Agenda - Council - March 19, 2008

Report - Standing Policy Committee on Property and Development - February 26, 2008

Item No. 3 Closing - Part of Selkirk Avenue, west of Oak Point Highway (Point Douglas Ward) File DAC 23/2007

STANDING COMMITTEE RECOMMENDATION:

On March 12, 2008, 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 street closing as shown on Misc. Plan No. 8117/6 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 street closing in accordance with Misc. Plan No. 8117/6, 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 - February 26, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2008, 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 February 26, 2008, 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 January 29, 2008, 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 23/2007
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor Pagtakhan
Public Hearing:	January 29, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	Daniel St-Jean, Fillmore Riley LLP
Premises Affected:	part of Selkirk Avenue, west of Oak Point Highway
Exhibits Filed:	1. Report from the Acting Real Property Officer dated January 3, 2008 2. Inspection Report

REPRESENTATIONS:

In Support:

Daniel St-Jean, Fillmore Riley LLP

In Opposition:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 23/2007

RE: DAC 23/2007 – PROPOSED CLOSING OF PART OF SELKIRK AVENUE, WEST OF OAK POINT HIGHWAY

FOR SUBMISSION TO: Lord Selkirk - West Kildonan Community Committee

REPORT DATE: January 3, 2008

RECOMMENDATION:

1. That the proposed street closing as shown on Misc. Plan No. 8117/6 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 street closing in accordance with Misc. Plan No. 8117/6, 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:

Daniel St-Jean of Fillmore Riley LLP, representing the owner of Northern Cartage Limited, an affiliate of Paul's Hauling Ltd., has made an application to close and purchase the portion of the subject street identified as Parcel "A" on the attached copy of Miscellaneous Plan No. 8117/6. The proposed closing will form part of a land consolidation with the owners' current holdings.

Parcel "B" has been included in the closing application at the request of the Planning, Property and Development Department's Real Estate Division and will be eventually offered for sale to Canadian Pacific Railway.

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

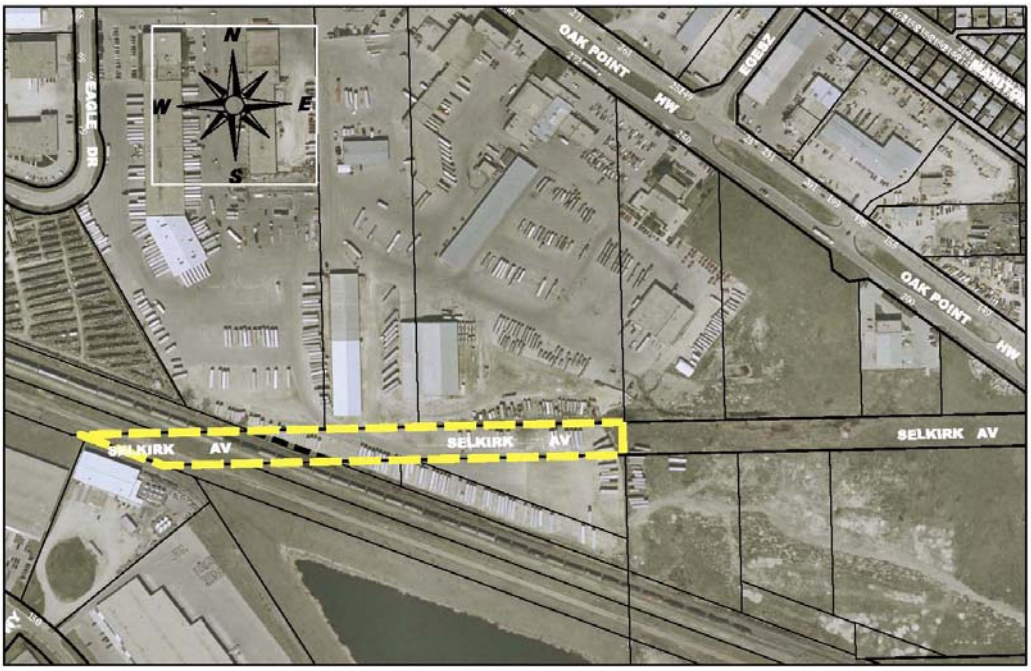
( ) Current and/or capital budget adjustment required

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 Daniel St-Jean of Fillmore Riley LLP, representing the owner of Northern Cartage Limited, an affiliate of Paul's Hauling Ltd., to purchase the portion of the street identified as "Proposed Closing – DAC 23/2007 (Parcel "A")" on the attached copy of Miscellaneous Plan No. 8117/6. The proposed closing will form part of a land consolidation with the owners' current holdings for the purpose of parking trucks and trailers in connection with its business.

Parcel "B" has been included in the closing application at the request of the Planning, Property and Development Department's Real Estate Division and will be eventually offered for sale to Canadian Pacific Railway.

The subject street closing originally formed part of the Government Road Allowance and was re-named “Selkirk Avenue” by City of Winnipeg By-law No. 19013, which was passed on June 22, 1964. The street is undeveloped and remains open in a legal sense only, serving 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.

The approval of the closing by the Community Planner is subject to the following condition:

> Parcel “A” is to be consolidated with the applicant’s adjoining holdings to the south and northwest which are shown hatched and identified as “Northern Cartage Limited” on Miscellaneous Plan No. 8117/6.

