**Minute No. 65**
**Report - Standing Policy Committee on Property and Development - January 6, 2003**

**Item No. 10 Proposed Closing of the Public lane - east of St. Mary's Road, north of Vista Avenue**
**File DAC 8/2002**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submits the following to Council:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 11685.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

## Report - Standing Policy Committee on Property and Development - January 6, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 2002, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to Standing Policy Committee on Property and Development.

**PUBLIC HEARING SUMMARY**

File: DAC 8/2002

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Angus
Councillor Steeves

Hearing: November 12, 2002
Community Committee Chamber, 219 Provencher Blvd.

Applicant: Robert Antymnuik
1208-220 Portage Avenue
Winnipeg, MB R3C 0A5

Premises Affected: Proposed closing of the Public lane east of St. Mary's Road, north of Vista Avenue

Exhibits Filed:

1. Memorandum from the Real Property Officer dated October 16, 2002
2. Report of the Real Property Officer dated October 11, 2002
3. Photograph(s) of the site and Inspection Notice
4. Presentation made by Jeff Goossen at the public hearing on November 12, 2002, opposing the application
5. Communication from Dave Yallits dated November 5, 2002, suggesting that a pedestrian gate be installed in the north masonry wall at the extreme east end of the proposed development
6. Communication from Mr. and Mrs. Keith Hanna dated November 12, 2002, suggesting that no exit to the proposed development should be allowed from Vista Avenue
7. Communication from Knud E. Markmann opposing the application
8. Communication from Ross C. Martin and Pamela Christler dated November 7, 2002, suggesting that the wall on the east side of the development be an eight foot high masonry sound barrier
9. Presentation made by Mr. and Mrs. Ron Friesen opposing the application submitted at the public hearing on November 12, 2002

10. Presentation made by Michael Kelly at the public hearing on November 12, 2002, opposing the application and petition, purporting to contain the signatures of forty-one (41) area residents, opposing the application

REPRESENTATIONS:

In Support:

Andy Adams, 100 - One Evergreen Place, Winnipeg, Manitoba, R3L 0E9
Bob Antymniuk, 1208 - 220 Portage Avenue, Winnipeg, Manitoba, R3C 0A5
Noel Bernier, 13 Frontenac Bay, Winnipeg, Manitoba, R2J 2H1
Stan Dychko, 3070 St. Mary's Road, Winnipeg, Manitoba, R2M 4E1
Fred Homann, 18 Glenbrook Crescent, Winnipeg, Manitoba, R3T 4W4
Tim Klassen, 1019 Sprinfield Road, Winnipeg, Manitoba, R2G 3T2

In Opposition:

Mr. and Mrs. Ron Friesen, 19 Vista Avenue, Winnipeg, Manitoba, R2M 4Z1
Jeff Goossen, 23 Vista Avenue, Winnipeg, Manitoba, R2M 4Z1
Fred Heiland, 58 Woodydell Avenue, Winnipeg, Manitoba, R2M 2T9
Michael Kelly, 18 Woodydell Avenue, Winnipeg, Manitoba, R2M 2T9
Knud E. Markmann, 22 Woodydell Avenue, Winnipeg, Manitoba, R2M 2T9
Ken Thoroski, 14 Woodydell Avenue, Winnipeg, Manitoba, R2M 2T9

For Information:

Stewart Elston, 301 - 850 Scotland Avenue, Winnipeg, Manitoba, R3M 1X7
Mr. and Mrs. Keith Hanna, 1 Rattai Place, Winnipeg, Manitoba, R2M 4W5
L. Katz, 230 Hugo Street, Winnipeg, Manitoba, R3M 2N4
Gordon Heiland, 58 Woodydell Avenue, Winnipeg, Manitoba, R2M 2T9
Ross C. Martin and Pamela Christler, 3 Rattai Place, Winnipeg, Manitoba, R2M 4W5
Dave Yallits, 5 Rattai Place, Winnipeg, Manitoba, R2M 4W5

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development

October 11, 2002

TO THE CHAIRPERSON AND MEMBERS
OF THE RIEL COMMUNITY COMMITTEE

**RE: FILE NO. DAC 8/2002 - PROPOSED CLOSING OF THE PUBLIC LANE EAST OF ST MARY'S ROAD, NORTH OF VISTA AVENUE SAINT VITAL WARD**

**RECOMMENDATION:**

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 11685.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

**REASON:**

All street and lane closings require the consideration of the Community Committee.

**HISTORY:**

The Geomatics Branch of the Planning, Property and Development Department has received a request from the Red River Cooperative Ltd. to purchase the portion of the public lane identified as "Proposed Closing" on Schedule "A".

Red River Cooperative plans to incorporate the lane into a development of the adjoining lands that will include a gas bar, car wash, propane dispensing and a convenience store. This application is being processed under File DASZ 23/2002.

