Agenda - Council - October 24, 2007

Report - Standing Policy Committee on Property and Development - October 2, 2007

Item No. 2 Closing – Parts of Moody and Parent Streets, Bull and Whitfield Avenues and Adjacent Public Lanes (St. James-Brooklands Ward) File DAC 2/2007 [c/r DASZ 25/2007]

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the street and lane closings as shown on Misc. Plan No. 12225/1 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. 12225/1, 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 - October 2, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2007, the Assiniboia 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 2/2007 [c/r DASZ 25/2007]
Before:	Assiniboia Community Committee Councillor Clement, Chairperson Councillor Fielding Councillor Nordman
Public Hearing:	September 18, 2007 West Committee Room Council Building, 510 Main Street
Applicant:	Filmore, Riley (Lionel J. Matens)
Premises Affected:	Parts of Moody and Parent Streets, Bull and Whitfield Avenues, and the Adjacent Public Lanes
Exhibits Filed:	1. Report from the Real Property Officer dated August 13, 2007 2. Inspection Report

REPRESENTATIONS:

In Support:

Alan Klassen

In Opposition:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 2/2007

RE: DAC 2/2007 – PROPOSED CLOSING OF PARTS OF MOODY AND PARENT STREETS, BULL AND WHITFIELD AVENUES, AND THE ADJACENT PUBLIC LANES FOR INCORPORATION INTO DASZ 25/2007

FOR SUBMISSION TO: **The Assiniboia Community Committee**

REPORT DATE: **August 13, 2007**

RECOMMENDATION:

1. That the proposed street and lane closings as shown on Misc. Plan No. 12225/1 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. 12225/1, 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:

Marcoux Brothers Trucking Ltd. has applied to purchase the subject streets and lanes. The closed streets and lanes will be incorporated into DASZ 25/2007, an application to subdivide and rezone the adjoining property.

The streets and lanes have never been paved and serve no apparent public purpose.

There are no administrative objections to the closings.

