Minute No. 838
Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 8 **Street Closing - Angela Street and parts of Peguis Street and Perfanick Drive for incorporation into DASZ 30/2005 File DAC 19/2005 [c/r DASZ 30/2005]**

COUNCIL DECISION:

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

1. That the street closings shown on Misc. Plan No. 12618/1 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 closings in accordance with Misc. Plan No. 12618/1.

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 - September 19, 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 East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, 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 September 12, 2006, 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 19/2005 [c/r DASZ 30/2005]
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	September 12, 2006 Community Committee Chambers, 755 Henderson Highway
Applicant:	Bridgewood Estates Inc. (Jim Perfanick)
Premises Affected:	Angela Street and parts of Peguis Street and Perfanick Drive
Exhibits Filed:	1. Report from the Real Property Officer dated August 15, 2006 2. Inspection Report

REPRESENTATIONS:

In Support:

Jim Perfanick, Bridgewood Estates Inc.

In Opposition:

Nil

For Information:

Elaine Smith

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 19/2005

RE: DAC 19/2005 – PROPOSED CLOSING OF ANGELA STREET AND PARTS OF PEGUIS STREET AND PERFANICK DRIVE FOR INCORPORATION INTO DASZ 30/2005

For submission to: **The East Kildonan-Transcona Community Committee**

Report date: **August 15, 2006**

Recommendations:

1. That the proposed street closings as shown on Misc. Plan No. 12618/1 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 closings in accordance with Misc. Plan No. 12618/1.

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 streets are proposed to closed and incorporated into DASZ 30/2005, an application to subdivide and rezone the adjoining lands.

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 of Winnipeg
	Involves a multi-year contract

Comment(s):

-

Policy implications:

X	**No**
	Yes

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 proposal will be borne by 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:

In August of 2005, the Planning, Property and Development Department received a request from Bridgewood Estates Inc. to incorporate the subject streets into DASZ 30/2005, an application to subdivide and rezone the property south of Perfanick Drive and east of Peguis Street.

Perfanick Drive and Peguis Street will be rendered obsolete by the streets being created in the subdivision. Angela Street does not physically exist.

DISCUSSION:

Administrative Approval

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

Easements

The Water and Waste Department advises that an easement will be required for the existing 1800mm wastewater interceptor sewer within the Peguis Street right-of-way. Manitoba Hydro, Centra Gas, MTS and Shaw Cable will require easements for their plants in the streets.

All easement/relocation requirements will be addressed under the subdivision approval process.

Closing and Re-Opening Portions of Perfanick Drive and Peguis Street as Concordia Avenue East

The portions of Perfanick Drive and Peguis Street required for Concordia Avenue East will be closed, in a legal sense, for a moment in time when the closing by-law is registered in the Winnipeg Land Titles Office. They will immediately be opened again, as Concordia Avenue East, by the plan of subdivision. This method of closing the street and re-opening it is preferred for legal and surveying reasons.

Conveyance of Streets for $1.00

The area of the streets being created by the subdivision exceeds the area of the streets being closed. In accordance with City policy, the closed streets will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they may be incorporated into the subdivision. 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 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

Centra Gas, Manitoba Hydro, MTS Communications and Shaw Cable.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 8560

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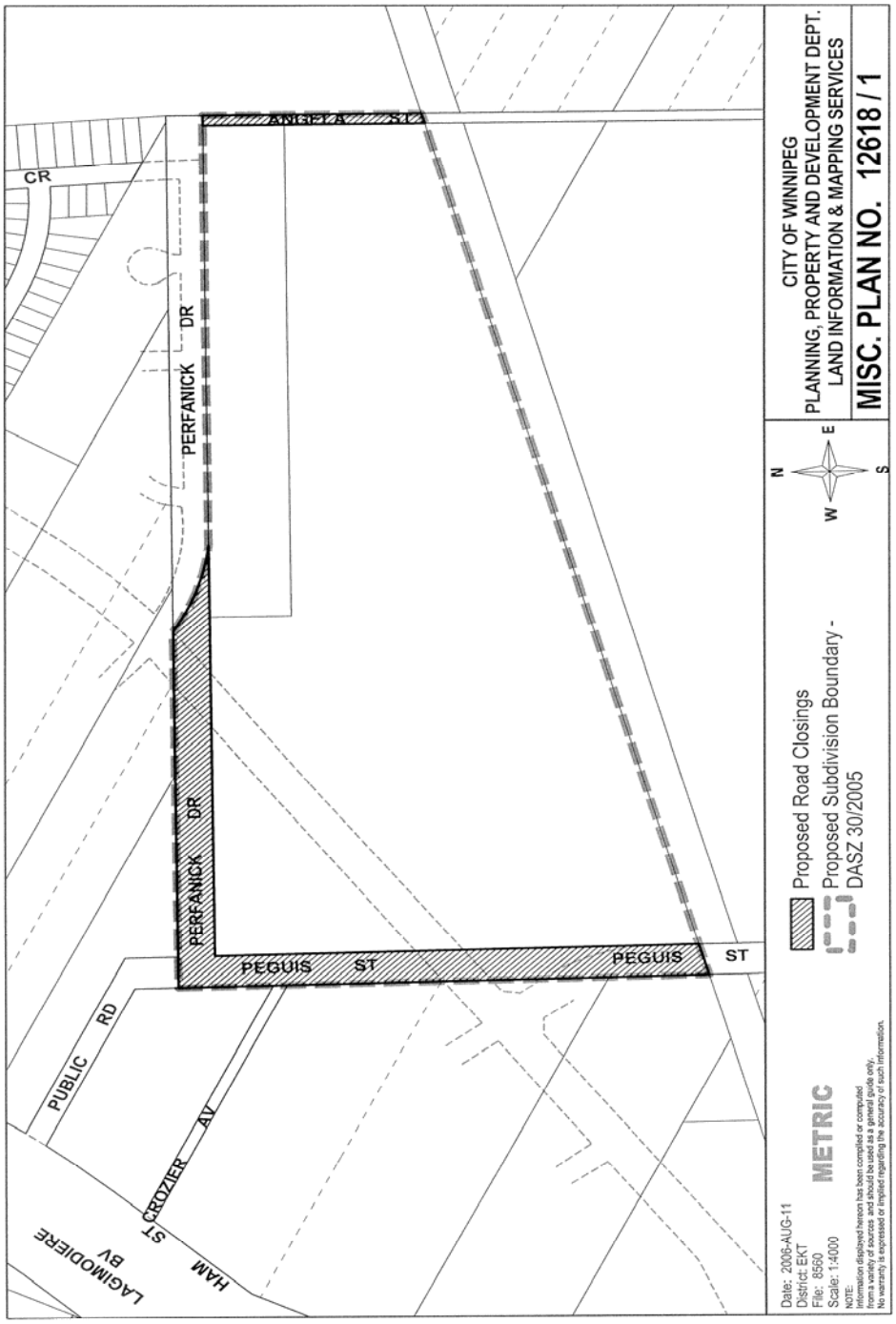
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12618 / 1
Proposed Road Closings
Proposed Subdivision Boundary - DASZ 30/2005
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Date: 2006-AUG-11
District: EKT
File: 8560
Scale: 1:4000
METRIC
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