Minute No. 320
Report - Standing Policy Committee on Property and Development – April 5, 2011

Item No. 5 **Closing – Public Lane adjacent to No. 488 Giroux Street (St. Boniface Ward) File DAC 1/2011**

COUNCIL DECISION:

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

1. That the lane closing as shown on Misc. Plan No. 13926/1 be approved and that Parcel "B" 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. 13926/1, subject to the approval of the terms and conditions of the conveyance of Parcel "B" 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 implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2011, 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 April 5, 2011, 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 March 14, 2011, 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 1/2011
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Steeves Councillor Vandal
Public Hearing:	March 14, 2011 Council Building, 510 Main Street
Applicant:	Tristan Rakowski
Premises Affected:	488 Giroux Street
Exhibits Filed:	1. Report from the Real Property Officer dated February 22, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Tristan Rakowski

In Opposition:

Nil

For Information:

David Watson

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2011

ADMINISTRATIVE REPORT

Title: **DAC 1/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE ADJACENT TO NO. 488 GIROUX STREET**

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 lane closing as shown on Misc. Plan No. 13926/1 be approved and that Parcel "B" 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. 13926/1, subject to the approval of the terms and conditions of the conveyance of Parcel "B" 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. Tristan Rakowski, the property owner of No. 488 Giroux Street, to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 13926/1. The closing is required in order to facilitate a moderate expansion of the applicant's home by extending its current footprint by approximately 5 feet to the west.

Mr. Rakowski's preference was to purchase the entire lane right of way. The Parks Department's response to the circulation of this proposal was for the City to retain the westerly portion of the lane, once closed, for incorporation into the adjoining Kavanagh Park lands. Their comments appear in Appendix "A" of this report. Mr. Rakowski has indicated that he is amenable to purchasing only Parcel "B" with the City retaining Parcel "A" for park purposes.

The subject lane right of way was created by the subdivision of the adjoining land and registered via Plan No. 1507 in the Winnipeg Land Titles Office in 1909. The lane exists in a legal context only. It is undeveloped and serves no public transportation purpose. Public access to the Seine River is maintained by the existing east/west lane south of Giroux Street and by Kavanagh Park immediately west of the proposed closing.

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: February 22, 2011
File No.

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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 lane closing.

Administrative Comments

The Transportation Division of the Public Works Department has no objections to this proposal on the basis that the subject closing would preclude the potential of providing a connection of the existing east/west Public Lane northerly out to Giroux Street, thereby eliminating the lane dead end.

The Parks, Waterway and Community Initiatives Division has identified the need to retain a portion of the lane for the long term, unimpeded connectivity between the park space to the west and the lane right of way to the south. In light of a potential pathway in this area, it will be necessary to retain as much of the top bank land at the south end of the lane closing as possible. This can be accomplished by the division of the closing area as shown on Misc. Plan No. 13926/1, where the City retains ownership of Parcel "A".

The applicant will be required to apply for a Waterway Permit for any proposed house construction or expansion.

Easements

There are no services within the closing area. No easements will be required.

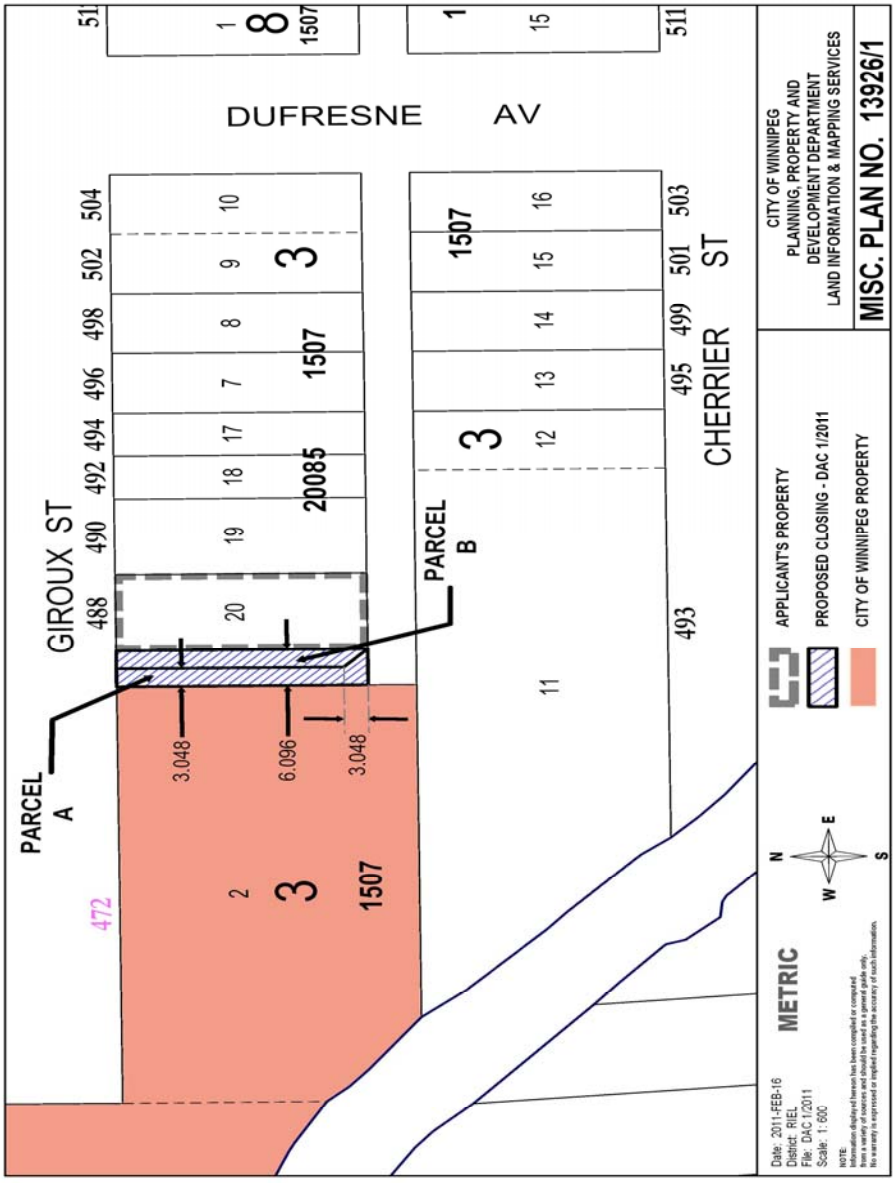
Transfer of Jurisdiction Over Public Rights-of-Way

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



Miscellaneous Plan


DUFRESNE AV
GIROUX ST
CHERRIER ST
PARCEL A
PARCEL B
3.048
6.096
3.048
APPLICANT'S PROPERTY
PROPOSED CLOSING - DAC 1/2011
CITY OF WINNIPEG PROPERTY
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13926/1
METRIC
Date: 2011-FEB-16
District: RIEL
File: DAC 1/2011
Scale: 1: 600