Minute No. 212
Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 9 **Closing - part of the northwest corner of Barnes Street and Fairfield Avenue**
File DAC 29/2005

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. 12750 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. 12750.

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 - January 10, 2006

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 concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 29/2005
Before:	Riel Community Committee Councillor Magnifico, Chairperson Councillor Swandel
Public Hearing:	December 13, 2005 Council Chambers 510 Main Street
Applicant:	Mr. Jared Carlberg
Premises Affected:	part of the northwest corner of Barnes Street and Fairfield Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated November 29, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:
Jared Carlberg

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 29/2005 – PROPOSED CLOSING OF PART OF THE NORTH WEST CORNER OF BARNES STREET AND FAIRFIELD AVENUE

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

Report date: **November 29, 2005**

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 12750 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. 12750, 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 owner of the property at the north west corner of Barnes and Fairfield intends to build a house on the site. By acquiring the subject portion of the boulevard, the applicant will be able to construct his house at the same setback as the other houses on Fairfield.

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 Planning, Property and Development Department has received a request from Mr. Jared Carlberg, the owner of the property at the north west corner of Barnes and Fairfield, to purchase the portion of the boulevard shown as "Proposed Closing" on the attached Misc. Plan No. 12750.

Mr. Carlberg intends to build a house on his property. Zoning regulations call for the house to be 20 feet from the Fairfield frontage, and that 20 foot setback is calculated from the mid point of the street curve. By acquiring the subject portion of the boulevard, the applicant will be able to construct his house at the same setback as the other houses on Fairfield.

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 has advised that it will require an easement for the maintenance of its plant in the boulevard. No permanent structures will be allowed in the 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 –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 on this application.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 29/05

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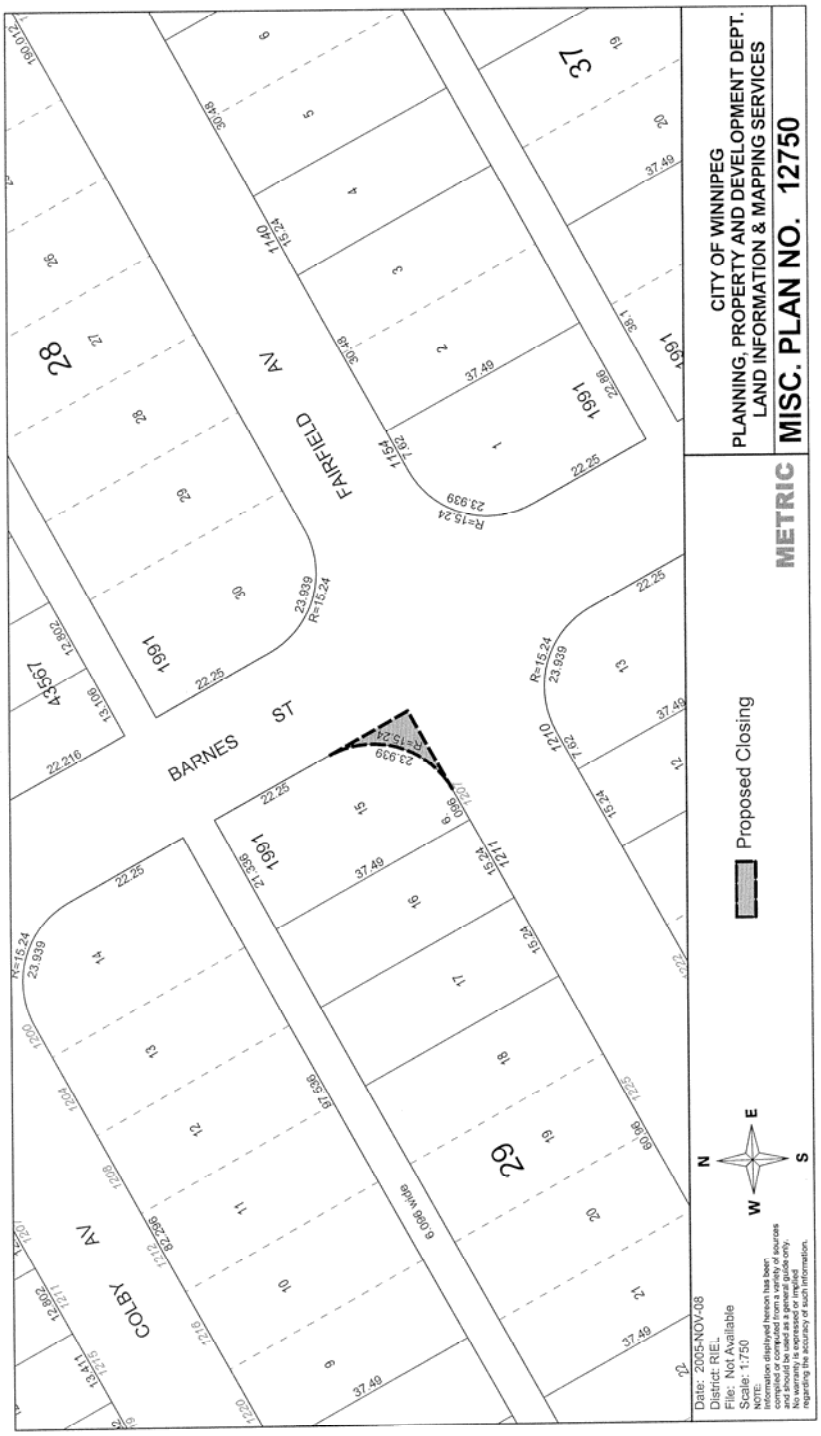
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12750
METRIC
Proposed Closing
Date: 2005-NOV-08
District: RIEL
File: Not Available
Scale: 1:750
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
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COLBY AV
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