Minute No. 700
Report - Standing Policy Committee on Property and Development – July 4, 2006

Item No. 6 **Street Closing - The Drive between Parkwood Place and Kings Drive File DAC 10/2006**

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No. 9333/8 be approved and Parcels B, C, and D 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. 9333/8.

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 – July 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 July 19, 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 July 4, 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 May 30, 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 10/2006
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Magnifico
Public Hearing:	May 30, 2006 Council Building, 510 Main Street
Applicant:	The City of Winnipeg
Premises Affected:	The Drive between Parkwood Place and Kings Drive
Exhibits Filed:	1. Report from the Real Property Officer dated May 17, 2006 2. Inspection Report

REPRESENTATIONS:

In Support:

Donald W. Whitmor

In Opposition:

Nil

For the City:

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

Exhibit "2" referred to in File DAC 10/2006

RE: DAC 10/2006 – PROPOSED CLOSING OF THE DRIVE BETWEEN PARKWOOD PLACE AND KINGS DRIVE

FOR SUBMISSION TO: The Riel Community Committee

REPORT DATE: May 17, 2006

RECOMMENDATION:

1. That the proposed street closing as shown on Misc. Plan No. 9333/8 be approved and that Parcels B, C, and D 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. 9333/8.

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 Drive exists only in a legal context as a designation of land as a public right-of-way. There may have been a street constructed when the land was dedicated in 1914; there is no physical evidence of a street today.
- The street closing is part of an exchange of lands that will restructure the individual property holdings at Nos. 80, 90, and 100 Kings Drive while accommodating the existence of the dyke in the area.
- The Standing Policy Committee on Property and Development approved the terms of the sale of The Drive on December 4, 2003.
- On April 25th, 2006, the Riel Community Committee approved DASZ 55/2005, an application to subdivide and rezone the properties at Nos. 80, 90, and 100 Kings

Drive. The subdivision effects the reconfiguration of the holdings and the incorporation of the portions of The Drive into them.

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

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The Drive exists in a legal context as a designation of land as a public right-of-way. There may have been a street constructed when the land was dedicated in 1914; there is no physical evidence of a street today.

Between 1988 and 2003, the Real Estate Division of the Planning, Property and Development Department and the Water and Waste Department worked with the owners of the properties adjacent to The Drive to facilitate an exchange of lands that would restructure the individual property holdings while accommodating the existence of the dyke in the area. The portions of The Drive shown as Parcels B, C, and D on the attached Misc. Plan No. 9333/8 will be incorporated into the new configuration of the lots. The City will retain Parcel A as part of King's Park.

On December 4, 2003, the Standing Policy Committee on Property and Development approved the terms of the sale of The Drive. The Committee also approved the recommendation in the report that the Purchasers' requirement to pay the application fee for the closing and to pay the costs of preparing the plan of survey be waived.

On April 25th, 2006, the Riel Community Committee approved DASZ 55/2005, an application to subdivide and rezone the properties at Nos. 80, 90, and 100 Kings Drive. The subdivision will effect the incorporation of the portions of The Drive into the adjoining properties.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The Transportation Division of the Public Works Department has advised that it would be possible to also legally close the portion of The Drive, south of Parkwood Place, while retaining a right-of-way for a turn-around at the east terminus of Parkwood Place, as well as Patricia Avenue and the Public Lanes, south of Parkwood Place for inclusion into the adjacent City park lands. Portions of these rights-of-way are already essentially being used as part of King's Park and there appears to be no reason for them to remain as Public rights-of-way.

This recommendation will be forwarded to the Planning and Land Use Division of the Planning, Property and Development Department and may be the subject of a future closing application if funding can be allocated.

Easements

There are no facilities in the street. Easements are not required.

