**Agenda – Executive Policy Committee – January 18, 2006**

**Report - Standing Policy Committee on Property and Development - January 10, 2006**

**Item No. 4 Closing - Public Lane south of Ellice Avenue, east of Ferry Road File DAC 28/2005**

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 12748 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. 12748.

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

**Agenda – Executive Policy Committee – January 18, 2006**

**Report - Standing Policy Committee on Property and Development - January 10, 2006**

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2005, the Assiniboia 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 28/2005 |
| Before: | Assiniboia Community Committee<br>Councillor Eadie, Chairperson<br>Councillor Clement<br>Councillor De Smedt |
| Public Hearings: | December 13, 2006<br>Community Committee Chamber<br>5006 Roblin Boulevard |
| Applicant: | N. D. Enterprises Ltd. (Norman Duncan) |
| Premises Affected: | Public Lane south of Ellice Avenue, east of Ferry Road |
| Exhibits Filed: | 1. Report from the Real Property Officer dated November 30, 2005<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 28/2005

**RE: DAC 28/2005 – PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF ELLICE AVENUE, EAST OF FERRY ROAD**

| | |
|---|---|
| **For submission to:** | **The Assiniboia Community Committee** |
| **Report date:** | **November 30, 2005** |
| **Recommendations:** | **1. That the proposed lane closing as shown on Misc. Plan No. 12748 be approved and that the land be declared surplus to the City's needs.**<br><br>**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. 12748, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.**<br><br>**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 applicant intends to incorporate the closed lane into his property north of the lane for use as a parking 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 subject public lane was dedicated in 1957 by the subdivision of the adjoining lands. The lane is gravelled, with an approach from Ferry Road. It serves no apparent public purpose.

The Planning, Property and Development Department has received a request from Mr. Norman Duncan of N.D. Enterprises Ltd. to purchase the public lane, identified as "Proposed Closing" on the attached Misc. Plan No. 12748. ND Enterprises owns the property north of the lane and intends to use the closed lane as a parking area.

**DISCUSSION:**

Administrative Approval

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

The applicant will be required to either apply for a private approach permit for the continued use of the approach from Ferry Road or restore the curb, boulevard and sidewalk to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro and Centra Gas will require easements for their plants within 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 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, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for its easement requirements. It is assumed that there are none.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 28/05

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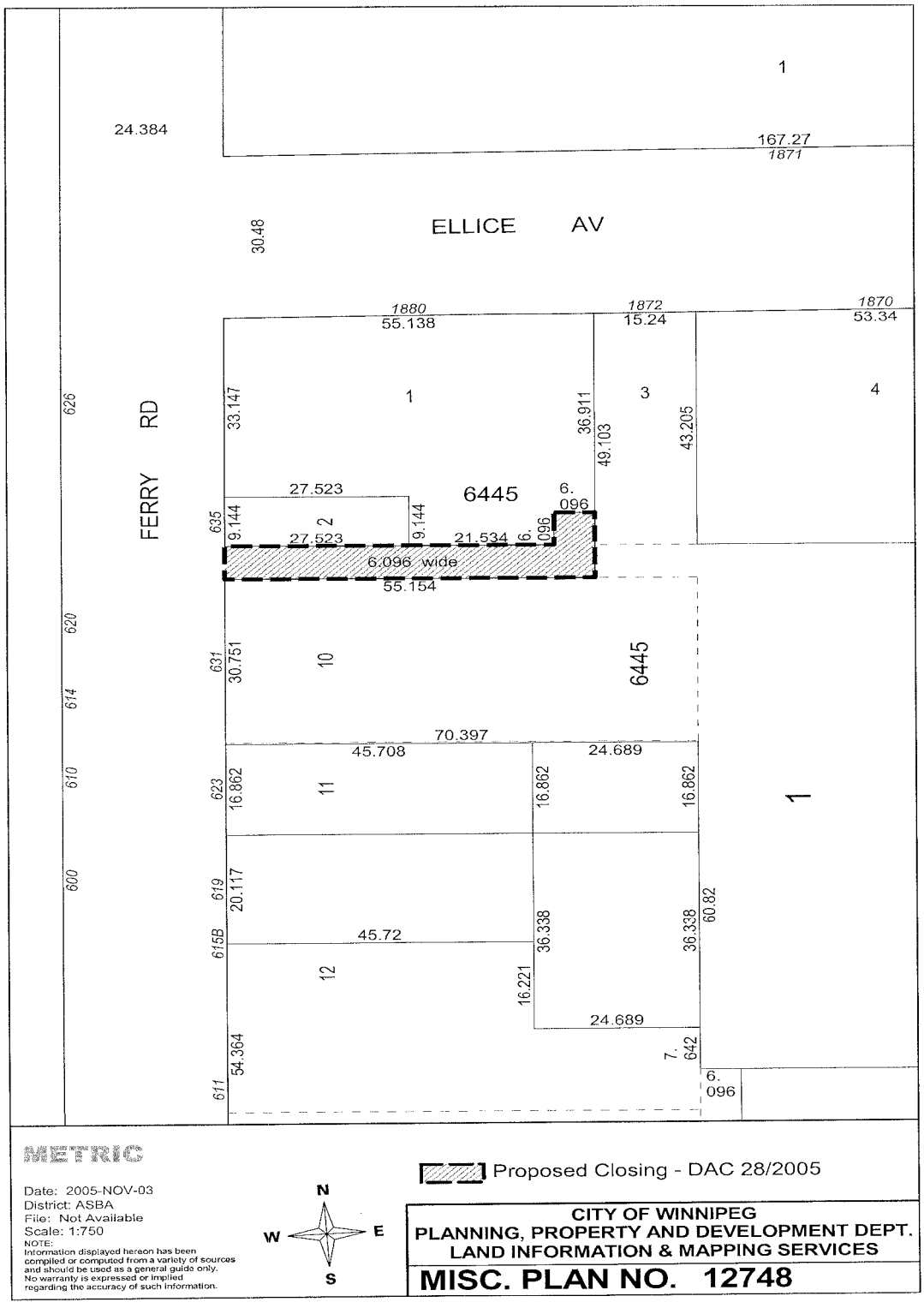
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NOTE:
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Proposed Closing - DAC 28/2005
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12748