Agenda - Council - September 28, 2005

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

Item No. 5 **Closing - part of the public lane north of Marion Street, east of rue Des Meurons**
File DAC 12/2005

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 lane closing shown on Misc. Plan No. 11059/3 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. 11059/3, 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.

PUBLIC HEARING SUMMARY

File:	DAC 12/2005
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Magnifico
Public Hearing:	July 18, 2005 St. Norbert Community Centre, 3450 Pembina Highway
Applicants:	Douglas Smith, General Manager, Marion Hotel, Karl Brosch, President, Parish Council, Saints Peter and Paul Ukrainian Catholic Church and John Lambos, Dairy Wip Drive In Ltd.
Premises Affected:	part of the public lane north of Marion Street, east of rue Des Meurons
Exhibits Filed:	1. Report from the Real Property Officer dated July 5, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Doug R. Smith

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
Chris Torpey, Land Development Administrator, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 12/2005

RE: DAC 12/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE NORTH OF MARION STREET, EAST OF RUE DES MEURONS

For submission to:	**The Riel Community Committee**
Report date:	**July 5, 2005**
Recommendations:	**1. That the proposed lane closing as shown on Misc. Plan No. 11059/3 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. 11059/3, 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 three adjoining property owners have applied to purchase the portion of the lane adjacent to their lands. The lane is used exclusively by the applicants and their clients. It serves 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:

The Planning, Property and Development Department has received a joint application from the three adjoining property owners to purchase the portion of the public lane shown hatched on the attached Misc. Plan No. 11059/3. The lane is paved and serves no apparent public purpose.

The Ukrainian Catholic Parish of St Peter and St Paul and the Dairi Whip have individually approached the City in the past seeking to purchase the portion of the lane adjacent to their property, but withdrew their applications when advised that turnaround areas in their property would be required. Now that the Marion Hotel has joined the Parish and the Dairi Whip as an applicant, the entire length of the lane may be closed and turnaround areas will not be required.

DISCUSSION:

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing.

Easements

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cable will require easements for the maintenance of their plants in the lane. No permanent structures will be allowed in these easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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 entitles the City of Winnipeg to be the owner of the property. The City cannot 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

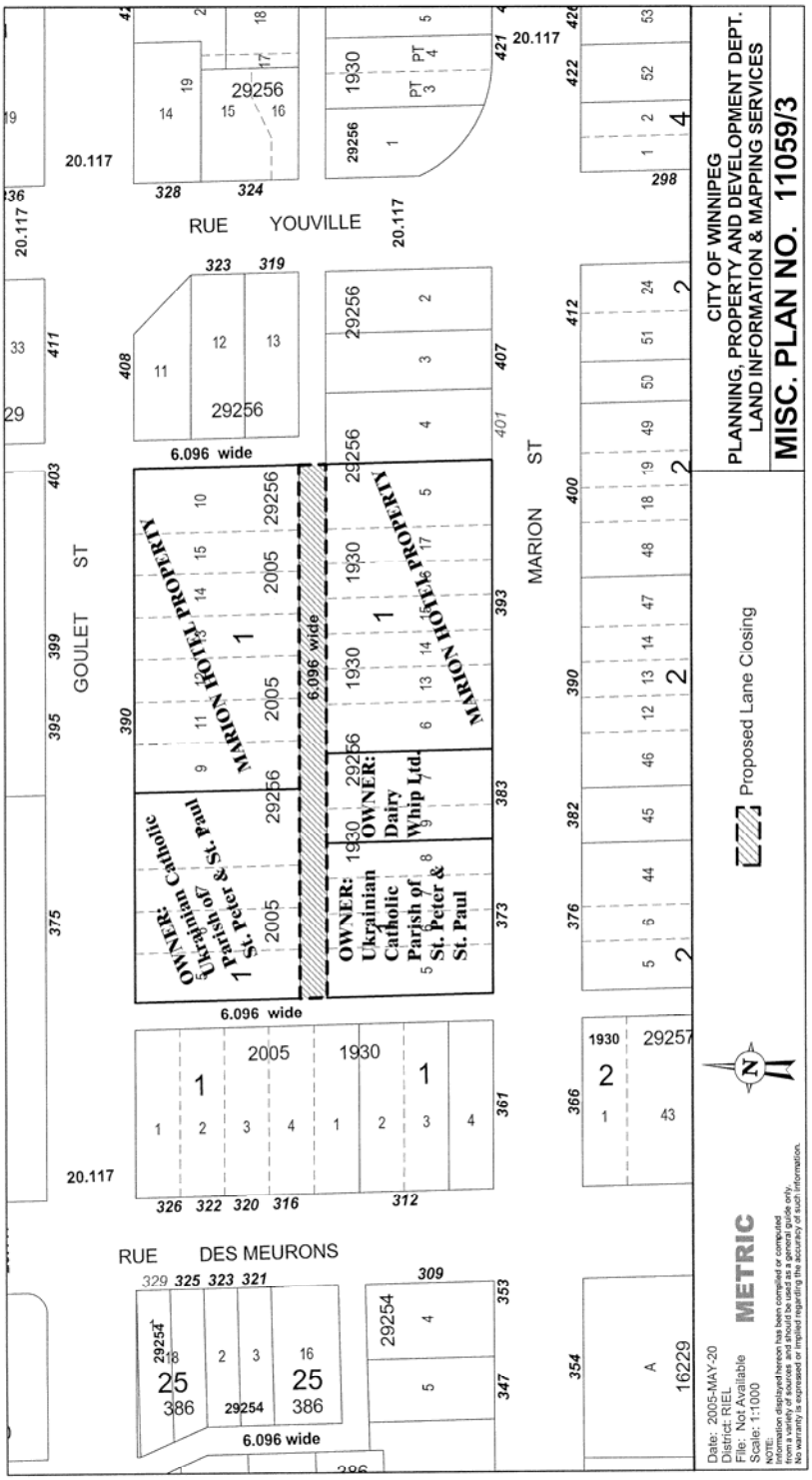
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 12/05

Document name: V:\word\DAOC\Dac12_05RPT.DOC


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11059/3
Proposed Lane Closing
METRIC
RUE YOUVILLE
RUE DES MEURONS
GOULET ST
MARION ST
MARION HOTEL PROPERTY
OWNER: Ukrainian Catholic Parish of St. Peter & St. Paul
OWNER: Dairy Whip Ltd.
6.096 wide
20.117
Date: 2005-MAY-20
District: RIEL
File: Not Available
Scale: 1:1000
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