**Agenda - Council - June 24, 2009**

**Report - Standing Policy Committee on Property and Development - June 2, 2009**

**Item No. 4 Closing – Public lane at the rear of 66, 70 and 74 Ruttan Bay (Fort Rouge – East Fort Garry Ward) File DAC 4/2009**

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2009, 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 lane closing as shown on Misc. Plan No. 13543 be approved.

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 lane closing in accordance with Misc. Plan No. 13543.

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

**Agenda - Council - June 24, 2009**

**Report - Standing Policy Committee on Property and Development - June 2, 2009**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, 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 2, 2009, 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 May 5, 2009, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service dated May 4, 2009, with the following amendments, namely:

- That Recommendation 1 be amended by deleting the following words “and that the land be declared surplus to the City’s needs” at the end thereof.

- That Recommendation 2 be amended by deleting the following words “subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land” at the end thereof,

and forwarded to the Standing Policy Committee on Property and Development.

**PUBLIC HEARING SUMMARY**

| | |
|---|---|
| File: | DAC 4/2009 |
| Before: | City Centre Community Committee<br>Councillor O'Shaughnessy Chairperson<br>Councillor Lazarenko<br>Councillor Pagtakhan |
| Public Hearing: | May 5, 2009<br>North Committee Room<br>Council Building, 510 Main Street |
| Applicant: | Robert Mertin |
| Premises Affected: | public lane at the rear of 66, 70 and 74 Ruttan Bay |
| Exhibits Filed: | 1. Report from the Real Property Officer dated April 16, 2009<br>2. Inspection Report<br>3. Communication dated April 30, 2009, from Diane Frost with respect to the application<br>4. Communication including photographs (3), dated May 4, 2009, from Monica Lercara in opposition to the application<br>5. Supplementary Report from the Real Property Officer dated May 4, 2009<br>6. Photographs (5) submitted by Robert Mertin at the public hearing<br>7. Photographs (1 page) submitted by the Real Property Officer at the public hearing<br>8. Photographs (11) submitted by Diane Frost at the public hearing |

REPRESENTATIONS:

In Support:

Robert Mertin

In Opposition:

