Agenda - Council – December 15, 2010

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

Item No. 8 Opening – North side of Stormont Drive at its terminus south of Cloutier Drive – DAO 5/2010 (St. Norbert Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the street opening as shown on Misc. Plan No. 13858 be approved.

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 street opening in accordance with Misc. Plan No.13858.

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 – December 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 6, 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 November 8, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development

Exhibit "1" referred to in File DAO 5/2010

ADMINISTRATIVE REPORT

Title: **DAO 5/2010 – TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING OF THE NORTH SIDE OF STORMONT DRIVE AT ITS TERMINUS SOUTH OF CLOUTIER DRIVE**

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 opening as shown on Misc. Plan No. 13858 be approved.

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 street opening in accordance with Misc. Plan No.13858.

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 openings not previously approved by Council 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 street opening 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. Nathan Weltman of Levene Tadman Gutkin Golub Law Corporation, representing Kettleby Communications Inc. to open the portion of Stormont Drive so identified on the attached copy of Misc. Plan No. 13858.

The proposed opening is City property (part Block 3, Plan 20104 WLTO) comprising part of a 1 foot wide control strip along the north side of Stormont Drive originally created by subdivision and rezoning application DASZ 17/1983. The control strip west of the subject opening has been dedicated as public right of way via subdivision application DASSF 273/1986. The control strip serves as a reminder to recover from the owner of the adjoining privately owned land a proportionate share of the cost of services installed by the original developer within the original subdivision. In this instance, the adjoining property owner will not be subdividing his land, and will be required to open the subject property via the DAO process in order to have frontage onto a public street.

The applicant has also made a variance application for the construction of a single family dwelling on this property and is aware that servicing costs will need to be paid to the Land Development Branch prior to the release of the opening mylars under the subject DAO application.

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: October 20, 2010
File No.

APPENDIX "A"

Administrative Approval

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

Administrative Comments

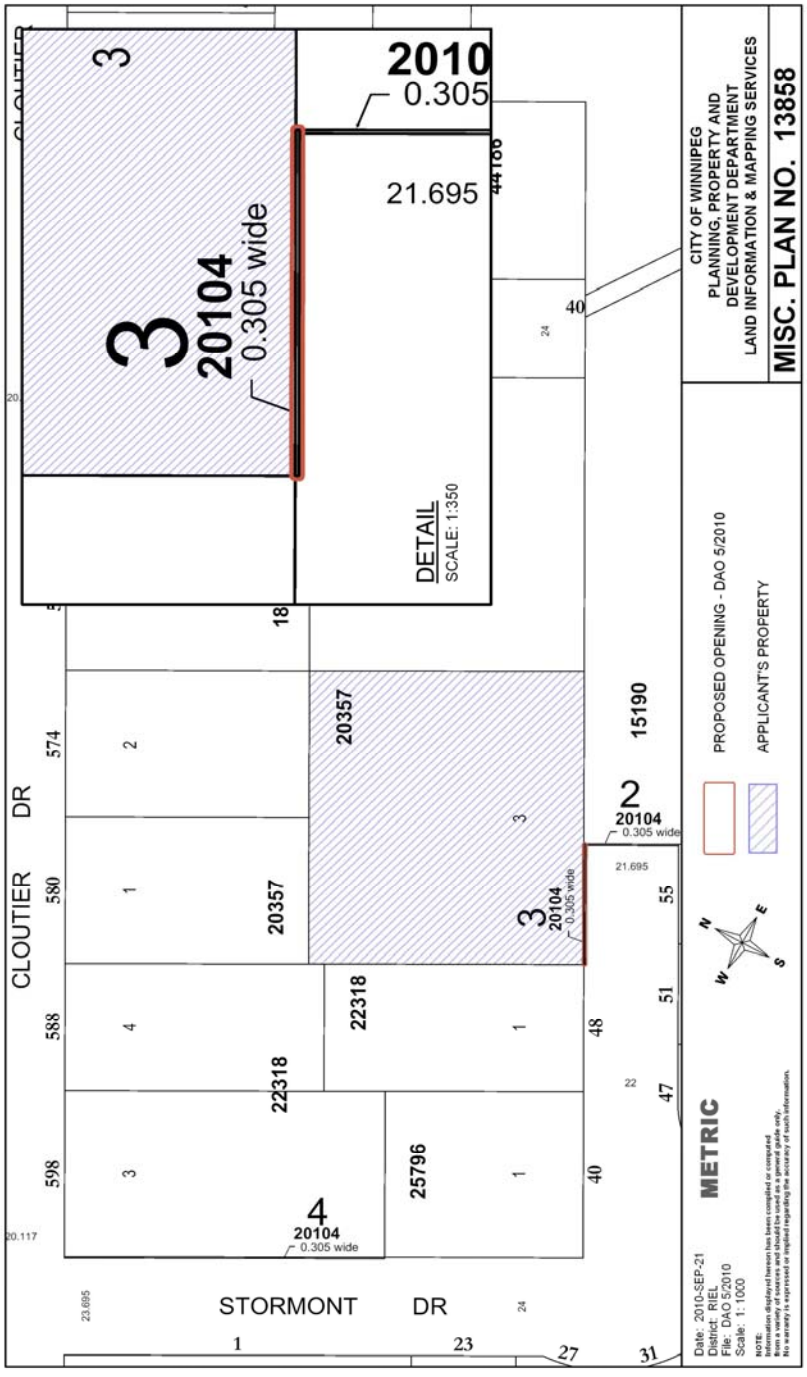
The Geomatics Branch advises that the applicant is to be responsible for obtaining any and all consents required in order to open the land free and clear of any encumbrances.

