Agenda – Council – April 26, 2006

Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 1 Closing - Public Lane north of Gallagher Avenue, east of King Edward Street
File DAC 1/2006

STANDING COMMITTEE RECOMMENDATION:

On April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 6164/14 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. 6164/14.

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 - April 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2006, 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 April 4, 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 March 14, 2006, 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 1/2006
Before:	The Assiniboia Community Committee Councillor Eadie, Chairperson Councillor Clement Councillor De Smedt
Public Hearing:	March 14, 2006 West Committee Room Council Building, 510 Main Street
Applicant:	KR Auto Ltd.
Premises Affected:	Public Lane north of Gallagher Avenue, East of King Edward Street
Exhibits Filed:	1. Report from the Real Property Officer dated February 23, 2006 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 1/2006

RE: DAC 1/2006 – PROPOSED CLOSING OF THE PUBLIC LANE NORTH OF GALLAGHER AVENUE, EAST OF KING EDWARD STREET

For submission to:	**The Assiniboia Community Committee**
Report date:	**February 23, 2006**
Recommendations:	**1. That the proposed lane closing as shown on Misc. Plan No. 6164/14 be approved and that the land be delared 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. 6164/14 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:

- KR Auto Ltd. has made an offer to purchase the lane. The applicant intends to consolidate the lane into his property to further develop his business at the northeast corner of Logan and King Edward.
- The Real Estate Division of the Planning, Property and Development has completed negotiations for the sale of the land and, subject to the approval of the closing, a report will be submitted to the Standing Policy Committee on Property and Development recommending the sale in April or May.
- Before the lane may be sold it must first be closed.

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:

In 1995, KR Auto Ltd. (Mr. K. Rygiel) acquired the land located at the northeast corner of King Edward Street and Logan Avenue from the City of Winnipeg. Mr. Rygiel established an auto body shop on the site and in 2003 he purchased additional City land between his holding and the southerly limit of Gallagher Avenue.

KR Auto Ltd. has recently made an offer to purchase the lands shown as "City Property" and "Proposed Lane Closing" on the attached Misc. Plan No. 6164/14. The terms of the sale have been negotiated by the Real Estate Division of the Planning, Property and Development Department and a report recommending the sale will be submitted to the Standing Policy Committee on Property and Development in April or May if the closing is approved.

KR Auto Ltd. is also acquiring the John Malenki property shown on the drawing, and intends to consolidate all of the lands north of Gallagher Avenue into a single parcel to further develop its business at the northeast corner of Logan and King Edward.

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

The Water and Waste Department advises that there is a 250mm wastewater sewer in the lane. An easement for the maintenance of this sewer is required. The easement area will be the the full width of the lane. No permanent structures will be allowed in the easement area.

Gallagher Avenue

Gallagher Avenue, while not in use as a functional street, will remain open for two reasons. First, the parcel being created by the lands being acquired by KR Auto will require street frontage for zoning purposes. Second, there is a water line in the street that services the property to the east. KR Auto has no interest in purchasing the property, considering the restrictions that would be placed on any use of Gallagher if it were closed.

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

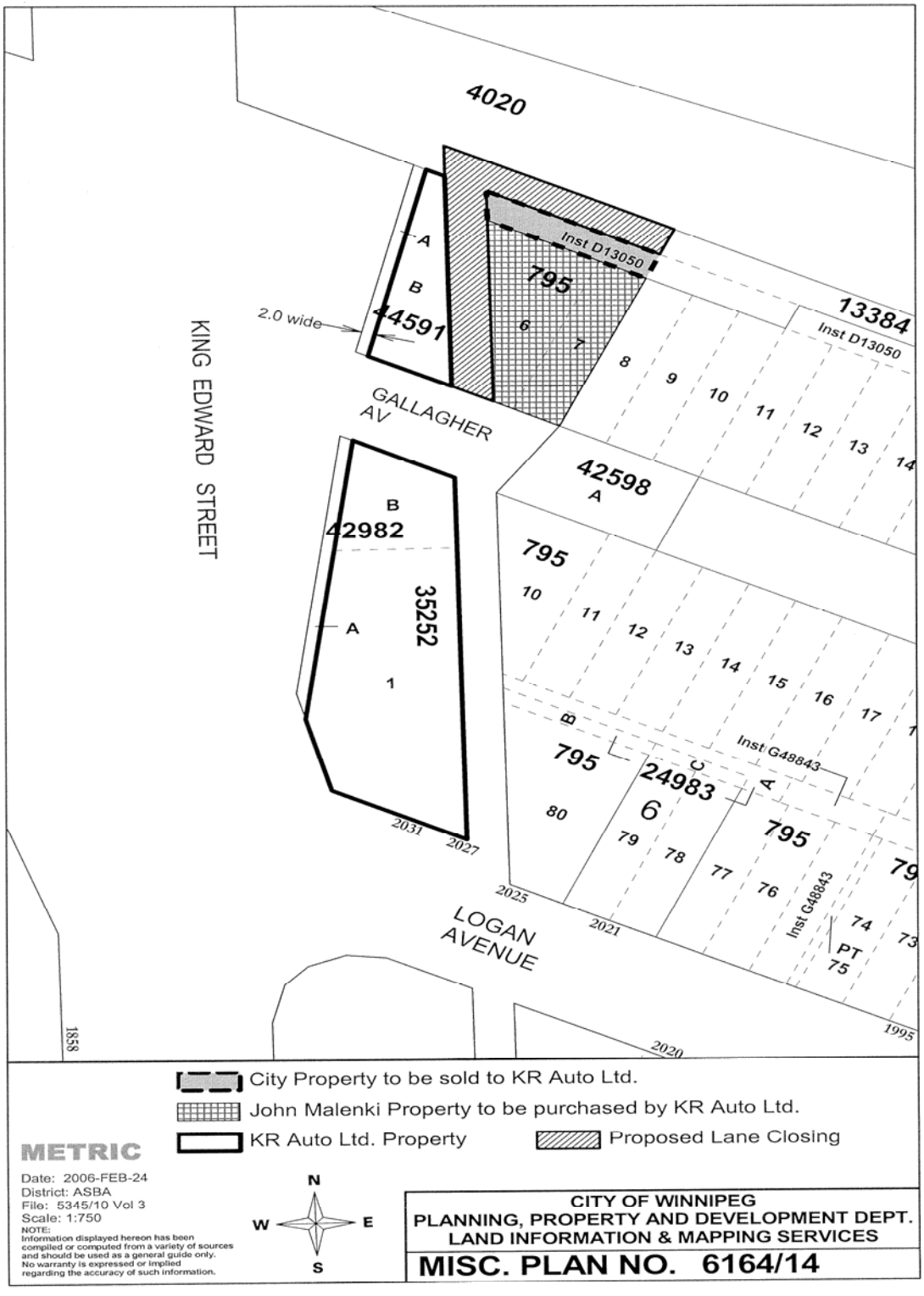
Centra Gas, Manitoba Hydro, MTS Communications

Shaw Cable and the CNR did not respond to the request for 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 #: 5345/10 Vol 3

Document name: v:\devapp\dev application2006\dac1_2006\final_report\dac1_06rpt.doc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City Property to be sold to KR Auto Ltd.
John Malenki Property to be purchased by KR Auto Ltd.
KR Auto Ltd. Property
Proposed Lane Closing
METRIC
Date: 2006-FEB-24
District: ASBA
File: 5345/10 Vol 3
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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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 6164/14

2008