Agenda - Council – May 19, 2010

Report - Standing Policy Committee on Property and Development – May 4, 2010

Item No. 8 Closing of parts of the northeast corners of Kenaston Boulevard at Bison Drive and north Town Road (St. Norbert Ward) File DAC 1/2010

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the street corner closings as shown on Misc. Plan No. 13755 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 corner closings in accordance with Misc. Plan No. 13755, 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.

Report - Standing Policy Committee on Property and Development – May 4, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 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 May 4, 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 April 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matte to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 12/2010
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	April 13, 2010 Council Building, 510 Main Street
Applicant:	Mr. Les McLaughlin, Pollock & Wright representing Manitoba Housing and Renewal Corporation
Premises Affected:	Parts of the northeast corners of Kenaston Boulevard at Bison Drive and north Town Road
Exhibits Filed:	1. Report from the Real Property Officer dated March 29, 2010 2. Inspection Report

REPRESENTATIONS:

In Support:

Les McLaughlin

In Opposition:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 12/2010

ADMINISTRATIVE REPORT

ISSUE: TO SEEK COUNCIL APPROVAL FOR DAC 1/2010 – PROPOSED CLOSING OF PARTS OF THE NORTHEAST CORNERS OF KENASTON BOULEVARD AT BISON DRIVE AND NORTH TOWN ROAD

CRITICAL 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 street corner closings as shown on Misc. Plan No. 13755 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 corner closings in accordance with Misc. Plan No. 13755, 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 corner closings 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. Les McLaughlin of Pollock & Wright, representing Manitoba Housing and Renewal Corporation, to close and purchase the portions of the public street corners identified as Parcels “A” and “B” on the attached copy of Misc. Plan No. 13755. The detailed design plans for rights of way in this area have indicated that the radii transitioning from Kenaston Boulevard onto both Bison Drive and North Town Road could be reduced to 35m, thereby creating surplus land for development purposes. The street corners, once closed, will be incorporated into development applications to subdivide the adjoining property: Parcel “B” within DASSF 515/2010 and Parcel “A” within a pending subdivision of underlying application DASZ 3/2009.

The subject property forms part of the Waverley West Northeast Neighbourhood Area Structure Plan originally processed under application DASZ 1/2006 and approved by Council on December 6, 2006. The proposed closings were opened by Plan No. 46838 and registered in the Winnipeg Land Titles Office in December of 2007. These rights of way exist in a legal sense only and are not physically in place.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

N/A

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: March 29, 2010
File No.

V:\devapp\dev application2010\dac1_2010\final_report\dac1.10rpt

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 or conditions to the street corner closings.

Easements

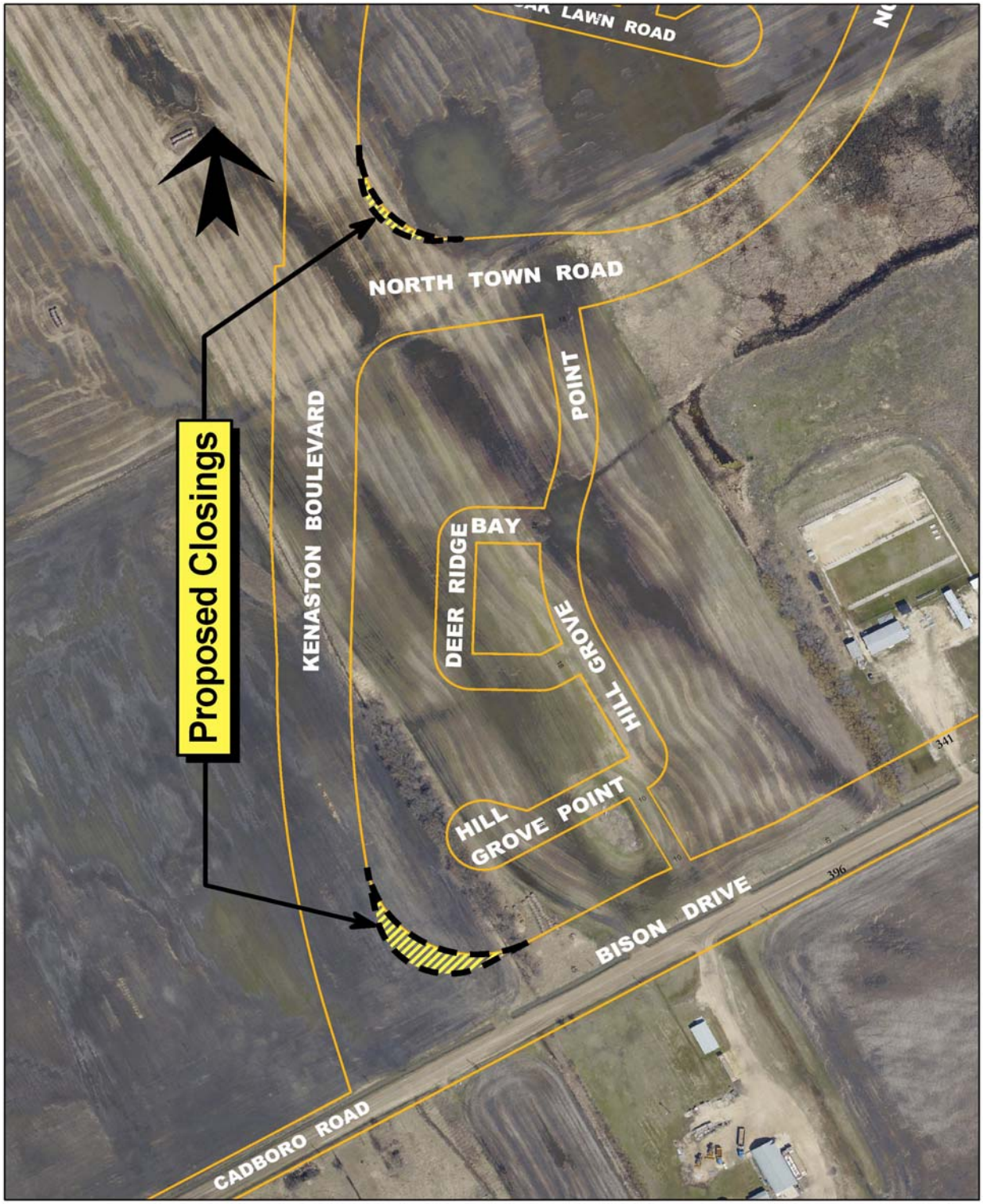
Manitoba Hydro has identified requirements for future development within the closing areas and will require easements for their facilities.