**DISCUSSION:**

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

Manitoba Hydro and MTS Communications Inc. will require easements for their plants in the lane. No improvements other than fencing or pavement will be allowed in the easement areas.

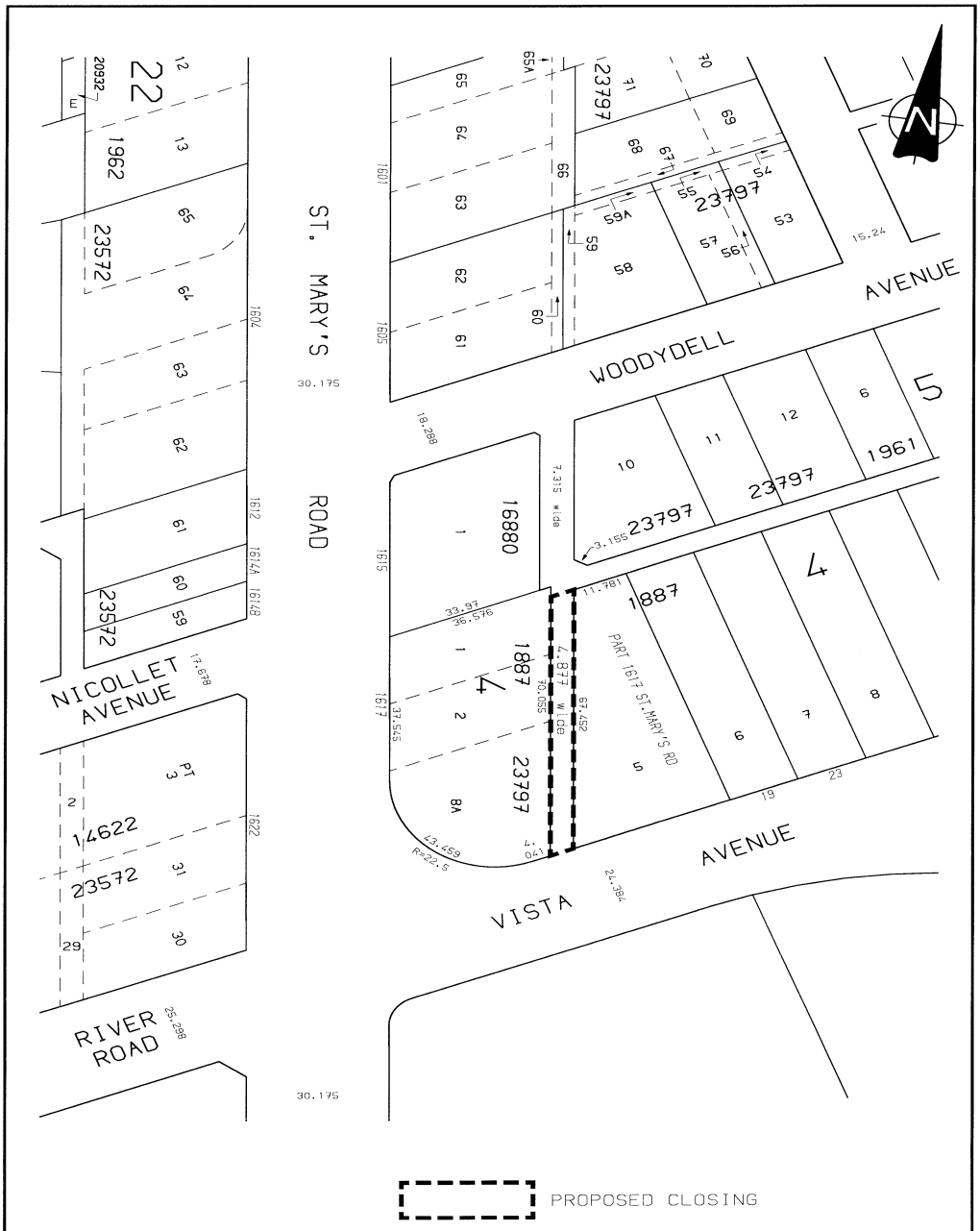
The closing and sale of this lane is contingent on the approval of DASZ 23/2002, the application to subdivide and rezone the adjacent property.

The lane 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.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn F. Halldorson, Real Property Officer
File No. 6368/2(II)

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ST. MARY'S ROAD
WOODYDELL AVENUE
NICOLLET AVENUE
VISTA AVENUE
RIVER ROAD
PART 1617 ST. MARY'S RD
PROPOSED CLOSING
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1100
DATE: 02-MAY-28
DISTRICT: RIEL
ATLAS: K13D4
FILE: DAC8/02
MISC. PLAN No.: 11685
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.