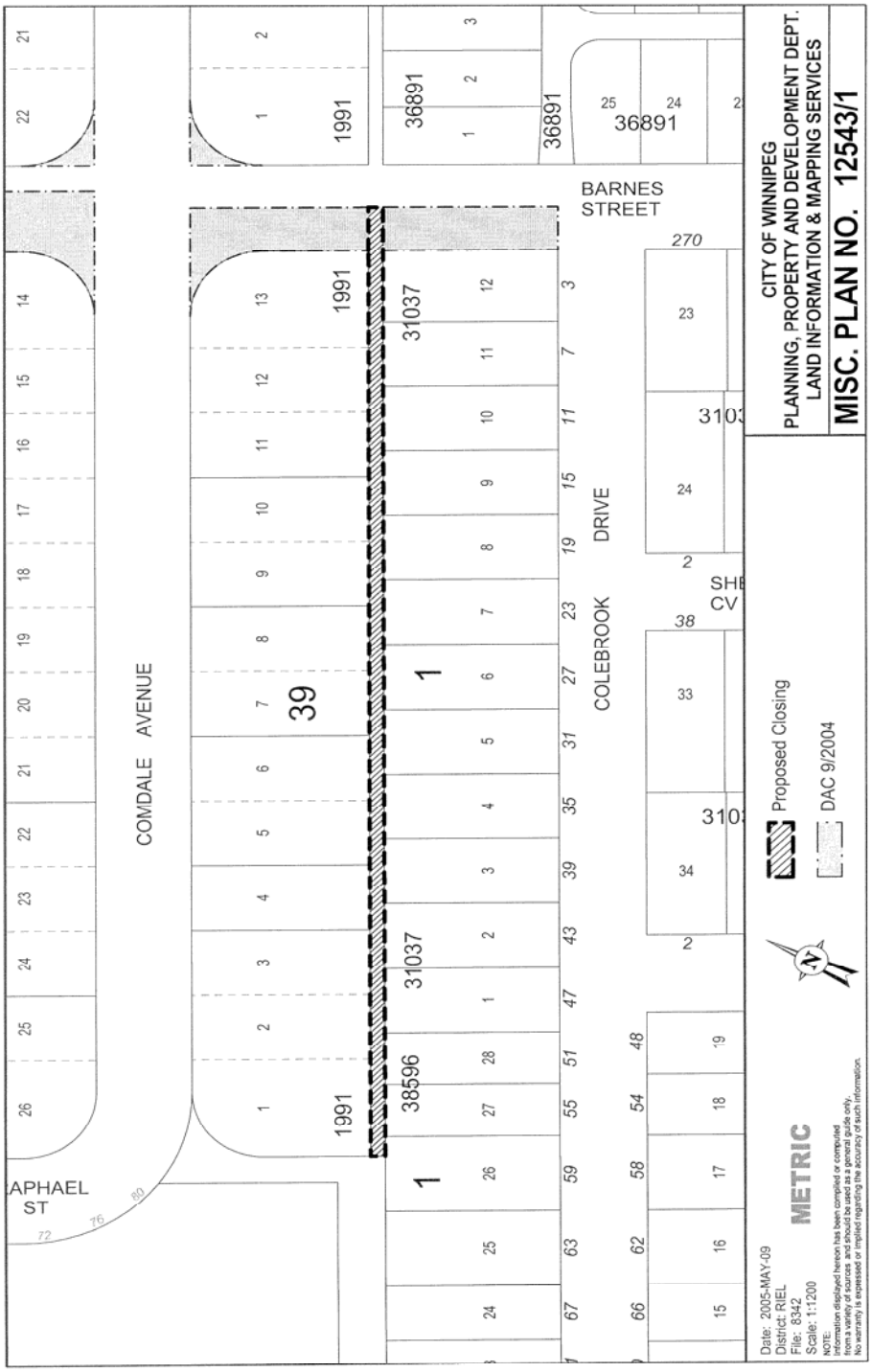
Centra Gas, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for 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 #: 8342

Document name: V:\word\DAOC\dac10_05RPT.doc


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12543/1
Proposed Closing
DAC 9/2004
METRIC
Date: 2005-MAY-09
District: RIEL
File: 8342
Scale: 1:1200
COMDALE AVENUE
COLEBROOK DRIVE
BARNES STREET
APHAEL ST
1991
31037
38596
36891
39
1