Minute No. 492
Report - Standing Policy Committee on Property and Development – June 30, 2009

Item No. 5 **Closing – part of Chief Peguis Trail, west of Whellams Lane for incorporation into DAS 15/2009**
(North Kildonan Ward)
File DAC 6/2009

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. 13561 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. 13561, 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 30, 2009

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

Councillor Thomas asked to be recorded as having voted against the suspension of the rule in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 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 June 30, 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 June 15, 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 6/2009 [c/r ZAA 3/2009, DAS 15/2009, and DAV 115953/2009D]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Thomas
Public Hearing:	June 15, 2009 Theatre Chief Peguis Junior High School 1400 Rothesay Street
Applicant:	Cooper Rankin Architects (Keith Rankin)
Premises Affected:	part of Chief Peguis Trail, west of Whellams Lane

Exhibits Filed:

1. Report from the Real Property Officer dated May 28, 2009
2. Inspection Report
3. Communication dated June 12, 2009, from Lucas and Joyce Pacey in opposition to the application
4. Communication dated June 15, 2009, from Barry and Adele Korolyk in opposition to the application
5. Sketches (2) of proposal submitted by the applicant at the public hearing in support of the application
6. Sketch (1) and site plan (1 page) of previously applied for proposal submitted by the applicant at the public hearing, in support of the application
7. Copy of waiting list for apartments, submitted by the applicant at the public hearing, in support of the application
8. Copy of Edgewood Estates – 2009 Update to the Traffic Impact Study dated June 2009, submitted by the applicant at the public hearing, in support of the application
9. Copy of real estate sales of subject neighbourhood (9 pages) submitted by Charles Chappell at the public hearing, in support of the application
10. Copy of presentation submitted by Kate M. Kehler in opposition to the application
11. Copy of presentation submitted by Graham. Eagleton in opposition to the application

12. Communication undated from Frank Shalapafa, in opposition to the application
13. Communication dated June 13, 2009 from Abe G. Hyde, submitted by Kate M. Kehler at the public hearing, in opposition to the application.
14. Site plan (1 page) of proposal submitted by the applicant at the public hearing in support of the application

REPRESENTATIONS:

In Support:

Sigrun Bailey
Hazel Borys
C. L. Chappell
Karl and Audrey Felsen
Gerry Green
Irene Groening
John Ilg
David M. Katcher
William Kavanagh
Bryan Klein
Dennis and Pat Potoroka
W. Keith Rankin, Cooper Rankin Architects
Sophie Turko

In Opposition:

Ronald Albert
Nicola Alberto
Madelyn Anderson
Christian Asselin
Don and Gladys Bellamy
Loralyn Bergen
Johanna Breman
Frank and Darka Burczynski
John E. Burton
Helen Chapman
Anne DeFehr
Norm Dietrich
E. Dilello
Robert Duncan
Terry and Barb Durham
Graham Eagleton
Caroline Elder
Mr. and Mrs. M. Elyn
Rudy and Rosanna Enns
S. Edward and Phyllis Ermet
Frank and Karen Fazio
Kathie Forster
Anne Friend
Isny Gallimore
B. G. Garrioch
Audrey Gessner
Ted and Sophie Gierys
Mary Ginter
Stacie Gottfried
Harold Granke
Marie Hales
David Harris
Kim and Randy Hawkins
Ole and June Hellsten
Deb and Glen Horoshok
Abe G. Hyde
Gordon and Marion Jones
Jim Karram
Kate M. Kehler
Lydia Kehler
Shannon Kipling
Jack and Lorraine Kisil
Barry and Adele Korolyk
Jake and Rita Krahn
Bill Kubik
Randie and Janis Kushnier
Rose Lawrence
Zane and Sandra Lewkiw
Cornelius Loepp
Ismael and Lucila Lontajo
Mildred Lukowich
Lisa Mandziak
Eva Mann
Leta C. McDowell
Maria K. McMurray
Victor Meder
Eleanor Nickel
Mary Oliver
Lucas and Joyce Pacey
Karen Palanuk
Elizabeth Palmer
Anna Penner
L. Purpur
John H. Reimer
Adolf and Derrelyn Reinfort
Pearl Ring
Zenon Rosolowich
Ruthann Schadek
M. and G. Segstro
Frank Shalapafa
V. Smrekar
Terri-Lynn Strand
Rita Syposh
E. and Annette Terwisscha
Fredrick Louis and Kenji Ulrich
Alistair and Wilma Wark
Randy and Alwine Willoughby
Michael and Noreen Witt

For Information:

M. Bergen
Colin Carriere
Reimer Clausen
Barbara C. Douglas
Mae Jones
Rudolph and Louise Lage
Adeline Makowsky
Harry Tiessen

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2009
[c/r ZAA 3/2009, DAS 15/2009, and DAV 115953/2009D]

ADMINISTRATIVE REPORT

RE: DAC 6/2009 – PROPOSED CLOSING OF PART OF CHIEF PEGUIS TRAIL, WEST OF WHELLAMS LANE FOR INCORPORATION INTO DAS 15/2009

CRITCAL PATH: FOR SUBMISSION TO THE EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Bohdan Buyachok			

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13561 be approved and that the land be declared surplus to the City's needs.

