Agenda - Council - September 24, 2008

Report - Standing Policy Committee on Property and Development - September 2, 2008

Item No. 8 Closing -Part of Riverstone Road at Fernbank Avenue (Old Kildonan Ward) File DAC 11/2008

On September 22, 2008, the applicant withdrew the application and, as such, the item was filed.

Agenda - Council – September 24, 2008

Report - Standing Policy Committee on Property and Development – September 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 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 that the application for the street closing under File DAC 11/2008 not be proceeded with, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee that the application for the street closing under File DAC 11/2008 not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 208, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for the street closing under File DAC 11/2008 not be proceeded with.

PUBLIC HEARING SUMMARY

File:	DAC 11/2008 [c/r DASZ 23/2008 & DAV 122836/2008D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	July 15, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	Novamet Development Corporation (Glenn Halldorson, Project Supervisor)
Premises Affected:	Part of Riverstone Road at Fernbank Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated July 2, 2008 2. Inspection Report 3. Communication dated July 14, 2008 from the applicant, Novamet Development Corporation, with respect to the reports of the Winnipeg Public Service for DAC 11/2008, DASZ 28/2008 and DAV 122836/2008D

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

David and Cindy Brown
Kevin and Jaclyn Koenig
Rudy Peters
Richard and Val Sloboda
Jacob Suderman

For Information:

M. MacDonald
Leona Ozog
Jason Yuen

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 11/2008 [c/r DASZ 23/2008 & DAV 122836/2008D]

RE: DAC 11/2008 – PROPOSED CLOSING OF PART OF RIVERSTONE ROAD AT FERNBANK AVENUE FOR INCORPORATION INTO DASZ 23/2008

FOR SUBMISSION TO: The Lord Selkirk-West Kildonan Community Committee

REPORT DATE: July 2, 2008

RECOMMENDATION:

1. **That the proposed partial street closing as shown on Misc. Plan No. 12704/3 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 partial street closing in accordance with Misc. Plan No. 12704/3.**

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:

Novamet Development Corporation has made an application to close the portion of Riverstone Road so identified on the attached copy of Miscellaneous Plan No. 12704/3 for incorporation into an application to subdivide and rezone the adjoining property currently being processed under DASZ 23/2008. The closing is one of the components of a sale and exchange of lands originally entered into between the City and Silpit Industries Co. Ltd. and approved by the Standing Policy Committee on Property and Development on July 4, 2006.

The sale of the closed street was approved by the Standing Policy Committee on Property and Development on November 21, 2006, subject to Council approving the necessary street closing by-law.

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

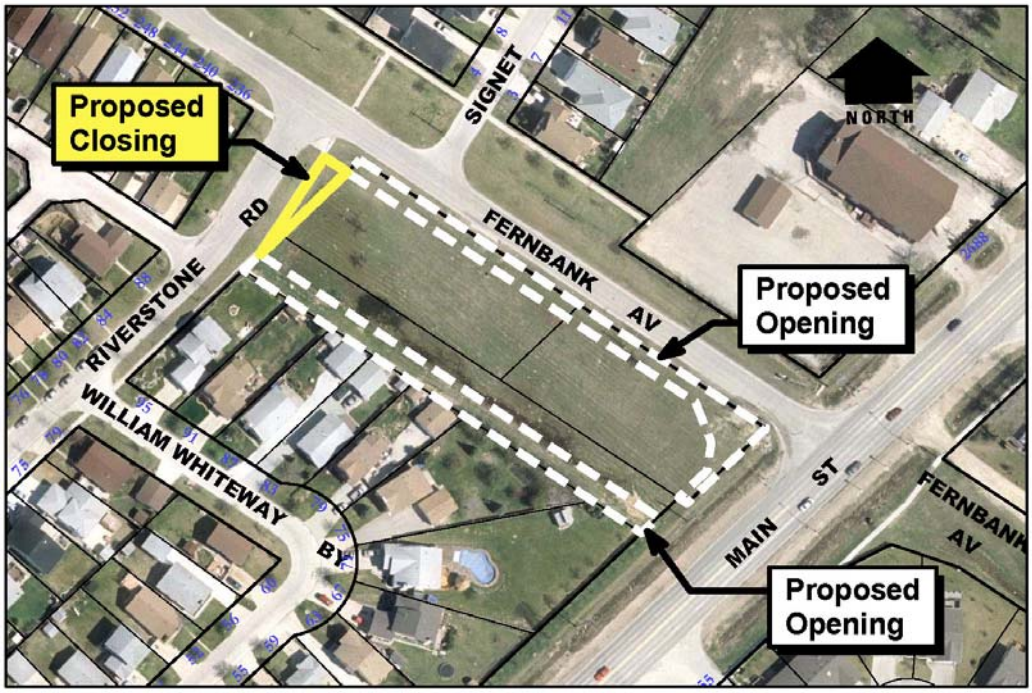
( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with the closing are the responsibility of Novamet Development Corporation, the applicant for DASZ 23/2008. 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. Glenn Halldorson, Project Supervisor for Novamet Development Corporation, to close the portion of Riverstone Road so identified on the attached copy of Misc. Plan No. 12704/3. The street, once closed, will be incorporated into DASZ 23/2008, an application to subdivide and rezone the adjoining property. Portions of this land will also be dedicated for the widening of Fernbank Avenue and Main Street as well as the opening of a public lane as shown on the sketch.

