Minute No. 142
Report - Standing Policy Committee on Property and Development - January 6, 2003

Item No. 11 Proposed Closing - part of Niakwa Road East
File DAC 12/2002

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule “A”, Misc. Plan 10516/5.

2. 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 - January 6, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the Standing Policy Committee on Property and Development recommendation be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2003, 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 January 6, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 2002, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 12/2002
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Angus Councillor Steeves
Hearing:	November 12, 2002 Community Committee Chamber, 219 Provencher Blvd.
Applicant:	Scott Craig 3416 Parkin Avenue Winnipeg, MB R3R 2G1
Premises Affected:	Part of Niakwa Road East
Exhibits Filed:	1. Memorandum from the Real Property Officer dated October 28, 2002 2. Report of the Real Property Officer dated November 4, 2002 3. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

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

November 4, 2002

TO THE CHAIRPERSON AND MEMBERS
OF THE RIEL COMMUNITY COMMITTEE

RE: FILE NO. DAC 12/2002 - PROPOSED CLOSING OF PART OF NIAKWA ROAD EAST SAINT BONIFACE 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. 10516/5.

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 1998, the Springs of Living Water Centre Inc. applied to acquire the portion of Niakwa Road East adjacent to its property in conjunction with the rezoning application DAZ 217/98. The closing and sale of the street was approved by the Riel Community Committee, the Standing Policy Committee on Property and Development, and Council, and processed under Application No. DAOC 3/98. One of the conditions of the approval of the street closing was the dedication of the turnaround area shown on Schedule "A". This turnaround area has not been constructed.

The Planning, Property and Development Department has received a request from Mr. Scott Craig, representing the Springs of Living Water Centre Inc., to purchase the balance of Niakwa Road East, including the turnaround area, identified as "Subject Property" on Schedule "A".

DISCUSSION:

The subject portion of Niakwa Road East is contained within the gravelled parking area that serves the adjacent business at 717 Lagimodière Boulevard. While access to this business must be

maintained, as discussed below, the street serves no public function. If the street is closed, the turnaround area will no longer be required.

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.

The proposal has been considered by all affected City departments and public utilities. While there are no administrative objections to the closing, a number of departments have advised that their approval is subject to certain conditions.

In September of this year, the Springs of Living Water Centre Inc. acquired the property at 725 Lagimodière Boulevard and now owns all of the land adjacent to the street, except for the business at 717 Lagimodière Boulevard. The owner of this property is aware of the proposal and has provided a letter of authorization and agreement with the closing and sale of the street. The Geomatics Branch of the Planning, Property, and Development Department advises that it will be necessary for the Springs of Living Water Centre Inc. to enter into access and egress agreements with the business at 717 Lagimodière Boulevard to ensure its continued use of the closed street.

In addition to the access and egress agreements noted above, the Transportation Division of the Public Works Department has several other conditions to its approval of the closure and sale of the street.