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

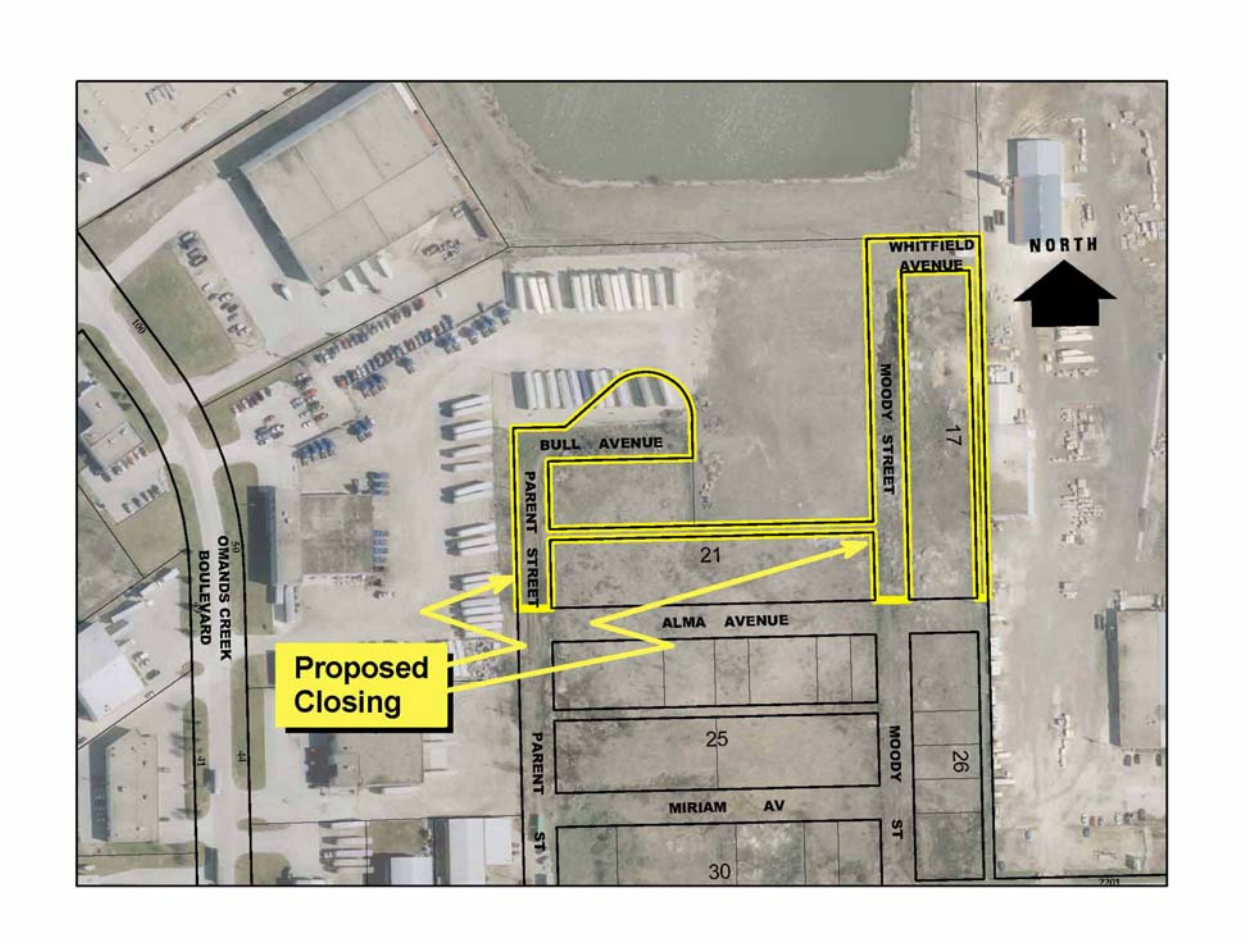
( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with the application will be paid by the applicant. 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 subject streets and lanes were created in 1907 by the subdivision of the adjoining lands. The rights-of-way have never been paved or used for any other public purpose.

The Planning, Property and Development Department has received a request from the solicitor for Marcoux Brothers Trucking Ltd. to purchase the streets and lanes bordered on the attached Misc. Plan No. 12225/1. Marcoux Bros. owns all of the land adjacent to the west of Moody Street and has a tentative agreement to purchase the block east of Moody, subject to the approval of the street and lane closings and the approval of the consolidation of the lands into the existing Marcoux Bros. holdings. The closed streets

and lanes will be incorporated into DASZ 25/2007, an application to subdivide and rezone the adjoining 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.

Easements

There is a 300mm Watermain, 450mm Land Drainage Sewer, and 375mm Wastewater Sewer in Whitfield Avenue. The Water and Waste Department will require an easement for the maintenance of these utilities. The entire street is required for the easement.

Manitoba Hydro has also requested an easement for its facilities in the closed streets and lanes.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets and lanes 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:

Internal Consultation With and Concurrence By:

