Minute No. 467
Report - Standing Policy Committee on Property and Development - May 20, 2008

Item No. 3 **Closing - Part of the Public Lane South of McGillivray Boulevard, East of Front Street**
File DAC 2/2008

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the street closing under File DAC 2/2008 not be proceeded with.

Report - Standing Policy Committee on Property and Development – May 20, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development, that the street closing under File DAC 2/2008 not be proceeded with, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee that the street closing under File DAC 2/2008, not be proceeded with, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 20, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee that the street closing under File DAC 2/2008, not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 6, 2008, the Assiniboia Community Committee did not concur in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development that the street closing under File DAC 2/2008, not be proceeded with.

PUBLIC HEARING SUMMARY

File:	DAC 2/2008 [c/r DASZ 3/2008 and DAV 106092/2008D]
Before:	Assiniboia Community Committee Councillor Fielding, Chairperson Councillor Clement Councillor Nordman
Public Hearing:	May 6, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	M. B.1 Developments (Doug McKay)
Premises Affected:	part of the public lane south of McGillivray Boulevard, east of Front Street - for incorporation into DASZ 3/2008

Exhibits Filed:

1. Report from the Real Property Officer dated April 18, 2008
2. Communication dated May 5, 2008 from Bonnie Kocsis in opposition to the application
3. Communication dated May 6, 2008 from Rebecca Lee in opposition to the application
4. Inspection Report
5. Petition purporting to contain the signatures of 207 area residents in opposition to the application, submitted at the public hearing by Cynthia Trenaman

REPRESENTATIONS:

In Support:

Doug McKay, M.B.1 Development
Bob Somers

In Opposition:

Robert Brocklehurst
Bonnie Kocsis
Rebecca Lee
Cynthia, Dana and Joel Trenaman

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2008

RE: DAC 2/2008 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE SOUTH OF MCGILLIVRAY BOULEVARD, EAST OF FRONT STREET FOR INCORPORATION INTO DASZ 3/2008

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

REPORT DATE: **April 18, 2008**

RECOMMENDATION:

1. That the proposed lane closing as shown on Misc. Plan No. 12607/2 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 closing in accordance with Misc. Plan No. 12607/2, 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. Doug McKay of M.B.1 Developments, representing 5540313 Manitoba Ltd., has made an application to close and purchase the subject lane. The proposed closing is to be incorporated within a subdivision and rezoning currently being processed under DASZ 3/2008.

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

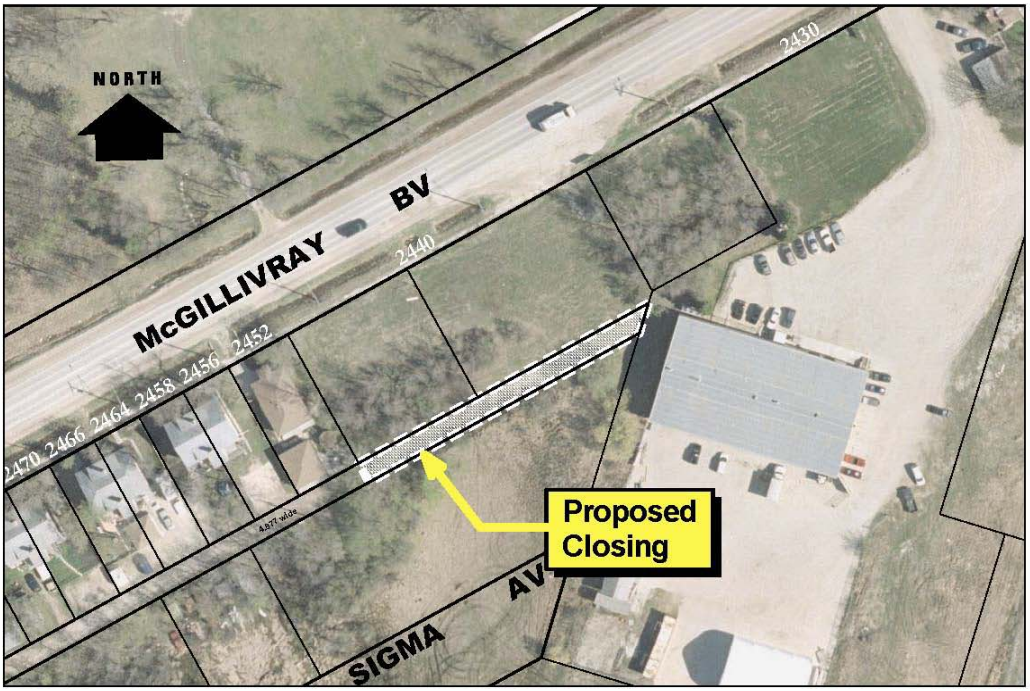
( ) Current and/or capital budget adjustment required

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. Doug McKay of M.B.1 Developments, representing 5540313 Manitoba Ltd., to close and purchase the public lane identified as “Proposed Closing – DAC 2/2008” on the attached copy of Misc. Plan No. 12607/2. The proposed closing is to form part of the development of a 9,000 square foot commercial space, a subdivision and rezoning currently being processed under DASZ 3/2008.

5540313 Manitoba Ltd. is the new owner of No. 2440 McGillivray Blvd. which adjoins the subject lane closing. The previous owner, Mr. Mario Costantini, made a similar application to develop the land under DAC 18/2005 (C/R DASZ 34/2005). At the Assiniboia Community Committee meeting held on September 20, 2005, that application was not approved by the Committee because of opposition to the development by the area residents.

The subject lane was created by Plan No. 1552, a plan of subdivision registered in 1910. The lane is unimproved and serves 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.

