Agenda - Council - September 30, 2009

Report - Standing Policy Committee on Property and Development - September 8, 2009

Item No. 9 **Closing – parts of De Vries Avenue and Headmaster Row, south of Knowles Avenue, and Opening – southwest corner of De Vries and Knowles Avenues**
(North Kildonan Ward)
File DAOC 2/2009

STANDING COMMITTEE RECOMMENDATION:

On September 23, 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 submits the following to Council:

1. That the street opening and closing as shown on Misc. Plan No. 12434/2 be approved and that the portion of the street proposed to be closed 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 opening and closing in accordance with Misc. Plan No. 12434/2, 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.

Report - Standing Policy Committee on Property and Development – September 8, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 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 September 8, 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 July 13, 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.

On June 15, 2009, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 13, 2009.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2009
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 July 13, 2009 Community Committee Chamber, 755 Henderson Highway
Applicant:	McGowan Russell Group (Jackie Wilkie)
Premises Affected:	parts of De Vries Avenue and Headmaster Row, south of Knowles Avenue, and southwest corner of De Vries and Knowles Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated May 28, 2009 2. Inspection Report 3. Notice of Adjournment dated June 19, 2009

REPRESENTATIONS:

In Support:

Jackie Wilkie, McGowan Russell Group
Norm Boyle

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2009

ADMINISTRATIVE REPORT

RE: DAOC 2/2009 – PROPOSED CLOSING OF PARTS OF DE VRIES AVENUE AND HEADMASTER ROW, SOUTH OF KNOWLES AVENUE AND PROPOSED OPENING OF THE SOUTHWEST CORNER OF DE VRIES AND KNOWLES AVENUES

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 opening and closing as shown on Misc. Plan No. 12434/2 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

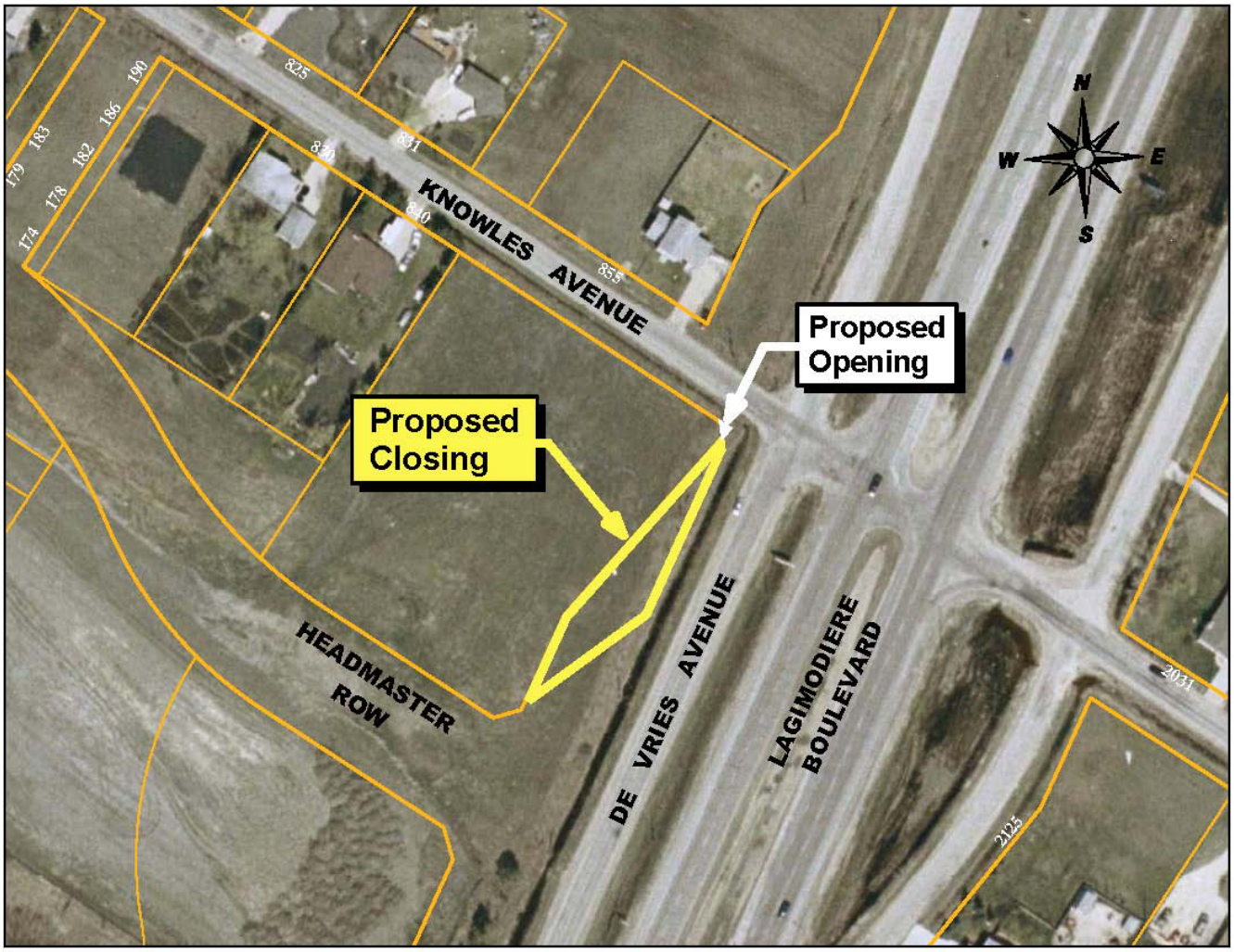
2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street opening and closing in accordance with Misc. Plan No. 12434/2, subject to the approval of the Standing Policy Committee on Property and Development of the 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 opening and 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 Ms. Jackie Wilkie of McGowan Russell Group Inc., representing North Grassie Properties Inc, to close and purchase the portions of De Vries Avenue and Headmaster Row so identified on the attached copy of Misc. Plan No. 12434/2. As part of the application, a portion of the applicant's property will be provided for a 3m x 3m corner rounding and opened as public street as shown on the sketch.

