**Minute No. 309**
**Report - Standing Policy Committee on Property and Development - April 29, 2008**

**Item No. 4** **Closing - Part of the Public Lanes between Manitoba and Pritchard Avenues, East of Shaughnessy Street for incorporation into DASZ 8/2008**
**(Point Douglas Ward)**
**File DAC 6/2008 (c/r DASZ 8/2008)**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations 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. 13317/1 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 closings in accordance with Misc. Plan No. 13317/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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 - May 7, 2008**

**Report - Standing Policy Committee on Property and Development - April 29, 2008**

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 29, 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 April 8, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development:

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAC 6/2008 [c/r DASZ 8/2008] |
| Before: | Lord Selkirk-West Kildonan Community Committee<br>Councillor O'Shaughnessy, Chairperson<br>Councillor Lazarenko<br>Councillor Pagtakhan |
| Public Hearing: | April 8, 2008<br>West Committee Room<br>Council Building, 510 Main Street |
| Applicant: | Judge Construction (Gary Judge) |
| Premises Affected: | Part of the public lanes between Manitoba and Pritchard Avenues, east of Shaughnessy Street for incorporation into DASZ 8/2008 |
| Exhibits Filed: | 1. Report from the Real Property Officer dated March 20, 2008<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Gary Judge, Judge Construction
Chatinder Judge
Gurmail S. Judge
Judy Monahan

In Opposition:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 6/2008

**RE: DAC 6/2008 – PROPOSED CLOSING OF PART OF THE PUBLIC LANES BETWEEN MANITOBA AND PRITCHARD AVENUES, EAST OF SHAUGHNESSY STREET FOR INCORPORATION INTO DASZ 8/2008**

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

**REPORT DATE: March 20, 2008**

**RECOMMENDATION:**

1. **That the proposed lane closings as shown on Misc. Plan No. 13317/1 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 closings in accordance with Misc. Plan No. 13317/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.**

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:**

Mr. Gary Judge of Judge Construction has made an application to close and purchase the subject lanes identified as "Proposed Closing" on the attached copy of Miscellaneous Plan No. 13317/1. The proposed closing is to be incorporated within an application to subdivide and rezone the adjoining property currently being processed under DASZ 8/2008. An alternate lane providing access and egress is to form part of the development and is identified as "Proposed Opening" on the sketch.

**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

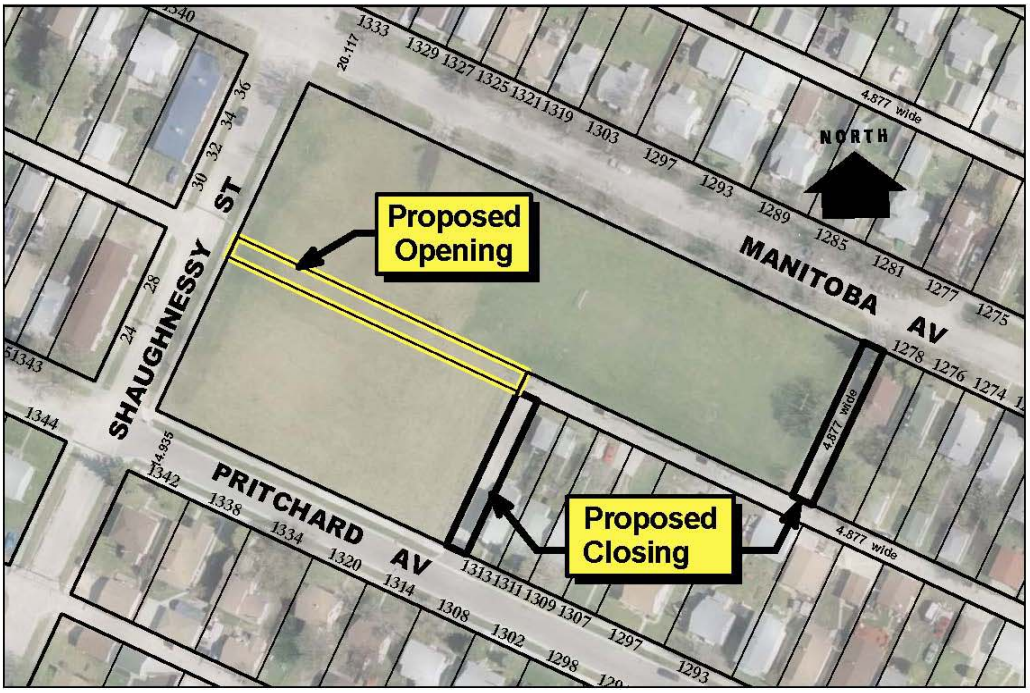
( ) Current and/or capital budget adjustment required

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 Mr. Gary Judge of Judge Construction to purchase the subject lanes identified as “Proposed Closing” on the attached copy of Miscellaneous Plan No. 13317/1. The proposed closing is to be incorporated into DASZ 8/2008, a subdivision and rezoning application for the development of several single family dwellings on the former Florence Nightingale School site. Mr. Judge is in the process of acquiring this site from the Winnipeg School Division.