There are, however, the following comments:

The Transportation Engineering Division of the Public Works Department advises that should there become a need for a turn-around at the terminus of the lane remaining open, it would be possible to legally open as right-of way undeveloped City owned land located to the south of the portion of lane remaining open for that purpose.

The Local Improvements Section of the Assessment and Taxation Department advises that there are outstanding local improvements on No. 2440 McGillivray Boulevard as follows:

Roll No. 03067048000 (Lots 23/28, Block 10, Plan 1552)

Local Improvement: Wastewater Sewer
By-law No.: 6322/94
Term: 1994 – 2013
Annual Levy Amount: $621.17
Commutation Amount: $2,849.94

Roll No. 03067051000 (Lots 29/32, Block 10, Plan 1552)

Local Improvement: Wastewater Sewer
By-law No.: 6322/94
Term: 1994 – 2013
Annual Levy Amount: $423.72
Commutation Amount: $1,944.04

These local improvements will not be impacted by the proposed lane closing. However, the local improvement levies will be re-allocated to the new roll numbers for the property created by the subdivision and rezoning within DASZ 3/2008.

Easements

No services have been identified within the proposed lane closing. No easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The public 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.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

There was no internal consultation involved in the preparation of this report.

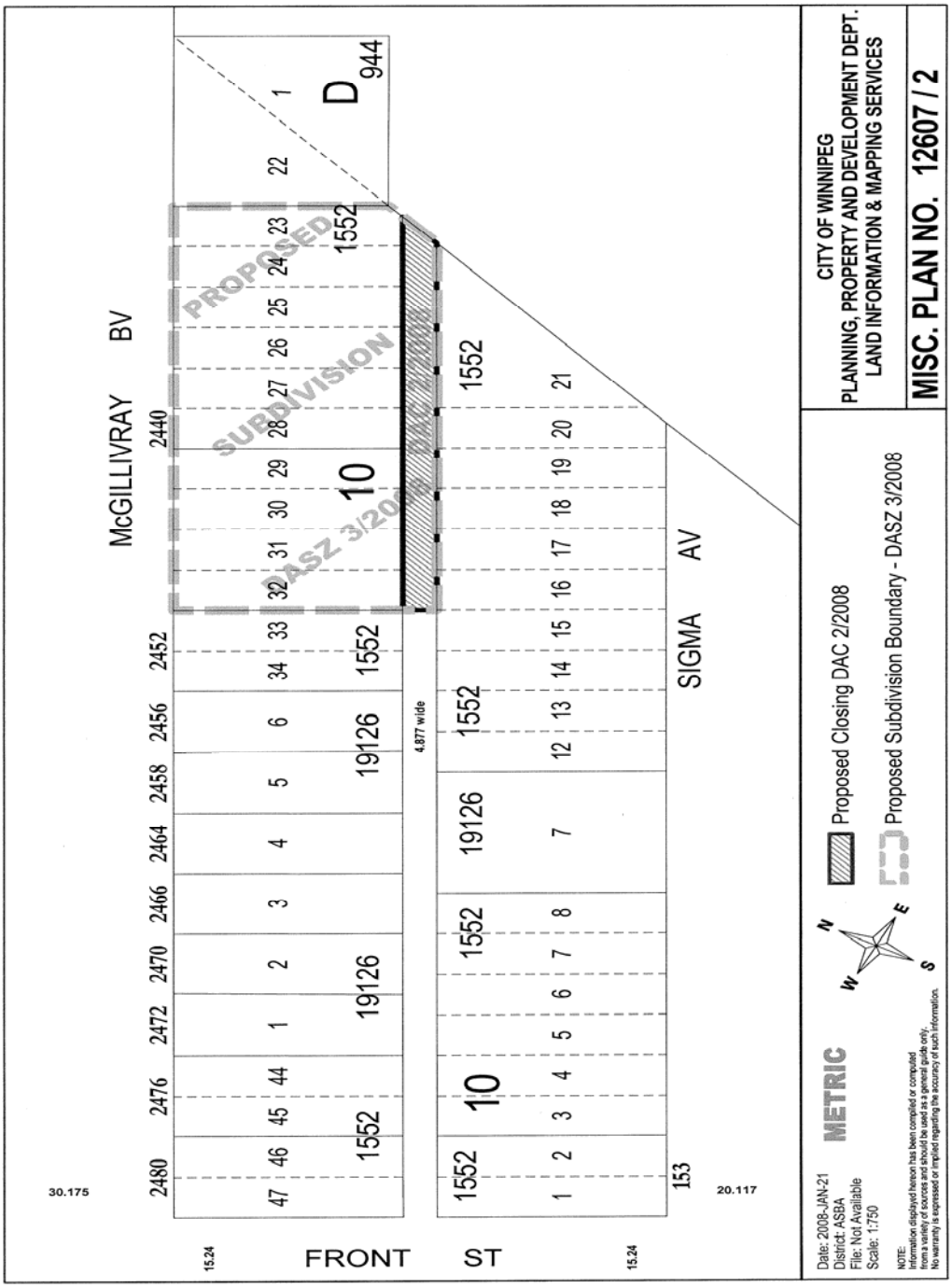
External Consultation With:

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

V:\devapp\dev application2008\dac2_2008\final_report\dac2_08rpt.doc


McGILLIVRAY BV
SIGMA AV
FRONT ST
PROPOSED SUBDIVISION DASZ 3/2008
D 944
1552
19126
10
4.877 wide
30.175
20.117
15.24
15.24
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12607 / 2
Proposed Closing DAC 2/2008
Proposed Subdivision Boundary - DASZ 3/2008
METRIC
Date: 2008-JAN-21
District: ASBA
File: Not Available
Scale: 1:750
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.