Diane Frost
Monica Lercara

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2009

# ADMINISTRATIVE REPORT

**RE: DAC 4/2009 – PROPOSED CLOSING OF THE PUBLIC LANE AT THE REAR OF NOS. 66, 70 AND 74 RUTTAN BAY**

**FOR SUBMISSION TO THE CITY CENTRE COMMUNITY COMMITTEE**

**REPORT DATE: APRIL 16, 2009**

## AUTHORIZATION

| Author | Department Head | CAO |
|---|---|---|
| Bohdan Buyachok | | |

## RECOMMENDATION

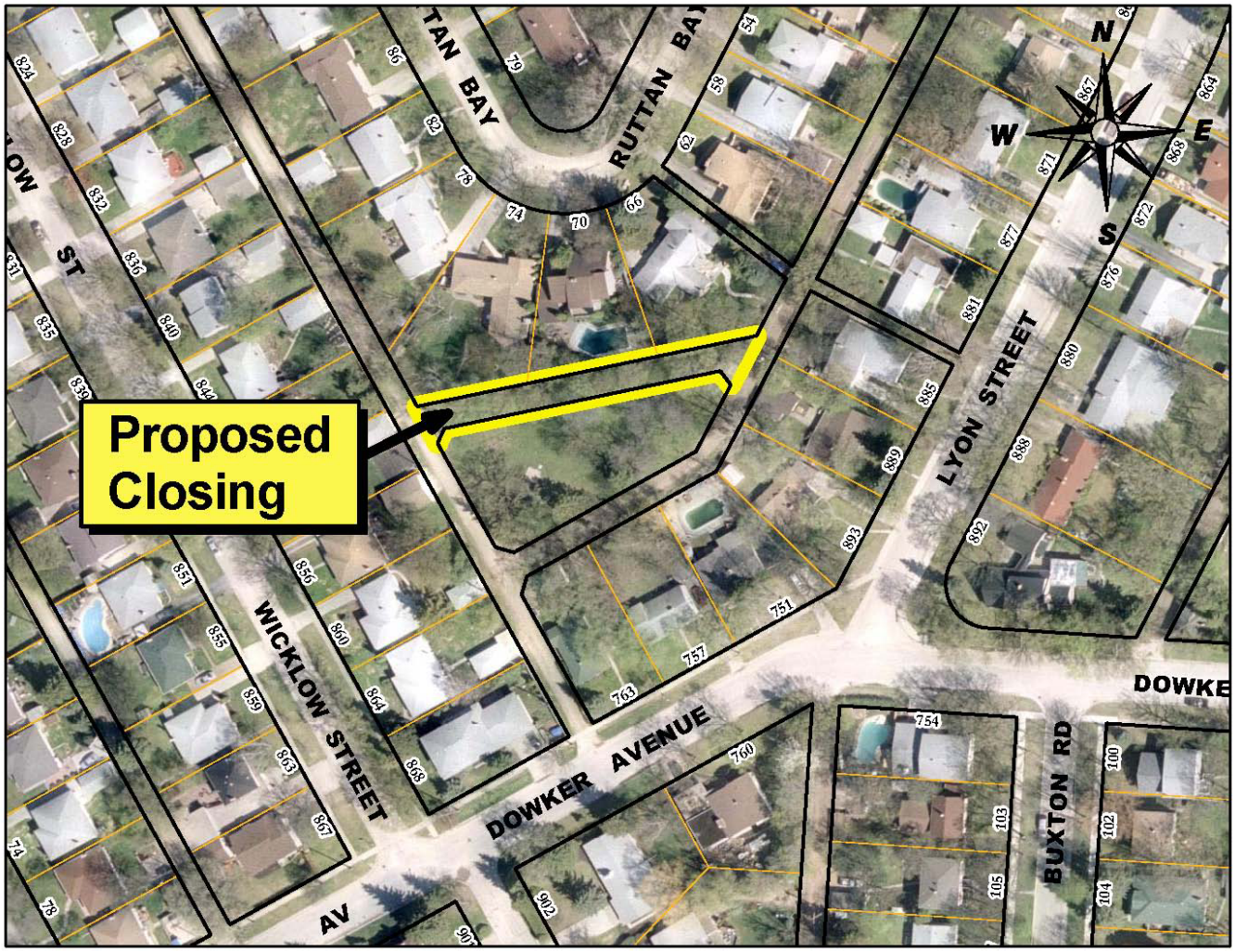
1. That the proposed lane closing as shown on Misc. Plan No. 13543 be approved and that the land be declared surplus to the City's needs.

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. 13543, 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 the property owners of Nos. 66, 70 and 74 Ruttan Bay, represented by Mr. Robert Mertin, to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 13543. It is the intention of the applicants to consolidate portions of the lane identified as Parcels “A”, “B” and “C” with their respective holdings as shown on the sketch. Parcels “D” and “E” have been included in the application at the City’s request and will be consolidated with title to the existing City land presently under the jurisdiction of the Parks Department, being Lot 75, Block 3, Plan 5135 WLTO. This land is currently in use as a public park.

The subject lane was legally opened by Plan No. 5135 and registered in the Winnipeg Land Titles Office in 1950. The lane is undeveloped and serves no public transportation purpose. Public access to the surrounding area is served by an existing right of way immediately south of the City land.

## 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 lane closing.

Zoning

Each half of a closed street or lane assumes the zoning designation of the adjoining property. The applicants' property north of the lane closing is designated R1-L Residential. Property to the south of the closing is designated PR1 Parks. The Zoning Branch has advised that it would be preferable for the applicants to rezone the PR1 lands to R1-L, thereby allowing them to use the subject property to its full potential.

Easements

MTS Allstream has identified services within Parcels "B" and "C" and will require an easement for their existing facilities. No permanent structures will be allowed within the easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

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.

## IMPACT OF THE RECOMMENDATIONS

| IMPACT | YES | NO | COMMENTS |
|---|---|---|---|
| **Policy** | | **x** | |
| **Regulatory** | | **x** | |
| **Environmental** | | **x** | |
| **Human Resources** | | **x** | |
| **Financial** | | **x** | All costs associated with the lane closing are the responsibility of the applicants. 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:**

Manitoba Hydro, Centra Gas, and MTS Allstream.
Shaw Cablesystems 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.:

