**Minute No. 93**
**Report - Standing Policy Committee on Property and Development - January 9, 2007**

**Item No. 7 Closing - Part of Shore Street for incorporation into DASZ 29/2006 File DAC 17/2006 [c/r DASZ 29/2006]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the street closing shown on Misc. Plan No. 12551/3 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. 12551/3, 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 - Standing Policy Committee on Property and Development – January 9, 2007

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, 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 November 14, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On September 19, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on November 14, 2006.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAC 17/2006 |
| Before: | Riel Community Committee<br>Councillor Steeves, Chairperson<br>Councillor Swandel<br>Councillor Vandal |
| Public Hearing: | November 14, 2006<br>September 19, 2006<br>Council Building, 510 Main Street |
| Applicant: | Mr. Myles Kraut |
| Premises Affected: | Part of Shore Street for incorporation into DASZ 29/2006 |
| Exhibits Filed: | 1. Report from the Real Property Officer dated September 8, 2006<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Myles Kraut
Robin Lee

In Opposition:

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 17/2006

**RE: DAC 17/2006 – PROPOSED CLOSING OF PART OF SHORE STREET FOR INCORPORATION INTO DASZ 29/2006**

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

**REPORT DATE: September 8, 2006**

**RECOMMENDATION:**

**1. That the proposed street closing as shown on Misc. Plan No. 12551/3 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. 12551/3, 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:**

In 2005, Council approved applications to close part of Shore street and incorporate it into the subdivision of the adjoining land. The applicant has now purchased additional land to the south and has applied under DASZ 29/2006 to subdivide and rezone the lands for incorporation into his original subdivision. The portion of Shore proposed to be closed will also be incorporated into the subdivision.

## 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 associated with this application will be the responsibility of 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:**

The Planning, Property and Development Department has received a request from Mr. Myles Kraut to purchase the portion of Shore Street identified as “Proposed Closing” on the attached Misc. Plan No. 12551/3.

In 2005, Mr. Kraut applied to subdivide and rezone the land shown as DASZ 18/05 on the drawing and to close the portion of Shore Street shown as DAC 11/05 on the drawing for incorporation into DASZ 18/05. Both applications were approved by Council in September of 2005.

Mr. Kraut has now purchased additional land to the south and has applied under DASZ 29/2006 to subdivide and rezone the lands for incorporation into his original subdivision. The portion of Shore proposed to be closed will also be incorporated into the subdivision.

The turnaround area identified in DAC 18/05 has been shifted south to the new terminus of Shore Street. This area will be dedicated as street through the registration of the subdivision plan.

**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

The Water and Waste Department will require an easement area 12 metres in width to maintain a water feedermain in the street. Centra Gas will require an easement over the easterly 6 metres of the street for the maintenance of its plant.

No permanent structures will be allowed in these easement areas. This should not conflict with the applicant’s plans, as this area will be used for parking.

Transfer of Jurisdiction Over Public Rights-of-Way

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. 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

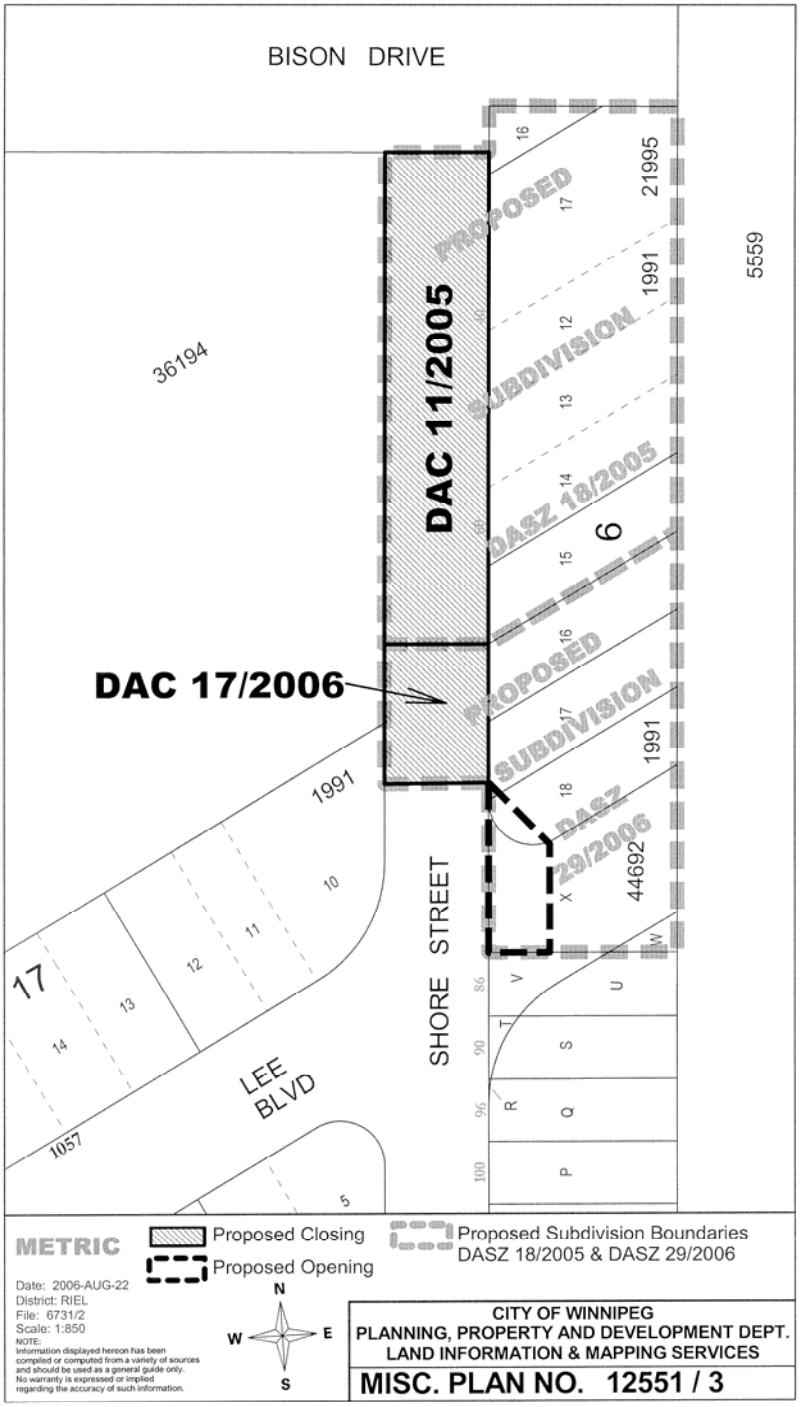
Water and Waste Department – Engineering Division

**External Consultation With:**

Centra Gas, Manitoba Hydro, MTS Communications and Shaw Cable did not respond to the request for easement requirements.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 6731/2


BISON DRIVE
36194
DAC 11/2005
DAC 17/2006
PROPOSED SUBDIVISION
DASZ 18/2005
PROPOSED SUBDIVISION
DASZ 29/2006
21995
1991
5559
6
44692
1991
SHORE STREET
LEE BLVD
1057
17
METRIC
Proposed Closing
Proposed Opening
Proposed Subdivision Boundaries
DASZ 18/2005 & DASZ 29/2006
Date: 2006-AUG-22
District: RIEL
File: 6731/2
Scale: 1:850
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12551 / 3