Minute No. 366
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 6 **Closing – rue St. Jean Baptiste Street between rue Aubert and rue La Vérendrye**
(St. Boniface Ward)
File DAC 4/2011 [c/r DASZ 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 street closing as shown on Misc. Plan No. 13945 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. 13945, 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 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 May 18, 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 May 10, 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 April 18, 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 4/2011
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	April 18, 2011 Council Building, 510 Main Street
Applicant:	Aikins, Macaulay and Thorvaldson LLP (Robert Tyler)
Premises Affected:	rue St. Jean Baptiste Street between rue Aubert and rue La Vérendrye
Exhibits Filed:	1. Report from the Real Property Officer dated April 1, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Serge Bisson
Brian Szklarczuk
Robert Tyler

In Opposition:

Nil

For Information:

Denis Dufault
Regis Gosselin
Dave and Heather Paterson

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2011

ADMINISTRATIVE REPORT

Title: **DAC 4/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF RUE ST. JEAN BAPTISTE BETWEEN RUE AUBERT AND RUE LA VERENDRYE FOR INCORPORATION INTO DASZ 1/2011**

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. 13945 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. 13945, 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. Robert Tyler of Aikins, MacAulay & Thorvaldson LLP, representing Division Scolaire Franco-Manitobaine, to close and purchase the public street so identified on the attached copy of Misc. Plan No. 13945. The street, once closed, will be incorporated into DASZ 1/2011, an application to subdivide and rezone the adjoining property.

Division Scolaire Franco-Manitobaine is the registered owner of the property adjoining the subject closing as shown on the sketch. The Division has requested the closing and subsequent purchase of the land in order to expand its proposed school yard without having to cross a legally opened public right of way.

The subject street was created by the subdivision of the adjoining land and registered by Plan No. 203 in the Winnipeg Land Titles Office in December, 1881. The proposed closing should have minimal impact on the area residents as access to rue Aubert from rue St. Jean Baptiste will be maintained via rue La Verendrye.

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: April 1, 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 street closing.

Administrative Comments

The Transportation Division of the Public Works Department has no objections to this proposal, subject to the applicant entering into a Servicing Agreement for the removal of the existing street turn-outs at rue Aubert and rue La Verendrye and the restoration of the curb and boulevard at those locations, all as determined by and to the satisfaction of the Director of Public Works.

Easements

The Engineering Division of the Water and Waste Department has identified an existing water main, land drainage sewer, waste water sewer main and lift station within the closing area and will require access to the property on a 24/7 basis, should the need arise. An easement over the entire proposed closing will be required. No permanent structures will be allowed within the easement area.

Centra Gas Manitoba Inc. and MTS Allstream have also identified services within the closing area.

Both utilities will require easements for these existing facilities. Similarly, 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.

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

