Report of the Standing Policy Committee on Property and Development dated September 10, 2002

Proposed Street Closing of the public lane west of 200 rue Masson
File DAOC 3/2002

2. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from L'Accueil Colombien Inc. to relocate the public lane west of 200 rue Masson.

L'Accueil Colombien Inc. manages the 147-unit rental-housing block located at 200 rue Masson. There are just 36 parking spaces in the parking area for the block, and L'Accueil Colombien is looking to increase that number. L'Accueil Colombien has offered to relocate the existing lane to the portion of their parking area that is currently used for access to the parking spaces. The area is shown as "proposed opening" on Misc. Plan No. 11562 (Schedule "A"). L'Accueil Colombien would then convert the existing public lane, identified as "proposed closing" on Schedule "A", to a parking area.

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

L'Accueil Colombien Inc. intends acquire the existing public lane in exchange for the portion of its property required for the new lane. The existing lane must be legally closed before this exchange may occur. 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 lane until this has been done.

The Transportation Division of the Public Works Department will require the applicant to enter into a Servicing Agreement for the construction, in portland cement concrete, of the new lane turn-out, the relocated lane pavement, the restoration of the curb and boulevard as necessary and all related works, all as to be determined by and to the satisfaction of the Director of Public Works.

The Transportation Division also requires the 5 metre by 5 metre area at the south end of the proposed closing as illustrated on Schedule "A" to remain open to allow large vehicles (refuse collection trucks, snow plows) to negotiate the corner.

The Geomatics Branch of the Planning, Property and Development Department has advised L'Accueil Colombien Inc. that it will be responsible for all costs related to this project. In addition to the construction costs, L'Accueil Colombien Inc. will assume, as one of the terms of the exchange of lands, the responsibility for the preparation and registration in the Winnipeg Land Titles Office of the legal documents required to effect the closing of the lane and its transfer. These documents will include a plan prepared by a Manitoba Land Surveyor

delineating the boundaries of the lane being closed and the lane being opened and may include a second plan delineating the boundaries of any portions of the land affected by easements.

The Geomatics Branch also advised the applicant that the City of Winnipeg will require consolidation of title to the closed lane with the title to 200 rue Masson and that this will require the formal consent of all parties that have a registered interest in the L'Accueil Colombien Inc. property.

L'Accueil Colombien Inc. was advised that the Community Planner's support of their project was conditional on the approval from the property owner adjoining the lane to the west. L'Accueil Colombien has contacted the property owner, Tim Watt, and advised that Mr. Watt has no objections to the proposal, subject to two conditions. Mr. Watt has shrubs along this side of his property and a walk leading to a side entrance to his house. Mr. Watt wants a "no parking" area delineated by painted lines opposite this walkway access, and he wants a parking fence built between his shrubs and the parking lot with sufficient space for his maintenance of the shrubs. L'Accueil Colombien has agreed to these conditions.

The Zoning and Permits Branch has advised that the use of the closed lane as a parking area will require a zoning variance.

The Water and Waste Department and Manitoba Hydro will require easements for the maintenance of their services in the closed lane. No improvements other than paving and fencing will be allowed in this area.

On July 9, 2002, the Riel Community Committee held a public hearing to consider the above proposed closing application. One person appeared in support of the application, and no one registered in opposition thereto.

The Community Committee concurred in the recommendation contained in the report dated July 2, 2002 from the Real Property Officer, Planning, Property and Development Department, and recommended approval of the proposed street closing.

On September 10, 2002 the Standing Policy Committee on Property and Development concurred in the July 9, 2002, recommendation of the Riel Community Committee.

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The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of part of the public lane west of 200 rue Masson, as outlined on Misc. Plan No. 11562 (Schedule “A”), be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane opening and closing in accordance with Misc. Plan No. 11562 (Schedule “A”).

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

Attachment "A" referred to in Clause 2 of the Report of the Standing Policy Committee on Property and Development dated September 10l, 2002

