Agenda – Council – October 19, 2011

Report – Standing Policy Committee on Property and Development – October 4, 2011

Item No. 14 Closing – Public lane south of Avalon Road, west of St. Mary's Road (St. Vital Ward)
File DAC 17/2011

STANDING COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the lane closing as shown on Misc. Plan No. 14082 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. 14082, 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.

Report – Standing Policy Committee on Property and Development – October 4, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 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 September 19, 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 17/2011
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Vandal
Public Hearing:	September 19, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Longboat Development Corporation (Doug McKay)
Premises Affected:	Public lane south of Avalon Road, west of St. Mary's Road
Exhibits Filed:	1. Report from the Real Property Officer dated August 22, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Doug McKay

In Opposition:

Nil

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 17/2011

ADMINISTRATIVE REPORT

Title: **DAC 17/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF AVALON ROAD, WEST OF ST. MARY'S ROAD**

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. 14082 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. 14082, 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. Doug McKay of Longboat Development Corporation to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 14082. The lane, once closed, is to be consolidated with the applicant's adjoining property and incorporated into the commercial development of the site under the banner of "The Shoppes of St. Vital".

In July of 2007, the Stevenson Real Estate Group made an application to close Homewood Avenue and portions of the public lane immediately south of the subject closing which was processed via DAC 15/2007. This application was approved by Council in April of 2008, and closing By-law No. 182/2008 was registered in the Winnipeg Land Titles Office via Plan No. 48807 in July of 2009. This closing plan was subsequently incorporated into the subdivision and rezoning of the adjoining property concurrently being processed via DASZ 29/2007 which was registered in the Winnipeg Land Titles Office, also in July of 2009, as Plan No. 48808. The subject closing was not included in the previous applications as the Developer was unable to acquire the land immediately to the west, being Lot 79, Plan 22486. The owner of this property required the lane for ingress/egress purposes. The Developer has now purchased this property and owns all of the land as shown on the sketch.

The subject lane was created by the subdivision of the adjoining property and registered in the Winnipeg Land Titles Office via Plan No. 1794 in April of 1912. Apart from providing access to the adjoining property which has now been purchased by the Developer, the lane serves no other public transportation 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, Shaw Cablesystems, Pembina Trails School Division and TeraSpan.
Esso, Fibre.Ca, Louis Riel School Division and Rogers Communications 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:	August 22, 2011
File No.	8589 (2)

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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 public lane closing.

Easements

MTS Allstream has identified services within the closing area and will require a 3.1m easement along the frontage of Avalon Road for the existing facilities. No permanent structures will be allowed within the easement area.

Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public 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

