**Minute No. 734**
**Report - Standing Policy Committee on Property and Development - October 4, 2005**

**Item No. 5** **Closing - part of the public lane south of McGillivray Boulevard, east of Front Street for incorporation into DASZ 34/2005**
**File DAC 18/2005 [c/r DASZ 34/2005]**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the street closing under File DAC 18/2005 not be proceeded with.

**Report - Standing Policy Committee on Property and Development - October 4, 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 October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, 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 September 20, 2005, the Assiniboia Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the street closing under File DAC 18/2005 not be proceeded with.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAC 18/2005 [c/r DASZ 34/2005; DAV 140827/2005D] |
| Before: | Assiniboia Community Committee<br>Councillor Eadie, Chairperson<br>Councillor Clement<br>Councillor De Smedt |
| Public Hearing: | September 20 2005<br>Community Committee Chamber<br>5006 Roblin Boulevard |
| Applicant: | Mario's Concrete and Stucco Ltd. (Mario Costantini) |
| Premises Affected: | part of the public lane south of McGillivray Boulevard, east of Front Street for incorporation into DASZ 34/2005 |
| Exhibits Filed: | 1. Report from the Real Property Officer dated September 7, 2005<br>2. Inspection Report<br>3. Communication dated September 19, 2005, from Gayle Douglas in opposition to the application<br>4. Communication dated September 19, 2005, from Lorraine Douglas in opposition to the application.<br>5. Petition in opposition to the application purporting to contain the signatures of 54 area residents, submitted by Dana Trenaman<br>6. Presentation in opposition to the application, submitted by Dana Trenaman |

REPRESENTATIONS:

In Support:

Mario Costantini, Mario's Concrete and Stucco Ltd.

In Opposition:

Robert Brocklehurst
Gayle Douglas
Lorraine Douglas
Jane Friesen and Shawna Poltaruk
Bill Koesis

Kali Martin
Bev Phelan
Cynthia and Dana Trenaman
Joel Trenaman
For Information:

Leigh Young

For the City:

Mr. R. Humble, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 18/2005 [c/r DASZ 34/2005]

**RE: DAC 18/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE SOUTH OF MCGILLIVRAY BOULEVARD, EAST OF FRONT STREET FOR INCORPORATION INTO DASZ 34/2005**

| | |
|---|---|
| **For submission to:** | **The Assiniboia Community Committee** |
| **Report date:** | **September 7, 2005** |
| **Recommendations:** | **1. That the proposed lane closing as shown on Misc. Plan No. 12607/1 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. 12607/1, 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 Planning, Property and Development Department has received a request from Mr. Mario Constantini of A.D.M. Building Services to purchase the public lane adjacent to his property. Mr. Constantini intends to incorporate this lane into DASZ 34/2005, his application to subdivide and rezone the adjacent land.
- The lane is unimproved and serves no apparent public purpose.

**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 lane was created in 1909 by the subdivision of the adjoining property. The lane is unimproved and serves no apparent public purpose.

The Planning, Property and Development Department has received a request from Mr. Mario Constantini of A.D.M. Building Services to purchase the public lane identified as "Proposed Lane Closing" on the attached Misc. Plan No. 12607. Mr. Constantini intends to incorporate this lane into DASZ 34/2005, his application to subdivide and rezone the adjacent land.

**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 Public Works Department advises that a turnaround to accommodate vehicles at the terminus of the existing lane could be constructed in the City property adjoining to the south, if required.

The Administration, Revenue and Local Improvement Section of the Corporate Finance Department advises that local improvement levies for a wastewater sewer fronting on McGillivray Boulevard may be affected by the lane closing and the lotting of the proposed subdivision.

Easements

There are no services in the lane. No easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be incorporated into the subdivision. 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 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 18/2005

