Minutes – Executive Policy Committee – May 16, 2012

Minute No. 253
Report – Standing Policy Committee on Property and Development – May 8, 2012

Item No. 1 **Closing – Part of the Public Lane South of McCalman Avenue, East of Chester Street for Incorporation to DASZ 47/2011 (Elmwood-East Kildonan Ward) File DAC 21/2011 [c/r DASZ 47/2012 and DAV 108153/2012D]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations 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 lane closing as shown on Misc. Plan No. 14173/1 be approved and 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. 14173/1, 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 recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 8, 2012, 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 April 24, 2012, 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 21/2011
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Steen Councillor Wyatt
Public Hearing:	April 24, 2012 Transcona Legion 117 Regent Avenue East
Applicant:	Ron Dacombe, Habitat for Humanity
Premises Affected:	15 Chester Street
Exhibits Filed:	1. Report from the Real Property Officer dated April 3, 2012 2. Inspection Report

REPRESENTATIONS:

In Support:

Ron Dacombe, Habitat for Humanity
Linda Peters
Joe and Estelle Melnick

In Opposition

Nil

For Information:

Shawn Nason

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: **DAC 21/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE SOUTH OF MCCALMAN AVENUE, EAST OF CHESTER STREET FOR INCORPORATION INTO DASZ 47/2011**

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 lane closing as shown on Misc. Plan No. 14173/1 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. 14173/1, 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 public 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. Sandy Hopkins, CEO of Habitat for Humanity Winnipeg, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 14173/1. The lane, once closed, is to be incorporated into DASZ 47/2011, an application to subdivide and rezone the adjoining property. A portion of the land within this subdivision will also be opened as a lane that will extend the existing east/west lane to Chester Street as shown on the sketch. The public lane opening will be accomplished via the subdivision/rezoning application.

The subject closing forms part of a land assembly for the construction of residential housing at this site. The major portion of the property within the proposed subdivision is the former Sir Sam Steele School site at 15 Chester Street and is owned by Habitat for Humanity. The balance of the property at 886 McCalman Avenue is owned by the City and is currently zoned PR2. Habitat has received the City's approval for the inclusion of this property within the subdivision for the creation of a residential building lot.

The subject lane was opened by Plan No. 48173 WLTO and registered in the Winnipeg Land Titles Office in December of 2008. The lane is a fully developed concrete roadway, in use by the area residents. With the opening of the extension of the existing east/west lane to Chester Street, the lane closing should have a negligible impact on current transportation flow.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

Public Works Department
Water and Waste Department

External Consultation:

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: April 3, 2012
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 to the public lane closing.

Administrative Comments

The approval of this application by the Public Works Department is subject to the legal opening and construction of the proposed east/west lane extension being covered under the conditions of approval for DASZ 47/2011.

Easements

The Engineering Division of the Water and Waste Department has identified an existing combined sewer main within the closing area and will require a 6.25m x 32.81m easement for the facility. No permanent structures will be allowed within the easement area.

Conveyance of Street for $1.00

The area of the lane and public walk being created by the subdivision exceeds the area of the lane being closed. In accordance with City policy, the closed portion of the public lane will be conveyed to the Developer for the nominal sum of $1.00.

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

