Agenda - Council - December 19, 2007

Report - Standing Policy Committee on Property and Development - November 27, 2007

Item No. 5 Closing - public lanes between Chamberlain and Troy Avenues, east of Fife Street
(Point Douglas Ward)
File DAC 18/2007

STANDING COMMITTEE RECOMMENDATION:

On December 12, 2007, the Executive Policy Committee concurred in the recommendation 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 closings as shown on Misc. Plan No. 13114/1 be approved and that the land be declared surplus to the City's needs.

2. That the applicant be required to provide turnaround areas at the easterly terminus of Admiral Avenue and the lanes to the north and south to the satisfaction of the Director of Public Works.

3. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closings in accordance with Misc. Plan No. 13114/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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 - November 27, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 12, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 27, 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 November 13, 2007, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 18/2007 [c/r DASZ 33/2007, DAV 155848/2007D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Public Hearing:	November 13, 2007 Council Chamber Council Building, 510 Main Street
Applicant:	2404559 Manitoba Ltd. (Sharon Satz)
Premises Affected:	Public lanes between Chamberlain and Troy Avenues, east of Fife Street
Exhibits Filed:	1. Report from the Real Property Officer dated October 31, 2007 2. Inspection Report

REPRESENTATIONS:

In Support:

Sharon Satz, 2404559 Manitoba Ltd.

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. B. Buyachok, Technician, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 18/2007

INTER-OFFICE MEMORANDUM

Winnipeg

Planning, Property and Development Department

Development and Inspections Division, Geomatics Branch
2nd floor, 65 Garry Street

Date: October 31, 2007

To: Diane Timmins, Lord Selkirk-West Kildonan Community Committee Clerk

From: Bohdan Buyachok, Geomatics Branch

RE: **DAC 18/2007 – PROPOSED CLOSING OF THE PUBLIC LANES BETWEEN CHAMBERLAIN AND TROY AVENUES, EAST OF FIFE STREET**
FILE NO. 32/4026 (PLEASE QUOTE WHEN REPLYING)

An application has been received from Sharon Satz, Project Manager for B & M Land (101 – 33 Hargrave Street, R3C 3T9) to acquire the referenced public lanes for incorporation within a subdivision and rezoning currently being processed under DASZ 33/07. Before the lanes may be sold, they must first be legally closed.

Attached is a report recommending the subject closing. Will you please place this item on the agenda of the Committee's November 13th public meeting. Notice that the Community Committee will consider the closing on that date was posted in the neighbourhood on October 26th.

Since this closing forms part of a subdivision application, I will not be attending the meeting.

e-mailed

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cc: Carlos Gameiro, Michael Robinson

RE: DAC 18/2007 – PROPOSED CLOSING OF THE PUBLIC LANES BETWEEN CHAMBERLAIN AND TROY AVENUES, EAST OF FIFE STREET FOR INCORPORATION INTO DASZ 33/2007

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

REPORT DATE: **October 30, 2007**

RECOMMENDATION:

1. That the proposed lane closings as shown on Misc. Plan No. 13114/1 be approved and that the land be declared surplus to the City's needs.

2. That the applicant be required to provide turnaround areas at the easterly terminus of Admiral Avenue and the lanes to the north and south to the satisfaction of the Director of the Public Works Department.

3. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closings in accordance with Misc. Plan No. 13114/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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:

B & M Land has made an application to close and purchase the subject lanes. The proposed closing is to be incorporated within the development of "McPhillips Common", a subdivision and rezoning currently being processed under DASZ 33/07.

