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

Proposed Closing of part of Swailes Avenue, east of Carina Cove

File DAC 22/2001
[c/r DASZ 27/2001]

5. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from Warren Earl (D.W.E. Holdings Limited, 85 Wiebe's Drive, Winnipeg) to include a portion of Swailes Avenue into File DASZ 27/2001, an application to subdivide and rezone the adjoining lands. A portion of the street west of the subdivision is also proposed to be closed. The City will obtain title to this land and offer it for sale.

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

The Transportation Division of the Public Works Department has advised that its approval of the closing is subject to the undertaking of all works necessary to modify the proposed terminus of Swailes Avenue at Carina Cove to reflect the permanent street closure. These works are to be determined by and to the satisfaction of the Director of Public Works and will include concrete pavement and sidewalk removal and construction, curb removal and construction, land drainage modifications and landscaping.

None of the services noted in the Transportation Division's comments are contained within the limits of the subdivision. The works noted in the Transportation Division's comments are contained within the portion of the street to be closed west of the subdivision. The City of Winnipeg will assume the costs of these works.

Any requirements for the removal, relocation or replacement of any service or improvement or for easements for utilities in the portion of the street contained within the subdivision will be addressed through the subdivision application.

The area of the streets being opened by the subdivision exceeds the area of the street being closed. In accordance with City policy, the closed portion of Swailes Avenue will be transferred to the applicant for $1.00.

The street must be legally closed before it may be transferred. 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.

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On July 16, 2002, the Lord Selkirk-West Kildonan Community Committee held a public hearing to consider the above proposed closing application. Two persons appeared in support of the application, and one person registered in opposition thereto.

The Community Committee concurred in the recommendation contained in the report dated May 23, 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 16, 2002 recommendation of the Lord Selkirk-West Kildonan Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of part of Swailes Avenue, east of Carina Cove, as outlined on Misc. Plan No. 11343/1 (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 closing in accordance with Misc. Plan No. 11343/1 (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 5 of the Report of the Standing Policy Committee on Property and Development dated September 10, 2002

