Agenda - Council - September 28, 2005

Report - Standing Policy Committee on Property and Development - September 12, 2005

Item No. 4 Street Closing - part of Shore Street
File DAC 11/2005 [c/r DASZ 18/2005]

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2005, 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 street closing shown on Misc. Plan No. 12551 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. 12551, 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 - September 12, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 12, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 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 21, 2005, the Riel Community Committee further adjourned the public hearing to its meeting on July 18, 2005.

On May 17, 2005, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on June 21, 2005.

PUBLIC HEARING SUMMARY

File:	DAC 11/2005 [c/r DASZ 18/2005]
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Magnifico Councillor Steeves
Public Hearing:	July 18, 2005 St. Norbert Community Centre, 3450 Pembina Highway June 21, 2005 Community Committee Chamber, 604 St. Mary's Road May 17, 2005 Community Committee Chamber, 219 Provencher Boulevard
Applicant:	Myles Kraut
Premises Affected:	part of Shore Street
Exhibits Filed:	1. Report from the Real Property Officer dated June 7, 2005 2. Inspection Report 3. Communication dated June 21, 2005, from Cheryl and Eric Thompson in opposition to the application 4. Communication dated June 16, 2005, from A. David Marshall on behalf of Loblaw Properties West Inc. in opposition to the application

REPRESENTATIONS:

In Support:

Myles Kraut
Robin Lee

In Opposition

Bruce Andrews
David Marshall
Cheryl and Eric Thomson

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Glenn Halldorson, Real Property Office, Planning, Property and Development Department
Kevin Lalor, Planner, Planning, Property and Development Department
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 11/2005 [c/r DASZ 18/2005]

RE: DAC 11/2005 – PROPOSED CLOSING OF PART OF SHORE STREET FOR INCORPORATION INTO DASZ 18/2005

For submission to:	**The Riel Community Committee**
Report date:	**June 7, 2005**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12551 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. 12551, 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:

- Shore Street is proposed to be closed and incorporated into DASZ 18/2005, an application to subdivide and rezone the adjacent lands. DASZ 18/2005 will re-open the portion of Shore Street required for a turnaround area at its terminus at Lee Boulevard.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- The proposed closing will eliminate Shore Street as a means of access for the area residents. Alternate access from Barnes and Waverley Streets remains.

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:

Shore Street was created in 1913 by the subdivision of the adjoining properties. The street is a graveled road presently used by the area residents for access to and from Bison Drive.

The street is proposed to be closed and incorporated into DASZ 18/2005, an application to subdivide and rezone the adjacent lands. DASZ 18/2005 will re-open the portion of Shore Street required for a turnaround area and widen Bison Drive, as shown on Misc. Plan No. 12551.

DISCUSSION:

Access

The proposed closing will eliminate the street as a means of access for the area residents. The residents will continue to have access from Barnes Street at Bison Drive and Lee Boulevard at Waverley Street.

Administrative Approval

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

The Public Works Department recommends that the applicant remove the existing Shore Street connection to Bison Drive, grade the Bison Drive ditch in the vicinity of the removal of the street connection and close the existing median opening on Bison Drive at Shore Street. These works are to include restoration of the curb and median landscaping and all works are to be as determined by and to the satisfaction of the Director of Public Works. These requirements will be incorporated into the Servicing Agreement pursuant to the application to subdivide and rezone.

Easements

The Water and Waste Department will require an easement area 12 metres in width to maintain a water feedermain in the street. Centra Gas will require an easement over the easterly 6 metres of the street for the maintenance of its plant.

