Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed closing of part of Pandora Avenue West, west of Starlight Drive - East Kildonan-Transcona Community
Files DAC 5/2001 and DAC 20/2001
[c/r DASZ 24/2001]

1. The Standing Policy Committee on Property and Development has been advised that in March 2001, the Planning, Property and Development received a request from Marcel Thompson of Frontier Toyota to purchase the portion of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105, in order to expand the parking on his (Frontier Toyota) property.

The street closing proposal was circulated to all affected City departments and public utilities. There have been no administrative objections to the closing and sale of this street.

The Transportation Division of the Public Works Department requires that the applicant enter into a Servicing Agreement for the construction of a replacement cul-de-sac type turnaround at the new terminus of the street as determined by and to the satisfaction of the Director of the Public Works Department.

The Water and Waste Department advised that there are several existing facilities located in the area. It will require an easement over the entire closed street for the purpose of inspecting and maintaining these facilities. Centra Gas, Manitoba Hydro and MTS Communications also identified easement requirements for the maintenance of their facilities in the street. Because of these easement requirements, the use of the street will be restricted and no permanent structures will be allowed in the area.

The area residents have expressed concerns over the traffic on Pandora Avenue West generated by the customers and employees of Frontier Toyota. The construction of a cul-de-sac at the east end of the closed street will eliminate access to the Frontier Toyota property from Pandora Avenue West and result in traffic patterns more suitable to the character of the neighbourhood.

The street 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 of Manitoba. 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 of Winnipeg's name. The City is not entitled to dispose of the land until this has been done.

Marcel Thompson owns all of the property adjacent to the portion of the street proposed to be closed, with the exception of the lands identified on Misc. Plan No. 11105 as "subject City property". The Real Estate Division of the Planning, Property and Development Department is currently processing Mr. Thompson's offer to purchase this land. In the interest of expediting Mr. Thompson's request to purchase the street, the street closing application is being submitted prior to the final approval of the offer to purchase. Should negotiations for the sale of the "subject City property" be unsuccessful, the street closing process will be terminated.

On July 17, 2001, the East Kildonan-Transcona Community Committee considered an application under File DAC 5/2001 to close part of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105, and recommended that the street closing be approved, and a cul-de-sac type turnaround be located and situated on the Applicant's property, and not in front of 1251 Pandora Avenue West.

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On September 6, 2001, the Standing Policy Committee on Property and Development considered the recommendation of the East Kildonan-Transcona Community Committee regarding File DAC 5/2001, as well as a report from the Real Estate Division of the Planning, Property and Development Department concerning the terms and conditions of the sale of the closed street and the adjoining City lands identified as "subject City property" on Schedule "A". That administrative report stated that Marcel Thompson advised that the location and dimensions of the turnaround are incompatible with his intended use of the closed street.

The Standing Policy Committee on Property and Development laid over the matters of the proposed sale of the land and street closing pending a recommendation from the East Kildonan-Transcona Community Committee on an application under File DASZ 24/2001 to subdivide and rezone the lands subsequent to their sale.

On October 9, 2001, the East Kildonan-Transcona Community Committee considered another closing application under File DAC 20/2001 to close part of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105/5, and was advised by the Planning, Property and Development Department of the following:

- The area residents have expressed concerns over the traffic on Pandora Avenue West generated by the customers and employees of Frontier Toyota. While the construction of a cul-de-sac at the east end of the closed street would not necessarily eliminate access to the Frontier Toyota property from Pandora Avenue West, access from Pandora Avenue West will be denied as one of the conditions of the approval of the subdivision application. This will result in traffic patterns more suitable to the character of the neighbourhood.

- When Marcel Thompson agreed to the Community Committee's recommended condition regarding the dedication of the land required for the turnaround at the July 17, 2001 meeting, he was not aware that the turnaround area would be as large as the Public Works Department required. He has advised that he cannot proceed with his plans if he is required to dedicate such a large piece of land.

- The Real Estate Division of the Planning, Property and Development Department recommended approval of the original location of the turnaround at the terminus of the street, in front of 1251 Pandora Avenue West. The turnaround will be almost entirely contained within the existing roadway, with a small portion to be dedicated from the adjoining lands to the south. This area is identified as "Opening for Relocated Turnaround" on Misc. Plan No. 11105/5, and is contained within the City property being sold to the applicant. The lands required for the turnaround will be dedicated through the subdivision and rezoning process.

On October 9, 2001, the East Kildonan-Transcona Community Committee recommended that the proposed street closing under File DAC 20/2001 be approved, subject to the following conditions:

1. That the location and dimensions of the turnaround be modified to relocate the new western limit of Pandora Avenue West twenty-five (25) feet further west.

2. That the Public Works Department be instructed to install traffic calming devices in Pandora Avenue, west of Starlight Drive and that a "Dead End Street" sign be installed at Starlight Road facing westbound traffic.