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

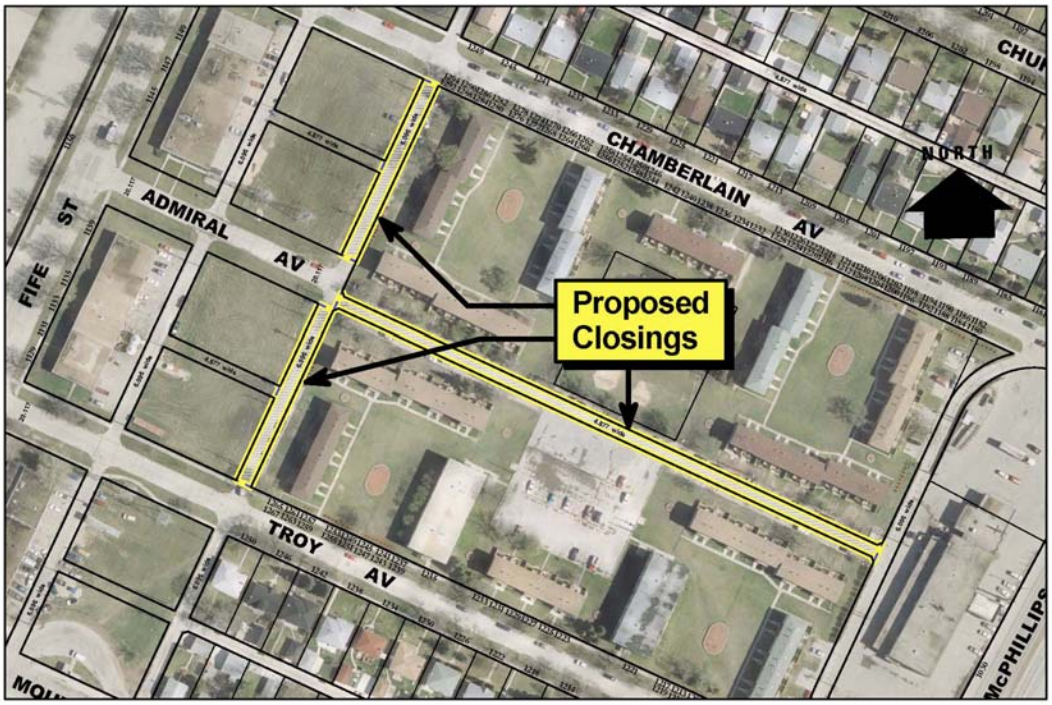
( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with this application will be borne 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 Planning, Property and Development Department has received a request from Sharon Satz, Project Manager for B & M Land, to purchase the public lanes identified as "Proposed Closing – DAC 18/2007" on the attached Misc. Plan No. 13114/1. The proposed closing is to be incorporated within the development of "McPhillips Common", a subdivision currently being processed under DASZ 33/07.

DISCUSSION:

<u>Administrative Approval</u>

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

The Engineering Division of the Water and Waste Department has identified a 150 mm watermain running parallel to the proposed closings. This watermain will become private when incorporated within the development of the subdivision, becoming the responsibility of the owner.

The Solid Waste Services Division of the Water and Waste Department requires that the revised development plan includes areas for recycling and garbage bin storage.

Parks and Open Space Division has identified the following condition to its approval of the closing: the developer is to enter into favorable negotiations with Park Services for the establishment of a new public park at the housing complex site.

Turnaround Areas

It is the policy of the Public Works Department to create areas that will allow vehicles to turn around when they reach the terminus of a "dead-end" street or lane. The closing of the north/south lane will create two lane and one street "dead end".

The approval of the closing by the Public Works Department is subject to the following conditions:

- Property is to be provided for right-of-way for lane turn-arounds at the easterly ends of the two east/west public lanes which intersect the north/south lane.
- Property is to be provided and a standard residential cul-de-sac turnaround constructed, as determined by and to the satisfaction of the Director of Public Works, at the easterly end of Admiral Avenue.

Easements

Manitoba Hydro, Shaw Cablesystems and MTS require easements for the maintenance of their facilities within the closing area.