An alternate lane providing access and egress is to form part of the development and is identified as “Proposed Opening” on the sketch. The lane will be opened as a public right of way by DASZ 8/2008. This new alignment will restore the right of way to its original configuration prior to its closure in 1924 by By-law No. 10993 which diverted the lane in order to accommodate the construction of Florence Nightingale School.

**DISCUSSION:**

Administrative Approval

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

The approval of the closings by the Transportation Engineering Division of the Public Works Department is subject to the following condition:

> The existing lane approaches from Manitoba and Pritchard Avenues for the public lanes proposed to be closed are to be removed and the curb, boulevard and sidewalk restored by the applicant, at no expense to the City.

Easements

> There are no services within the closing area. No easements will be required.

**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:**

Manitoba Hydro, Centra Gas and Shaw Cablesystems.

MTS Communications 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

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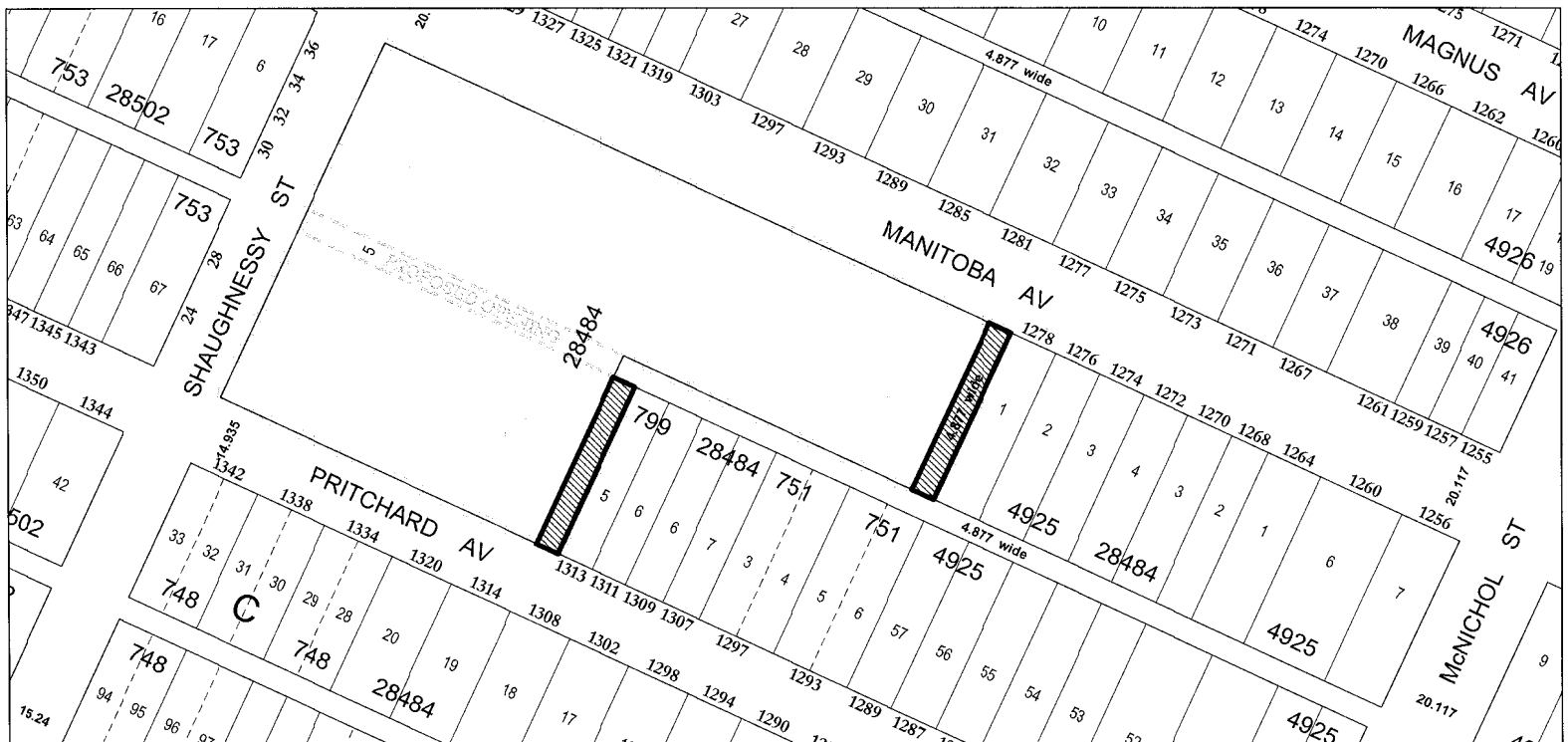


Date: 2008-FEB-27
District: LSWK
File: Not Available
Scale: 1:1000

METRIC

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.

N W E S

Proposed Closing - DAC 6/2008

Proposed Subdivision Boundary - DASZ 8/2008

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

**MISC. PLAN NO. 13317 / 1**