3. That the paved surface at the new Pandora Avenue west turnaround be located as close to the west boundary of the right-of-way as possible.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the recommendations from the East Kildonan-Transcona Community Committee relative to the closing applications under Files DAC 5/2001 and DAC 20/2001.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed street closing under File DAC 5/2001 be filed.

II. That the proposed street closing under File DAC 20/2001 be approved, subject to the following conditions:

A. That the location and dimensions of the turnaround be modified to relocate the new western limit of Pandora Avenue West twenty-five (25) feet further west.

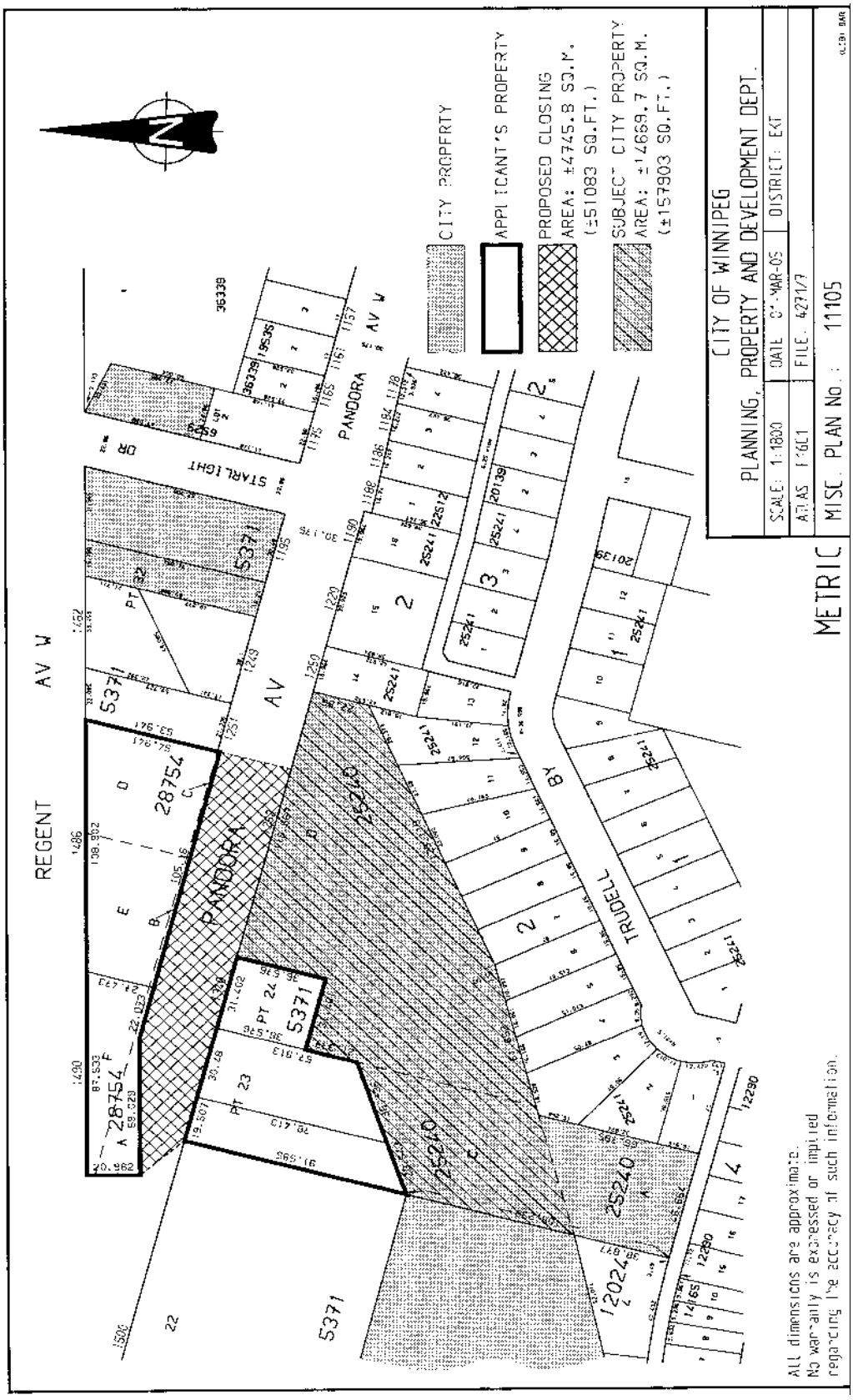
B. That the Public Works Department be instructed to install traffic calming devices in Pandora Avenue, west of Starlight Drive and that a “Dead End Street” sign be installed at Starlight Road facing westbound traffic.

C. That the paved surface at the new Pandora Avenue west turnaround be located as close to the west boundary of the right-of-way as possible.

III. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing of part of Pandora Avenue West, west of Starlight Drive, under File DAC 20/2001, in accordance with Misc. Plan No. 11105/5.

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

Appendix "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Appendix "B" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

