Minute No. 293
Report - Standing Policy Committee on Property and Development - February 26, 2008

Item No. 2 **Closing - Part of the Public Lane North of Dunrobin Avenue, East of Kildonan Drive**
(North Kildonan Ward)
File DAC 22/2007

COUNCIL DECISION:

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

1. That the public lane closing as shown on Misc. Plan No. 13284 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 public lane closing in accordance with Misc. Plan No. 13284, 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:

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 March 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 11, 2008, the East Kildonan-Transcona 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 22/2007
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	February 11, 2008 755 Henderson Highway
Applicants:	C. Ranick R. Dion K. Diaz D. Newall
Premises Affected:	Part of the Public Lane north of Dunrobin Avenue, east of Kildonan Drive
Exhibits Filed:	1. Report from the Real Property Officer dated January 21, 2008 2. Inspection Report

REPRESENTATIONS:

In Support:

Riel Dion
Christine Ranick

In Opposition:

Nil

For Information:

Nil

For the City:

Bohdan Buyachok, Acting Real Property Officer
John Wintrup, Senior Planner

Exhibit "1" referred to in File DAC 22/2008

RE: DAC 22/2007 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE NORTH OF DUNROBIN AVENUE, EAST OF KILDONAN DRIVE

FOR SUBMISSION TO: **East Kildonan - Transcona Community Committee**

REPORT DATE: **January 21, 2008**

RECOMMENDATION:

1. That the proposed public lane closing as shown on Misc. Plan No. 13284 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 public lane closing in accordance with Misc. Plan No. 13284, 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:

Mrs. C. Ranick, Mr. R. Dion and Ms. K. Diaz and Mrs. D. Newall, have made an application to close and purchase the portion of the lane identified as Parcels "A", "B" and "C" on the attached copy of Miscellaneous Plan No. 13284. 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 subject lane was opened by Plan No. 4720 WLTO in October of 1947. On May 28, 1979, Mrs. C. Ranick, the resident of Dunrobin Avenue, appeared before the East Kildonan – Transcona Community Committee requesting that the lane be permanently closed and barricaded to vehicular traffic. The then Assistant District Engineer suggested that rather than legally closing the public lane by way of by-law, Mrs. Ranick's request would best be accommodated by landscaping the lane and erecting

posts to prevent vehicular access. Pursuant to Minute 551 of the May 28, 1979 Committee meeting, the District #4 Works and Operations Department was instructed to undertake the suggestion of the Assistant District Engineer.

On February 19, 2007, Mr. R. Dion, the resident of Kildonan Drive, appeared before the East Kildonan – Transcona Community Committee requesting that the barricades within the subject lane be removed in order to permit vehicular access with the intent of applying for a local improvement to have the right-of way eventually paved or graveled. Pursuant to Minute 73 of the February 19, 2007 meeting, the Community Committee recommended to the Standing Policy Committee on Property and Development that Mr. Dion's request be referred to the Administration for report in 90 days. On February 27, 2007, the Standing Policy Committee on Property and Development carried out this directive.

On May 22, 2007, the Standing Policy Committee on Property and Development laid over the consideration of this matter to its meeting scheduled for June 26, 2007 which was subsequently laid over again to its meeting scheduled for July 13, 2007.

On July 13, 2007, the Standing Policy Committee on Property and Development considered a report dated June 18, 2007 from the Director of Public Works, and pursuant to Minute 294, concurred in the administrative recommendation for the removal of the barricades and opening of the lane subject to a successful Local Improvement "Petition For" advertisement and enactment of a By-law authorizing construction of a granular surface lane.

A successful "Petition For" was returned to the City Clerk on August 22, 2007, signed by the owners of Nos. 781 and 791 Kildonan Drive, being the registered property owners benefiting from the local improvement. Pursuant to a report dated August 31, 2007 from the Coordinator of Tax Accounting and Administration, the East Kildonan – Transcona Community Committee was requested to recommend to the Standing Policy Committee on Infrastructure and Public Works that the subject Local Improvement project, being "the first north-south lane east of Kildonan Drive from the north limit of Dunrobin Avenue to a point approximately 107 feet" (the land now identified as "Proposed Closing" on the attached sketch) should proceed as part of the 2007 Local Improvement Program.