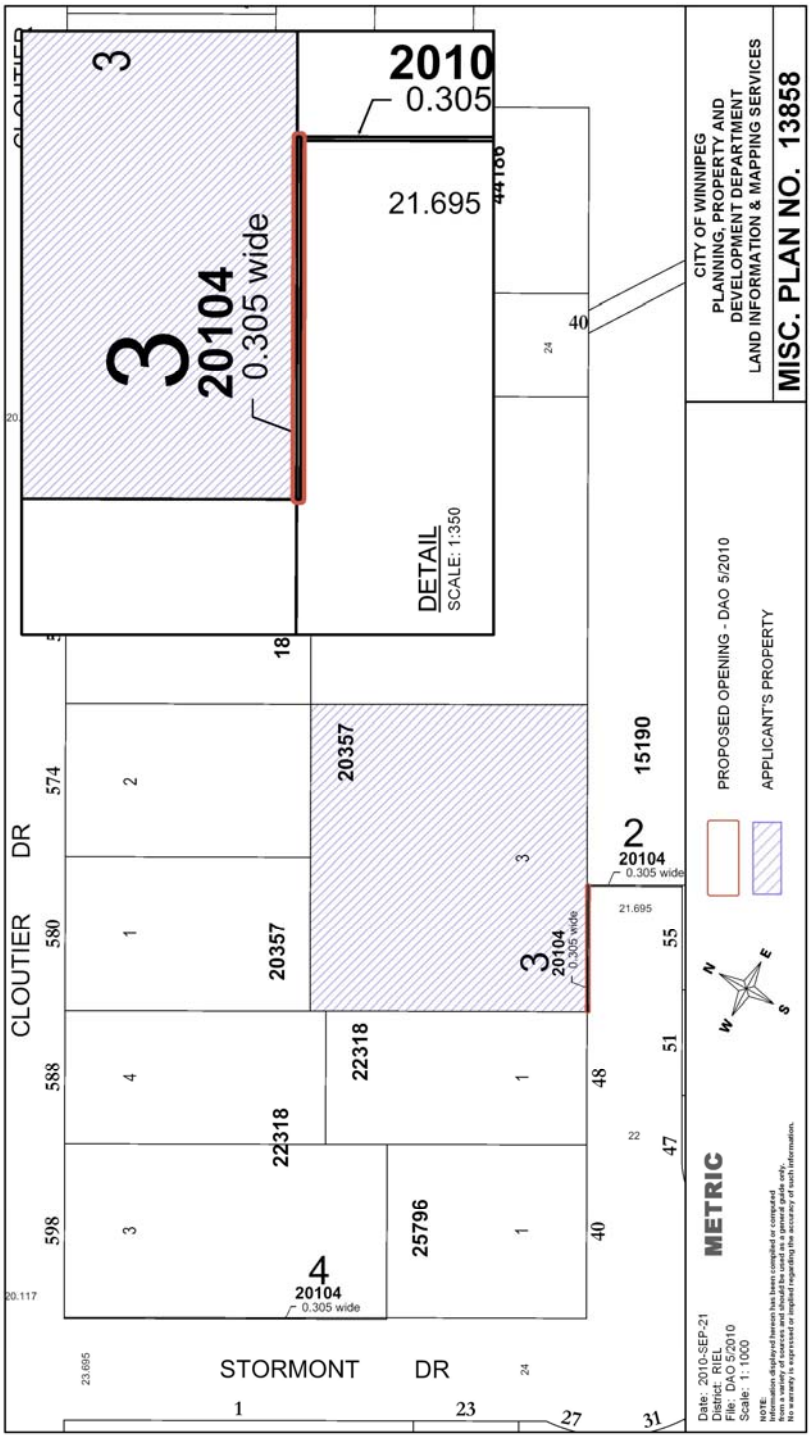
The Land Development Branch advises that the City is obliged under Clause 14, Section I, Schedule "C" of Development Agreement AG 17/83 to endeavour not to permit access across the one foot control strip to the private lands until such time as the owner of the lands adjacent to them have paid for the services installed in Stormont Drive. The City is required to collect and pay recoveries for the existing services directly to the Developer under terms of the AG 17/83 agreement. Therefore, the applicant shall, prior to release of mylars under the subject DAO application, pay their proportionate share of the cost of services previously installed by others in Stormont Drive under Development Agreement AG 17/83, to the satisfaction of the Director of Planning, Property and Development Department. This payment obligation is in keeping with the requirements of the Public Works Department with respect to this matter.

Aerial View of Subject Opening



Miscellaneous Plan




CLOUTIER DR
STORMONT DR
3
20104
0.305 wide
2010
0.305
21.695
DETAIL
SCALE: 1:350
20357
22318
25796
15190
4
20104
0.305 wide
2
20104
0.305 wide
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13858
PROPOSED OPENING - DAO 5/2010
APPLICANT'S PROPERTY
METRIC
Date: 2010-SEP-21
District: RIEL
File: DAO 5/2010
Scale: 1: 1000