Minute No. 336
Report - Standing Policy Committee on Property and Development - April 7, 2009

Item No. 3 **Closing - Part of Cole Avenue, west of Grey Street (Elmwood-East Kildonan Ward) File DAC 3/2009**

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. 13517 be approved and that the land be declared surplus to the City's needs.

2. That the Acting 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. 13517, 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 7, 2009

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 April 22, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 7, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 3/2009
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Thomas
Public Hearing:	March 16, 2009 755 Henderson Highway
Applicant:	Lionel Weinberg, Myers Weinberg LLP
Premises Affected:	Part of Cole Avenue, west of Grey Street
Exhibits Filed:	1. Report from the Real Property Officer dated February 27, 2009 2. Inspection Report

REPRESENTATIONS:

In Support:

A. Lionel Weinberg, Myers Weinberg LLP

In Opposition:

Nil

For Information:

Nil

For the City:

Bohdan Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2009

ADMINISTRATIVE REPORT

RE: DAC 3/2009 – PROPOSED CLOSING OF PART OF COLE AVENUE, WEST OF GREY STREET

FOR SUBMISSION TO THE EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE

REPORT DATE: FEBRUARY 27, 2009

AUTHORIZATION

Author	Department Head	CAO

RECOMMENDATION

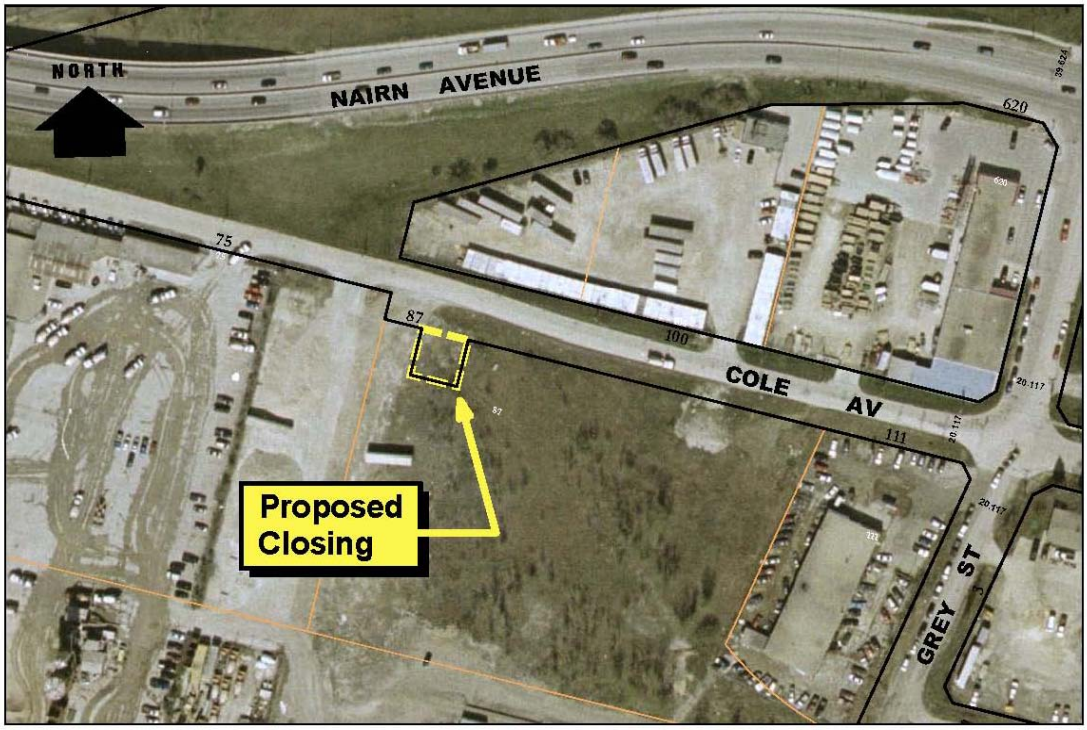
1. That the proposed street closing as shown on Misc. Plan No. 13517 be approved and that the land be declared surplus to the City's needs.

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. 13517, 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 effect the intent of the foregoing.

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. Lionel Weinberg of Myers Weinberg LLP, representing UBC 343 Building Corporation, to close and purchase the subject street identified as "Proposed Closing" on the attached copy of Misc. Plan No. 13517. The street, once closed, will be consolidated with the applicant's surrounding holding and provide the applicant with a uniform street frontage.

Cole Avenue was opened by Plan No. 6325 and registered in the Winnipeg Land Titles Office in 1956. At the time of the registration of this plan, the terminus of Cole Avenue was coincident with the western limit of the applicant's property, and the subject closing comprised a 15.24m x 15.24m turnaround area. With subsequent right of way openings west of the applicant's property, the turnaround area is now redundant and serves no public purpose.

