Minute No. 42
Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 2 **Closing - parts of the public lane east of Raphael Street between Fairfield and Colby Avenues**
(St. Norbert Ward)
File DAC 16/2007

COUNCIL DECISION:

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

1. That the lane closing as shown on Misc. Plan No. 13210/2 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. 13210/2, 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 30, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 9, 2007, the Riel 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 16/2007
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Steeves Councillor Vandal
Public Hearing:	October 9, 2007 Council Building, 510 Main Street
Applicant:	Dr. Frederick James Ball
Premises Affected:	Parts of the public lane east of Raphael Street between Fairfield and Colby Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated September 18, 2007 2. Inspection Report

REPRESENTATIONS:

In Support:
Dr. Frederick James Ball

In Opposition:
Nil

For the City:
Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 16/2007

RE: DAC – PROPOSED CLOSING OF PARTS OF THE PUBLIC LANE EAST OF RAPHAEL STREET BETWEEN FAIRFIELD AND COLBY AVENUES

FOR SUBMISSION TO: The Riel Community Committee

REPORT DATE:

RECOMMENDATION:

1. That the proposed lane closing as shown on Misc. Plan No. 13210/2 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. 13210/2, 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:

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

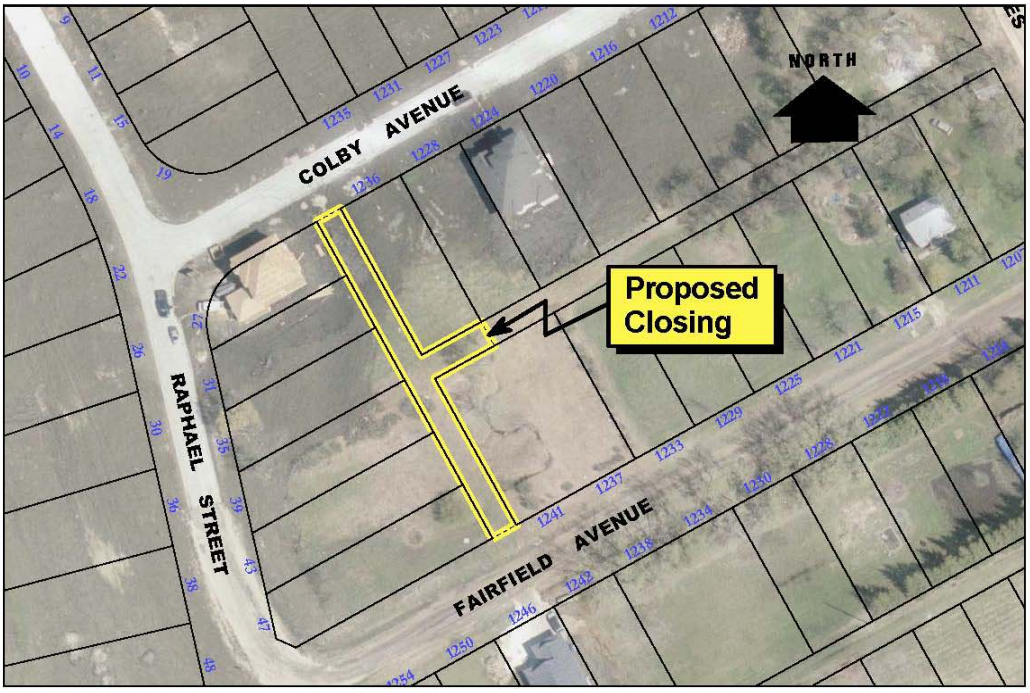
( ) Current and/or capital budget adjustment required

Comment(s): All costs assocated 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 Planning, Property and Development Department has received a request from the owners of Nos. 27, 31, 35, 39, 43 and 47 Raphael Street to purchase the portion of the public lane adjacent to their properties. The owners of No. 1236 Colby and 1241 Fairfield have expressed an interest in purchasing the portion of the lane adjacent to their properties. The lane is unimproved and serves no public purpose.

DISCUSSION:

Administrative Approval

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

Water and Waste Department Requirements

The Water and Waste Department has no objections to the closing. However, to ensure proper drainage in the area, it will require the applicants to submit a lot grading plan that shows how the lane will be incorporated into the proposed lot grading of each affected lot.

Local Improvement Costs

The local improvement costs (costs payable by the area residents for improvements to the area insfrastructure) that will be incurred by the applicants on Raphael as part of the purchase of the lane would be approximately $100 each. The local improvement costs that will be incurred by the owners of Nos. 1236 Colby and 1241 Fairfield as part of the purchase of the lane would be approximately $4500 each. (Local improvement charges are primarily based on frontage. Since the owners on Raphael will be acquiring lands at the rear of their properties, the local improvement charges are minimal. The owners of Nos. 1236 Colby and 1241 Fairfield will be charged at a rate of approximately $400 per frontage foot.) The Local Improvement Section of the Corporate Finance Department recommends that these costs be incorporated into the sale of the land.