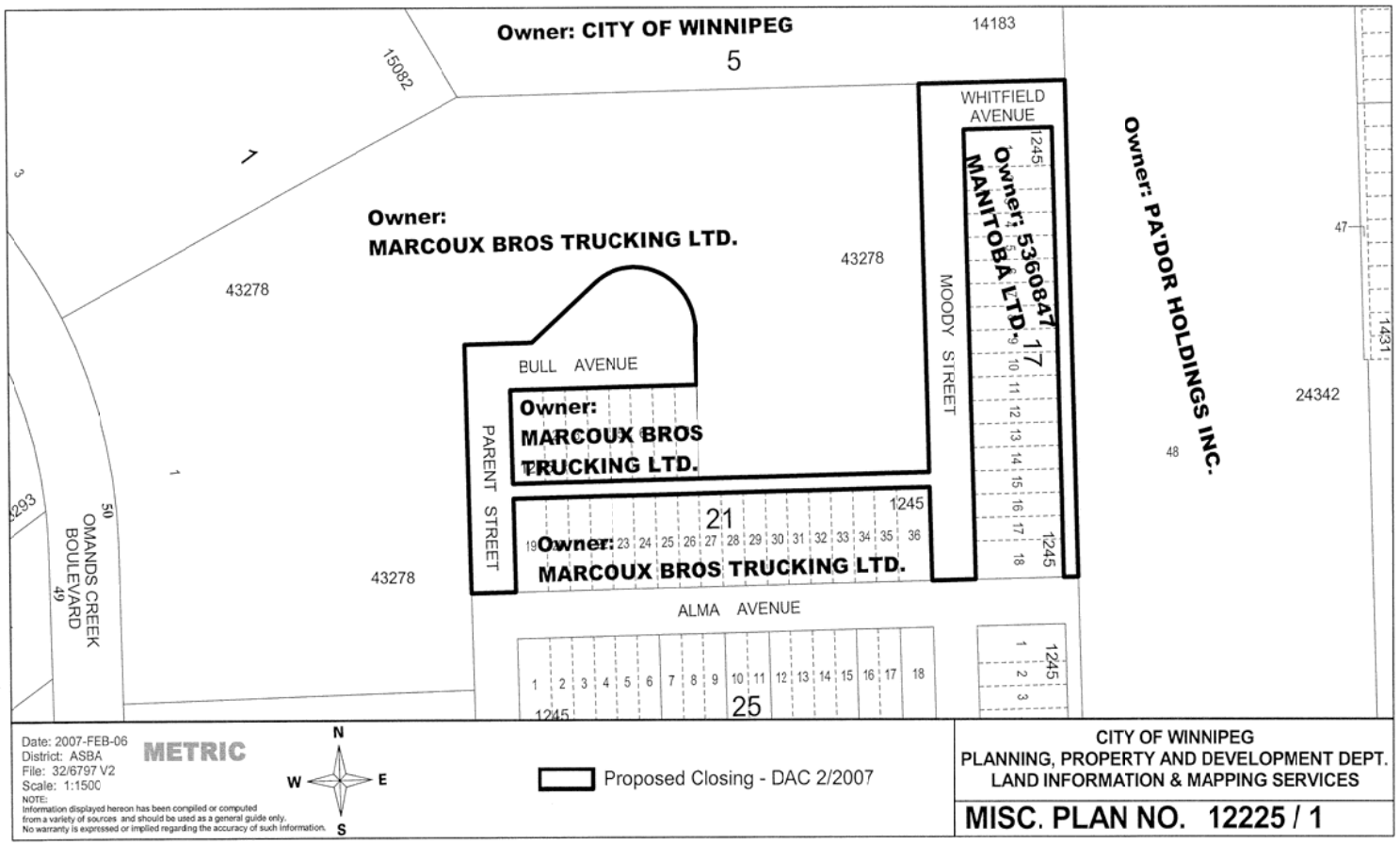
There was no internal consultation involved in the preparation of this report.

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. 32/6797 Vol 2


Owner: CITY OF WINNIPEG
14183
5
15082
7
3
WHITFIELD AVENUE
1245
Owner: 5360847 MANITOBA LTD.
17
Owner: PA'DOR HOLDINGS INC.
47
1431
24342
48
Owner:
MARCOUX BROS TRUCKING LTD.
43278
43278
BULL AVENUE
MOODY STREET
PARENT STREET
Owner:
MARCOUX BROS TRUCKING LTD.
1245
21
Owner: MARCOUX BROS TRUCKING LTD.
1293
50
OMANDS CREEK BOULEVARD
49
1
43278
ALMA AVENUE
1245
25
Date: 2007-FEB-06
District: ASBA
File: 32/6797 V2
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METRIC
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.
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Proposed Closing - DAC 2/2007
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12225 / 1

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