Minute No. 127
Report - Standing Policy Committee on Property and Development – November 29, 2011

Item No. 6 **Closing of part of the Public Lane South of rue Messager, East of avenue Taché for incorporation into DASZ 33/2011 (St. Boniface Ward) File DAC 19/2011 [c/r DASZ 33/2011]**

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. 12244/1 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. 12244/1, 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 December 7, 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 November 29, 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 November 14, 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 19/2011
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Vandal
Public Hearing:	November 14, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Qualico Communities (Mr. Ravi Joshi)
Premises Affected:	Part of the Public Lane South of rue Messager, East of avenue Tache
Exhibits Filed:	1. Report from the Real Property Officer dated October 28, 2011 2. Inspection Report 3. Presentation with respect to the application submitted by Walter Kleinschmitt at the Public Hearing on November 14, 2011 4. Plan submitted by Eric Vogan at the Public Hearing on November 14, 2011 5. Presentation in support of the application submitted by Eric Vogan at the Public Hearing on November 14, 2011

REPRESENTATIONS:

In Support:

Ravi Joshi
Normand Gousseau
Susan Russell
Eric Vogan

In Opposition:

David Dandeneau
Walter Kleinschmit
Mireille Lamontagne
David Lesage
Caridad Quesada-Lopez
Paul Lussier
Monique Mulaire
Réal Rioux
Claude Trémorin
André Vermette

For Information:

Lionel Vermette
Pat Vermette

For the City:

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

Exhibit "1" referred to in File DAC 19/2011

ADMINISTRATIVE REPORT

Title: **DAC 19/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE SOUTH OF RUE MESSAGER, EAST OF AVENUE TACHE FOR INCORPORATION INTO DASZ 33/2011**

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 lane closing as shown on Misc. Plan No. 12244/1 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. 12244/1, 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. Ravi Joshi of Qualico Communities to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 12244/1. The lane, once closed, is to be incorporated into DASZ 33/2011, an application to subdivide and rezone the adjoining property to accommodate the creation of sites for multiple family housing and development.

The subject lane was opened by Plan No. 46281 and registered in the Winnipeg Land Titles Office in May of 2007. The lane was opened as part of the neighbourhood enhancements and landscaping treatments in the McGowan Russell Conceptual Master Plan for the Pointe Hebert redevelopment to accommodate a proposed subdivision approved by Council in December of 2004 under DAS 19/2004. The subdivision proposed under DAS 19/2004 has since been abandoned and the lane is no longer required.

The subject lane is not physically in use. It exists in a legal context only, serving no apparent public transportation purpose.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

N/A

External Consultation:

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: October 28, 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 lane closing.

Easements

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

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