The subject closing was originally processed under DAC 22/2006 for incorporation into DASZ 43/2006, a previous application made by Novamet Development Corporation to

consolidate, subdivide and rezone the adjoining property with its holding legally described as Lot 27, Block 2, Plan 21870 immediately to the south. This closing was one of the components of a prior sale and exchange of lands between the City and Silpit Industries Co. Ltd. which was approved by the Standing Policy Committee on Property and Development on July 4, 2006. One of the conditions of the sale identified by the Public Works Department was the widening of Fernbank Avenue and Main Street.

Subsequent to the approval of the sale and exchange of lands, the Standing Policy Committee on Property and Development further approved the sale of the proposed closing area to Silpit Industries Co. Ltd. for $1.00 at its meeting on November 21, 2006, subject to Council approving the necessary street closing by-law. In exchange for receiving the land, Silpit was to be responsible for all costs associated with the closing application as well as costs associated with the preparation of the plan of survey to facilitate the widening of both Fernbank Avenue and Main Street under the original terms and conditions of the previously approved sale and exchange.

In April of 2007, Novamet withdrew their applications under DAC 22/2006 and DASZ 43/2006 and are now re-applying for the closing and subdivision/rezoning.

DISCUSSION:

Administrative Approval

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

Easements

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

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be incorporated into the subdivision. 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:

Centra Gas, Manitoba Hydro, MTS Allstream

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. 32/7013

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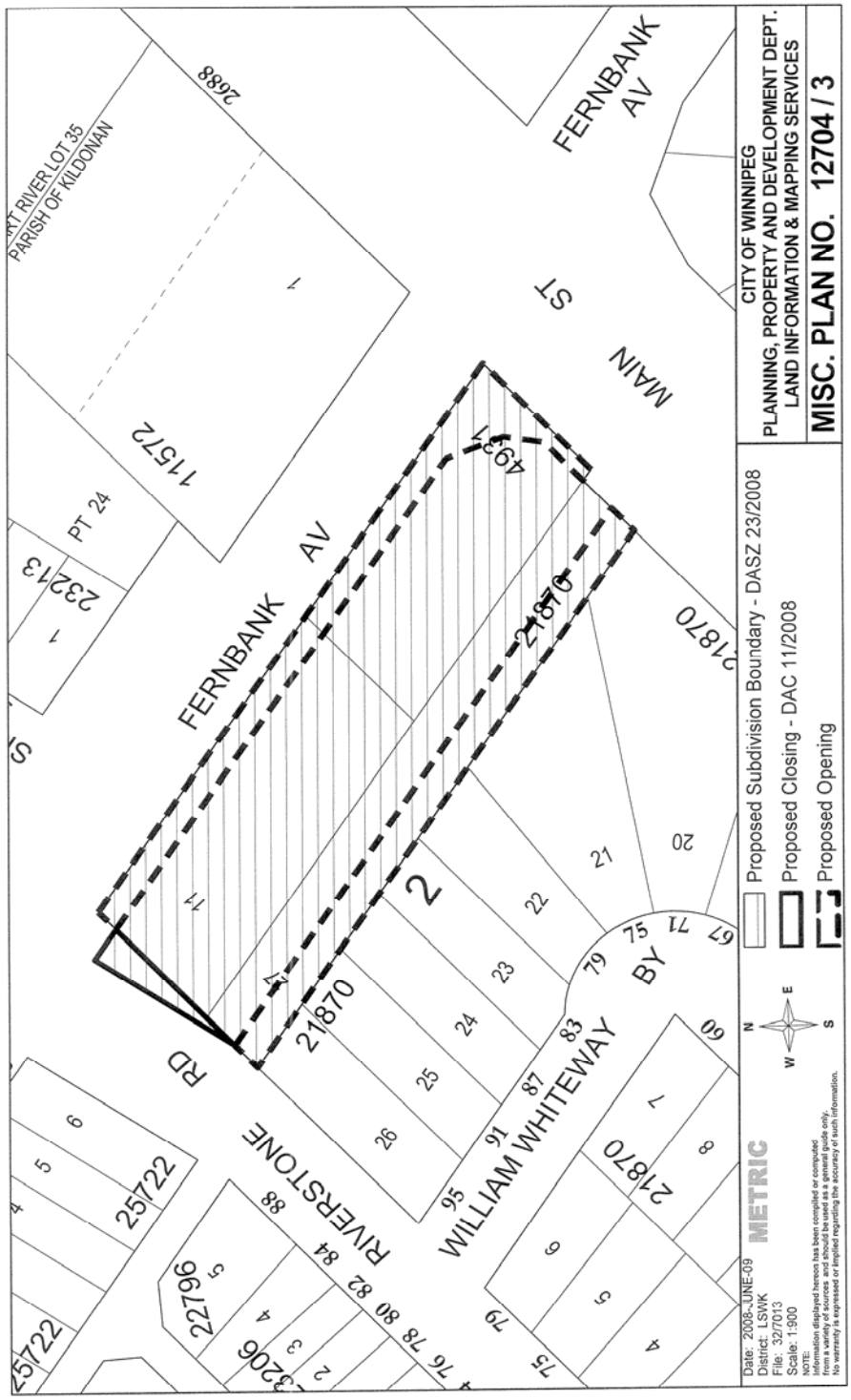
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12704 / 3
Proposed Subdivision Boundary - DASZ 23/2008
Proposed Closing - DAC 11/2008
Proposed Opening
Date: 2008-JUNE-09
District: LSWK
File: 32/7013
Scale: 1:900
METRIC
FERNBANK AV
MAIN ST
RIVERSTONE RD
WILLIAM WHITEWAY BY
PARISH OF KILDONAN
PT 24
11572
2688
21870
25722
22796
23206
4931