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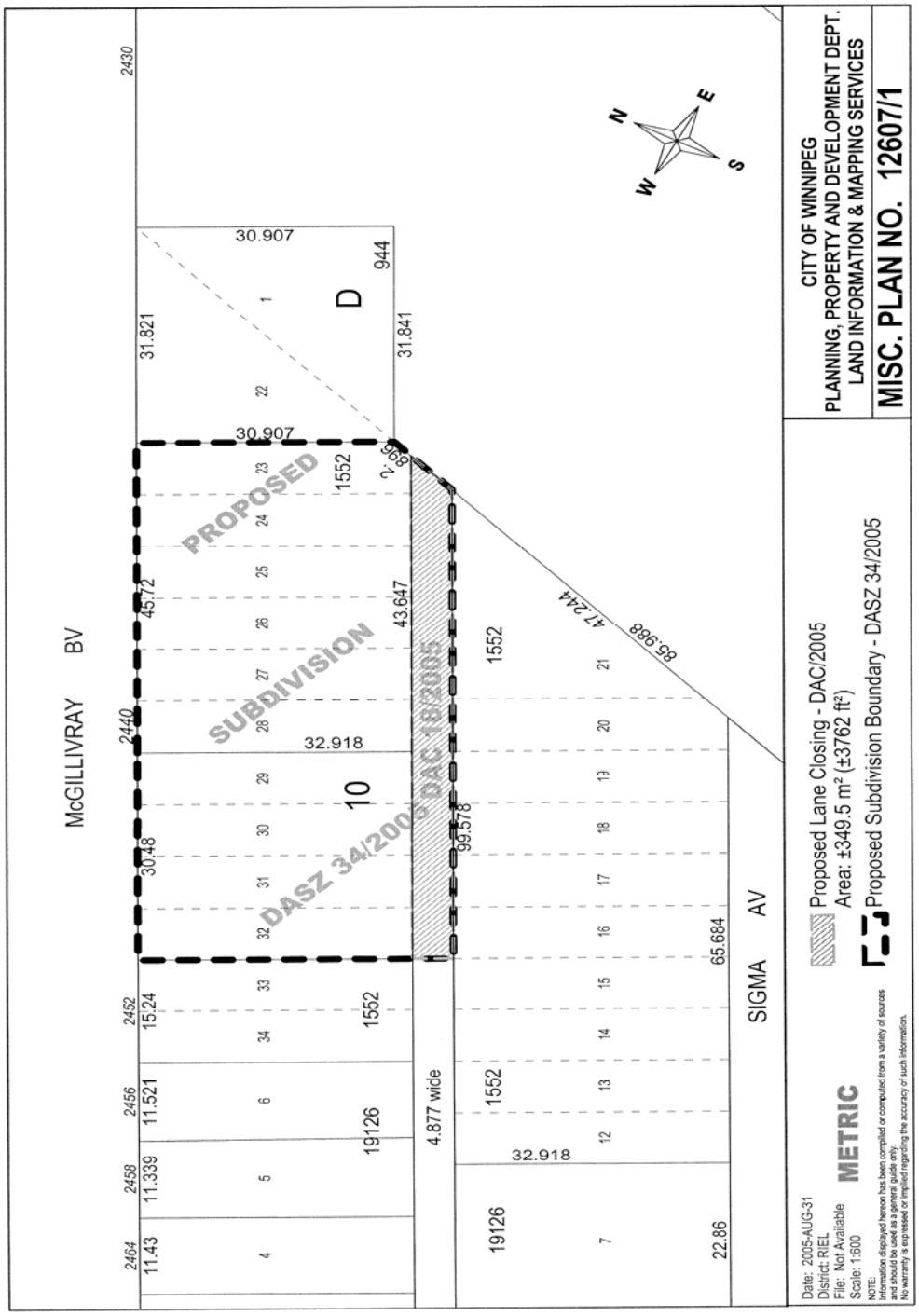
McGILLIVRAY BV
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PROPOSED
SUBDIVISION
DASZ 34/2005 DAC 18/2005
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12607/1
Proposed Lane Closing - DAC/2005
Area: ±349.5 m² (±3762 ft²)
Proposed Subdivision Boundary - DASZ 34/2005
METRIC
Date: 2005-AUG-31
District: RIEL
File: Not Available
Scale: 1:600

By-Law No. _____

File No. **DASZ 34/05**

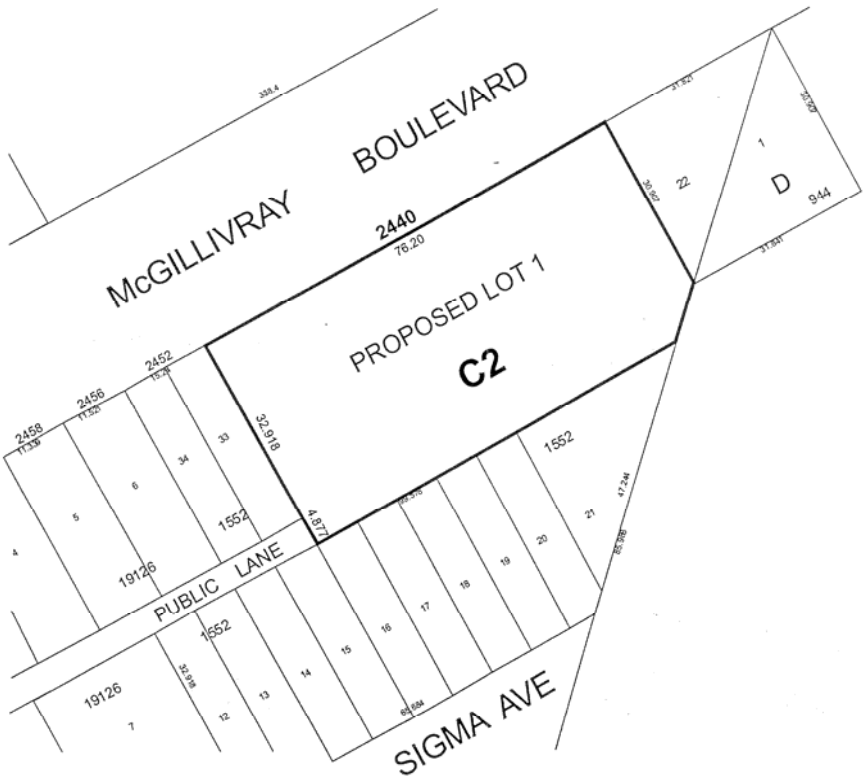
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2440 McGillivray Boulevard from an "R1-20" RESIDENTIAL DISTRICT and a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

**AJ19**
**ASSINIBOIA COMMUNITY**




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____