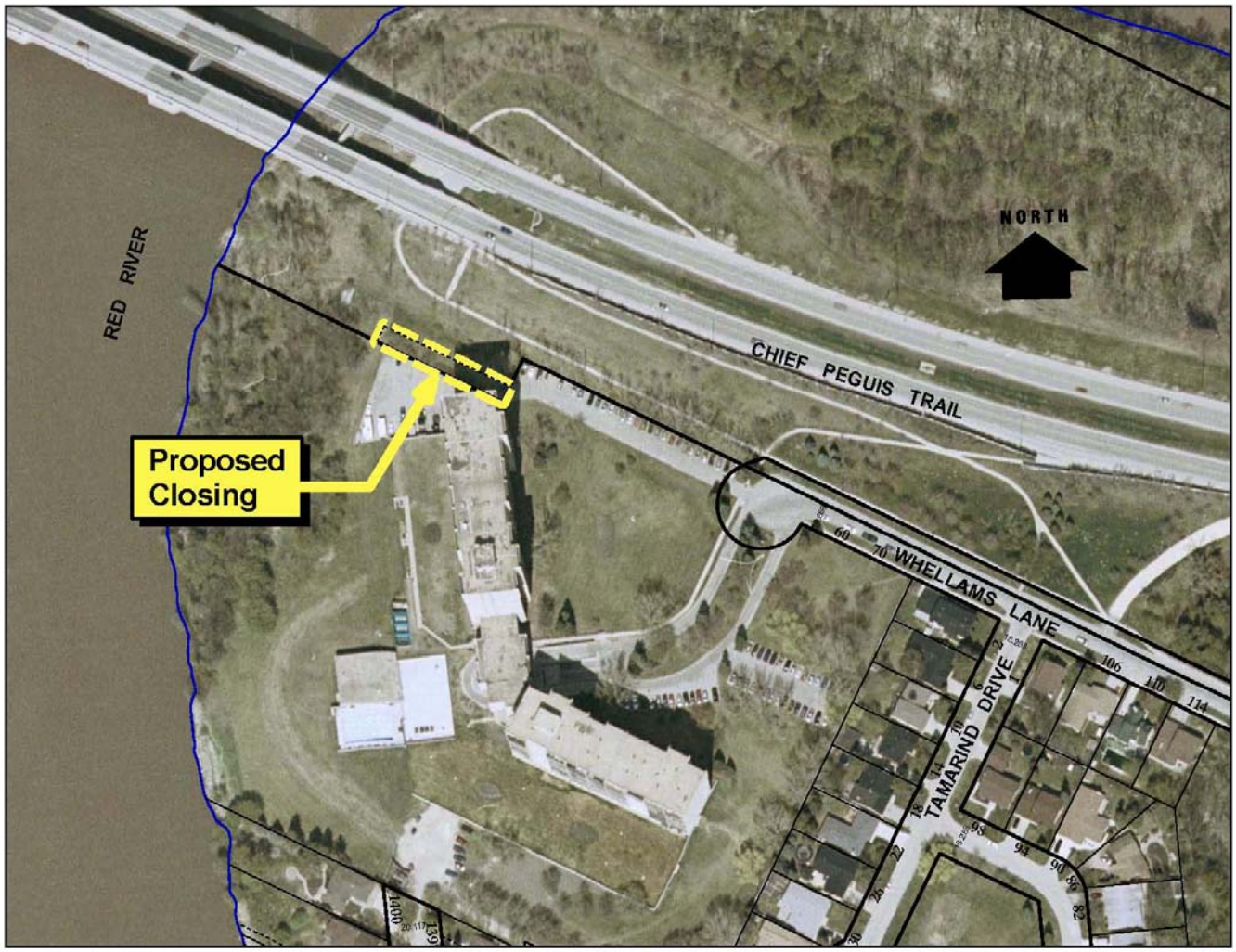
2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13561, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions 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.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.



HISTORY

The Planning, Property and Development Department has received a request from Mr. Keith Rankin of Cooper Rankin Architects, representing Devonshire Properties Inc., to close and purchase the portion of Chief Peguis Trail so identified on the attached copy of Miscellaneous Plan No. 13561. The street, once closed, is to be incorporated into DAS 15/2009, an application to subdivide the adjoining property. The proposed closing area is required in order to accommodate the construction of a 22 storey apartment tower.

In exchange for this property, the applicant will be dedicating a portion of their holding for the westerly extension of the public lane north of Essar Avenue at Kildonan Drive. The opening does not form part of this application. It will be dedicated as public right of way via DAS 15/2009.

