Minute No. 449
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 2 **Closing - McCormick Street for incorporation into DASZ 20/2004**
File DAC 3/2006 [c/r DASZ 20/2004]

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No. 12804 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. 12804.

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:

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 April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 21, 2006, the East Kildonan-Transcona 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 3/2006 [c/r DASZ 20/2004]
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	March 21, 2006 Community Committee Chamber 755 Henderson Highway
Applicant:	North Grassie Properties (John Wiebe)
Premises Affected:	McCormick Street
Exhibits Filed:	1. Report from the Real Property Officer dated March 3, 2006 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Heinz and Anita Hindemith

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2006 [c/r DASZ 20/2004]

RE: DAC 3/2006 – PROPOSED CLOSING OF MCCORMICK STREET FOR INCORPORATION INTO DASZ 20/2004

For submission to:	**The East Kildonan-Transcona Community Committee**
Report date:	**March 3, 2006**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12804 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. 12804, 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:

- McCormick Street is planned to be incorporated into DASZ 20/2004, an application to subdivide and rezone approved by Council in May of 2005. The applicant neglected to apply to close the street when the subdivision application was made.
- McCormick Street is unpaved, has no approach from Bonner Avenue, 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:

McCormick Street was dedicated as an 8 foot wide right of way in 1975 by a subdivision of the area. McCormick Street is unpaved, has no approach from Bonner Avenue, and serves no apparent public purpose.

The street was intended to be part of a future street providing access via Bonner to the eventual subdivision of the lands to the north. This access – the extension north of Mitchelson Way – is part of the street system in DASZ 20/2004, an application by North Grassie Properties to subdivide and rezone its property in the area. The land dedicated as McCormick Street in 1975 is not required for the Mitchelson Way extension.

In conjunction with DASZ 20/2004, North Grassie Properties also applied to close a portion of DeVries Avenue for incorporation into the subdivision, which was processed under DAC 25/2004. On April 5, 2005, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development that the subdivision application and closing application not be proceeded with. The Standing Policy Committee on Property and Development did not concur in the recommendation and recommended to Council that the subdivision application and closing application be proceeded with. Both applications were approved by Council in May of 2005.

DASZ 20/2004 incorporates part of McCormick Street into the residential lots being created by the subdivision. North Grassie Properties neglected to apply to close this portion of the street when it made the subdivision application. Council's approval of this closing is required.

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

Manitoba Hydro and MTS have advised that they will require easements for the maintenance of their plants in the street. No permanent structures will be allowed in the easement areas.

Conveyance of Street for $1.00

The area of the streets being created by the subdivision exceeds the area of the street being closed. In accordance with City policy, the portion of the closed street within the subdivision will be conveyed to the Developer for the nominal sum of $1.00.

Disposition of the Portion of the Street Adjoining No. 717 Bonner Avenue

A portion of McCormick Street adjacent to No.717 Bonner Avenue is not being incorporated into the subdivision. The Planning, Property and Development Department intends to offer the closed portion of the street to the adjoining property owner.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be incorporated into the subdivision or offered to the adjoining property owners. 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 comments on the proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 8544

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14081
12301
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McCORMICK STREET
697
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711
717
630
660
700
739
741
745
747
749
738
740
744
746
732
734
17182
22288
41862
MITCHELSON WAY
44232
25825
BONNER AVENUE
Proposed Closing - DAC 3/2006
Proposed Subdivision Boundary - DASZ 20/2004
METRIC
Date: 2005-FEB-13
District: EKT
File: 8544
Scale: 1:1000
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12804