Minute No. 206
Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 3 **Closing - part of the public lane adjacent to No. 31 Bromton Road File DAC 26/2005**

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. 12739 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. 12739.

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

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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 January 18, 2006, 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 January 10, 2006, 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 December 13, 2005, the Riel Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 26/2005
Before:	Riel Community Committee Councillor Magnifico, Chairperson Councillor Swandel
Public Hearing:	December 13, 2005 Council Chamber, 510 Main Street
Applicant:	Ms Pat Basker
Premises Affected:	part of the public lane adjacent to No. 31 Bromton Road
Exhibits Filed:	1. Report from the Real Property Officer dated November 29, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:
Pat Basker
Audra Antoniuk

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

Exhibit "2" referred to in File DAC 26/2005

RE: DAC 26/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE ADJACENT TO 31 BROMTON ROAD

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

Report date: **November 29, 2005**

Recommendations: **1. That the proposed lane closing as shown on Misc. Plan No. 12739 not be approved.**

REPORT SUMMARY

Key Issues:

- The applicant wishes to purchase a portion of the lane adjacent to her property so that she may build a garage.
- The Public Works Department opposes the sale of the lane, citing concerns about potential damage from snow removal operations.

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):

- If the application to close the lane is approved, all costs associated with this proposal will be borne by the Applicant. There would be 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 request from Ms Pat Basker, one of the two owners of No. 31 Bromton Road, to purchase the portion of the public lane identified as "Proposed Closing" on the attached Misc. Plan No. 12739. The property owners currently pay an annual fee for the encroachment of a fence into the lane and are considering building a garage. The purchase of the portion of the lane contained by the fence would allow them to meet some of the zoning regulations required to build a garage in the area.

DISCUSSION:

Administrative Comments and Objection

The proposal has been considered by all affected City departments and public utilities. The Transportation Division of the Public Works Department is opposed to the application, stating that:

"…there is concern regarding potential damage from snow clearing operations to the planned garage which would be located within the property. The existing fence is already an impediment to snow clearing, as it is very close to the lane pavement and prevents use of the triangle of property, proposed to be legally closed, for snow storage."

Easements

Manitoba Hydro will require an easement for the maintenance of its plant in the area.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

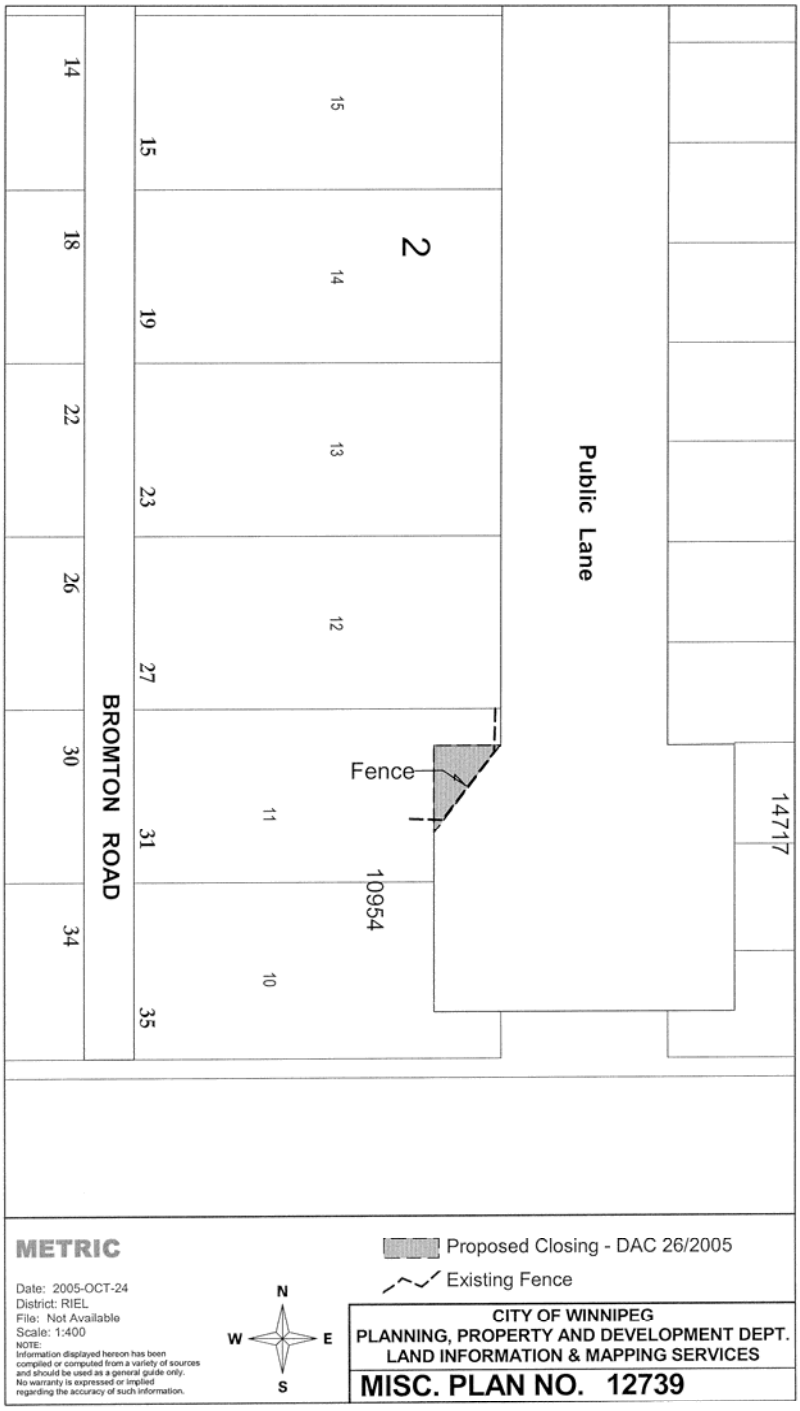
Centra Gas, Manitoba Hydro, MTS Communications,

The Community Planner and Shaw Cable did not respond to the request for their comments.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 26/05

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BROMTON ROAD
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Public Lane
Fence
14717
10954
METRIC
Date: 2005-OCT-24
District: RIEL
File: Not Available
Scale: 1:400
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.
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Proposed Closing - DAC 26/2005
Existing Fence
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12739