Minute No. 537
Report - Standing Policy Committee on Property and Development - May 2, 2006

Item No. 13 **Closing - Part of the public lane in the block bounded by rues Aubert, St. Joseph and La Verendrye and avenue Tache**
File DAC 6/2006

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the lane closing shown on Misc. Plan No. 11888/2 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. 11888/2.

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 - May 2, 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 May 17, 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 May 2, 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 April 25, 2006, 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 6/2006
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Magnifico Councillor Swandel
Public Hearing:	April 25, 2006 Council Building, 510 Main Street
Applicant:	Triden Enterprises Inc. (Alain Hogue)
Premises Affected:	Part of the Public Lane in the block bounded by rues Aubert, St. Joseph and La Verendrye and avenue Tache
Exhibits Filed:	1. Report from the Real Property Officer dated April 12, 2006 2. Inspection Report 3. Communication from Marcel Philipps in support of closing part of the public lane in accordance with Misc. Plan No. 11888/2

REPRESENTATIONS:

In Support:
Alain Hogue
Marcel Philippe

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 "1" referred to in File DAC 6/2006

RE: DAC 6/2006 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY RUES AUBERT, ST. JOSEPH AND LA VERENDRYE AND AVENUE TACHE

FOR SUBMISSION TO: **The Riel Community Committee**

REPORT DATE: **April 12, 2006**

RECOMMENDATION:

1. That the proposed lane closing as shown on Misc. Plan No. 11888/2 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. 11888/2, 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 Planning, Property and Development Department has received a request from Mr. Alain Hogue of Triden Enterprises Inc. to purchase the portion of the public lane identified as "Proposed Closing" on the attached Misc. Plan 11888. This portion of the lane was opened in 1984 as an area in which vehicles reaching the terminus of the lane could turn around to exit.

- The Transportation Division of the Public Works Department is opposed to the applicant's proposal and has proposed the closing of the portion of the lane shown on Misc. Plan No. 11888/2 with a reduced turnaround area.

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

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

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 related to the closing will be borne by the applicant. There are no financial implications for the City of Winnipeg.

Report

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. Alain Hogue of Triden Enterprises Inc. to purchase the portion of the public lane identified as "Proposed Closing" on the attached Misc. Plan 11888. Triden Enterprises owns the former CN property shown as Plan 6076 on the drawing and has made an offer to purchase the City property shown as Parcel 2 on the drawing. Upon purchasing the lane, Triden intends to initiate an exchange of lands with the adjoining property owners (St Boniface Collision and Refinishers at 757 Rue St. Joseph, Festival Du Voyageur Inc. at 138 Rue Aubert, and Manitoba Hydro at the unnumbered lot east of 138 Aubert) which will allow the subdivision of the irregularly-shaped properties into rectangular lots.

The requirement to open the lane arose in 1977, when the owner of No. 155 Rue La Verendrye was denied a permit to build a garage because the path that the residents had been using for access to the rear of their homes was not legally open as a public right of way. The owner petitioned the City to open the lane and the need for a turnaround area was identified as part of the administrative approval process. Negotiations for the purchase of the property required for the turnaround area were protracted but ultimately successful and the public lane was dedicated in 1984. The turnaround area is the portion of the lane that Triden Enterprises wishes to purchase.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. The Transportation Branch of the Public Works Department objects to the closing as proposed by the applicant. The Branch is prepared to support a partial closure which would allow the maintenance of a Residential Branch Type Lane Turnaround as illustrated on the attached Misc Plan No. 11888/2.

Zoning

The closed lane will assume the R-2 zoning of the adjoining property.

Easements

No easements are required.

