Minute No. 251
Report - Standing Policy Committee on Property and Development - January 30, 2007

Item No. 1 Closing - Part of Pandora Avenue West
File DAC 21/2006

COUNCIL DECISION:

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

1. That the partial street closing as shown on Misc. Plan No. 13034 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 partial street closing in accordance with Misc. Plan No. 13034, 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 30, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2007, 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 January 30, 2007, 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 January 15, 2007, 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 21/2006
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	January 15, 2007 Community Committee Chambers, 755 Henderson Highway
Applicant:	Frontier Toyota (Roger Tychonick)
Premises Affected:	Part of Pandora Avenue West
Exhibits Filed:	1. Report from the Real Property Officer dated December 19, 2006 2. Inspection Report

REPRESENTATIONS:

In Support:
Lym Ritchot, Frontier Toyota
Val Thompson, Frontier Toyota

In Opposition:
Nil

For the City:
Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 21/2006

RE: DAC 21/2006 – PROPOSED CLOSING OF PART OF PANDORA AVENUE WEST

FOR SUBMISSION TO: **The East Kildonan-Transcona Community Committee**

REPORT DATE: **December 19, 2006**

RECOMMENDATION:

1. That the proposed partial street closing as shown on Misc. Plan No. 13034 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 partial street closing in accordance with Misc. Plan No. 13034, 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:

Frontier Toyota is acquiring the property adjacent to the west of its land that forms the triangle shown by the dashed lines on Misc. Plan 13034 and wants to include the portion of street right-of-way into the site.

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 matter will be paid by Frontier Toyota. 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 Frontier Toyota to purchase the portion of the former Pandora Avenue West right-of-way identified as “Proposed Closing” on the attached Misc. Plan No. 13034. Frontier Toyota is acquiring the property adjacent to the west that forms the triangle shown by the dashed lines on Misc. Plan 13034 and wants to include the portion of Pandora into the site.

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

There is a 200mm AC water main, a 600mm concrete waste water sewer main, and a fire hydrant located within the proposed street closure. The Water and Waste Department has no objection to the proposed closing provided an easement is established on the entire proposed closing area.

It may be necessary to re-align the swale to ensure positive drainage to the curb inlet immediately south of Regent Avenue. If it becomes necessary, Frontier Toyota would be responsible for the costs associated with this re-alignment.

Manitoba Hydro and Centra Gas will also require an easement for their facilities in the area.

No permanent structures will be allowed in closed street.

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:

There was no internal consultation involved in the preparation of this report.

External Consultation With:

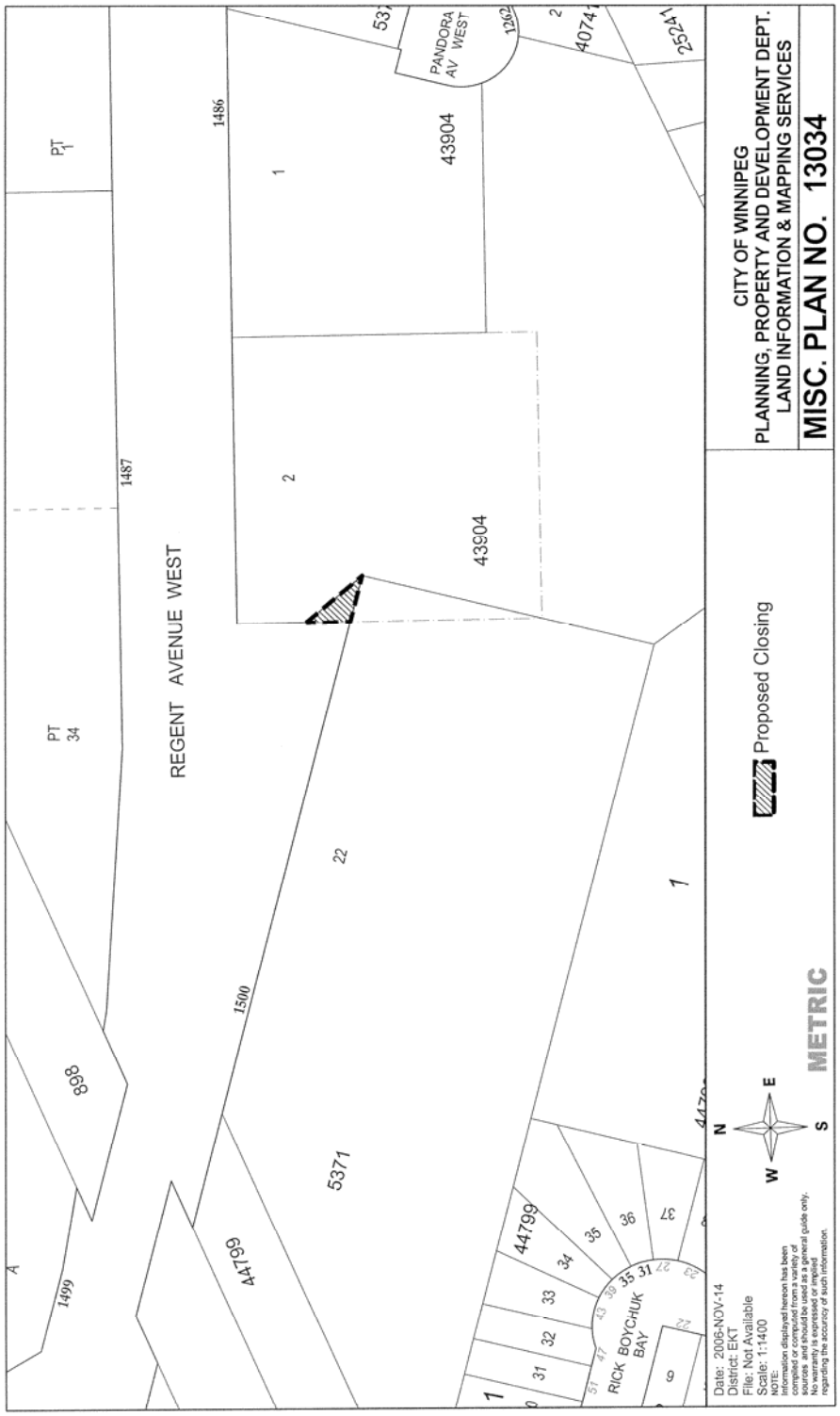
Centra Gas, Manitoba Hydro, Shaw Cable

MTS Communications did not respond to the circulation of this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 4271/7

v:\devapp\dev application2006\dac21_2006\final_report\dac21_06rpt.doc


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13034
Proposed Closing
METRIC
Date: 2006-NOV-14
District: EKT
File: Not Available
Scale: 1:1400
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.
REGENT AVENUE WEST
PANDORA AV WEST
RICK BOYCHUK BAY
43904
44799
5371
898
1486
1487
1500
1499
PT 1
PT 34