Minute No. 599
Report - Standing Policy Committee on Property and Development - October 8, 2009

Item No. 4 **Street Opening and Closing – De Baets Street, south of Camiel Sys Street**
(St. Boniface Ward)
File DAOC 3/2009

COUNCIL DECISION:

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

1. That the proposed street opening and closing as shown on Misc. Plan No. 12022/9 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. 12022/9, 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.

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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 October 21, 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 October 8, 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 September 8, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAOC 3/2009
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Steeves
Public Hearing:	September 8 2009 West Committee Room Council Building, 510 Main Street
Applicant:	Bentall Capital (Dan McDermid)
Premises Affected:	De Baets Street, south of Camiel Sys Street
Exhibits Filed:	1. Report from the Real Property Officer dated August 19, 2009 2. Inspection Report

REPRESENTATIONS:

In Support:

Dan McDermid
Marc Ricoa

In Opposition:

Nil

For the City:

Ms. S. Matile, 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 DAOC 3/2009

ADMINISTRATIVE REPORT

ISSUE: DAOC 3/2009 – PROPOSED OPENING AND CLOSING OF DE BAETS STREET, SOUTH OF CAMIEL SYS STREET

CRITCAL PATH: RIEL COMMUNITY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Bohdan Buyachok	Deepak Joshi		

RECOMMENDATIONS

1. That the proposed street opening and closing as shown on Misc. Plan No. 12022/9 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. 12022/9, 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 Mr. Dan McDermid of Bentall Capital, representing bcIMC Realty Corporation, to close and purchase the portion of De Baets Street so identified on the attached copy of Misc. Plan No. 12022/9. As part of the application, a portion of the applicant's property will be provided for a turnaround area to the north of the proposed closing as shown on the sketch. The dimensions of the opening cul-de-sac are identical to those of the cul-de-sac to be closed.

bcIMC is the beneficial owner of the land on both sides of De Baets Street through title holder 2113686 Manitoba Ltd. The applicant is requesting the closure in order to improve potential building layouts and flexibility of site configuration by eliminating the separation currently caused by the existing roadway and cul-de sac.

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:	August 19, 2009
File No.	8416

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APPENDIX "A"

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 to the street opening/closing.

Administrative Comments

The Transportation Engineering Division of the Public Works Department approves the application subject to the applicant entering into a Servicing Agreement to construct, in Portland cement, concrete pavement, a standard industrial type cul-de-sac turnaround and all related works including, but not necessarily limited to land drainage sewer, ornamental street lighting and boulevard landscaping, all as determined by and to the satisfaction of the Director of Public Works.

The Traffic Signals Branch of the Public Works Department advises that there are 4 x 250W luminaries on 60 foot poles within the closing area. These will either have to be removed, at the applicant's expense, or transferred/sold to the applicant. The applicant will be required to contact Manitoba Hydro to have this lighting transferred over to their ownership if they wish to maintain it themselves, or make arrangements with Hydro if they choose to have the utility maintain it for them.

The Planning and Land Use Division of the Planning, Property and Development Department advises that the subject closing will create several land locked parcels. The applicant will be required to prepare a plan of subdivision consolidating the existing parcels and lots in order to ensure frontage/access to a public right-of way.

Easements

The Engineering Division of the Water and Waste Department has identified an existing 250mm sewer main, a 300mm water main and a 450mm land drainage sewer within the closing area which will require accessibility 24/7 in the event of servicing.

Manitoba Hydro has also identified services within the closing area.

Both utilities 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.

AERIAL VIEW OF SUBJECT OPENING/CLOSING



MISCELLANEOUS PLAN

