Minute No. 358
Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 8 **Closing - Homewood Avenue and the Public Lanes west of St. Mary's Road between Avalon Road and Bailley Avenue**
File DAC 15/2007 [c/r DASZ 29/2007]

COUNCIL DECISION:

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

1. That the street and lane closings as shown on Misc. Plan No. 6622/37 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 and lane closings in accordance with Misc. Plan No. 6622/37, 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 – March 25, 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 April 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 25, 2008, 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 February 25, 2008, 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 15/2007 [c/r DASZ 29/2007]
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	February 25, 2008 Council Chamber, Council Building, 510 Main Street
Applicant:	Stevenson Real Estate Group (Patrick Hamilton)
Premises Affected:	Homewood Avenue and the Public Lanes west of St. Mary's Road between Avalon Road and Bailley Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated January 28 2. Inspection Report 3. Presentation in opposition to the application submitted by Murray Gibson at the Public Hearing held on February 25, 2008

REPRESENTATIONS:

In Support:

Patrick Hamilton

In Opposition:

Rebecca Bradborn
Christopher and Laurie Brewster
David Delipper
Murray Gibson
Stan and Anita Groshak
W. Korolyk
Henry Neufeld
Kellie O'Rourke
W. Steinhilber
Aflredo Velasco

For Information:

Janice Lukes

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 15/2007 [c/r DASZ 29/2007]

RE: DAC 15/2007 – PROPOSED CLOSING OF HOMEWOOD AVENUE AND THE PUBLIC LANES WEST OF ST. MARY'S ROAD BETWEEN AVALON ROAD AND BAILLEY AVENUE FOR INCORPORATION INTO DASZ 29/2007

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

REPORT DATE: **January 28, 2008**

RECOMMENDATION:

1. That the proposed street and lane closings as shown on Misc. Plan No. 6622/37 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 and lane closings in accordance with Misc. Plan No. 6622/37, 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:

Patrick Hamilton of the Stevenson Group, representing 215 Holdings Ltd. has made an application to close and purchase the subject street and lanes. The proposed closing is to be incorporated within an application to subdivide and rezone the adjoining land currently being processed under DASZ 29/2007.

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

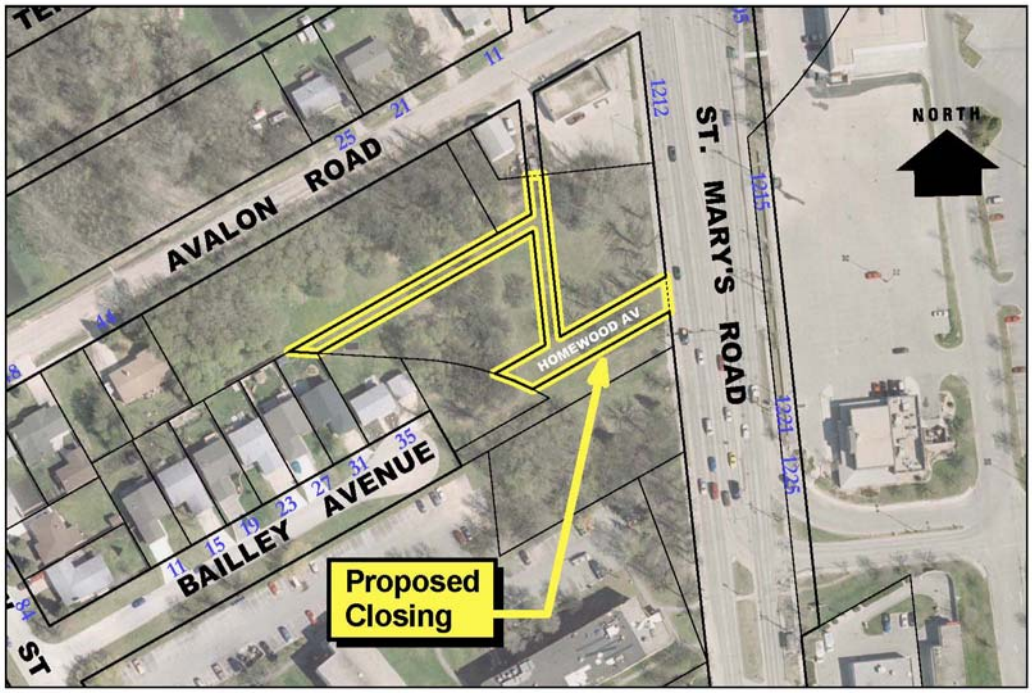
( ) Current and/or capital budget adjustment required

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 Patrick Hamilton of the Stevenson Group, representing 215 Holdings Ltd., to purchase the street and lanes identified as “Proposed Closings” on the attached copy of Miscellaneous Plan No. 6622/37. 215 Holdings Ltd. has made an offer to purchase the lands shown as “Subject City Property” on the drawing, and that offer has been

approved by the Standing Policy Committee on Property and Development at its "In Camera" meeting held on May 22, 2007. The applicant intends to incorporate the street and lanes into an application to subdivide and rezone the property currently being processed under DASZ 29/2007.