On September 17, 2007, Mrs. Ranick appeared before the East Kildonan – Transcona Community Committee in opposition to this Local Improvement. Pursuant to Minute 303 of the September 17, 2007 meeting, the Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Infrastructure Renewal and Public Works that the Local Improvement project not proceed.

On October 9, 2007, Mrs. Ranick appeared before the Standing Policy Committee on Infrastructure Renewal and Public Works in support of the Community Committee's recommendation to not proceed with the Local Improvement. Mr. Dion and Ms. Diaz appeared in support of the administrative recommendation to proceed with the Local Improvement. The Standing Policy Committee concurred in the recommendation of the East Kildonan – Transcona Community Committee, and pursuant to Minute 191, recommended to Council that the Local Improvement project for a granular surface lane on the subject property not proceed.

The property owners adjoining the subject lane have now agreed to make an application to close and purchase the right of way. Mrs. C Ranick intends to use Parcel "C" as an addition to her current side yard parking area. Mr. R. Dion and Ms. K. Diaz propose to erect a fence along the east limit of Parcel "A" and landscape the addition to their property which is to include a gravel driveway leading to their existing garage. Mrs. D. Newall wishes to add Parcel "B" to her existing holding in order to enhance the value of the lot with a long term plan of demolishing the present dwelling and building a new house and garage. The interim plan is for the construction of a fence along the new limit created by this parcel.

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 Transportation Engineering Division of the Public Works Department is subject to the following condition:

> The applicants will be responsible for the removal of the existing lane turn-out from Dunrobin Avenue and the restoration of the curb, boulevard and sidewalk. If the applicants desire to retain the existing lane turn-out or any parts thereof, the applicants will require Private Approach Approval for the lane turn-out, or parts thereof, 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 catch basin and catch basin lead within the closing area. Furthermore, a survey of the lane and the adjacent properties will also be necessary in order to identify existing drainage conditions. It is likely that swale easements will be required.

Manitoba Hydro has also identified existing facilities within the closing area.

Both utilities will require easements for their 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 and Centra Gas

