Minute No. 388
Report - Standing Policy Committee on Property and Development – May 22, 2007

Item No. 3 **Closing - public lane south of Templeton Avenue, east of Tanner Street (Mynarski Ward) File DAC 8/2007**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 13102 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. 13102, 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.

Minutes - Executive Policy Committee - June 13, 2007

Report - Standing Policy Committee on Property and Development – May 22, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 22, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2007, the Lord Selkirk-West Kildonan 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 8/2007
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko
Public Hearing:	April 24, 2007 West Committee Room Council Building, 510 Main Street
Applicant:	W.R.E. Developments (Peter Ewart)
Premises Affected:	public lane south of Templeton Avenue, east of Tanner Street
Exhibits Filed:	1. Report from the Real Property Officer dated April 13, 2007 2. Inspection Report

REPRESENTATIONS:

In Support:

Peter Ewert

In Opposition:

Nil

For Information:

Casey Jones

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. Michael Robinson, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 8/2007

RE: DAC 8/2007 – PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF TEMPLETON AVENUE, EAST OF TANNER STREET

FOR SUBMISSION TO: **The Lord Selkirk-West Kildonan Community Committee**

REPORT DATE: **April 13, 2007**

RECOMMENDATION:

1. That the proposed lane closing as shown on Misc. Plan No. 13102 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. 13102, 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:

W.R.E. Developments has applied to purchase the public lane adjacent to the seniors housing complex it owns adjacent to the north and west of the lane. W.R.E. intends to leave the paved portion of the lane in place and use the balance of the lane for additional parking.

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

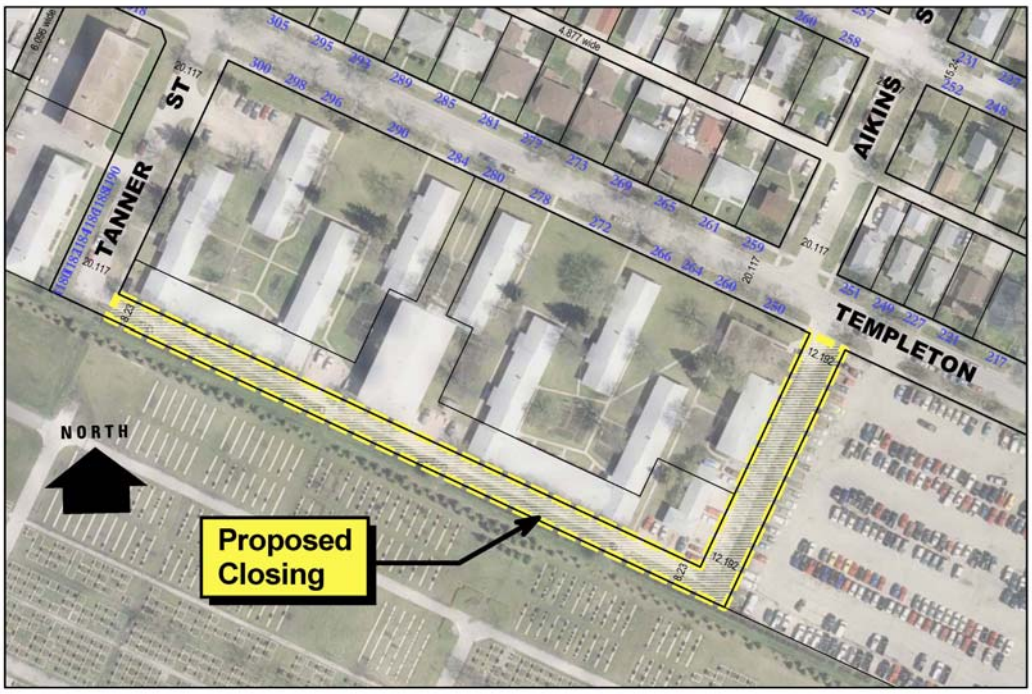
( ) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with this application will be assumed 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:

The Planning, Property and Development Department has received a request from W.R.E. Development Ltd. to purchase the public lane identified as “Proposed Closing” on the attached Misc. Plan No. 13102. W.R.E. Developments maintains a seniors housing complex on the property adjacent to the north and west of the lane. There are 50 parking spaces for the 124 suites in the complex. W.R.E. intends to leave the paved portion of the lane in place and use the balance of the lane for additional parking. The properties to the south and east do not use the lane.

DISCUSSION:

Administrative Approval

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

Zoning

A closed right-of-way assumes the zoning of the adjacent properties. The applicant's property is zoned RM-2. The property to the east is zoned C1. The property to the south is zoned A5. The east half of the north/south leg of the lane will assume the C1 zoning of the property to the east and the south half of the east/west leg of the lane will assume the A5 zoning of the property to the south. The balance of the lane will assume the RM-2 zoning of the applicant's property. The portions of the proposed closing that are zoned Commercial and Agricultural must be re-zoned to RM-2. Also, a development permit will be required for the expanded parking area. This will address concerns such as paving, landscaping, and screening requirements.



