Minute No. 142
Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 4 **Closing - Public Lane Adjoining 881 and 885 Lyon Street – DAC 6/2010 (Fort Rouge-East Fort Garry Ward)**

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. 13807/1 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 lane closing in accordance with Misc. Plan No. 13807/1, 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.

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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 January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 11, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2010, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On November 16, 2010, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on December 14, 2010 at 6:00 p.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File:	DAC 6/2010
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Orlikow Councillor Smith
Public Hearing:	December 14, 2010 November 16, 2010 North Committee Room Council Building, 510 Main Street
Applicant:	Dave Brown
Premises Affected:	public lane adjoining 881 and 885 Lyon Street
Exhibits Filed:	1. Report from the Real Property Officer dated October 21, 2010 2. Inspection Report 3. Notice of Adjournment dated November 17, 2010

REPRESENTATIONS:

In Support:

Dave Brown

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2010

ADMINISTRATIVE REPORT

Title: **DAC 6/2010 - TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE ADJOINING NOS. 881 AND 885 LYON STREET**

Critical Path: **CITY CENTRE 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. 13807/1 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 lane closing in accordance with Misc. Plan No. 13807/1, 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 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. Dave Brown, the property owner of No. 885 Lyon Street, to close the public lane so identified on the attached copy of Misc. Plan No. 13807/1. Once closed, Mr. Brown will be purchasing the portion of the public lane identified as Parcel "B". The owner of the adjoining property at No. 881 Lyon Street will be purchasing the portion of the public lane identified as Parcel "A". 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 subject lane right of way was created by Plan No. 5135 and registered in the Winnipeg Land Titles Office in 1950. The lane is undeveloped, contains several mature trees within it, and serves no public access 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, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: October 21, 2010
File No. 8870
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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 Water and Waste Department requires the prospective owners of the subject closing to submit a lot grading plan for approval.

Easements

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems have no existing services within the closing area. No easements will be required by these utilities.

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 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