KEY ISSUES

Administrative Approval

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

Easements

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

Transfer of Jurisdiction Over Public Rights-of-Way

The 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.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**x**	
Regulatory		**x**	
Environmental		**x**	
Human Resources		**x**	
Financial		**x**	All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.
Legal (Contracts)		**x**	
Communications		**x**	
Council Priorities Direction		**x**	
Other, e.g. Organizational, community, etc. (Specify)		**x**	

CONSULTATION

In preparing this Report there was:

Internal Consultation With and Concurrence By:

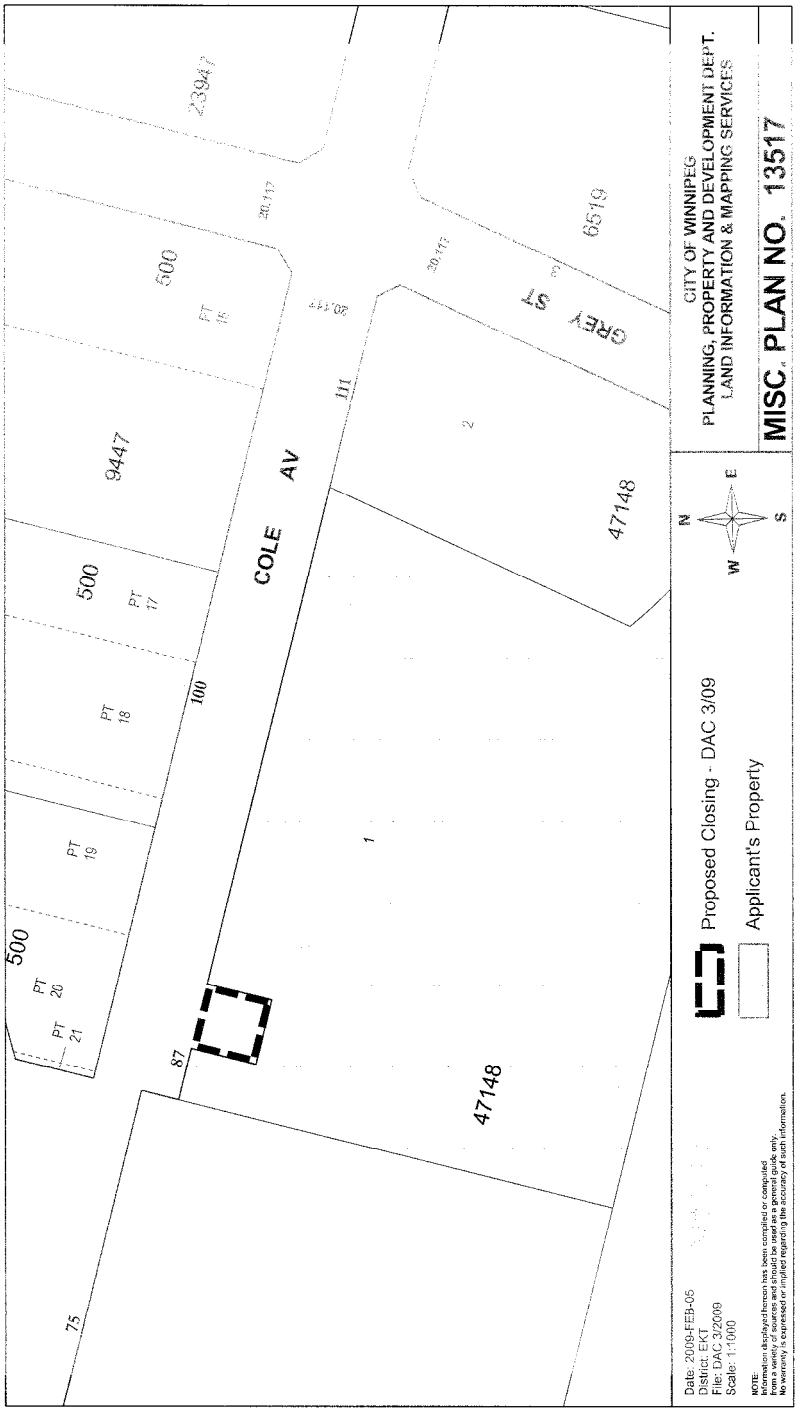
There was no internal consultation in the preparation of this report.

