Minute No. 810
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 8 **Closing – public thoroughfare between 28 and 32 Riverside Drive File DAC 13/2006**

COUNCIL DECISION:

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

1. That the thoroughfare closing shown on Misc. Plan No. 12905 be approved and the land declared surplus to the City's needs.

2. That the September 17, 1980, Council Policy regarding the retention of all street ends providing access to the rivers be waived.

3. 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. 12905, subject to the approval of the Standing Policy Committee on Property and Development and Council of the terms and conditions of the conveyance of the land.

4. 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 – September 5, 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 September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 4, 2006, the City Centre 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 13/2006
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Benham Councillor Smith
Public Hearing:	July 4, 2006 West Committee Room Council Building, 510 Main Street
Applicant:	Cindy Dowse and David Kraemer
Premises Affected:	public thoroughfare between 28 and 32 Riverside Drive
Exhibits Filed:	1. Report from the Real Property Officer dated June 20, 2006 2. Inspection Report 3. Communication dated June 26, 2006, from Lilita Klavins, requesting an adjournment of the public hearing

REPRESENTATIONS:

In Support:

David Kraemer and Cindy Dowse

In Opposition:

Nil

For Information:

Lilita Klavins

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

Exhibit "2" referred to in File DAC 13/2006

RE: DAC 13/2006 - PROPOSED CLOSING OF THE THE PUBLIC THOROUGHFARE BETWEEN NOS. 28 AND 32 RIVERSIDE DRIVE

FOR SUBMISSION TO: **The City Centre Community Committee**

REPORT DATE: **June 20, 2006**

RECOMMENDATION:

1. That the proposed thoroughfare closing as shown on Misc. Plan No. 12905 be approved and that the land be declared surplus to the City's needs.

2. That Council waive its policy of September 17, 1980, regarding the retention of all street ends providing access to the rivers.

3. 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. 12905, subject to the approval of the Standing Policy Committee on Property and Development and Council of the terms and conditions of the conveyance of the land.

4. 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 Public Thoroughfare between Nos. 28 and 32 Riverside Drive was created in 1956 to provide the area residents access to the Red River for recreational purposes. The absence of a pathway and the number of mature trees in the thoroughfare indicate that the area has not been used for this purpose for many years.

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

() No

(x) Yes

Comment(s): Council will be required to waive its policy regarding the retention of street ends providing access to the rivers. As the land is not used for that purpose, and considering the fact that access to the river is available through Toilers Memorial Park, which is a short distance away, the administration is recommending the sale of the thoroughfare.

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 the closing will be borne by the applicants. 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 Public Thoroughfare between Nos. 28 and 32 Riverside Drive was created in 1956 to provide the area residents access to the Red River for recreational purposes. The absence of a pathway and the number of mature trees in the thoroughfare indicate that the area has not been used for this purpose for many years.

The Planning, Property and Development Department has received a request to purchase the thoroughfare. The applicants have recently purchased No. 32 Riverside and wish to add the thoroughfare to their property.

DISCUSSION:

Administrative Approval

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

City Policy Regarding Street Ends Providing Access to a River

On September 17, 1980, Council directed that all street ends providing access to the rivers be retained by the City. In the event that the sale of a street end is recommended, Council must approve the terms of the sale and further, Council must waive this policy .

The administration is recommending the sale of this property for the following reasons:

1. The land serves no apparent public purpose. The thoroughfare exists only in a legal context as a designation of land as a public right-of-way. There is no pathway and the number of mature trees in the thoroughfare essentially eliminates this access to the river.
2. Access to the river is provided by Toilers Memorial Park, which is located within a five minute walk of the thoroughfare.

Easements

The Water and Waste Department advises that there is an abandoned 450mm combined sewer outfall located within the public thoroughfare proposed to be closed. The Water and Waste Department has no objection to the proposed closing providing an easement is established for the abandoned sewer. It is recommended that the width of this easement be the same as the existing public thoroughfare right-of-way.

No permanent structures will be allowed in the closed thoroughfare.

