Minute No. 410
Report - Standing Policy Committee on Property and Development - April 29, 2008

Item No. 3 **Closing - Ross Avenue between Xante Street and CPR Southwestern Branch Plan Nos. 374 and 438**
(Point Douglas Ward)
File DAC 5/2008

COUNCIL DECISION:

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

1. That the street closing as shown on Misc. Plan No. 13312 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. 13312, 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 - April 29, 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 May 7, 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 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 5/2008
Before:	Lord Selkirk-West Kildonan Community Committee Councillor O'Shaughnessy, Chairperson Councillor Lazarenko Councillor Pagtakhan
Public Hearing:	April 8, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	Jason Dubois, on behalf of Len Dubois Trucking Inc. and Quadmac Holdings Ltd.
Premises Affected:	Ross Avenue between Xante Street and CPR Southwestern Branch Plan Nos. 374 and 438
Exhibits Filed:	1. Report from the Real Property Officer dated March 20, 2008 2. Inspection Report

REPRESENTATIONS:

In Support:

Jason Dubois, Len Dubois Trucking Inc.

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 5/2008

RE: DAC 5/2008 – PROPOSED CLOSING OF ROSS AVENUE BETWEEN XANTE STREET AND CPR SOUTHWESTERN BRANCH PLAN NOS. 374 AND 438

FOR SUBMISSION TO: Lord Selkirk – West Kildonan Community Committee

REPORT DATE: March 20, 2008

RECOMMENDATION:

1. **That the proposed street closing as shown on Misc. Plan No. 13312 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. 13312, 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. Jason Dubois, representing Len Dubois Trucking Inc. and Quadmac Holdings Ltd., has made an application to close and purchase the subject street identified as Parcels "A" and "B" on the attached copy of Miscellaneous Plan No. 13312. The proposed closing will form part of a land consolidation with the owners' current holdings, with Len Dubois Trucking Inc. purchasing Parcel "A" and Quadmac Holdings Ltd. purchasing Parcel "B".

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

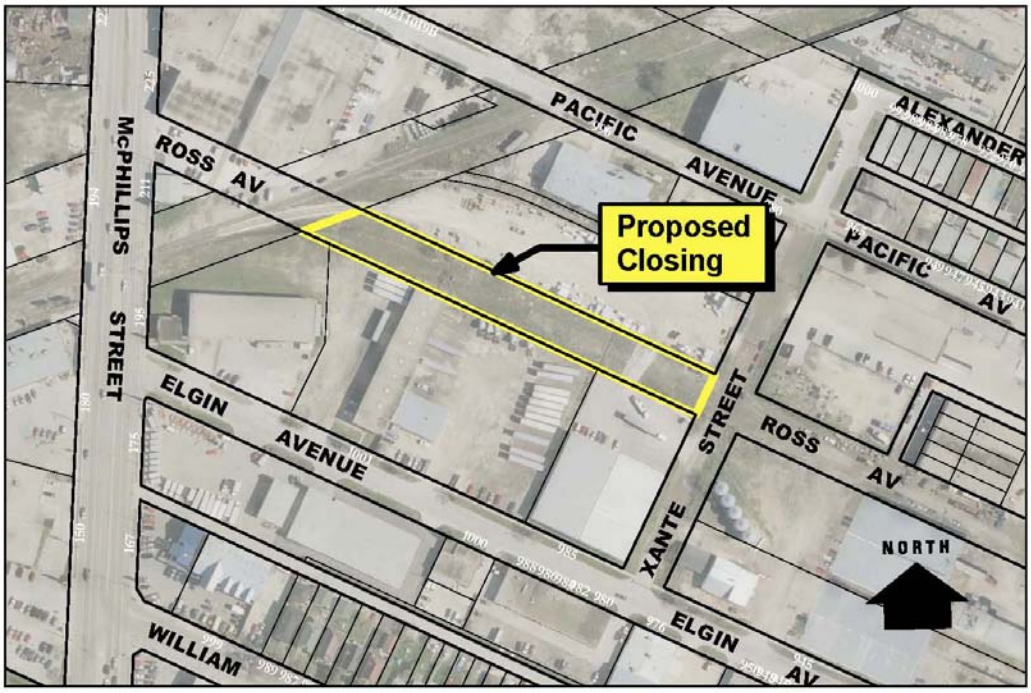
( ) Current and/or capital budget adjustment required

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. Jason Dubois, representing Len Dubois Trucking Inc. and Quadmac Holdings Ltd., to purchase the subject street identified as Parcels “A” and “B” on the attached copy of Miscellaneous Plan No. 13312. The proposed closing will form part of a land consolidation with the owners’ current holdings for additional parking and storage purposes. Len Dubois Trucking Inc. will be acquiring Parcel “A” and Quadmac Holdings Ltd. will be acquiring Parcel “B”.

The subject street was originally opened as Ross Avenue by Plan No. 45, WLTO in 1874. 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 or conditions to the closing.