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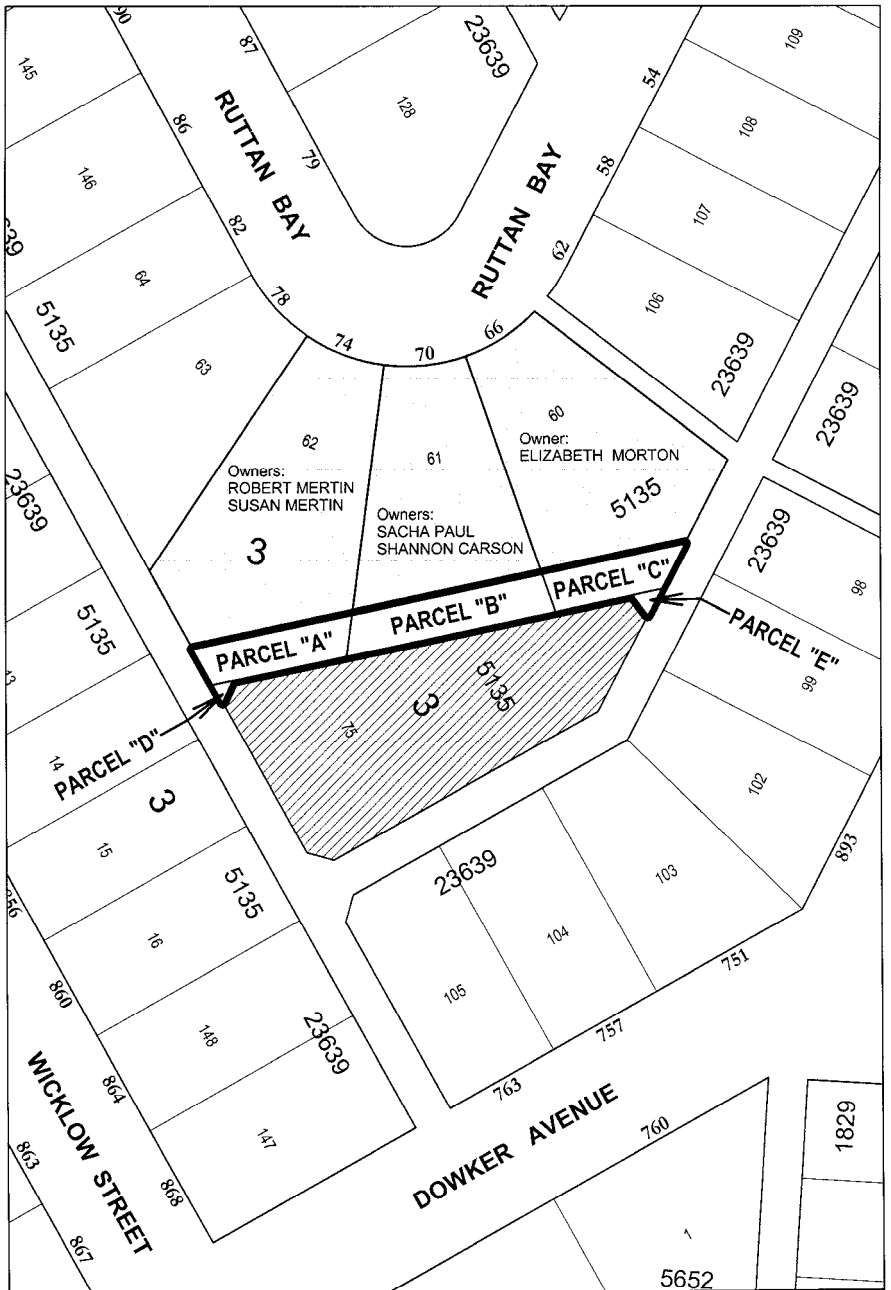


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APPLICANTS' PROPERTY

PROPOSED CLOSING - DAC 4/2009

CITY PROPERTY

Date: 2009-MAR-16
District: CC
File: DAC 4/2009
Scale: 1:750

METRIC

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.

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

**MISC. PLAN NO. 13543**

Exhibit "4 referred to in File DAC 4/2009

# ADMINISTRATIVE REPORT

**RE: SUPPLEMENTAL REPORT: DAC 4/2009 – PROPOSED CLOSING OF THE PUBLIC LANE AT THE REAR OF NOS. 66, 70 AND 74 RUTTAN BAY**

**FOR SUBMISSION TO THE CITY CENTRE COMMUNITY COMMITTEE**

**REPORT DATE: MAY 4, 2009**

## AUTHORIZATION

| Author | Department Head | CAO |
|---|---|---|
| Bohdan Buyachok | | |

## RECOMMENDATION

1. That the proposed lane closing as shown on Misc. Plan No. 13543 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. 13543, 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

Subsequent to the preparation of the report on DAC 4/2009 recommending the closing of the public lane at the rear of Nos. 66, 70 and 74 Ruttan Bay, the Water and Waste Department has identified potential easement requirements within the closing area.

## KEY ISSUES

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing. The approval of this application by the Water and Waste Department is subject to the following conditions:

- The applicant must provide a lot grading and drainage plan for the subject property prepared by a municipal engineer and submitted to the Water and Waste Department for approval.
- The applicant will grant the Water and Waste Department easements if required.
- The applicant will be responsible for the installation of catch basins and catch basin leads if required.