No permanent structures will be allowed within the easement areas.

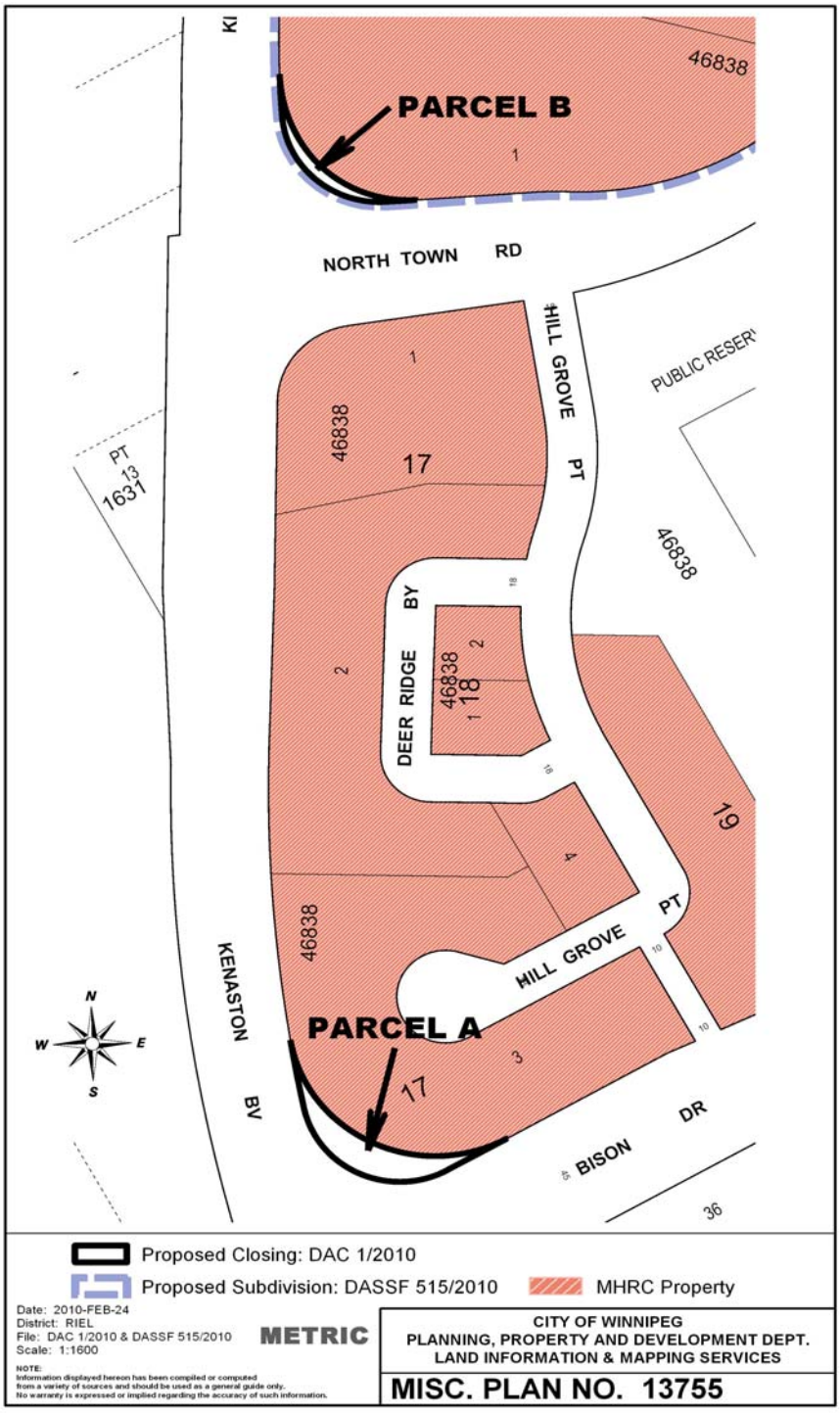
Transfer of Jurisdiction Over Public Rights-of-Way

The street corners must be legally closed before they 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 Closings



Miscellaneous Plan


PARCEL B
46838
1
NORTH TOWN RD
HILL GROVE PT
PUBLIC RESER
46838
17
PT
13
1631
46838
DEER RIDGE BY
2
46838
18
19
4
HILL GROVE PT
46838
KENASTON BV
PARCEL A
17
3
BISON DR
36
N
W
E
S
Proposed Closing: DAC 1/2010
Proposed Subdivision: DASSF 515/2010
MHRC Property
Date: 2010-FEB-24
District: RIEL
File: DAC 1/2010 & DASSF 515/2010
Scale: 1:1600
METRIC
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. 13755