Easements

Manitoba Hydro has identified existing facilities within the closing area and will require an easement to protect their interests. No permanent structures will be allowed within the easement area.

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.

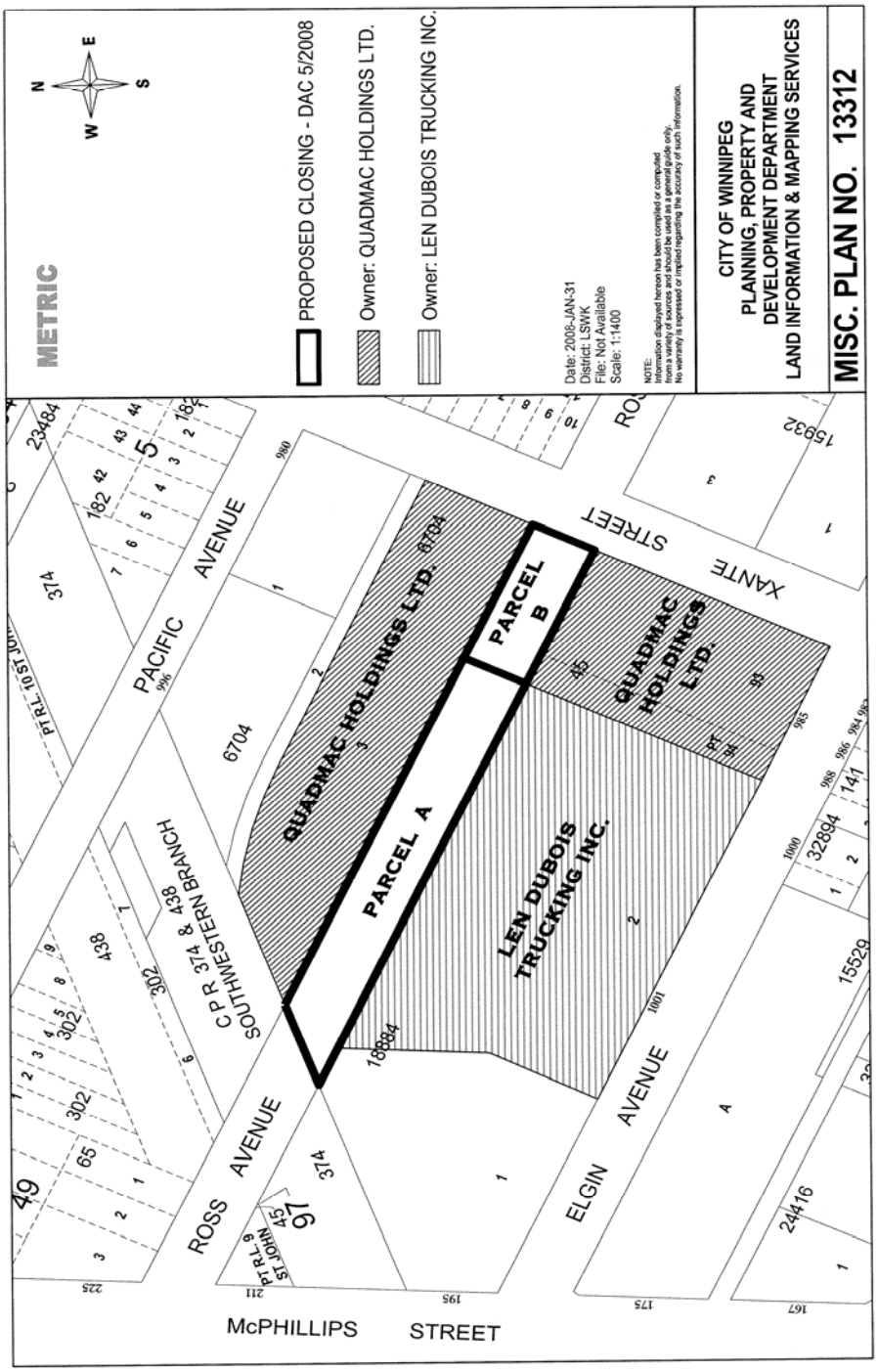
External Consultation With:

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

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METRIC
PROPOSED CLOSING - DAC 5/2008
Owner: QUADMAC HOLDINGS LTD.
Owner: LEN DUBOIS TRUCKING INC.
Date: 2008-JAN-31
District: LSWK
File: Not Available
Scale: 1:1400
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13312
PACIFIC AVENUE
XANTE STREET
ROSS AVENUE
ELGIN AVENUE
McPHILLIPS STREET
C P R 374 & 438 SOUTHWESTERN BRANCH
QUADMAC HOLDINGS LTD. 6704
PARCEL A
PARCEL B
LEN DUBOIS TRUCKING INC.
QUADMAC HOLDINGS LTD.
PT R.L. 10 ST JOHN
PT R.L. 9 ST JOHN