Agenda - Council – February 24, 2010

Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 3 Opening and Closing – Terminus of Timberline Drive, south of Eaglemere Drive (Elmwood-East Kildonan Ward) File DAOC 5/2009

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2010, 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. 13672 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. 13672, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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 – February 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, 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 February 2, 2010, 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 January 12, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAOC 5/2009
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	January 12, 2010 Bronx Park Community Centre 720 Henderson Highway
Applicant:	Kastes Planning and Development (Wade Kastes)
Premises Affected:	Terminus of Timberline Drive, south of Eaglemere Drive
Exhibits Filed:	1. Report from the Real Property Officer dated December 21, 2009 2. Inspection Report

REPRESENTATIONS:

In Support:

Wade Kastes, Kastes Planning and Development
Roger W. Wight

In Opposition:

Nil

For the City:

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

Exhibit "1" referred to in File DAOC 5/2009

ADMINISTRATIVE REPORT

ISSUE: TO SEEK COUNCIL APPROVAL FOR DAOC 5/2009 – PROPOSED OPENING AND CLOSING OF THE TERMINUS OF TIMBERLINE DRIVE, SOUTH OF EAGLEMERE DRIVE

CRITCAL PATH: EAST KILDONON - TRANSCONA COMMUNITY COMMITTEE – STANADING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE - COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed street opening and closing as shown on Misc. Plan No. 13672 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. 13672, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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. Wade Kastes of Kastes Planning and Development, representing Concordia Wellness Projects Inc., to open and close the portions of Timberline Drive so identified on the attached copy of Misc. Plan No. 13672.

The present configuration of the terminus of Timberline Drive forms part of a rezoning and subdivision application processed under DASZ 41/2003 which was approved by Council on June 23, 2004. Plan No. 43972 opening this cul-de-sac was registered in the Winnipeg Land Titles Office in June of 2005. The existing building adjacent to the cul-de-sac was constructed with a north side yard of 1.13m rather than the 6.10m required. Variance DAV 06-117867/C for this irregularity was approved by the Board of Adjustment on April 19, 2006. There currently exists a fence around the circumference of the Timberline Drive cul-de-sac pavement which encroaches into the right of way and prohibits adequate snow storage.

The purpose of this application is to adjust the existing property lines to better reflect the actual dimension of the concrete cul-de-sac and to allow for required boulevard set backs. The cul-de-sac radius of 17.5m is to be retained while shifting the terminus boundary northwards. Concordia Wellness is the owner of the property required for the opening with the exception of Lot 21, Block 4, Plan 28658 (No. 83 Timberline Drive). The owners of that property have consented to the dedication of a portion of their holding for right of way purposes. The applicant will also be reconstructing the existing fence within their own newly configured property limits.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

N/A

External Consultation:

Manitoba Hydro, Centra Gas and Shaw Cablesystems
MTS Allstream 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:	December 21, 2009
File No.	

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APPENDIX "A"

Reason for the Recommendations

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 opening/closing.

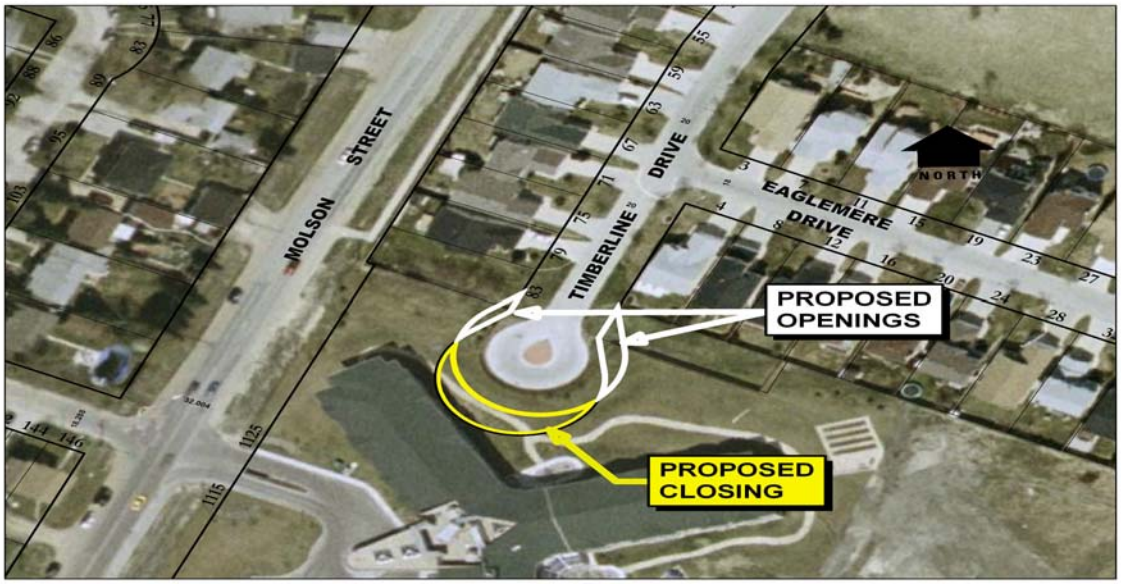
Easements

There are no services within the closing area. No easements will be required.

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

