Minute No. 553
Report - Standing Policy Committee on Property and Development – September 8, 2009

Item No. 7 **Closing - Part of Amberstone Road, north of Leila Avenue for incorporation into DASZ 13/2009**
(Old Kildonan Ward)
File DAC 5/2009 [c/r DASZ 13/2009]

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. 13559 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. 13559, 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.

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DECISION MAKING HISTORY:

Moved by Councillor Fielding,

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

Carried

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2009, the Lord Selkirk-West Kildonan 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 5/2009 [c/r DASZ 13/2009]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor O'Shaughnessy
Public Hearing:	July 7, 2009 West Committee Room Council Building, 510 Main Street
Applicant:	Genstar Development Company (Dave Boles)
Premises Affected:	Part of Amberstone Road, north of Leila Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated June 18, 2009 2. Inspection Report 3. Communication dated July 4, 2009, from Chris Boychuk with respect to the application

REPRESENTATIONS:

In Support:
Dave Boles, Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition:
Gabriel Hurley

For Information:
Chris Boychuk

For the City:
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 5/2009 [c/r DASZ 13/2009]

ADMINISTRATIVE REPORT

ISSUE: DAC 5/2009 – PROPOSED CLOSING OF PART OF AMBERSTONE ROAD, NORTH OF LEILA AVENUE FOR INCORPORATION INTO DASZ 13/2009

CRITCAL PATH: FOR SUBMISSION TO THE LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Bohdan Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13559 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. 13559, 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. Dave Boles of Genstar Development Company to close and purchase the portion of the public street so identified on the attached copy of Misc. Plan No. 13559. The street, once closed, will be incorporated into DASZ 13/2009, an application to subdivide and rezone the adjoining property. Closing the subject portion of Amberstone Road will create a curvilinear corner that will allow for the subdivision of pie shaped lots fronting on the radius of the newly configured street. The applicant also proposes to dedicate a 3m x 3m portion of the lot immediately opposite the closing area for street widening purposes. The dedication will be processed via the subdivision/rezoning application.

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: June 18, 2009
File No.

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APPENDIX "A"

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

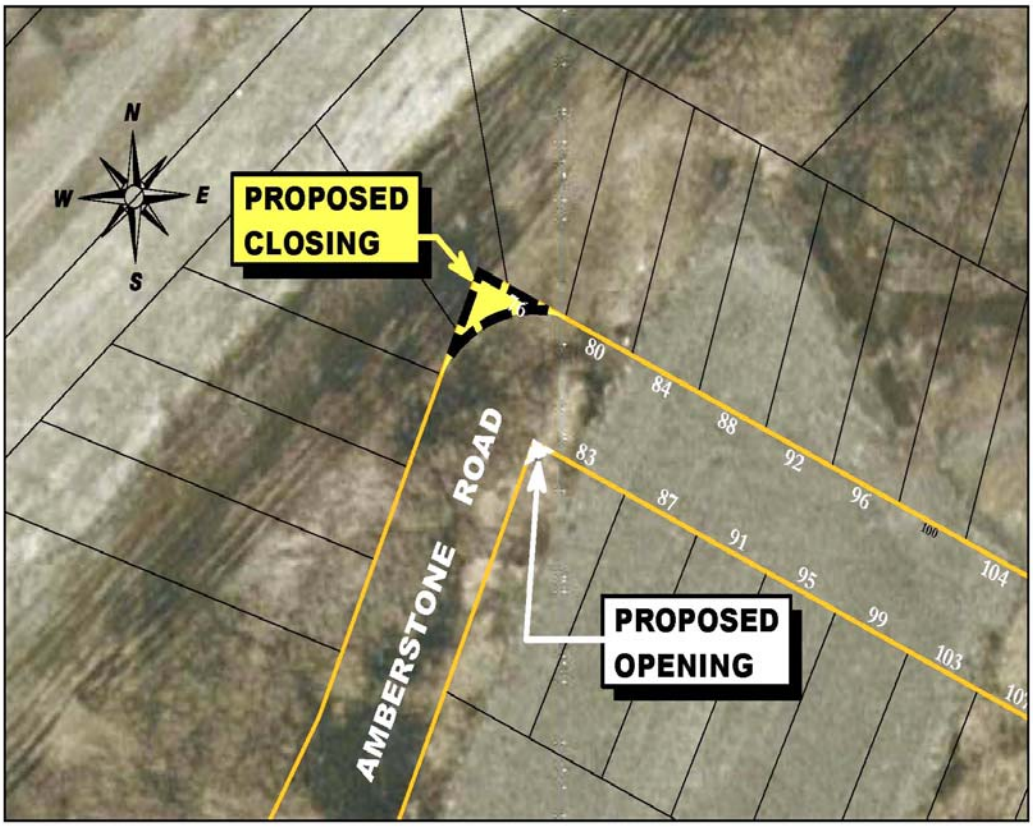
Manitoba Hydro, Centra Gas Manitoba Inc. and Shaw Cablesystems have identified services within the closing area.

No permanent structures will be allowed within the easement area.

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.

Aerial View of Subject Closing



Miscellaneous Plan

