**Minutes – Executive Policy Committee – February 13, 2008**

**Minute No. 155**
**Report – Standing Policy Committee on Property and Development – January 29, 2008**

**Item No. 1 Closing of the public lane at the rear of 2741 Portage Avenue (St. James - Brooklands Ward) File DAC 21/2007**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the lane closing as shown on Misc. Plan No. 13276 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 lane closing in accordance with Misc. Plan No. 13276, 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 – February 13, 2008**

**Report – Standing Policy Committee on Property and Development – January 29, 2008**

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 29, 2008, 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 January 15, 2008, the Assiniboia 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 21/2007 |
| Before: | Assiniboia Community Committee<br>Councillor Clement, Chairperson<br>Councillor Fielding<br>Councillor Nordman |
| Public Hearing: | January 15, 2008<br>West Committee Room<br>Council Building, 510 Main Street |
| Applicant: | Tadman Gutkin Golub LLP (Mara L. Koven)<br>(on behalf of the Courts of St. James) |
| Premises Affected: | public lane at the rear of 2741 Portage Avenue |
| Exhibits Filed: | 1. Report from the Real Property Officer dated December 14, 2007<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Mara Koven, Tadman Gutkin Golub LLP (on behalf of the Courts of St. James)

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 21/2007

**RE: DAC 21/2007 – PROPOSED CLOSING OF THE PUBLIC LANE AT THE REAR OF NO. 2741 PORTAGE AVENUE**

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

**REPORT DATE: December 14, 2007**

**RECOMMENDATION:**

**1. That the proposed lane closing as shown on Misc. Plan No. 13276 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 lane closing in accordance with Misc. Plan No. 13276, 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:**

Mara L. Koven of Levene Tadman Gutkin Golub LLP, representing the owners of the Courts of St. James, has made an application to close and purchase the subject lane. The proposed closing will form part of a land consolidation with the owners' current holdings.

**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 Mara L. Koven of Levene Tadman Gutkin Golub LLP, representing the owners of the Courts of St. James, to purchase the public lane identified as “Proposed Closing – DAC 21/2007” on the attached Misc. Plan No. 13276. The owners of the Courts of St. James, located at 2727 Portage Avenue, have recently acquired the property located at 2741 Portage Avenue and now own all of the land which surrounds the subject closing. It is the intention of the owners to consolidate the lane with their adjoining holdings.

**DISCUSSION:**

Administrative Approval

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

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

> The applicant will be responsible for the removal of the existing lane turn-out from Booth Drive and the restoration of the curb, boulevard and sidewalk. If the applicant desires to retain the existing lane turn-out, the applicant will require Private Approach approval for the lane turn-out to remain as a private approach after the lane is legally closed.

Easements

> The Engineering Division of the Water and Waste Department has identified a 600 mm wastewater sewer main within the public lane.
>
> Manitoba Hydro has also identified a plant within the closing area.
>
> Both utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

**Transfer of Jurisdiction Over Public Rights-of-Way**

The public 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:**

MTS Communications, Manitoba Hydro and Centra Gas

Shaw Cable did not respond to requests for comments on this proposal.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Bohdan Buyachok, Real Property Officer (Acting)

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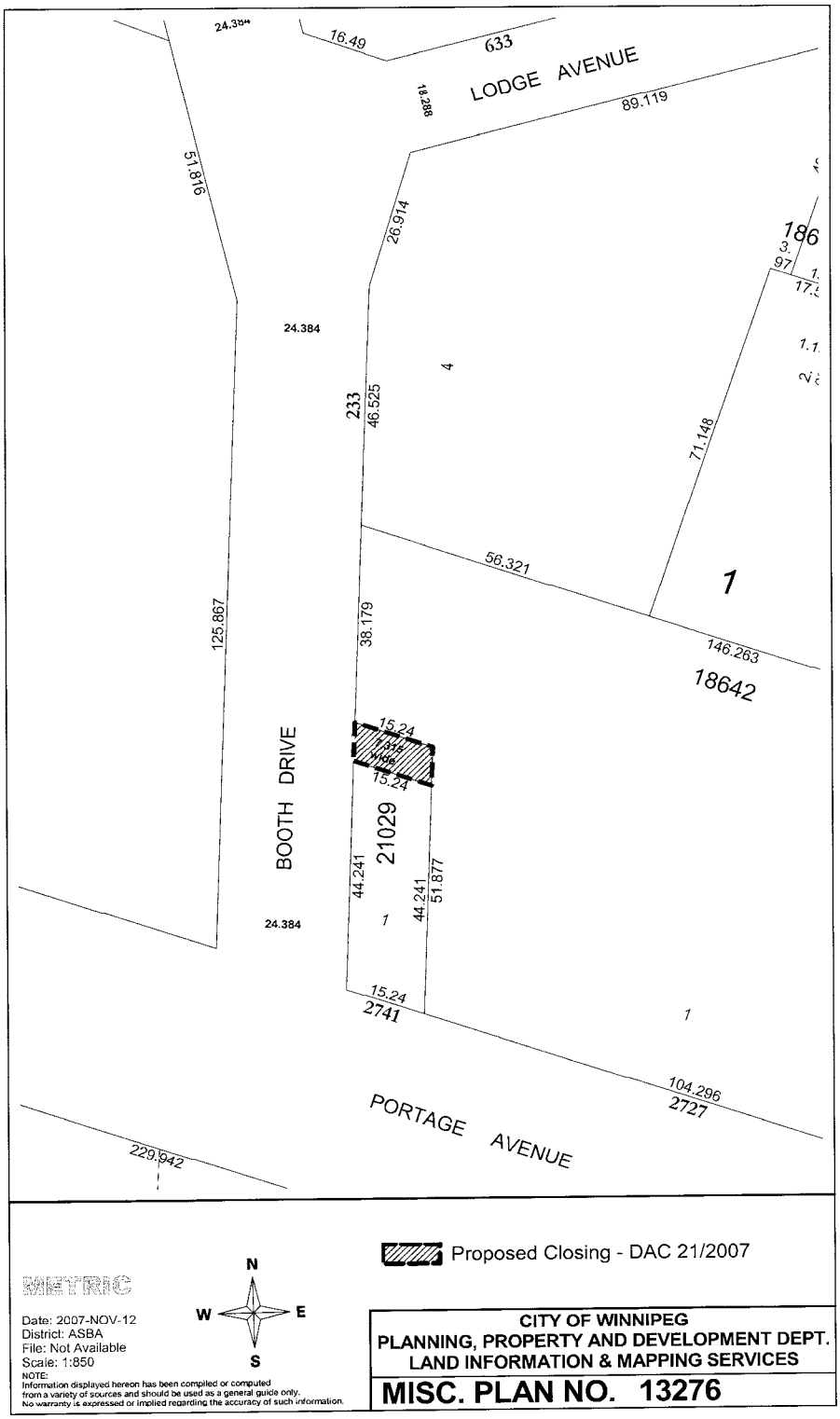

LODGE AVENUE
BOOTH DRIVE
PORTAGE AVENUE
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21029
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2727
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89.119
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46.525
71.148
56.321
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125.867
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15.24
44.241
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1
4
Proposed Closing - DAC 21/2007
METRIC
N
W
E
S
Date: 2007-NOV-12
District: ASBA
File: Not Available
Scale: 1:850
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.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13276