Agenda - Council – January 25, 2012

Report - Standing Policy Committee on Property and Development – January 10, 2012

Item No. 2 Closing – Part of the Public Lane east of La Porte Drive, north of avenue Ducharme for incorporation into DASZ 27/2011 (St. Norbert Ward) File DAC 18/2011 [c/r DASZ 27/2011]

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation 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. 13194/11 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. 13194/11, 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 – January 10, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, 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 January 10, 2012, 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 December 5, 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 18/2011
Before:	Riel Community Committee Councillor Vandal, Chairperson Councillor Swandel
Public Hearing:	December 5, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Global Homes Ltd. (Josh Smith)
Premises Affected:	Part of the Public Lane East of La Porte Drive, North of avenue Ducharme
Exhibits Filed:	1. Report from the Real Property Officer dated November 17, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Mike O'Shaughnessy
Josh Smith

In Opposition:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "2" referred to in File DAC 18/2011

ADMINISTRATIVE REPORT

Title: **DAC 18/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE EAST OF LA PORTE DRIVE, NORTH OF AVENUE DUCHARME FOR INCORPORATION INTO DASZ 27/2011**

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. 13194/11 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. 13194/11, 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. Josh Smith of Global Homes Ltd. to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 13194/11. The lane, once closed, is to be incorporated into DASZ 27/2011, an application to subdivide and rezone the adjoining property for the future development of residential lots.

In September of 2007, Global Homes made a similar application to close the subject lane, processed via DAC 17/2007. The matter sat in abeyance for several years. In April of 2009, Global Homes made an application to subdivide and rezone the adjoining land processed via DASZ 11/2009 which included the lane closing. At its meeting held on May 25, 2009, the Riel Community Committee did not concur in the recommendations of the Winnipeg Public Service for the closing and subdivision of this land, and applications DAC 17/2007 and DASZ 11/2009 were not proceeded with.

The subject lane was opened by Plan No. 10912 and registered in the Winnipeg Land Titles Office in 1971. This plan also opened the adjoining north/south public lane with its terminus being coincident with the northern limit of the proposed DASZ 27/2011 subdivision boundary. The subject closing comprised a 20' x 40' turnaround area. With a subsequent public lane opening connecting this lane northwards to rue Le Maire, the turnaround area is now redundant and serves 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: November 17, 2011
File No.

V:\development applications\daoc\dev application2011\dac18_2011\final_report\dac18.11rpt

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.

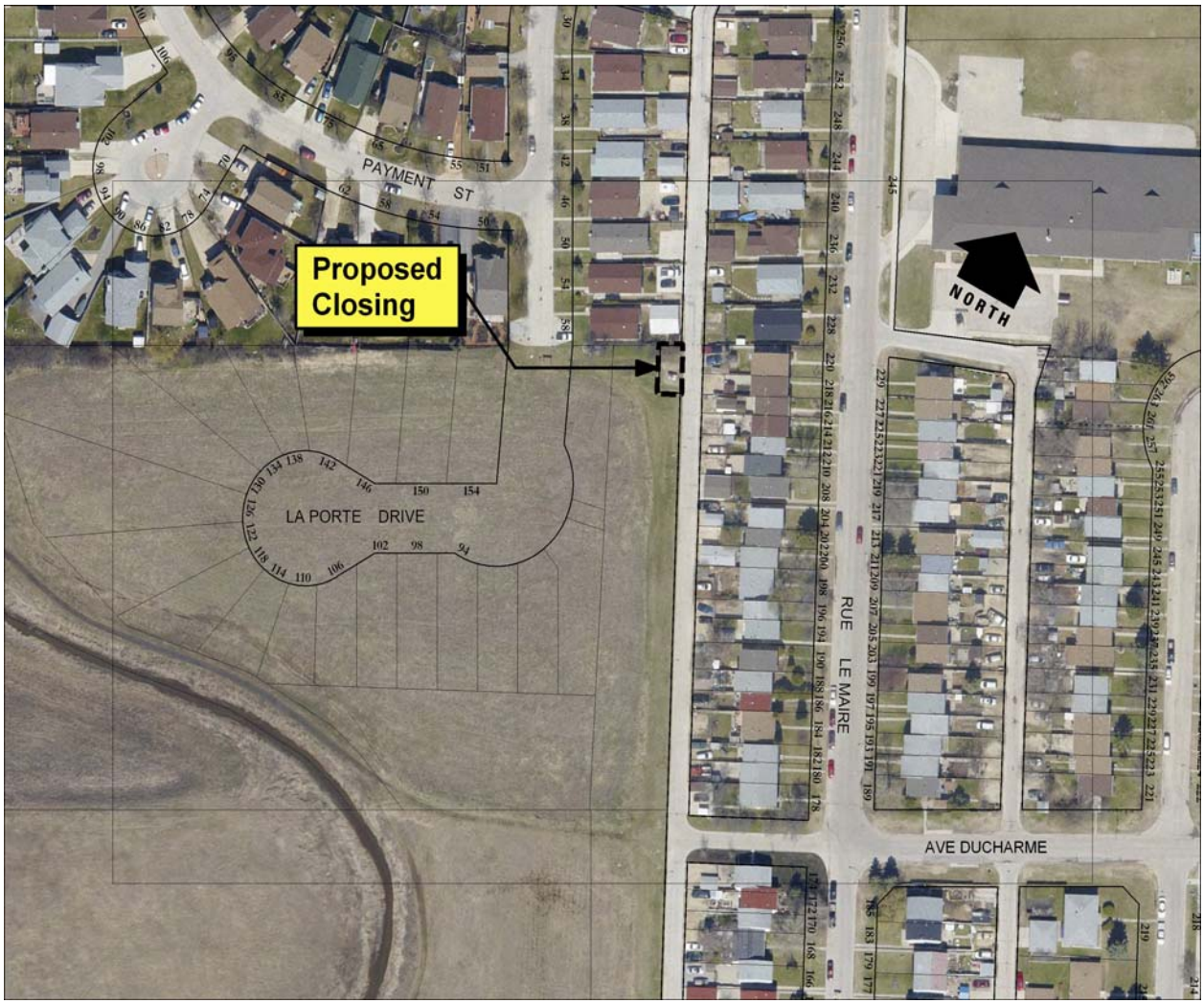
Easements

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