Easements

> Centra Gas Manitoba Inc. has identified existing facilities within the closing area.
>
> MTS Communications Inc. has also identified buried and aerial facilities attached to a pole line located on the east side of the proposed closing area.
>
> Both utilities will require easements for these facilities. No permanent structures will be allowed within the easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The public street 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, Centra Gas and Shaw Cablesystems.

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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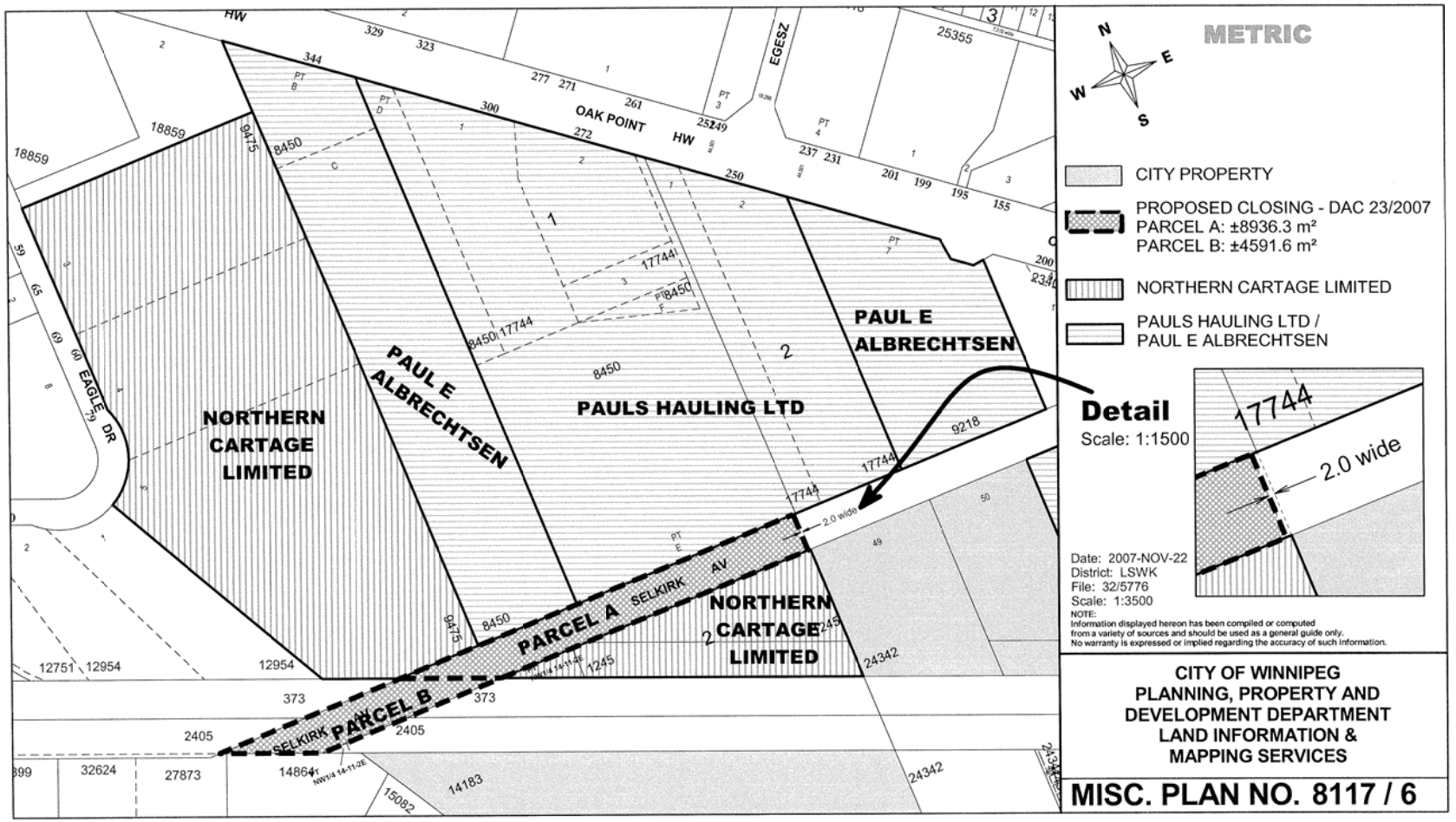
METRIC
N
E
W
S
CITY PROPERTY
PROPOSED CLOSING - DAC 23/2007
PARCEL A: ±8936.3 m²
PARCEL B: ±4591.6 m²
NORTHERN CARTAGE LIMITED
PAULS HAULING LTD /
PAUL E ALBRECHTSEN
Detail
Scale: 1:1500
17744
2.0 wide
Date: 2007-NOV-22
District: LSWK
File: 32/5776
Scale: 1:3500
NOTE:
Information displayed hereon has 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.
OAK POINT HW
EGESZ
PAUL E ALBRECHTSEN
PAULS HAULING LTD
NORTHERN CARTAGE LIMITED
PARCEL A
PARCEL B
SELKIRK AV
EAGLE DR
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION &
MAPPING SERVICES
MISC. PLAN NO. 8117 / 6