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:

Internal 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

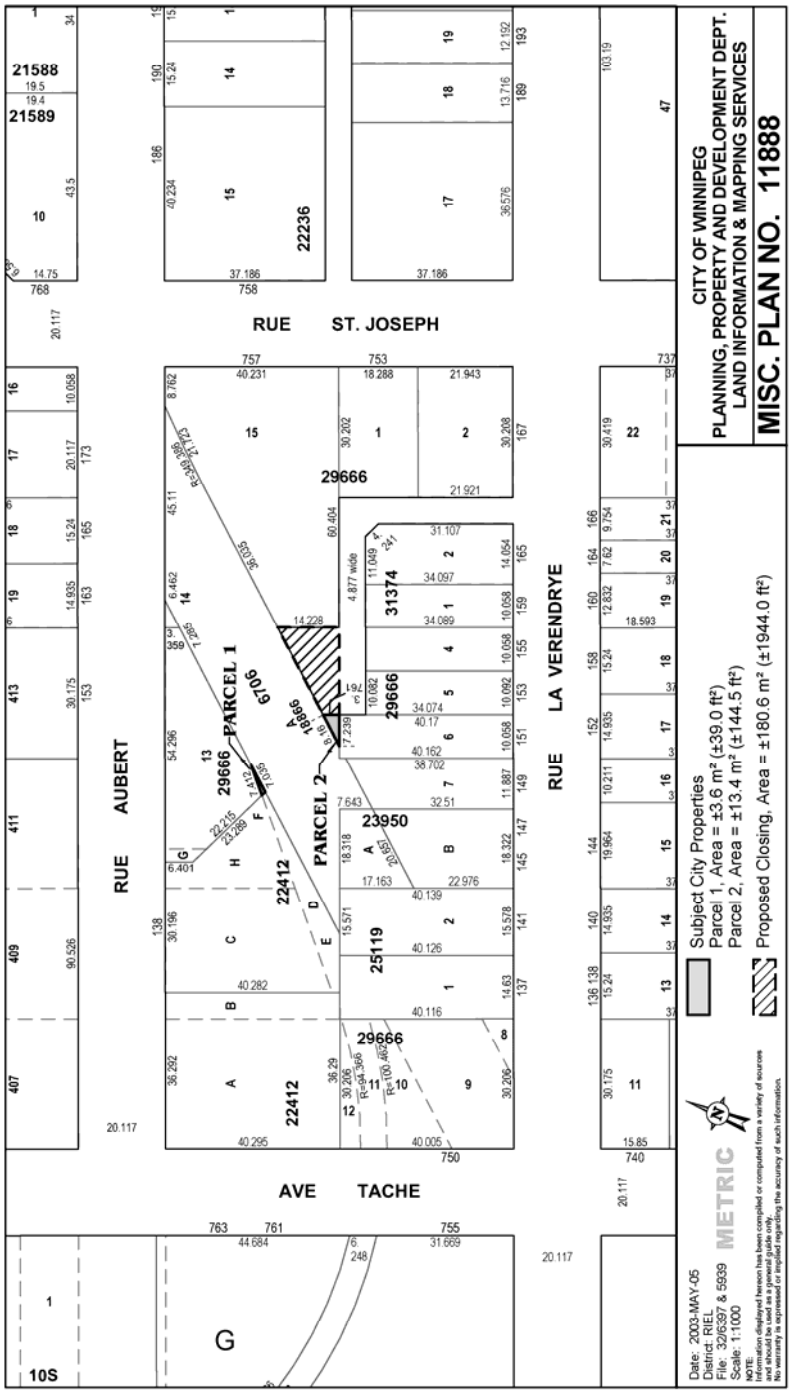
External Consultation With:

