Agenda - Council - July 16, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 14 Opening - west side of Waverley Street at McGillivray Boulevard (Four Mile Road) and Closing - part of McGillivray Boulevard west of Waverley Street
(River Heights-Fort Garry Ward)
File DAOC 1/2006

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the street opening and closing as shown on Misc. Plan No. 7729/8 be approved and that the portion of the street proposed to be closed 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 opening and closing in accordance with Misc. Plan No. 7729/8, 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 - June 24, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAOC 1/2006
Before:	City Centre Community Committee Councillor Leipsic, Chairperson Councillor Gerbasi Councillor Smith
Hearing:	June 17, 2008 North Committee Room Council Building, 510 Main Street
Applicant:	Sherwood Park Homes (David A. Jones)
Premises Affected:	west side of Waverley Street at McGillivray Boulevard (Four Mile Road) and part of McGillivray Boulevard west of Waverley Street
Exhibits Filed:	1. Report from the Real Property Officer dated May 29, 2008 2. Inspection Report

REPRESENTATIONS:

In Support:

David A. Jones, Sherwood Park Homes

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2006

RE: DAOC 1/2006 – PROPOSED OPENING OF THE WEST SIDE OF WAVERLEY STREET AT MCGILLIVRAY BOULEVARD (FOUR MILE ROAD) AND PROPOSED CLOSING OF PART OF MCGILLIVRAY BOULEVARD WEST OF WAVERLEY STREET

FOR SUBMISSION TO: **The City Centre Community Committee**

REPORT DATE: **May 29, 2008**

RECOMMENDATION:

1. That the proposed street opening and closing as shown on Misc. Plan No. 7729/8 be approved and that the portion of the street proposed to be closed 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 opening and closing in accordance with Misc. Plan No. 7729/8, 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. David Jones, President of Sherwood Park Homes, has made an application to close and purchase the portion of McGillivray Boulevard identified as "Proposed Closing" on the attached copy of Miscellaneous Plan No. 7729/8 for consolidation with his adjoining holding located at 1345 Waverley Street. As part of the application, Mr. Jones will be dedicating part of his property for the widening of Waverley Street so 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

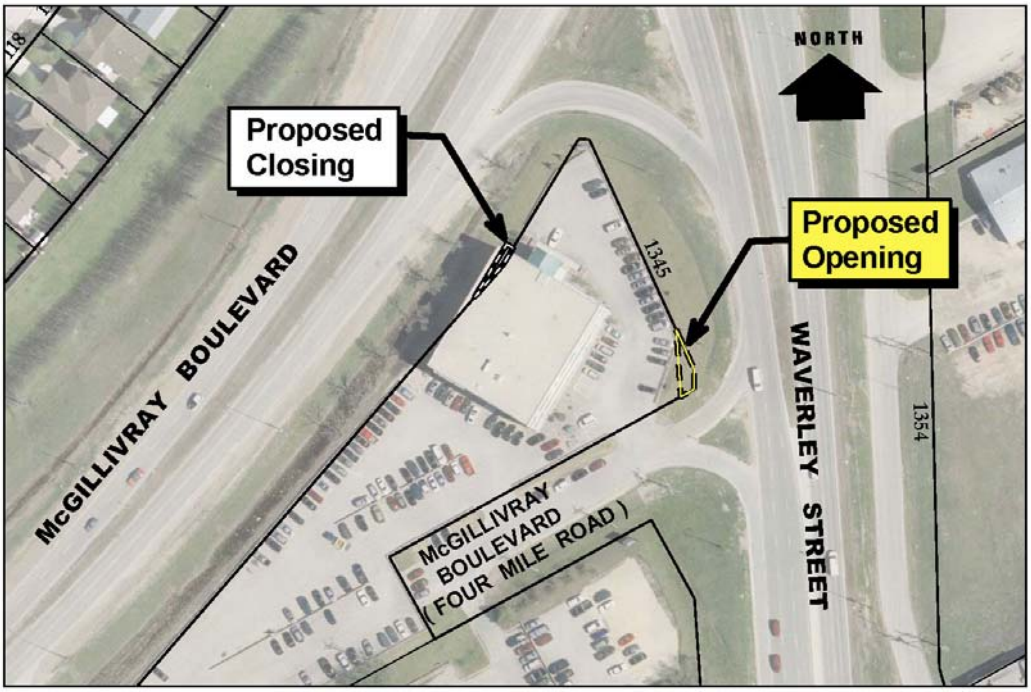
( ) Current and/or capital budget adjustment required

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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.



