Report of the Standing Policy Committee on Property and Development dated September 10, 2002

Proposed Closing of part of Riddle Avenue, west of Strathcona Street
File DAC 7/2002

1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from Colin Lount of the Lount Corporation to purchase a portion of Riddle Avenue, as outlined on Misc. Plan No.11684. The Lount Corporation intends to build a single-family residence on the property.

The portion of Riddle Avenue identified as "proposed closing" on Misc. Plan No. 11684 (Schedule "A") was opened in 1962 to provide access to the apartment complex that was being built to the west. This access has never been required, and the land taken for the additional widening has always been maintained as a boulevard.

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

The Transportation Division of the Public Works Department has advised that its approval of the sale of the street is subject to the applicant entering into a Servicing Agreement to replace the existing concrete sidewalk on the south side of Riddle Avenue with a new concrete sidewalk along the proposed property line.

Centra Gas Manitoba Inc. has advised that it will require an easement for the maintenance of underground services in the area.

Lot 13, Misc. Plan No. 11684, is a one-foot wide parcel of land between the portion of Riddle Avenue to be closed and the property to the south. The land required for the original opening was owned by the C.T. Lount Construction Company. When the land was dedicated as street, this one-foot strip of land was retained by Graham Lount. This was done to ensure that he would be notified, as the adjacent owner, if the street was ever closed and offered for sale. Graham Lount stopped paying taxes on this land several years ago, and the property went into Tax Sale in 2000. Title will issue in the City's name in July or August 2002. The Lount Corporation has indicated that it would be willing to purchase the one-foot strip as well as the closed street. Title to the one-foot strip will be consolidated with the title to the closed street.

The street 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 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.

On July 9, 2002, the City Centre Community Committee held a public hearing to consider the proposed closing application. No one registered in support of the application, thirty-four (34) persons registered in opposition thereto, and two (2) persons registered for information.

The Community Committee concurred in the recommendation contained in the report dated June 18, 2002, from the Real Property Officer, Planning, Property and Development Department, and recommended approval of the proposed street closing.

On September 10, 2002, the Standing Policy Committee on Property and Development concurred in the Community Committee recommendation to close a part of Riddle Avenue, and referred the following recommendations, also made by the City Centre Community Committee at its meeting on July 9, 2002, to the Administration for review (assessment of need and costs), namely:

1. That following the closure of part of Riddle Avenue, west of Strathcona Street, as outlined on Misc. Plan No. 11684, the property not be sold to Colin Lount, Lount Corporation.
2. That the Director of Planning, Property and Development be requested to initiate the necessary application to rezone the closed portion of Riddle Avenue, west of Strathcona Street to "PR" Parks and Recreation District.
3. That following the rezoning of the subject property all necessary action be taken to develop same as park and open space.
4. That all costs associated with the proposed closing, the rezoning application and the development of the site be absorbed by the City of Winnipeg.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of part of Riddle Avenue, west of Strathcona Street, as outlined on Misc. Plan No. 11684 (Schedule "A"), be approved.

II. 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. 11684 (Schedule "A").

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III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Attachment "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated September 10, 2002