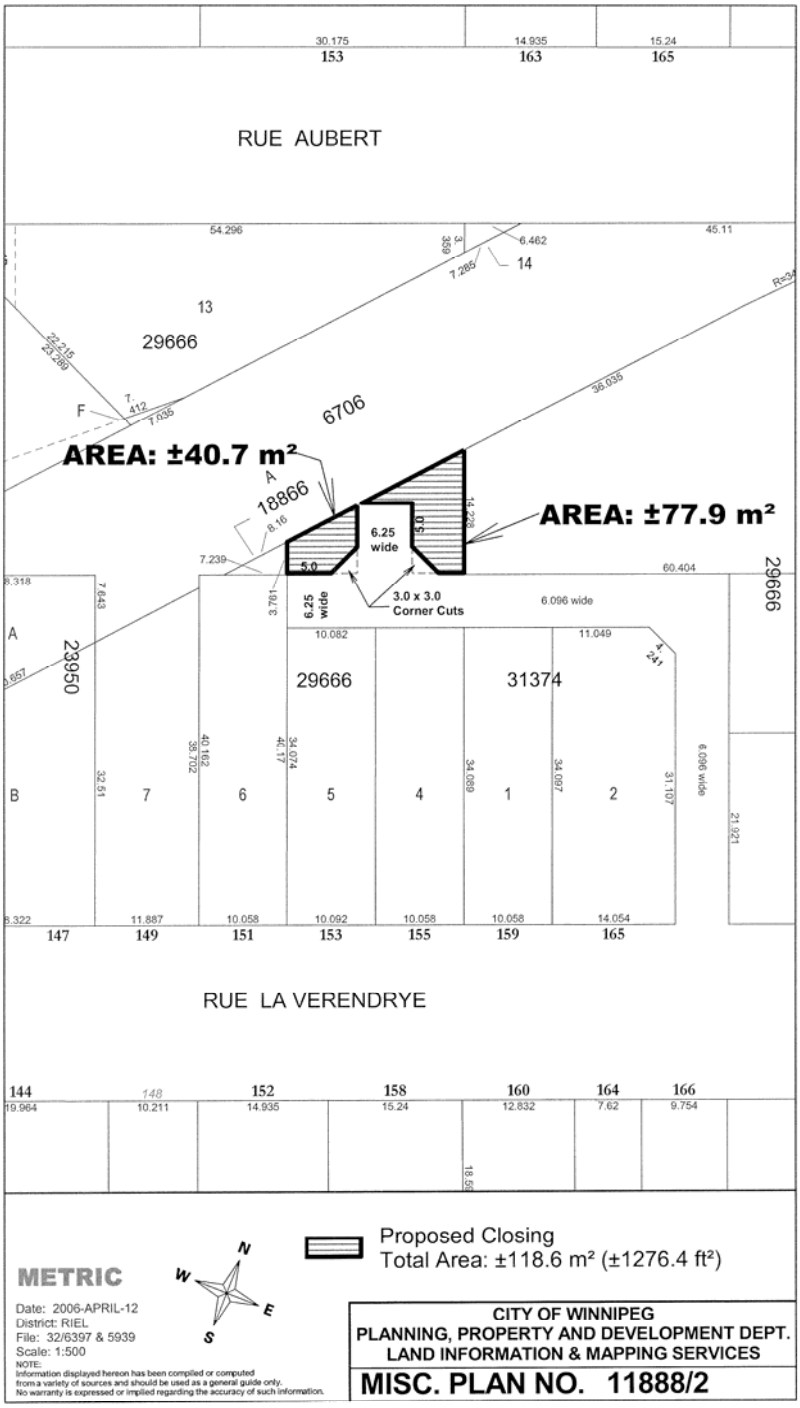
Centra Gas, Manitoba Hydro.

MTS Allstream and Shaw Cable did not respond to the circulation of the proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 5939 Vol 2


RUE ST. JOSEPH
AVE TACHE
RUE AUBERT
RUE LA VERENDRYE
PARCEL 1
PARCEL 2
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11888
Subject City Properties
Parcel 1, Area = ±3.6 m² (±39.0 ft²)
Parcel 2, Area = ±13.4 m² (±144.5 ft²)
Proposed Closing, Area = ±180.6 m² (±1944.0 ft²)
METRIC
Date: 2003-MAY-05
District: RIEL
File: 32/6397 & 5939
Scale: 1:1000


RUE AUBERT
RUE LA VERENDRYE
AREA: ±40.7 m²
AREA: ±77.9 m²
6706
29666
23950
31374
18866
6.25 wide
3.0 x 3.0 Corner Cuts
6.096 wide
Proposed Closing
Total Area: ±118.6 m² (±1276.4 ft²)
METRIC
Date: 2006-APRIL-12
District: RIEL
File: 32/6397 & 5939
Scale: 1:500
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.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11888/2