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:

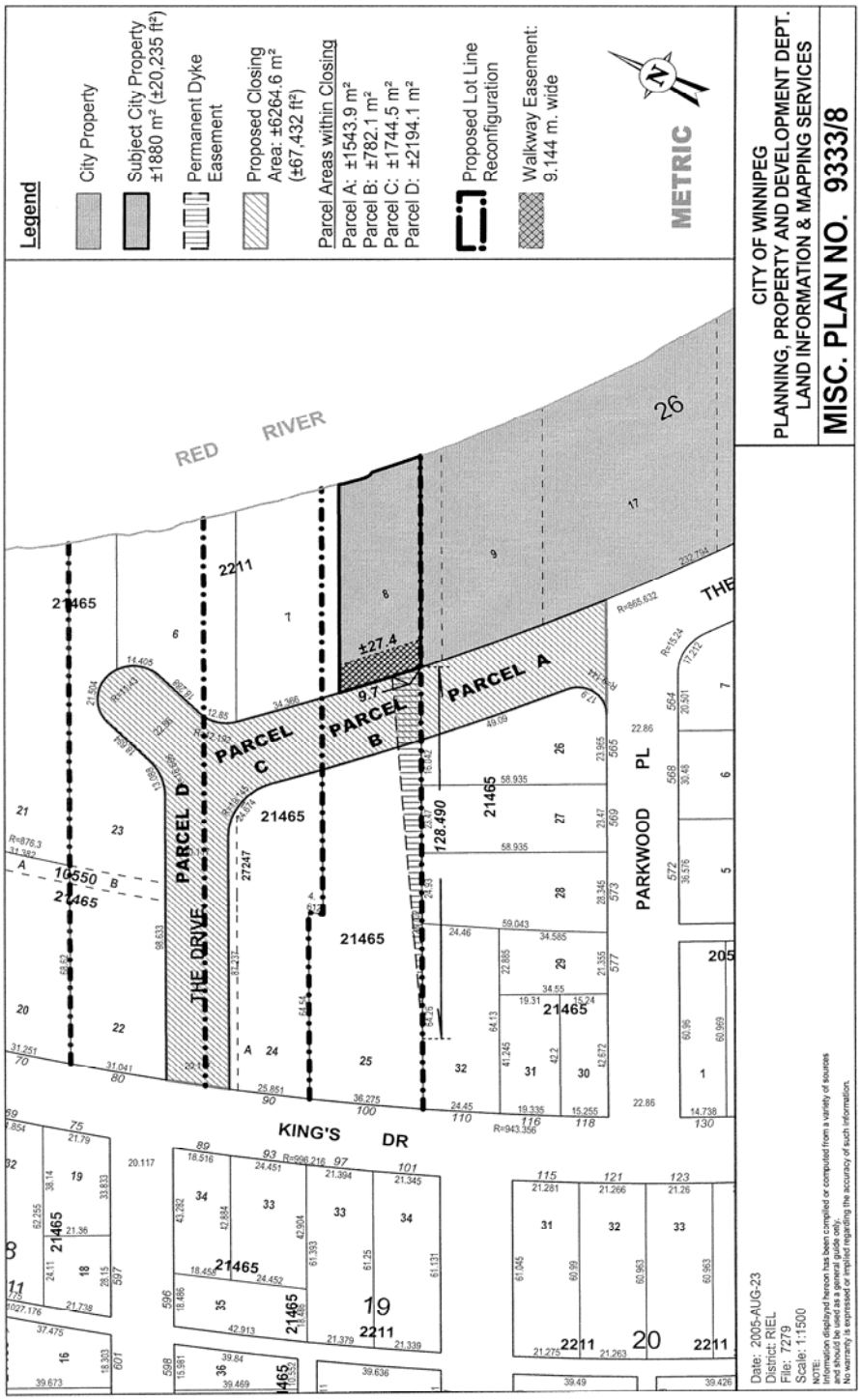
Centra Gas

Manitoba Hydro, MTS Communications and Shaw Cable did not respond to the request for easement requirements. It is assumed that they have none.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 7279 Vol 2

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Legend
City Property
Subject City Property ±1880 m² (±20,235 ft²)
Permanent Dyke Easement
Proposed Closing Area: ±6264.6 m² (±67,432 ft²)
Parcel Areas within Closing
Parcel A: ±1543.9 m²
Parcel B: ±782.1 m²
Parcel C: ±1744.5 m²
Parcel D: ±2194.1 m²
Proposed Lot Line Reconfiguration
Walkway Easement: 9.144 m. wide
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 9333/8
RED RIVER
PARCEL A
PARCEL B
PARCEL C
PARCEL D
THE DRIVE
PARKWOOD PL
KING'S DR
±27.4
128.490
21465
2211
Date: 2005-AUG-23
District: RIEL
File: 7279
Scale: 1:1500