Minute No. 624
Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 6 Street Closing - part Ebby Avenue east of Pembina Highway
File DAC 13/2005

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No. 12568 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. 12568, 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.

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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 City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 13/2005
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Benham Councillor Smith
Public Hearing:	July 5, 2005 Council Chamber Council Building, 510 Main Street
Applicant:	Fort Rouge Auto Centre (Joe Lucia)
Premises Affected:	part of Ebby Avenue, east of Pembina Highway
Exhibits Filed:	1. Report from the Real Property Officer dated June 24, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Joe Lucia
Sam Colosimo
Vienna Girimonte
Franca Lucia
Frank Torchia

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. R. Humble, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 13/2005

RE: DAC 13/2005 – PROPOSED CLOSING OF PART OF EBBY AVENUE EAST OF PEMBINA HIGHWAY

For submission to: **The City Centre Community Committee**

Report date: **June 24, 2005**

Recommendation: **1. That the proposed lane closing as shown on Misc. Plan No. 12568 not be approved.**

REPORT SUMMARY

Key Issues:

- The applicant has been using the boulevard adjacent to his property for parking vehicles for a number of years. He has now applied to purchase this portion of the street.
- The Public Works Department is opposed to this closing, citing the loss of the boulevard as a snow storage area.

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 Planning, Property and Development Department has received a request from Mr. Joe Lucia of the Fort Rouge Auto Centre at 680 Pembina Highway to purchase the boulevard area on the north side of Ebby Avenue, identified as "Proposed Closing" on Misc. Plan No. 12568. The Fort Rouge Auto Centre has used this area for parking for a number of years.

DISCUSSION:

Administrative Recommendations

The proposal has been considered by all affected City departments and public utilities.

The Transportation Division of the Public Works Department is opposed to the proposal and advises that, "…the subject right-of-way is 18.288m (60.0ft.) in width, which is typical of other streets in this area and does not provide any surplus right-of-way. The applicant is proposing to legally close up to the back of curb line thereby eliminating any opportunity for snow storage along the north side of this section of Ebby Street. If it is Committee's decision to recommend the closing, a minimum of 1.5m of property in back of the curb line should be retained for snow storage purposes."

The Geomatics Branch of the Planning, Property and Development Department advises that the applicant has the option of applying to obtain exclusive use of the boulevard area through a leave and license agreement, should the application to close and purchase the street be denied.
The Zoning and Permits Branch has advised that the applicant will need to apply for a development permit and will be subject to the development standards for parking under By-Law 6400/94, regardless of whether the applicant purchases the land or enters into a leave and license agreement for the exclusive use of the boulevard.

Easements

If the street is closed and sold, Centra Gas will require an easement for the maintenance of its plant in the boulevard. No permanent structures may be erected in the easement area.

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

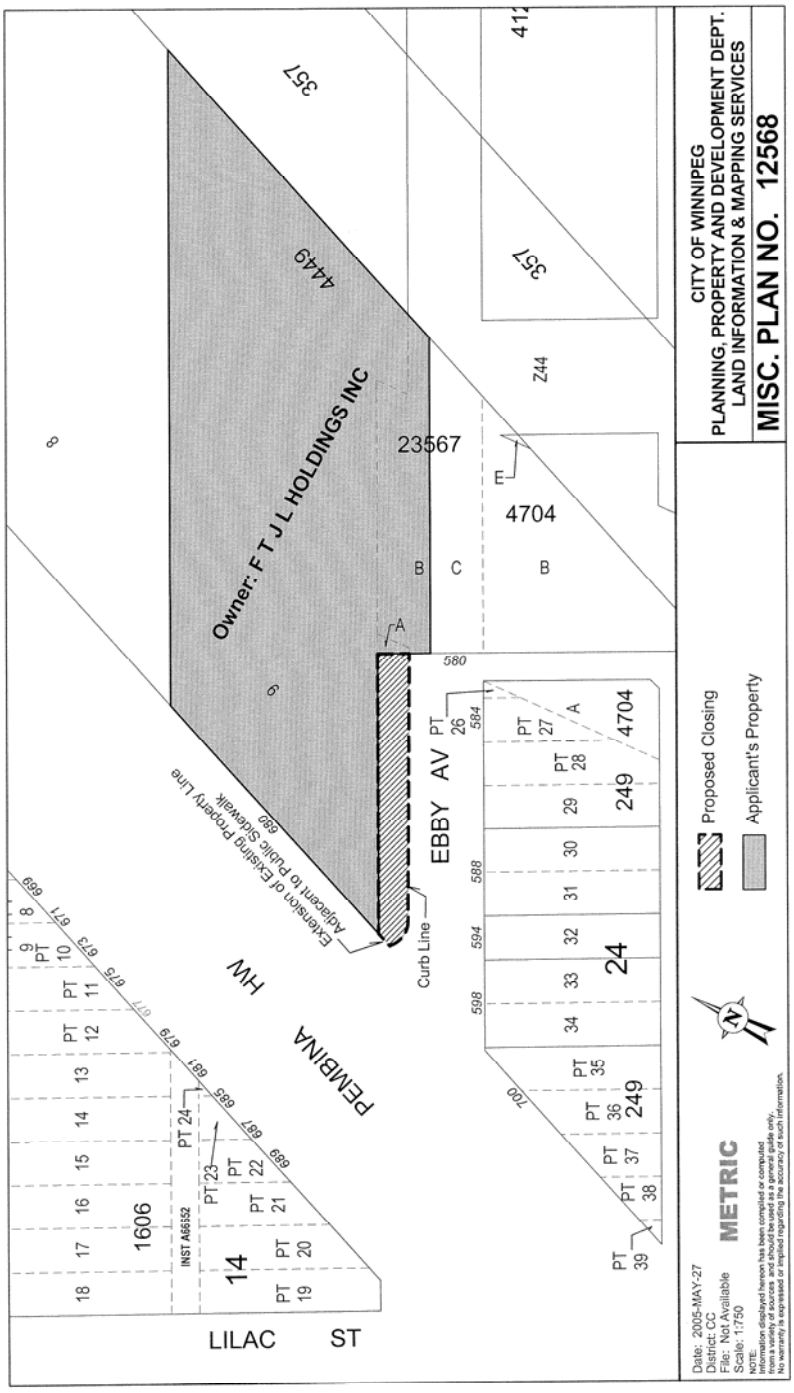
Centra Gas, MTS Communications

Manitoba Hydro and Shaw Cable did not respond to the request for their comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 13/05

Document name: V:\word\DAOC\Dac13_05RPT.DOC


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12568
Proposed Closing
Applicant's Property
Owner: F T J L HOLDINGS INC
23567
4704
EBBY AV
PEMBINA HW
LILAC ST
Curb Line
Extension of Existing Property Line Adjacent to Public Sidewalk
METRIC
Date: 2005-MAY-27
District: CC
File: Not Available
Scale: 1:750