**Minute No. 433**
**Report - Standing Policy Committee on Property and Development - June 2, 2009**

**Item No. 5** **Closing – Part of the public lane east of La Porte Drive, north of avenue Ducharme for incorporation into DASZ 11/2009 (St. Norbert Ward) File DAC 17/2007**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the application for the street closing under File DAC 17/2007 not be proceeded with.

2. 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 2, 2009**

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development that the application for the street closing under File DAC 17/2007 not be proceeded with, be adopted by consent.

Carried

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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2009, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and the application for street closing under File DAC 17/2009 [c/r DASZ 11/2009] not be proceeded with, and forwarded the matter to the Standing Policy Committee on Property and Development.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAC 17/2007 [c/r DASZ 11/2009] |
| Before: | Riel Community Committee<br>Councillor Steeves, Chairperson<br>Councillor Swandel<br>Councillor Vandal |
| Public Hearing: | May 25, 2009<br>Council Chamber<br>Council Building, 510 Main Street |
| Applicant: | Global Homes Ltd. (Perry McDonald) |
| Premises Affected: | Part of the public lane east of La Porte Drive, north of avenue Ducharme |
| Exhibits Filed: | 1. Report from the Real Property Officer dated May 5, 2009<br>2. Inspection Report |

REPRESENTATIONS:

In Support:
Angela and Dwight Gay
Bernhard Goertzen
Perry McDonald

In Opposition
Nil

For Information:
Dan and Pat Knudsen

For the City:
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 17/2007 [c/r DASZ 11/2009]

# ADMINISTRATIVE REPORT

**RE: DAC 17/2007 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE EAST OF LA PORTE DRIVE, NORTH OF AVENUE DUCHARME FOR INCORPORATION INTO DASZ 11/2009**

**FOR SUBMISSION TO THE RIEL COMMUNITY COMMITTEE**

**REPORT DATE: MAY 5, 2009**

## AUTHORIZATION

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

## RECOMMENDATION

1. That the proposed lane closing as shown on Misc. Plan No. 13194/5 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. 13194/5, 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. Perry McDonald, Land Development Manager for Global Homes Ltd., to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 13194/5. The lane, once closed, is to be incorporated within DASZ 11/2009, an application to subdivide and rezone the adjoining property. The subject closing was originally to have been processed in conjunction with subdivision and rezoning application DASZ 7/2007 which was not proceeded with.

DASZ 11/2009 includes a land exchange of equal areas, wherein the applicant will be receiving City land for the subdivision development and the City receiving part of the applicant's holding for public reserve purposes. The subject closing is not included in the land exchange and will be sold to the applicant.

The subject lane was opened by Plan No. 10912 and registered in the Winnipeg Land Titles Office in 1971. This plan opened the adjoining north/south public lane with its terminus being coincident with the northern limit of the proposed subdivision boundary. The subject closing comprised a 20' x 40' turnaround area. With a subsequent right of way opening connecting this lane northwards to rue Le Maire, 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 lane closing.

Easements

Manitoba Hydro has identified services within the closing area and will require an easement for their 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 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:**

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

## SUBMITTED BY

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

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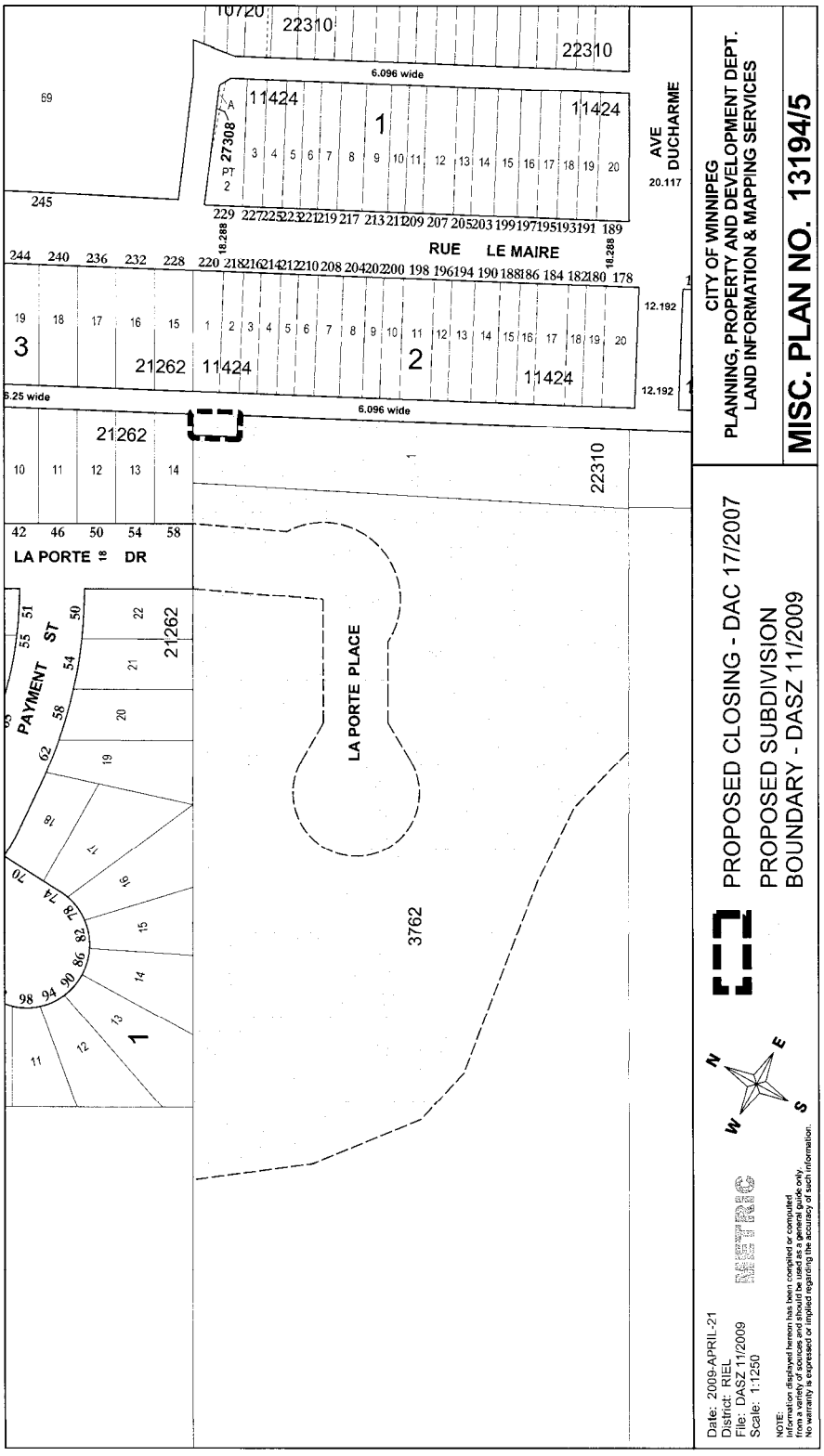
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13194/5
PROPOSED CLOSING - DAC 17/2007
PROPOSED SUBDIVISION
BOUNDARY - DASZ 11/2009
Date: 2009-APRIL-21
District: RIEL
File: DASZ 11/2009
Scale: 1:1250
NOTE:
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RUE LE MAIRE
AVE DUCHARME
LA PORTE DR
PAYMENT ST
LA PORTE PLACE
6.096 wide
6.25 wide
22310
11424
21262
3762