All of the above conditions will be at no expense to the Water and Waste Department.

## IMPACT OF THE RECOMMENDATIONS

| IMPACT | YES | NO | COMMENTS |
|---|---|---|---|
| **Policy** | | **x** | |
| **Regulatory** | | **x** | |
| **Environmental** | | **x** | |
| **Human Resources** | | **x** | |
| **Financial** | | **x** | All costs associated with the lane closing are the responsibility of the applicants. 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:**

Manitoba Hydro, Centra Gas, and MTS Allstream.
Shaw Cablesystems 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.:

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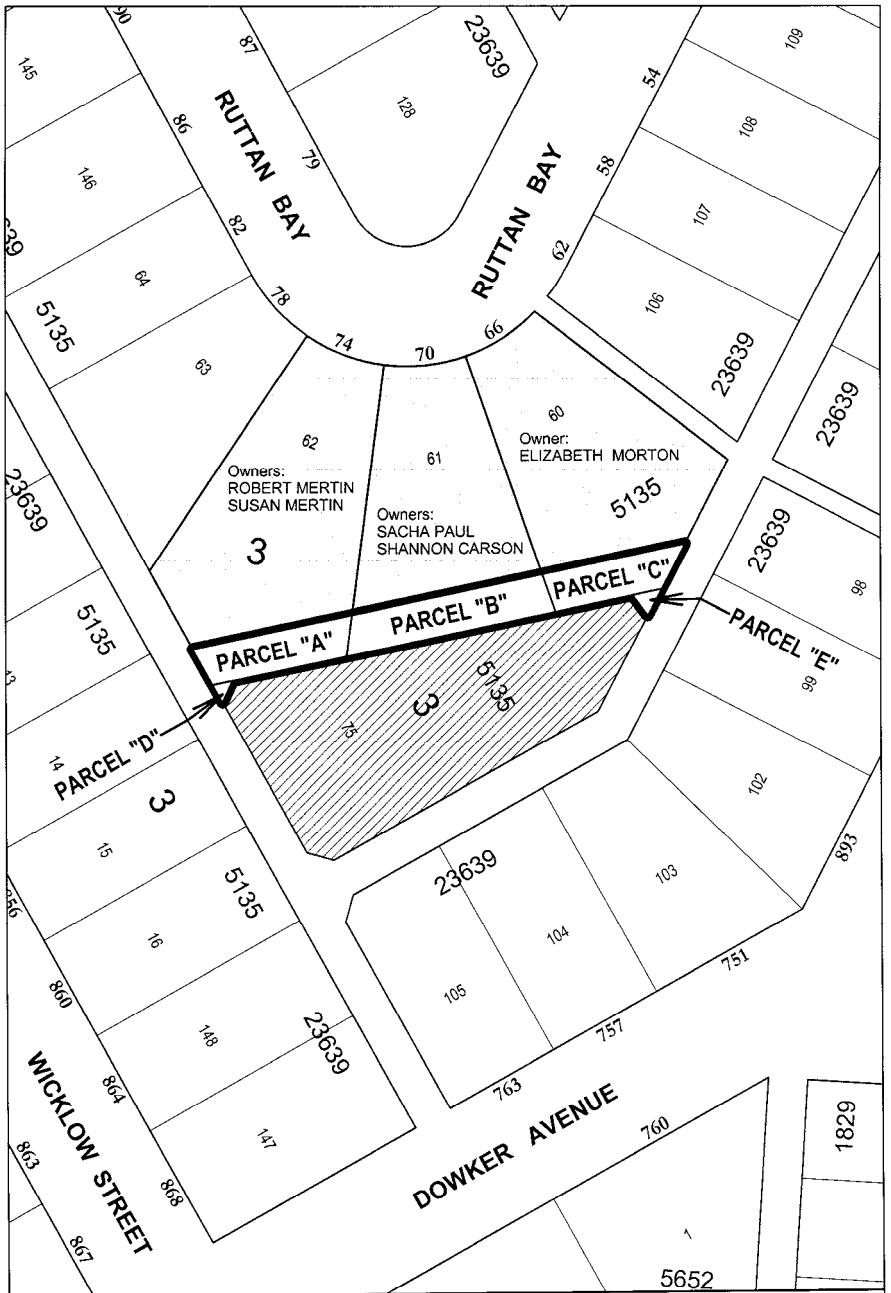


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APPLICANTS' PROPERTY

PROPOSED CLOSING - DAC 4/2009

CITY PROPERTY

Date: 2009-MAR-16
District: CC
File: DAC 4/2009
Scale: 1:750

METRIC

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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

**MISC. PLAN NO. 13543**