The easterly 6.825m of Homewood Avenue being closed will be re-dedicated as St. Mary's Road by the plan of subdivision prepared in accordance with DASZ 29/2007.

DISCUSSION:

Administrative Approval

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

Transfer of Jurisdiction Over Public Rights-of-Way

The street and 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:

MTS Communications, Shaw Cable, Manitoba Hydro and Centra Gas

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Bohdan Buyachok, Real Property Officer (Acting)
File No. 8589
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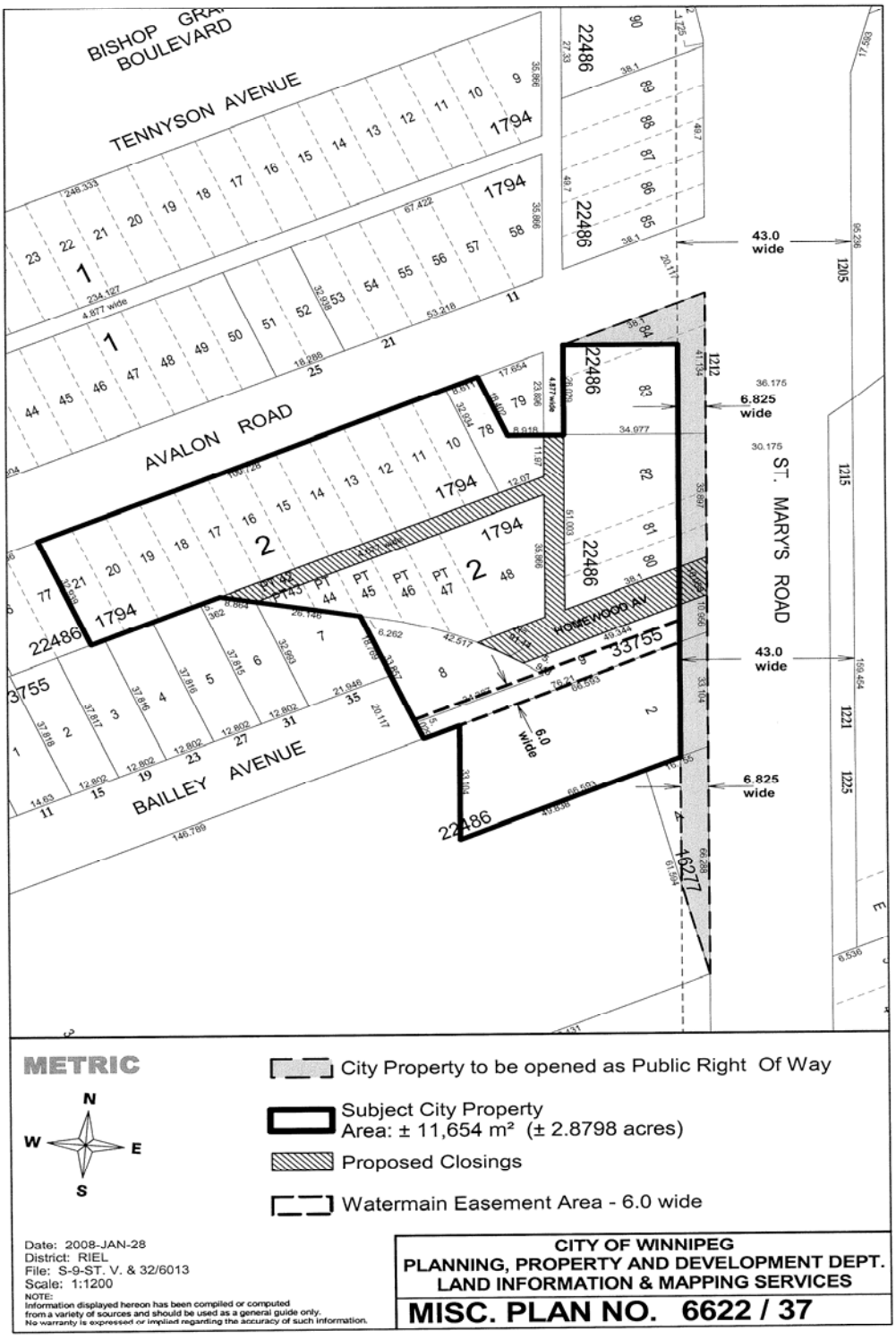
BISHOP GRA
BOULEVARD
TENNYSON AVENUE
AVALON ROAD
BAILLEY AVENUE
ST. MARY'S ROAD
HOMEWOOD AV
43.0 wide
6.825 wide
6.0 wide
METRIC
N
W
E
S
City Property to be opened as Public Right Of Way
Subject City Property
Area: ± 11,654 m² (± 2.8798 acres)
Proposed Closings
Watermain Easement Area - 6.0 wide
Date: 2008-JAN-28
District: RIEL
File: S-9-ST. V. & 32/6013
Scale: 1:1200
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. 6622 / 37