Agenda - Council – July 21, 2010

Report - Standing Policy Committee on Property and Development – July 6, 2010

Item No. 7 Lane Closing – Part of the public lane south of Alfred Avenue, west of Aikins Street (Mynarski Ward) File DAC 1/2008

STANDING COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the proposed lane closing as shown on Misc. Plan No. 9410/6 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 9410/6, subject to the approval of the terms and conditions of the conveyance of the land by the Director of Planning, Property and Development.

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 – July 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 8, 2010, the Lord Selkirk - West Kildonan 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:	DAC 1/2008
Before:	Lord Selkirk - West Kildonan Community Committee Councillor O'Shaughnessy, Chairperson Councillor Pagtakhan
Public Hearing:	June 8, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	Manitoba Hydro (Alex Warga)
Premises Affected:	Part of the public lane south of Alfred Avenue, west of Aikins Street
Exhibits Filed:	1. Report from the Real Property Officer dated May 19, 2010 2. Photographs (2) submitted by the Real Property Officer 3. Inspection Report 4. Plan submitted by Alex Warga at the public hearing

REPRESENTATIONS:

In Support:

Bob Filep
Alex Warga
Walter Zurba

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1, 2008

ADMINISTRATIVE REPORT

Title: **DAC 1/2008**

Issue: **TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE SOUTH OF ALFRED AVENUE, WEST OF AIKINS STREET**

Critical Path: **LORD SELKIRK – WEST KILDONAN 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. 9410/6 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 9410/6, 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.

REASON FOR THE REPORT

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

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 Mr. Alex Warga of Manitoba Hydro, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 9410/6. The subject lane, once closed, is to be consolidated with the adjoining Manitoba Hydro property. Included in the consolidation is a sliver of City owned land adjoining No. 362 Alfred Avenue, being Parcel B, Plan 35314 WLTO. Manitoba Hydro will be acquiring this land from the City of Winnipeg. All of this property is required for the construction of the new Burrows Avenue Substation.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	May 19, 2010
File No.	7936

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APPENDIX "A"

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 approval of DAC 1/2008 by the Zoning and Permits Branch is subject to the applicant applying for a DAPS application to consolidate the portion of lane proposed to be closed with the adjoining Manitoba Hydro property and Parcel B, Plan 35314 WLTO to be acquired from the City of Winnipeg.

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

