Agenda - Council – December 15, 2010

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

Item No. 18 Closing – Dublin Street between Victoria Grove and Victoria Crescent – DAC 7/2010 (St. Vital 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 closing as shown on Misc. Plan No. 13536/4 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 street closing in accordance with Misc. Plan No. 13536/4, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the 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 – 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.

PUBLIC HEARING SUMMARY

File:	DAC 7/2010
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	November 8, 2009 Council Building, 510 Main Street
Applicant:	David McMillan
Premises Affected:	Dublin Street between Victoria Grove and Victoria Crescent
Exhibits Filed:	1. Report from the Real Property Officer dated October 19, 2010 2. Inspection Report

REPRESENTATIONS:

In Support:

David McMillan

In Opposition:

Nil

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 7/2010

ADMINISTRATIVE REPORT

Title: **DAC 7/2010 - TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF DUBLIN STREET BETWEEN VICTORIA GROVE AND VICTORIA CRESCENT**

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 closing as shown on Misc. Plan No. 13536/4 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 street closing in accordance with Misc. Plan No. 13536/4, 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 street 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. David McMillan, the property owner of No. 570 Victoria Grove, to close the public street so identified on the attached copy of Misc. Plan No. 13536/4. Mr. McMillan is representing the property owners on either side of the proposed closing who are all supportive of this application and have agreed to purchase the portions of the street adjoining their property as shown on the sketch. It is the intent of the property owners to acquire the land for personal use and incorporate their respective parcels with their existing holdings. The Real Estate Division has also agreed to acquire Parcel "A" for incorporation with the adjoining City land.

Dublin Street was dedicated as public right of way in 1913 by the subdivision of the adjoining lands, and registered in the Winnipeg Land Titles Office via Plan No. 2023. The street has never been constructed. The subject closing area is heavily treed, consists of dense bush, and serves no apparent 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, Centra Gas and MTS Allstream.
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:	October 19, 2010
File No.	32/5594

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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 street closing.

Administrative Comments

The Water and Waste Department requires the prospective owners of the subject closing to submit a lot grading plan for approval, and recommends the submission of a single plan for the entire closing area.

The Local Improvement Section of the Assessment and Taxation Department advises that there is an active local improvement on the tax roll for a wastewater sewer affecting Nos. 570 and 554 Victoria Grove. When these properties acquire their applicable Parcels "E" and "F", a re-plot will be processed to re-allocate this active local improvement for the remainder of the term based on the revised frontages of these properties. There are no other local improvements with respect to the remaining properties.

Easements

Manitoba Hydro has identified services within the closing area.

The Water and Waste Department has identified an existing 150 PVC watermain within Parcels "B" and "F" of the subject closing.

Both utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

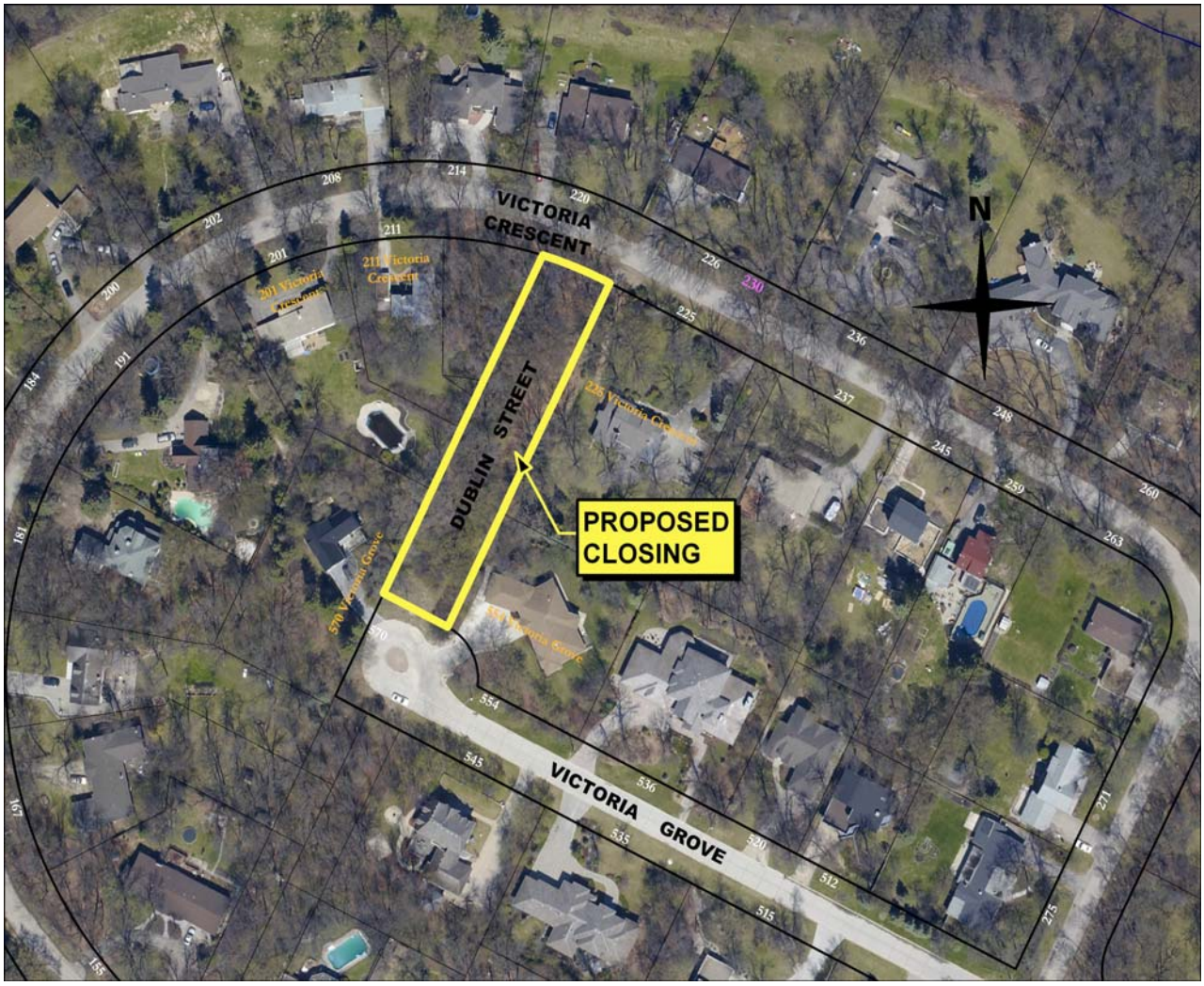
Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

An easement for a land drainage swale may be required by the Water and Waste Department. This will be determined after the submission of the lot grading plan noted above.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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


VICTORIA CRESCENT
DUBLIN STREET
PROPOSED CLOSING
VICTORIA GROVE
N
201 Victoria Crescent
211 Victoria Crescent
225 Victoria Crescent
570 Victoria Grove
554 Victoria Grove

Miscellaneous Plan