Zoning: Brown – RM-2, Red – C1, Green – A5

Turnaround Area

The Public Works Department has no objection to the lane closing subject to the applicant entering into a Servicing Agreement for the following:

1.) The applicant shall provide and legally open, at no cost to the City, property required for a standard cul-de-sac turnaround at the south end of Tanner Avenue as determined by the Director of Public Works.

2.) The applicant shall, at no expense to the City, construct in Portland cement concrete pavement a standard residential cul-de-sac turnaround, and all related works at the south end of Tanner Avenue as determined by and to the satisfaction of the Director of Public Works.

Lane Approaches

The applicant will be required to obtain Private Approach permits for the lane outlets at Templeton and Tanner.

Easements

There is a 150mm Watermain and a 375mm CB lead in the lane. The Water and Waste Department has no objection to the proposed closing providing an easement is established for these utilities. The width of this easement be the same as the existing lane width.

Manitoba Hydro and MTS require easements for the maintenance of their services in the lane.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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:

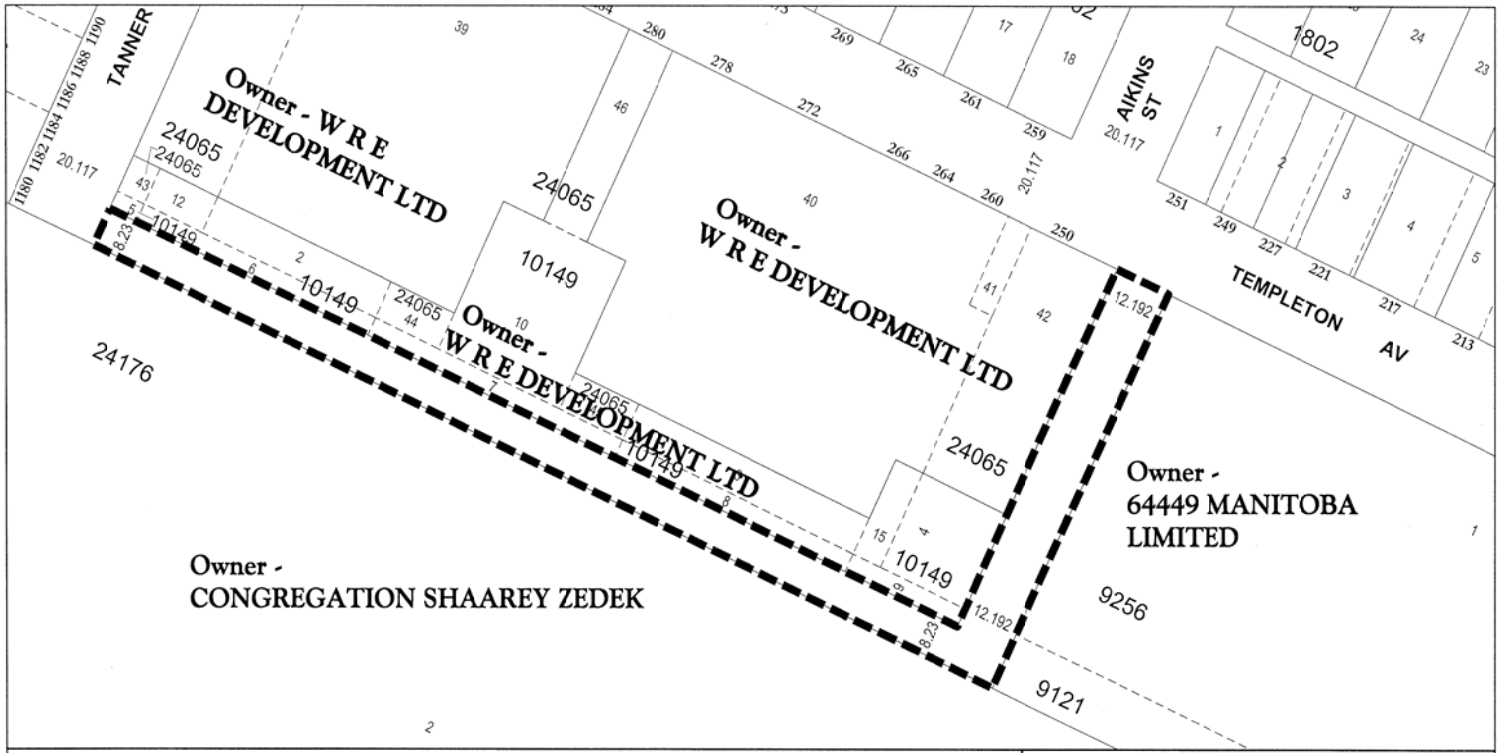
There was no internal consultation involved in the preparation of this report.

External Consultation With:

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. DAC 8/07



Date: 2007-MAR-14 METRIC
District: LSWK
File: Not Available
Scale: 1:1000

NOTE:
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Proposed Closing

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 13102

3029