Transfer of Jurisdiction Over Public Rights-of-Way

The public lanes must be legally closed before they 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:

MTS Communications, Shaw Cable, Manitoba Hydro and Centra Gas

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 32/4026

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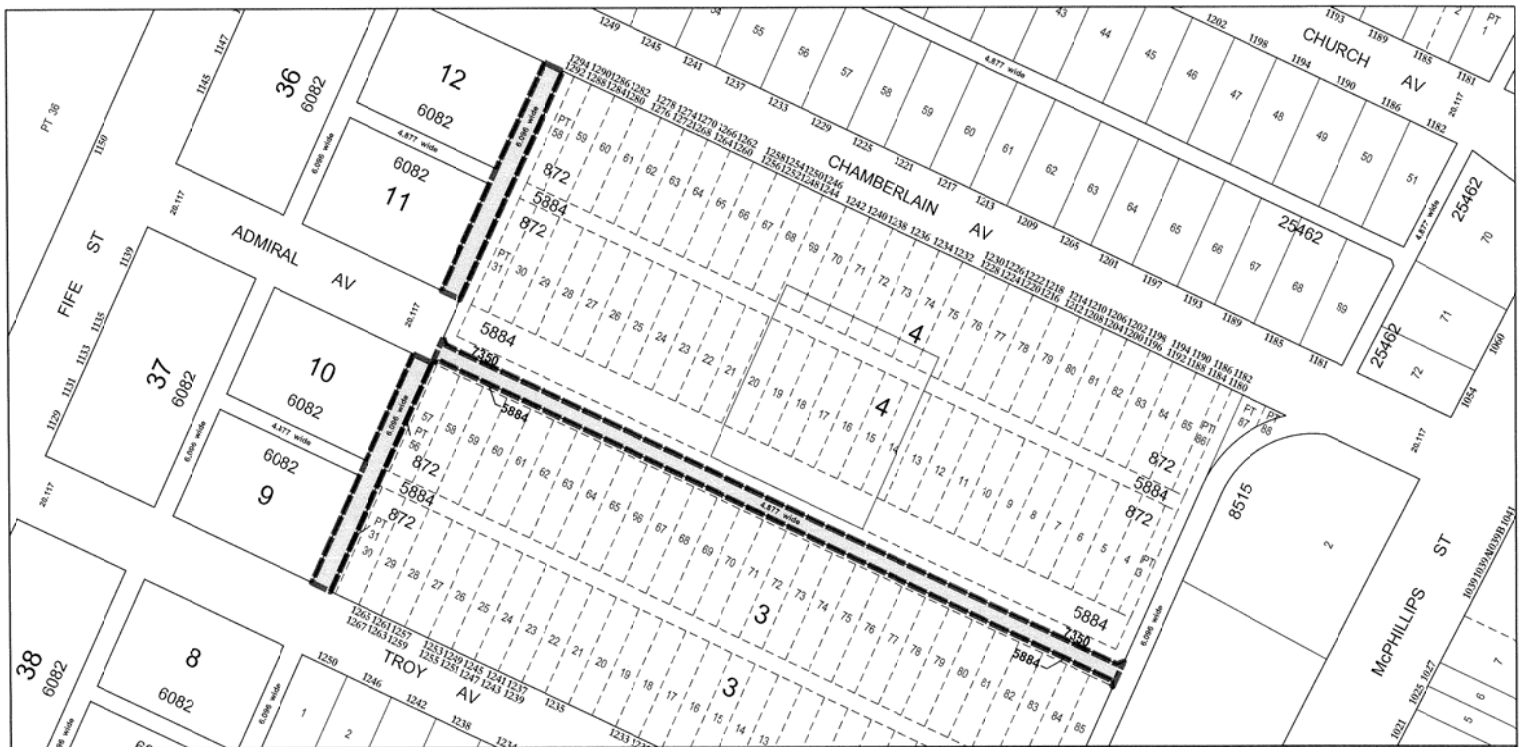

Date: 2007-SEPT-17
District: LSWK
File: 32/4026
Scale: 1:1400

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Proposed Closing - DAC 18/2007

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

MISC. PLAN NO. 13114 / 1