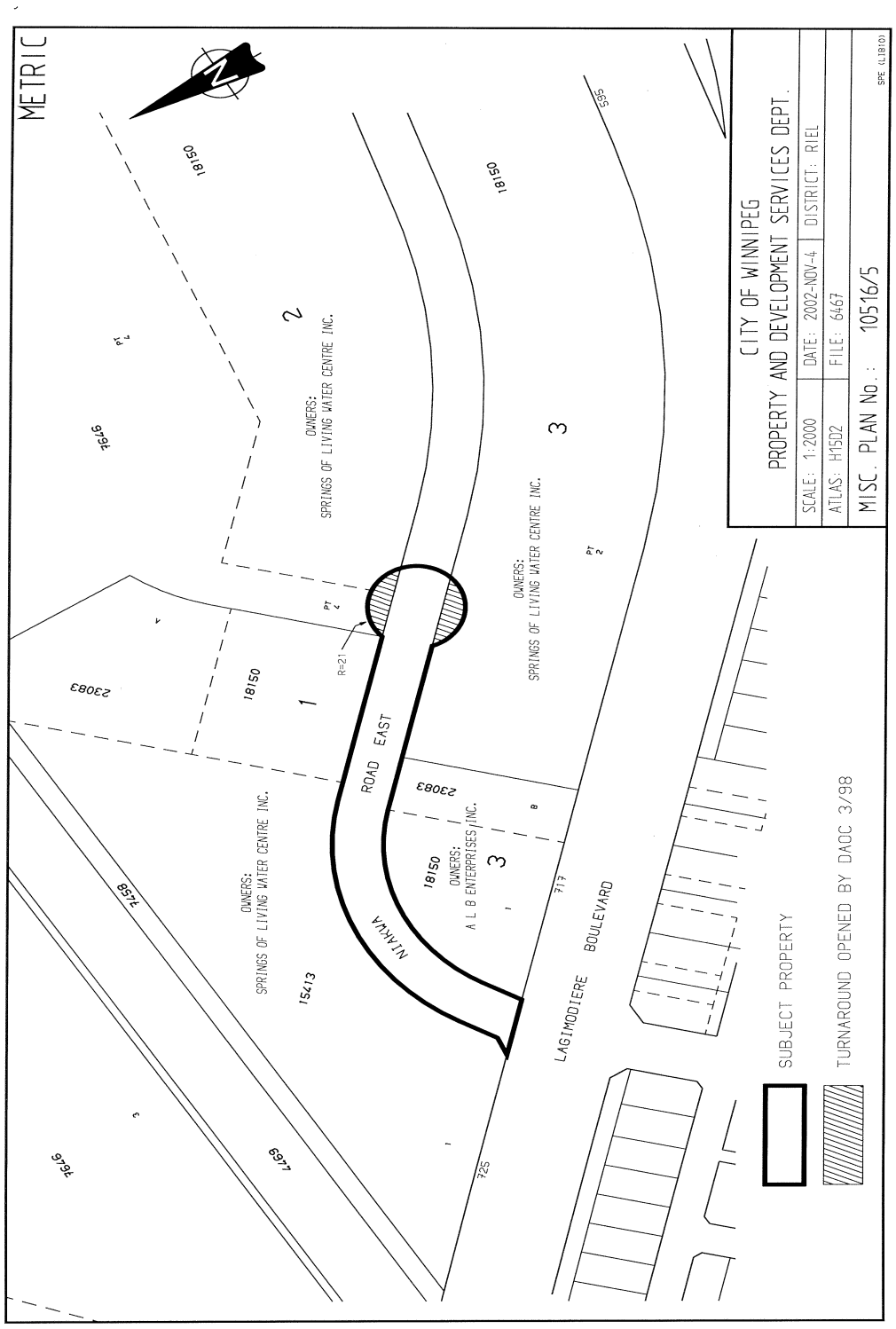
- No new approaches will be allowed from Lagimodière Boulevard. A caveat making this statement is to be registered against the titles to the affected properties to advise the current or future owners of the properties of this fact.
- The applicant will be required to apply to the Public Works Department for approval for the use of the existing approach from Lagimodière Boulevard as a private approach.
- The Springs of Living Water Centre Inc. shall provide continued access for emergency purposes to the City of Winnipeg across the Springs of Living Water Centre Inc. property to Niakwa Road East (east of Mazenod Road) and access for Manitoba Hydro to their transformer substation, by way of a access and egress easement agreement requiring the Springs of Living Water Centre Inc. to construct and maintain a paved right-of-way in favour of the City and Manitoba Hydro. The access and egress agreement is to be prepared to the satisfaction of the Director of Public Works. (This condition is consistent with the terms of the sale of the portion of Niakwa Road East addressed under DAOC 3/98, as approved by the Standing Policy Committee on Property and Development and Council.)
- Title to the closed street is to be consolidated with the purchaser's existing holdings.

The Water and Waste Department, Manitoba Hydro, Centra Gas, and MTS Communications Inc. have advised that they will require easements for the maintenance of their plants in the street. No structures other than paving or fencing will be allowed in the easement areas.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn F. Halldorson, Real Property Officer
File No. 6467

V:\word\DAOC\dac12_02RPT.doc


METRIC
CITY OF WINNIPEG
PROPERTY AND DEVELOPMENT SERVICES DEPT.
SCALE: 1:2000
DATE: 2002-NOV-4
DISTRICT: RIEL
ATLAS: H15D2
FILE: 6467
MISC. PLAN No.: 10516/5
SPE (L1810)
OWNERS:
SPRINGS OF LIVING WATER CENTRE INC.
OWNERS:
A L B ENTERPRISES INC.
NIAKWA ROAD EAST
LAGIMODIERE BOULEVARD
R=21
18150
23083
15413
7458
7646
4469
595
717
725
SUBJECT PROPERTY
TURNAROUND OPENED BY DAOC 3/98