No permanent structures will be allowed in these easement areas. This should not conflict with the applicant's plans, as this area will be used for parking.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it 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 – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

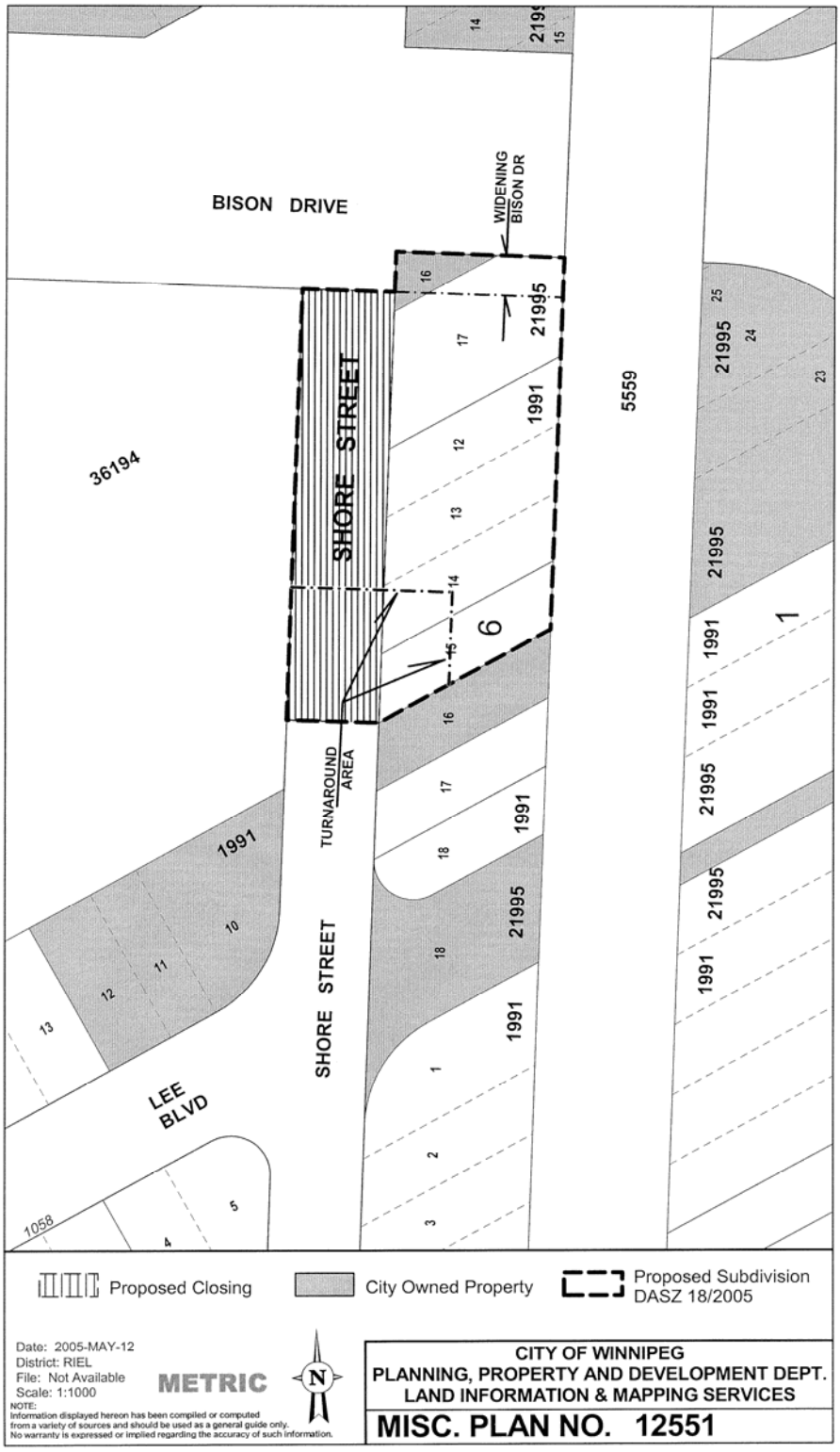
Centra Gas, MTS Communications

Manitoba Hydro and Shaw Cable did not respond to the request for 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 11/05

Document name: V:\word\DAOC\Dac11_05RPT.DOC


BISON DRIVE
WIDENING BISON DR
SHORE STREET
TURNAROUND AREA
SHORE STREET
LEE BLVD
36194
5559
1991
21995
1058
Proposed Closing
City Owned Property
Proposed Subdivision DASZ 18/2005
Date: 2005-MAY-12
District: RIEL
File: Not Available
Scale: 1:1000
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12551