Shaw Cable systems 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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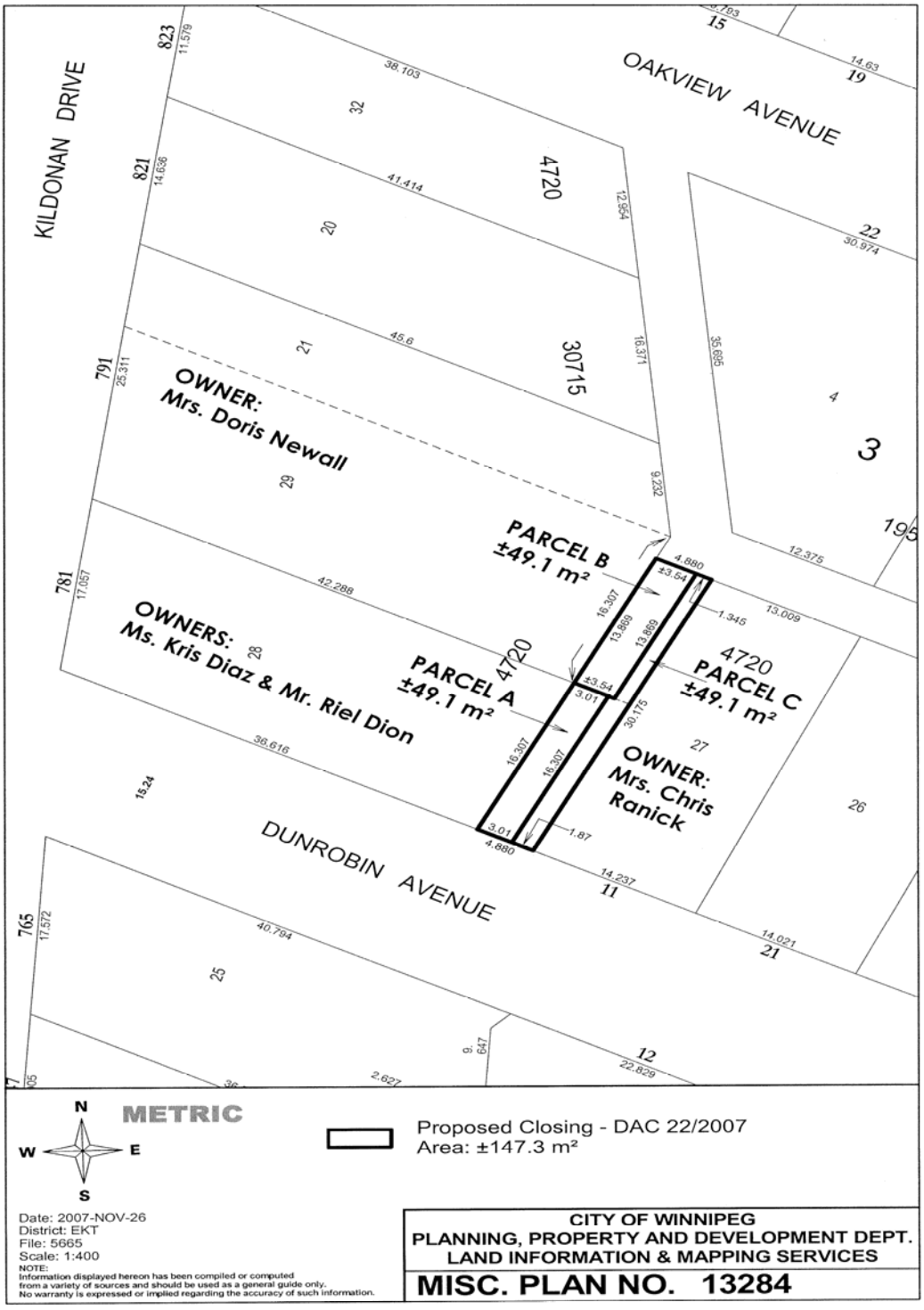
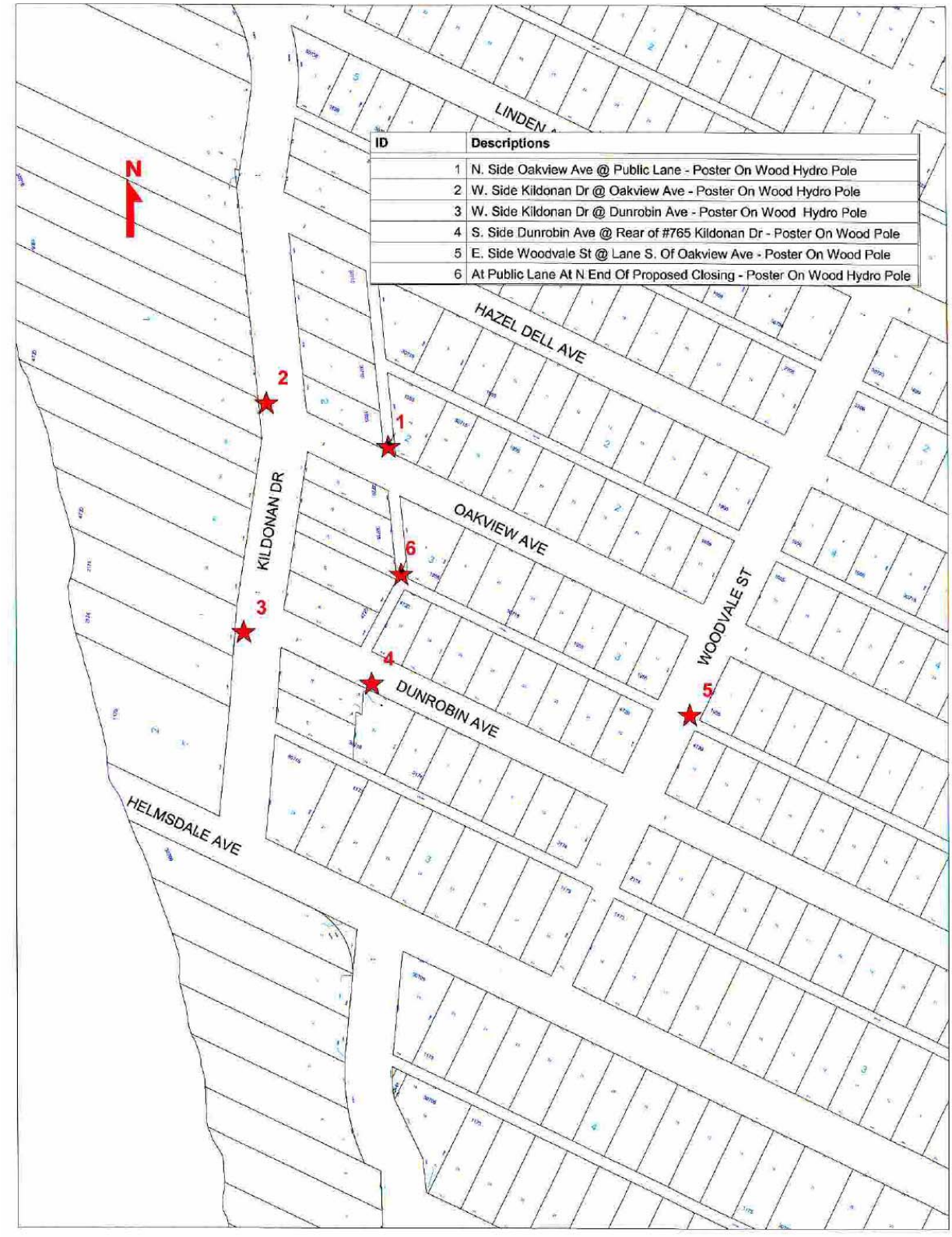