The subject closing was originally dedicated as “Chief Peguis Trail” in 1992 by way of Plan No. 29115 WLTO. It does not form part of the paved roadway and is not used by the public for transportation purposes.

Reason for the Report

All street and lane closings require the consideration of the Community Committee.

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

No services have been identified within the proposed street closing. No easements will be required.

Conveyance of Street for $1.00

The area of the public lane being created by the subdivision exceeds the area of the street being closed. In accordance with City policy, the closed portion of Chief Peguis Trail will be conveyed to the Developer for the nominal sum of $1.00.

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.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

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

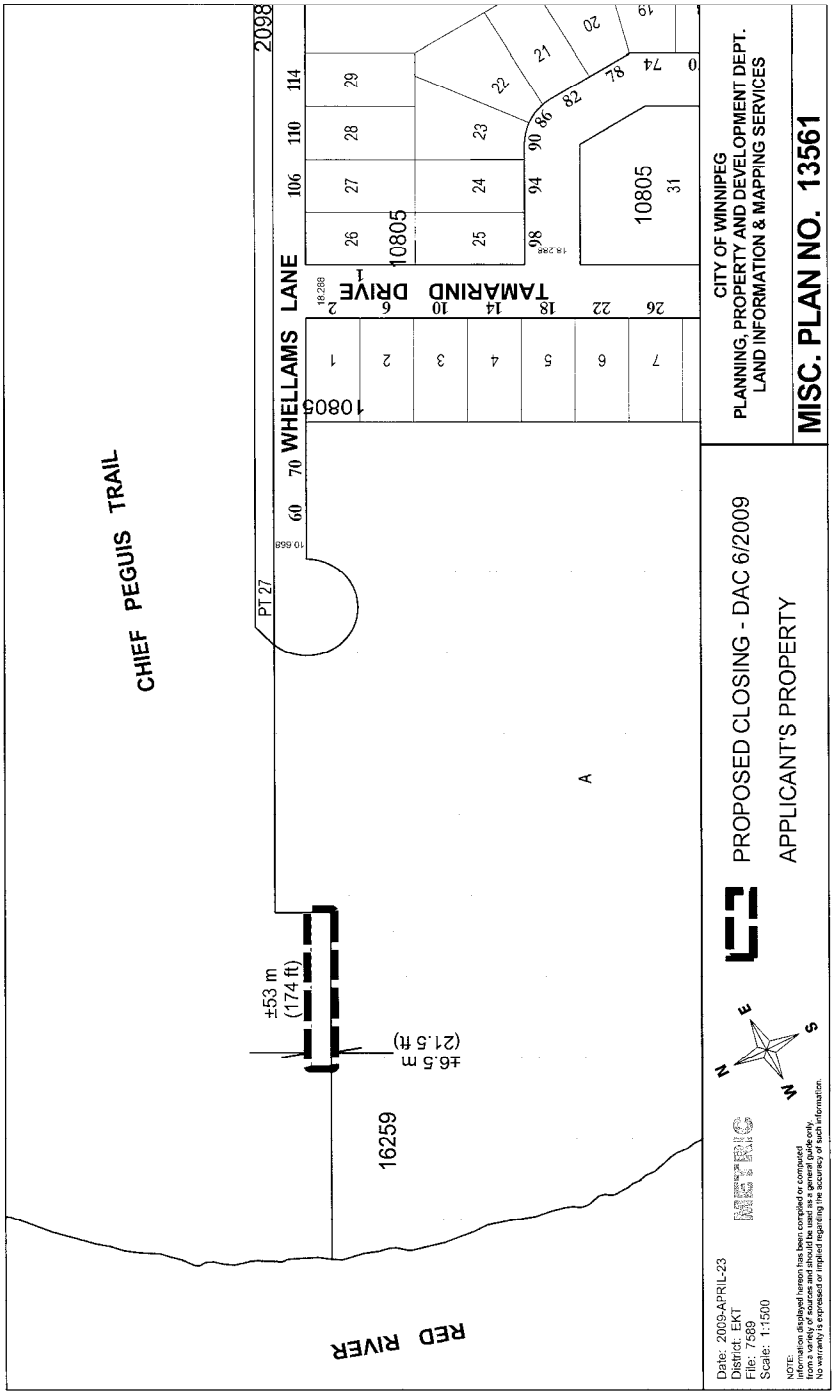
External Consultation With:

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
Date:	May 28, 2009
File No.	7589

V:\devapp\dev application2009\dac6_2009\final_report\dac6.09rpt


CHIEF PEGUIS TRAIL
2098
WHELLAMS LANE
TAMARIND DRIVE
10805
PT 27
A
16259
±53 m
(174 ft)
±6.5 m
(21.5 ft)
RED RIVER
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13561
PROPOSED CLOSING - DAC 6/2009
APPLICANT'S PROPERTY
Date: 2009-APRIL-23
District: EKT
File: 7589
Scale: 1:1500