Agenda - Council – September 28, 2011

Report - Standing Policy Committee on Property and Development – September 13, 2011

Item No. 1 Closing – Hosfield Bay and part of Rothshire Drive between Hiley and Harlow Bays for Incorporation into DASZ 25/2011 (Transcona Ward) File DAC 15/2011 [c/r DASZ 25/2011]

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the street closings as shown on Misc. Plan No. 14066 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 closings in accordance with Misc. Plan No. 14066, 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 effect the intent of the foregoing.

Report - Standing Policy Committee on Property and Development – September 13, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 13, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 19, 2011, the East Kildonan-Transcona 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 15/2011 [c/r DASZ 25/2011]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	July 19, 2011 Bronx Park Community Centre 720 Henderson Highway
Applicant:	Novamet Development Corporation (Lyne Jones)
Premises Affected:	Hosfield Bay and part of Rothshire Drive between Hiley and Harlow Bays
Exhibits Filed:	1. Report from the Real Property Officer dated July 6, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Lyne Jones, Novamet Development Corporation
Eric Vogan, Novamet Development Corporation
Mike Armstrong, Novamet Development Corporation

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 15/2011 [c/r DASZ 25/2011]

ADMINISTRATIVE REPORT

Title: **DAC 15/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF HOSFIELD BAY AND PART OF ROTHSHIRE DRIVE BETWEEN HILEY AND HARLOW BAYS FOR INCORPORATION INTO DASZ 25/2011**

Critical Path: **EAST KILDONAN - TRANSCONA 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 closings as shown on Misc. Plan No. 14066 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 closings in accordance with Misc. Plan No. 14066, 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 closings 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 Lyne Jones of Novamet Development Corporation, to close the portions of the public streets so identified on the attached copy of Misc. Plan No. 14066. The streets, once closed, will be reconfigured and incorporated into the development of the adjoining property currently being processed via subdivision and rezoning application DASZ 25/2011. The portion of Rothshire Drive proposed to be closed will essentially be rededicated in its same configuration as public street within the new subdivision. It is being closed in order to alleviate any potential minor discrepancies that the new schematic for the street alignment may have with the existing configuration.

Novamet Development Corporation is the owner of the land adjoining the proposed closing. Part of the new subdivision comprises land within Public Reserve Plan 36714. The City has provided Novament with a letter of authorization to include the public reserve land within the subdivision. Novamet is in the process of purchasing this land from the City.

Hosfield Bay and Rothshire Drive were created by the subdivision of the adjoining property and registered in the Winnipeg Land Titles Office via Plan No. 51296 in May of 2011. These rights of way exist in a legal context only. All the land within the new subdivision, including the proposed closing, is currently vacant and undeveloped.

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 application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: July 6, 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 or conditions to the street closings.

Easements

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

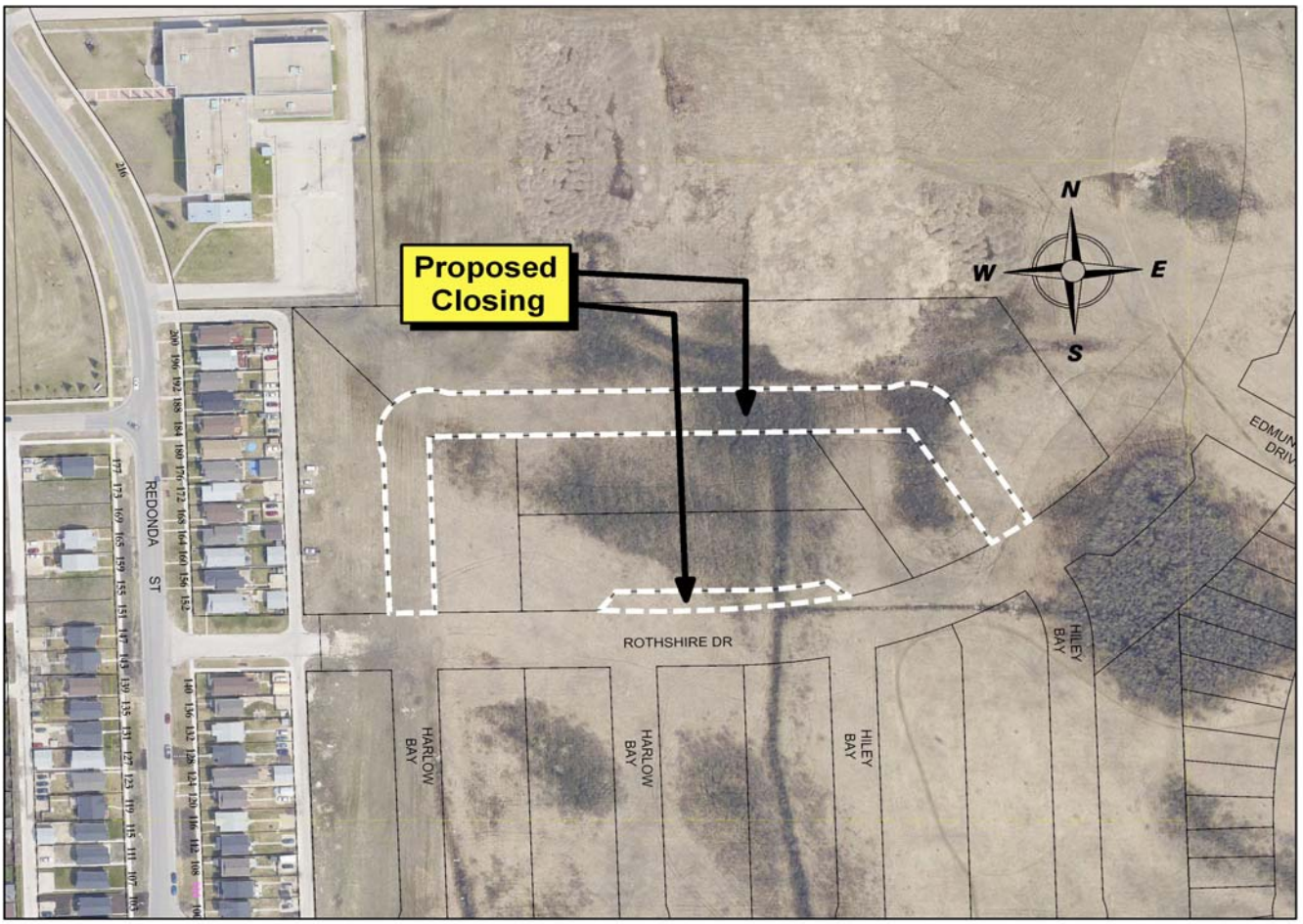
Conveyance of Street for $1.00

The area of the streets being created by the subdivision exceeds the area of the streets being closed. In accordance with City policy, the closed portions of Hosfield Bay and Rothshire Drive will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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