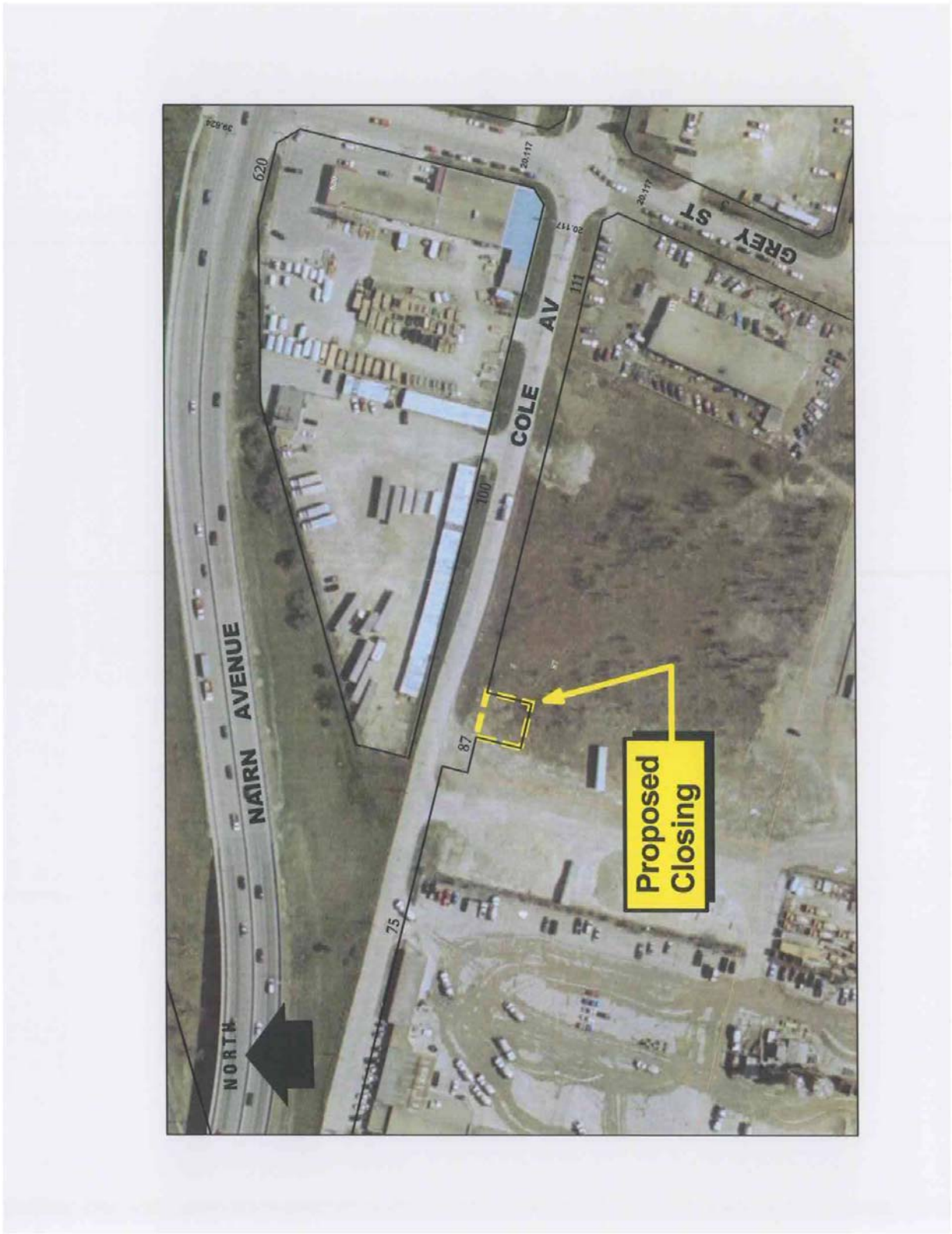
External Consultation With:

MTS Allstream and Shaw Cablesystems
Manitoba Hydro and Centra Gas did not respond to the request for comments on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
File No.:


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13517
Proposed Closing - DAC 3/09
Applicant's Property
Date: 2009-FEB-05
District: EKT
File: DAC 3/2009
Scale: 1:1000
COLE AV
GREY ST
23947
6519
500
9447
47148
PT 15
PT 17
PT 18
PT 19
PT 20
PT 21
100
111
87
75
1
2
3


NAIRN AVENUE
COLE AV
GREY ST
Proposed Closing
NORTH
620
100
87
75
111


FOSTER ST
MCCALMAN AVE
NAIRN AVE
COLE AVE
TYNE AVE
FOSTER ST
GREY ST
GREY ST
COLE AVE
COSMO PL
EATON ST
N
POSTER LOCATIONS
Dec 3/2009
ID
DESCRIPTION
1 South Side Cole Ave., Approach Into #75 Cole Ave. - Poster On Wood Hydro Pole.
2 North Side Cole Ave., Opposite # 87 Cole Ave. - Poster On Wood Hydro Pole.
3 SE Corner Grey Street & Cole Avenue - Poster On Wood Hydro Pole.
4 SE Corner Grey Street & Tyne Avenue - Poster On Wood Hydro Pole.
5 SE Corner Grey Street & Nairn Avenue - Poster On Wood Hydro Pole.
6 East Side Foster Street @ Cole avenue - Poster On Wood Hydro Pole.

DAC 3/2009 February 25, 2009



Proposed Closing of Part Cole Avenue, View Looking South From Cole Avenue.