The proposed closing is to be consolidated with the applicant's adjoining holding and used as site parking for the commercial development of the property. Part of the closing area is also to be used for landscape buffer purposes.

Parts of the subject closing were originally dedicated as "De Vries Avenue" in 1966 and "Headmaster Row" in 2006 by way of Plan Nos. 9173 and 45497 WLTO respectively. The closing area does not form part of the paved roadway and is not used by the public for transportation purposes. It has been declared surplus to the needs of the Public Works Department.

Reason for the Report

All street and lane closings require the consideration of the Community Committee, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

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

Centra Gas Manitoba Inc. has identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

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:

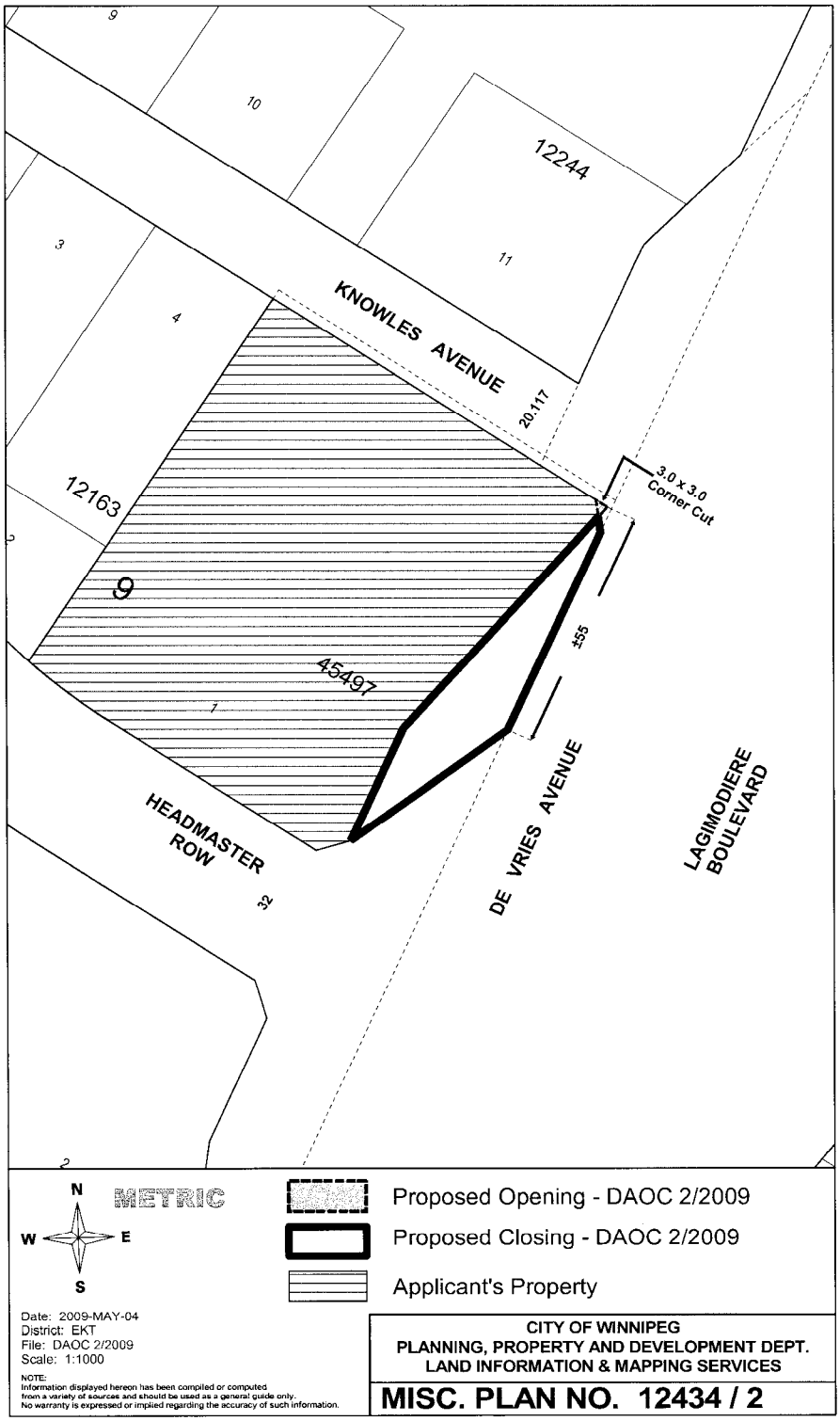
Manitoba Hydro, Centra Gas and MTS Allstream

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
Date:	May 28, 2009
File No.	8544/3

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Proposed Opening - DAOC 2/2009
Proposed Closing - DAOC 2/2009
Applicant's Property
Date: 2009-MAY-04
District: EKT
File: DAOC 2/2009
Scale: 1:1000
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. 12434 / 2