Minute No. 370
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 10 **Street Closing – Public Lane north of Higgins Avenue, east of Annabella Street**
(Point Douglas Ward)
File DAC 6/2011

COUNCIL DECISION:

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

1. That the public lane closing as shown on Misc. Plan No. 13959 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 public lane closing in accordance with Misc. Plan No. 13959, subject to the approval of the terms and conditions of the conveyance of the land by the Director of 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.

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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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2011, the Lord Selkirk-West Kildonan 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 6/2011
Before:	Lord Selkirk - West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	April 5, 2011 West Committee Room Council Building, 510 Main Street
Applicant:	4602774 Manitoba Ltd. (Wayne Imrie)
Premises Affected:	Public Lane North of Higgins Avenue, East of Annabella Street
Exhibits Filed:	1. Report from the Real Property Officer dated March 10, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Wayne Imrie

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2011

ADMINISTRATIVE REPORT

Title: **DAC 6/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE NORTH OF HIGGINS AVENUE, EAST OF ANNABELLA STREET**

Critical Path: **LORD SELKIRK – WEST KILDONAN 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 public lane closing as shown on Misc. Plan No. 13959 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 public lane closing in accordance with Misc. Plan No. 13959, 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 public 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. Wayne Imrie of 4602774 Manitoba Ltd. to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 13959. The lane, once closed, is to be incorporated into the development of the applicant's adjoining property as shown on the sketch. It is the applicant's intention to construct a storage facility with service bays on site.

The subject lane was opened by By-law No. 7394 in July of 1912. It presently comprises part of 4602774 Manitoba Ltd. property which is currently fenced and used for equipment and gravel storage. The closing and subsequent sale will regularize the existing trespass. The lane serves no public transportation purpose, and doesn't appear to have done so for quite some time.

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 Shaw Cablesystems.
MTS Allstream 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: March 10, 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 approval of this application by the Transportation Division of the Public Works Department is subject to the applicant removing the existing lane turn-outs on Higgins Avenue and Annabella Street and the restoration of the curb, boulevard and sidewalk at those locations, all as determined by and to the satisfaction of the Director of Public Works. Should the applicant wish to retain the existing lane turn-outs as private approaches, he must make application to the Public Works Department for Private Access Approval.

The Zoning and Permits Branch of the Planning, Property and Development Department advises that the original permit for the applicant's property is for warehouse use only. The applicant will be required to apply for a Development Permit to establish the outside storage/operations and expand this use legally with the lane closing.

Easements

The Engineering Division of the Water and Waste Department requires the applicant of the subject closing to submit a lot grading plan for approval. An easement for a land drainage swale may be required. This will be determined after the submission of the lot grading plan.

No other services have been identified within the closing area.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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

