Minute No. 675
Report - Standing Policy Committee on Property and Development - September 12, 2005

Item No. 6 **Street Closing - part of Raphael Street between Colby and Fairfield Avenues**
File DAC 15/2005

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. 9997/22 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. 9997/22, 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:

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 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 15/2005
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Magnifico
Public Hearing:	July 18, 2005 St. Norbert Community Centre, 3450 Pembina Highway
Applicant:	Qualico Developments (Winnipeg) Ltd. (Eric Vogan)
Premises Affected:	Part of Raphael Street between Colby and Fairfield Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated July 5, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:
Eric Vogan, Qualico Developments (Winnipeg) Ltd.

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 15/2005

RE: DAC 15/2005 – PROPOSED CLOSING OF PART OF RAPHAEL STREET BETWEEN COLBY AND FAIRFIELD AVENUES

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

Report date: **July 5, 2005**

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 9997/22 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. 9997/22, 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 closing of the subject portion of Raphael Street will eliminate an unnecessarily wide boulevard area created by the realignment of the street in 2003. The applicant, Qualico Developments (Wpg.) Ltd. intends to purchase the closed street and incorporate it into their adjoining properties.

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:

Raphael Street was realigned when the property on the west side of the street was subdivided in 2003. The portion of the street shown as "Proposed Closing" on the attached Misc. Plan No 9997/22 has been rendered obsolete by the realignment. Leaving this portion of Raphael open creates an unnecessarily large boulevard area.

The Planning, Property and Development Department has received a request from Qualico Developments (Winnipeg) Ltd. to close and purchase the portion of Raphael Street. The closed street will then be incorporated into the adjoining 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

Manitoba Hydro, MTS Allstream and Shaw Cable will require an easement for the maintenance of their plants in the closed street. No permanent structures will be allowed in this easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

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.

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

Manitoba Hydro, MTS Communications, Shaw Cable

Centra Gas did not respond to the request for its 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 15/05

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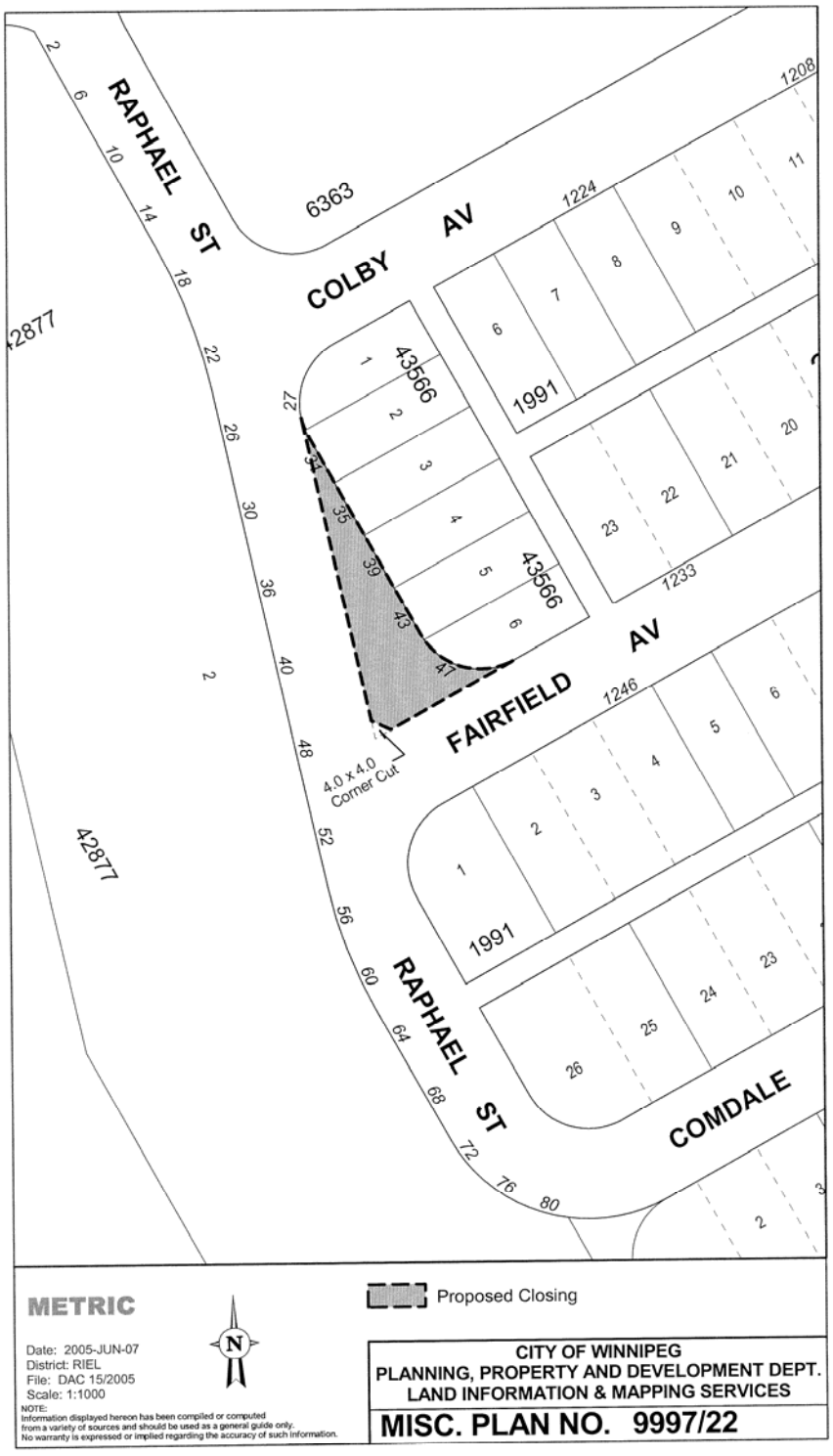
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COLBY AV
FAIRFIELD AV
RAPHAEL ST
COMDALE
6363
1208
1224
1233
1246
1991
1991
43566
43566
42877
42877
4.0 x 4.0
Corner Cut
METRIC
Date: 2005-JUN-07
District: RIEL
File: DAC 15/2005
Scale: 1:1000
NOTE:
Information displayed hereon has been compiled or 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.
Proposed Closing
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 9997/22