HISTORY:

The Planning, Property and Development Department has received a request from Mr. David Jones, President of Sherwood Park Homes, to purchase the portion of McGillivray Boulevard identified as “Proposed Closing” on the attached copy of Miscellaneous Plan No. 7729/8. The proposed closing is to be consolidated with the

applicant's holding at 1345 Waverley Street and accommodate a skylight within a planned addition to the existing building. At the request of the Public Works Department, Mr. Jones has agreed to transfer and legally open, at no cost to the City, a portion of his property required for the widening of the Waverley Street right of way identified as "Proposed Opening" on the sketch.

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

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

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 and Centra Gas

Shaw Cablesystems 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
File No. 8644

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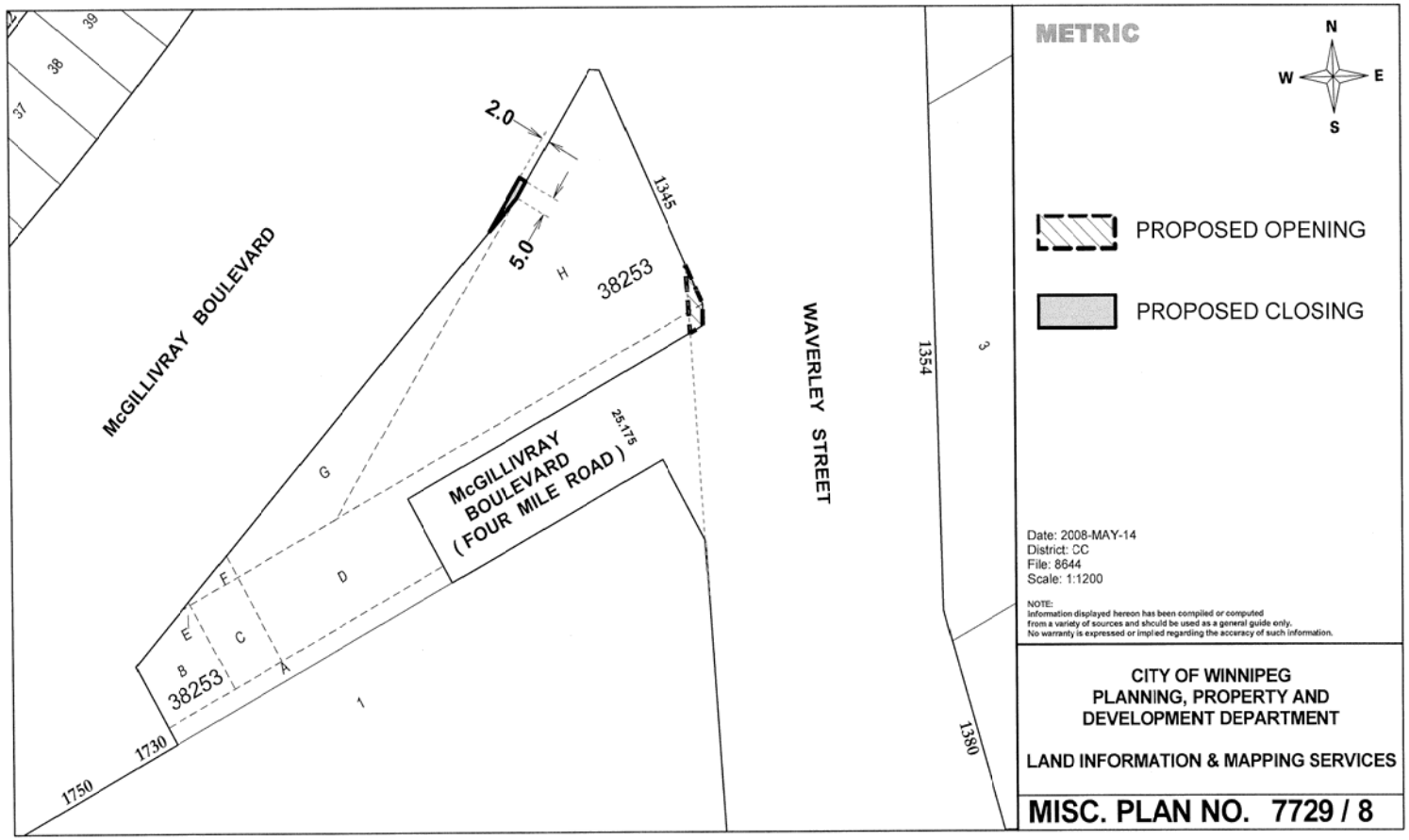
METRIC
N
W
E
S
PROPOSED OPENING
PROPOSED CLOSING
McGILLIVRAY BOULEVARD
WAVERLEY STREET
McGILLIVRAY BOULEVARD (FOUR MILE ROAD)
25.175
2.0
5.0
1345
1354
1380
1750
1730
38253
38253
A
B
C
D
E
G
H
1
3
37
38
39
Date: 2008-MAY-14
District: CC
File: 8644
Scale: 1:1200
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 7729 / 8