Easements

Manitoba Hydro, MTS and Shaw Cable will require an easement for a shared underground line in the most northerly portion of the lane at Fairfield.

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.

Closing to be Conditional on Sale

The authority to close the lane will be be exercised upon the sale of the land. If the majority of the property owners decide not to purchase the portion of the lane adjacent to their properties, the lane will not be closed.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

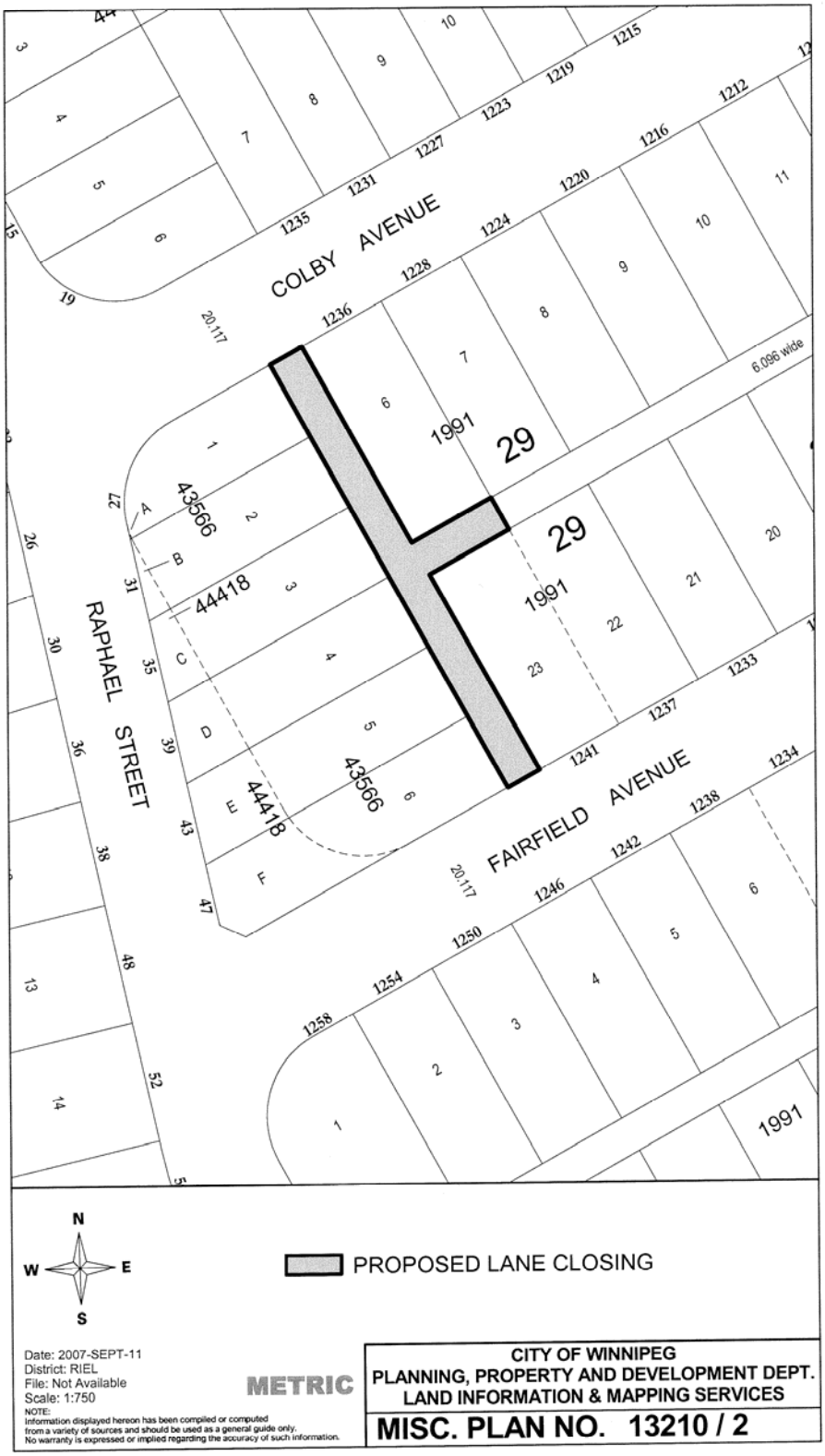
There was no internal consultation involved in the preparation of this report.

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 16/07


COLBY AVENUE
RAPHAEL STREET
FAIRFIELD AVENUE
20.117
6.096 wide
1991
29
43566
44418
PROPOSED LANE CLOSING
N
W
E
S
Date: 2007-SEPT-11
District: RIEL
File: Not Available
Scale: 1:750
METRIC
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13210 / 2