Minute No. 219
Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 5 **Closing of the Public Lane between Colby and Fairfield Avenues, West of Barnes Street (St. Norbert Ward) File DAC 10/2009**

COUNCIL DECISION:

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

1. That the lane closing as shown on Misc. Plan No. 13657 be approved and that the land be declared surplus to the City's needs with the proviso that residents along Colby Avenue and Fairfield Avenue only be allowed to acquire the portion of the former lane that is located directly behind their property and said acquisition is not to extend beyond the midway point of the former lane.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13657, 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:

Moved by Councillor Steeves,

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

Carried

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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2010, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service, with the following amendment,

- Amend Recommendation 1 by adding the following after the words "City's needs":

  "with the proviso that residents along Colby Avenue and Fairfield Avenue only be allowed to acquire the portion of the former lane that is located directly behind their property and said acquisition is not to extend beyond the midway point of the former lane",

and forwarded the matter to the Standing Policy Committee on Property and Development.

On December 7, 2009 the Riel Community Committee adjourned the public hearing to its meeting on January 18, 2010 at 5:00 p.m. in the Council Building, 510 Main Street to provide the applicant with the opportunity to meet with all affected area residents and the Winnipeg Public Service to arrive at a consensus.

PUBLIC HEARING SUMMARY

File:	DAC 10/2009
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	January 18, 2010 December 7, 2009 Council Building, 510 Main Street
Applicant:	Kim Gallagher
Premises Affected:	Public Lane between Colby and Fairfield Avenues, West of Barnes Street

Exhibits Filed:

1. Report from the Real Property Officer dated November 18, 2009
2. Inspection Report
3. Audio Recording of the adjourned public hearing held on December 7, 2009
4. Notice of Adjournment dated December 8, 2009
5. Communication dated January 11, 2010, from Ahmad Khalil MC, PhD, in support of the application
6. Communication dated January 11, 2010, from Marcie Quark, in support of the application
7. Communication dated January 11, 2010, from Davie Heinrichs, in support of the application
8. Communication dated January 11, 2010, from Tariq Aziz and Samia Tasneem, in support of the application
9. Communication dated January 13, 2010, from Fred and Lynn Ball, in support of the application
10. Communication dated January 18, 2010, and petition purporting to contain 6 signatures of area residents from Patrick Armstrong in opposition the application
11. Communication dated January18, 2010, from David Buick, in support of the application
12. Communication dated January 18, 2010, from Daniel Bailis, in support of the application

REPRESENTATIONS:

In Support:

Tariq Aziz and Samia Tasneem
Daniel Bailis
Fred and Lynn Ball
David Buick
Kim Gallagher
Steve Gallagher
Davie Heinrichs
Ahmad Khalil
Marcie Quark

In Opposition:

Patrick Armstrong
J. G. and Monica Carlberg
Isaac McNeilly

For Information:

Ivan and Blazenka Kucas

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 10/2009

ADMINISTRATIVE REPORT

ISSUE: TO SEEK COUNCIL APPROVAL FOR DAC 10/2009 – PROPOSED CLOSING OF THE PUBLIC LANE BETWEEN COLBY AND FAIRFIELD AVENUES, WEST OF BARNES STREET

CRITCAL PATH: RIEL COMMUNITY COMMITTEE – STANDING 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 lane closing as shown on Misc. Plan No. 13657 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 lane closing in accordance with Misc. Plan No. 13657, 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 lane 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. Kim Gallagher representing the property owners of Nos. 1228, 1224, 1220, 1216, 1212, 1208 and 1204 Colby Avenue, to close the public lane so identified on the attached copy of Misc. Plan No. 13657. The intent of the applicants is to purchase one-half of the lane adjoining their properties. The Real Estate Division will offer the other half of the lane to the property owners on Fairfield Avenue. If any of the Fairfield Avenue residents choose not to proceed with the purchase, the entire lane width will be offered to the residents of Colby Avenue for consolidation with their existing holdings. Any portions of the lane not purchased will be retained by the City for future sale/lease purposes.

The lane is presently unimproved and serves no public purpose.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro and Centra Gas
MTS Allstream and 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:	November 18, 2009
File No.	8584(2)

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APPENDIX "A"

Reason for the Recommendations

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 to the public lane closing.

Administrative Comments

The Local Improvement Section of the Assessment and Taxation Department has advised that the proposed lane closure is situated in the *Fairfield Park Local Improvement District.* This area was subject to a number of local improvements that were assessed during a three year period (2006 - 2008). All the privately owned properties were billed for these local improvements based on either their lineal frontage feet or area (square footage), depending on the type of local improvement.

In this situation, a number of property owners will have the opportunity to expand their lot sizes by acquiring part and parcel of this proposed lane closure. As a result, whereby the affected area of these properties would be increased, it would be necessary to have the local improvement costs with respect to the "Pond Stage" recovered from these property owners. The following table depicts the costs that should be recovered from each property:

DAC 10/2009: PROPOSED CLOSING OF THE PUBLIC LANE BETWEEN COLBY & FAIRFIELD AVENUES, WEST OF BARNES STREET – MISC PLAN NO. 13657
LOCAL IMPROVEMENT IMPLICATION - POND STAGE (TAX IMPOSITION BY-LAW NO. 69/2007)
COST ALLOCATIONS APPLICABLE TO THE PROPERTIES AFFECTED

COLBY AVENUE PROPERTIES:

Address Number	**1200**	**1204**	**1208**	**1212**	**1216**	**1220**	**1224**	**1228**
Roll Number	**03091 31530 0**	**03091 31520 0**	**03091 23160 0**	**03091 23150 0**	**03091 23140 0**	**03091 23130 0**	**03062 09410 0**	**03062 09230 0**
Assessable Area (Square Feet)	1,400	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Cost Per Square Foot	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26

L. I. cost applicable to the **entire** width portion of the lane	$364.00	$260.00	$260.00	$260.00	$260.00	$260.00	$260.00	$260.00
L. I. cost applicable to **one-half** of the width portion of the lane	$182.00	$130.00	$130.00	$130.00	$130.00	$130.00	$130.00	$130.00
FAIRFIELD AVENUE PROPERTIES:								
Address Number	**1207**	**1211**	**1215**	**1221**	**1225**	**1229**	**1233**	**1237**
Roll Number	**0306210000**	**0306210050**	**0306210110**	**0309123030**	**0309123040**	**0309123050**	**0309123060**	**0306210800**
Assessable Area (Square Feet)	1,400	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Cost Per Square Foot	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26	$0.26
L. I. cost applicable to the **entire** width portion of the lane	$364.00	$260.00	$260.00	$260.00	$260.00	$260.00	$260.00	$260.00
L. I. cost applicable to **one-half** of the width portion of the lane	$182.00	$130.00	$130.00	$130.00	$130.00	$130.00	$130.00	$130.00

Easements

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

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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

