Agenda - Council - March 26, 2003

Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 1 Proposed Closing - Public Lane west of 220 Nightingale Road
File DAC 19/2002

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and recommends to Council that the proposed closing of public lane west of 220 Nightingale Road under File DAC 19/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - March 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2003, the Assiniboia Community Committee did not concur in the administrative report, and recommended to the Standing Policy Committee on Property and Development that the proposed closing of the public lane west of 220 Nightingale Road under File DAC 19/2002 not be proceeded with.

PUBLIC HEARING SUMMARY

File: DAC 19/2002

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Hearing: February 18, 2003
West Committee Room, Council Building, 510 Main Street

Applicant: Marvin Janzen
220 Nightingale Road
Winnipeg, MB R3J 3G3

Premises Affected: Proposed Closing of the Public Lane west of 220 Nightingale Road

Exhibits Filed:

1. Memorandum from the Real Property Officer dated January 29, 2003
2. Report of the Real Property Officer dated January 22, 2003
3. Petition, submitted by Diane Boyle, purporting to contain the signatures of four (4) area residents.
4. Photograph(s) of the site and Inspection Notice
5. Presentation and petition purporting to contain the signatures of 64 area residents, submitted by Margaret Day at the Public Hearing.
6. Letter in opposition to the application, from Yvette Hiles and Lorne Hiles, submitted by Yvette Hiles at the Public Hearing.
7. Letter in opposition to the application, from Steve MacKenzie and Maria Enright, submitted by Steve MacKenzie at the Public Hearing.
8. Letter in opposition to the application, from Mr. and Mrs. Townsend, submitted by Dennis Townsend at the Public Hearing.
9. Letter in opposition to the application, from K. A. Ibbetson, submitted by Margaret Day a the Public Hearing.
10. Letter in opposition to the application, from Maria Enright, submitted by Steve MacKenzie at the Public Hearing.

REPRESENTATIONS:

In Support:

Marvin Janzen, 220 Nightingale Road, Winnipeg, R3J 3G3

In Opposition:

Diane and Stephen Boyle, 277 Nightingale Road, Winnipeg, R3J 3G4
Margaret Day, 224 Nightingale Road, Winnipeg, R3J 3G3
R. and E. Ferguson, 232 Nightingale Road, Winnipeg, R3J 3G3
Yvette and Lorne Hiles, 252 Nightingale Road, Winnipeg, R3J 3G3
K. A. Ibbetson, 257 Nightingale Road, Winnipeg, R3J 3G4
Walter and Beverley Lotocki, 276 Nightingale Road, R3J 3G3
Steve MacKenzie and Maria Enright, 236 Nightingale Road, Winnipeg, R3J 3G3
Mona and Fred Pachal, 265 Nightingale Road, Winnipeg, R3J 3G4
G. Penning, 248 Nightingale Road, Winnipeg, R3J 3G3
Tara Pratt, 48 - 346 Arbuthnot Street, Winnipeg, R3M 2R4
Fay and Dennis Townsend, 256 Nightingale Road, Winnipeg, R3J 3G3

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

January 22, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

RE: FILE NO. DAC 19/2002 - PROPOSED CLOSING OF THE PUBLIC LANE ADJACENT TO NO. 220 NIGHTINGALE ROAD SAINT JAMES WARD

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 11786.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

In May of 2000, Mr. Marvin Janzen, the owner of No. 220 Nightingale Road, approached the Planning, Property, and Development Department about purchasing the portion of the public lane adjacent to his property and identified as "Proposed Closing" on Schedule "A".

Mr. Janzen wanted to purchase the lane in order to stop vehicular traffic, which he considers to be unnecessary and unsafe, and to stop pedestrian use of the lane, which results in vandalism. When advised of the costs in addition to the purchase of the property (removal of the lane approach, boulevard reconstruction, survey and legal costs) Mr. Janzen withdrew his request.

Mr. Janzen was advised to look into the possibility of having the lane closed to traffic by having barricades erected, or of having speed bumps placed in the lane. Mr. Janzen then had some conversations with the Public Works Department. He has advised that he was told that the option of putting up a stop sign or a speed bump was not possible.

Mr. Janzen has now advised that his concerns about vehicles using the lane constituting a safety hazard to the children that live and play in the area, about damage to his fence caused by large vehicles turning in the lane, and about vandalism caused by people using the lane as a loitering

area outweigh the costs associated with the purchase of the property that he found to be prohibitive in 2000. He has made an application to purchase the lane.