KILDONAN DRIVE
OAKVIEW AVENUE
DUNROBIN AVENUE
823
821
791
781
765
4720
30715
OWNER:
Mrs. Doris Newall
OWNERS:
Ms. Kris Diaz & Mr. Riel Dion
PARCEL A
±49.1 m²
PARCEL B
±49.1 m²
PARCEL C
±49.1 m²
OWNER:
Mrs. Chris
Ranick
Proposed Closing - DAC 22/2007
Area: ±147.3 m²
METRIC
N
W
E
S
Date: 2007-NOV-26
District: EKT
File: 5665
Scale: 1:400
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. 13284

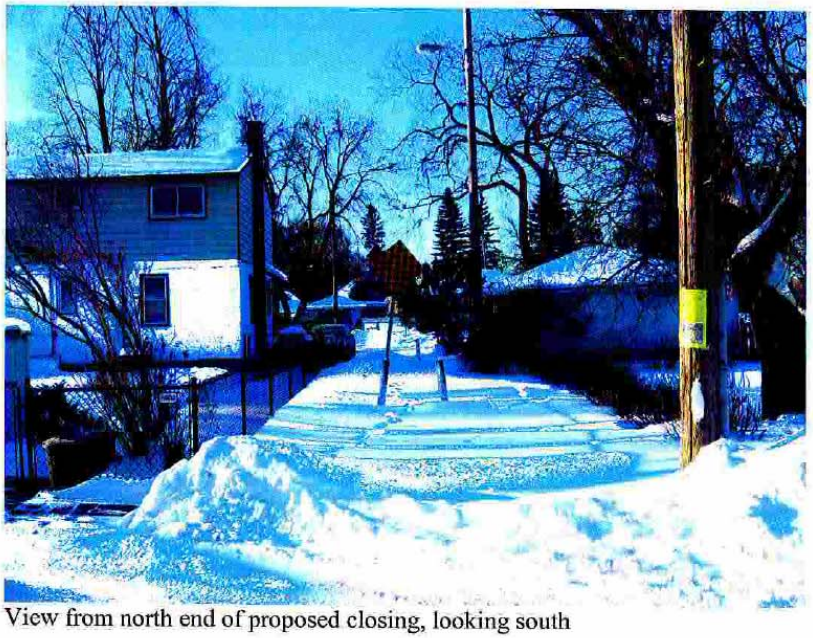


ID	Descriptions
1	N. Side Oakview Ave @ Public Lane - Poster On Wood Hydro Pole
2	W. Side Kildonan Dr @ Oakview Ave - Poster On Wood Hydro Pole
3	W. Side Kildonan Dr @ Dunrobin Ave - Poster On Wood Hydro Pole
4	S. Side Dunrobin Ave @ Rear of #765 Kildonan Dr - Poster On Wood Pole
5	E. Side Woodvale St @ Lane S. Of Oakview Ave - Poster On Wood Pole
6	At Public Lane At N End Of Proposed Closing - Poster On Wood Hydro Pole

DAC 22/2007 **January 30, 2008**



View from south end of proposed closing, looking north



View from north end of proposed closing, looking south