Transfer of Jurisdiction Over Public Rights-of-Way

The thoroughfare 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:

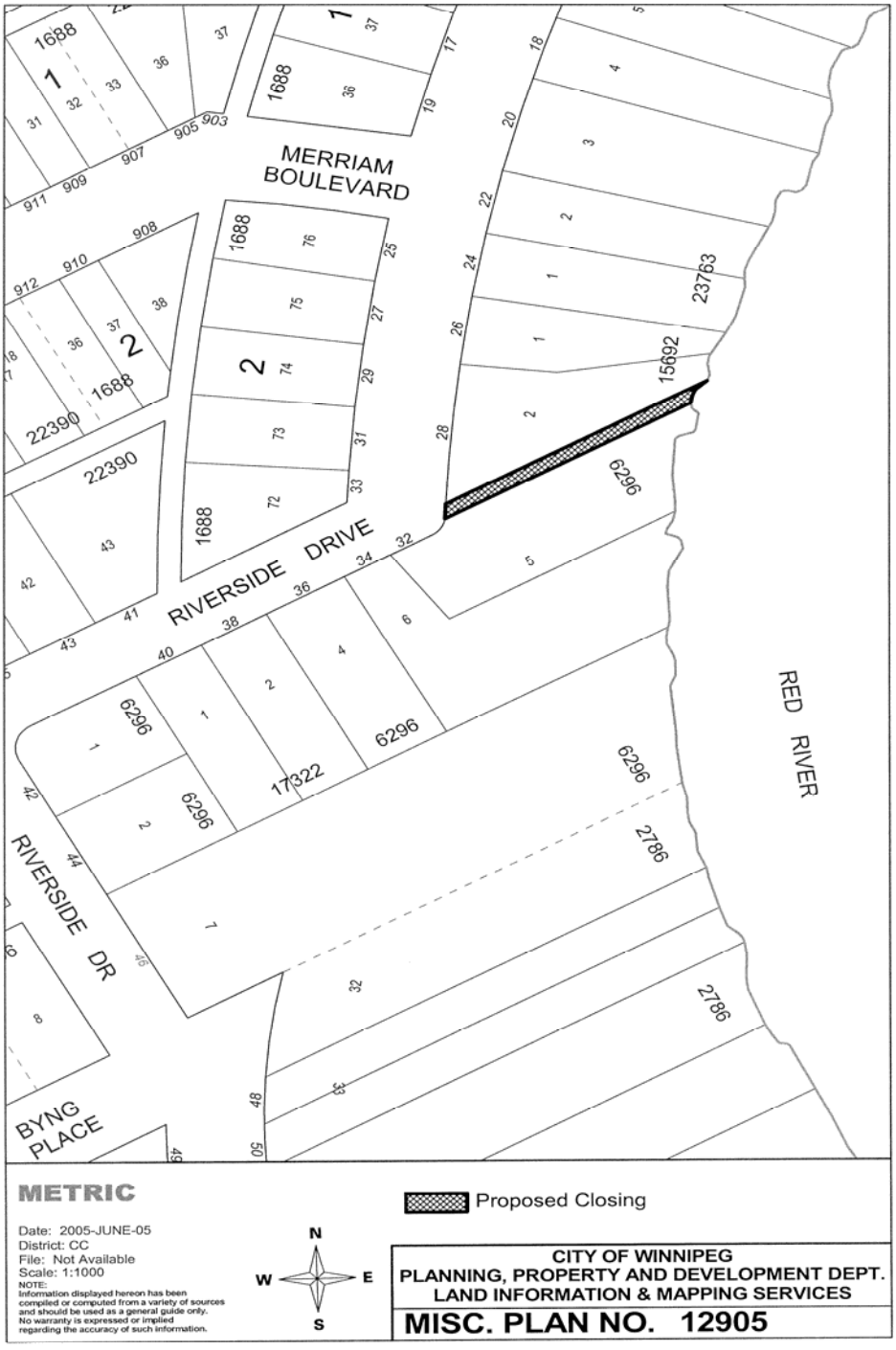
Centra Gas, Shaw Cable

Manitoba Hydro and MTS Communications 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. DAC 13/06

v:\devapp\dev application2006\dac13_2006\final_report\dac13_06rpt.doc


MERRIAM BOULEVARD
RIVERSIDE DRIVE
RIVERSIDE DR
BYNG PLACE
RED RIVER
1688
22390
6296
17322
2786
23763
15692
Proposed Closing
METRIC
Date: 2005-JUNE-05
District: CC
File: Not Available
Scale: 1:1000
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.
N
W
E
S
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12905