DISCUSSION:

Administrative Approval and Conditions

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The Public Works Department has advised that the applicant is to be responsible for the removal of the lane turnout at Nightingale Road, including the restoration of the curb, boulevard and sidewalk to the satisfaction of the Director of Public Works. The closed lane right-of-way is to be legally consolidated with the purchaser's existing holdings at 220 Nightingale Road.

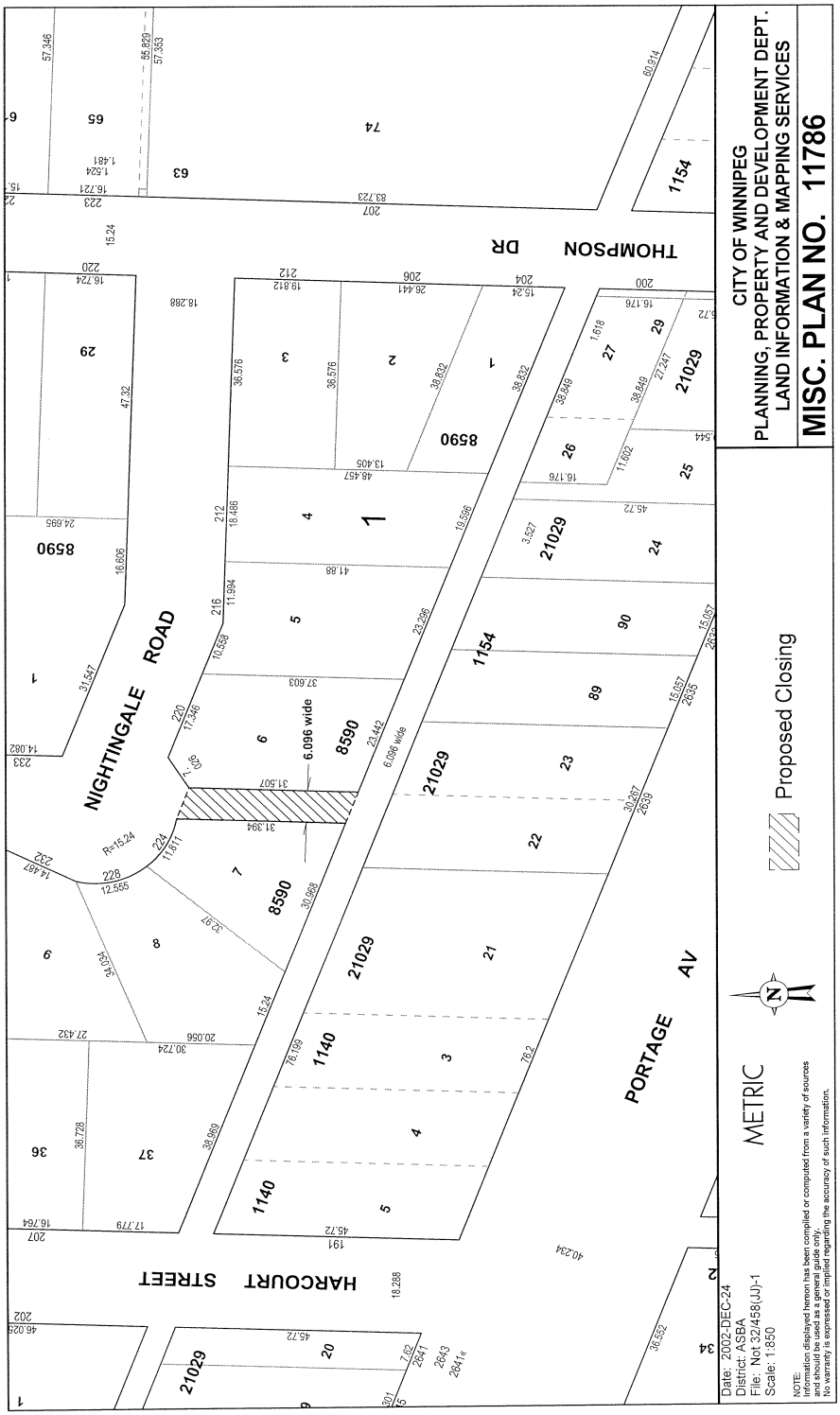
The Water and Waste Department has advised that there is a 250mm wastewater sewer located within the lane. An easement will be required for the maintenance of this sewer line and no structures other than paving or fencing will be allowed in the easement area.

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.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn F. Halldorson
File No. 32/458(JJ)-1


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11786
Proposed Closing
METRIC
NIGHTINGALE ROAD
THOMPSON DR
HARCOURT STREET
PORTAGE AV
6.096 wide
8590
21029
1154
1140
Date: 2002-DEC-24
District: ASBA
File: Not 32/458(JJ)-1
Scale: 1:850
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