Minute No. 643
Report – Standing Policy Committee on Property and Development – October 9, 2012

Item No. 5 **Closing – Part of the Government Road allowance between Sioux Road West and Southside Drive (St. Boniface Ward) File DAC 4/2012**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the road closing as shown on Misc. Plan No. 14309/1 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 road closing in accordance with Misc. Plan No. 14309/1, 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 implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – October 9, 2012

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 October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 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 October 1, 2012, 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 4/2012
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Swandel
Public Hearing:	October 1, 2012 Council Building, 510 Main Street
Applicant:	Andrew Skelton, Daniel Serhal Architecture on behalf of Warde Developments Ltd.
Premises Affected:	Part of the Government Road allowance between Sioux Road West and Southside Drive
Exhibits Filed:	1. Report from the Real Property Officer dated September 11, 2012 2. Inspection Report

REPRESENTATIONS:

In Support:

Sarah Hormann

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Systems, Planning, Property and Development Department
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 "1" referred to in File DAC 4/2012

ADMINISTRATIVE REPORT

Title: **DAC 4/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE GOVERNMENT ROAD ALLOWANCE BETWEEN SIOUX ROAD WEST AND SOUTHSIDE DRIVE**

Critical Path: **RIEL COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the proposed road closing as shown on Misc. Plan No. 14309/1 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 road closing in accordance with Misc. Plan No. 14309/1, 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 road 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. Andrew Skelton of Daniel Serhal Architecture, representing Warde Developments Ltd., to close and purchase the portion of the Government Road Allowance so identified on the attached copy of Misc. Plan No. 14309/1. Warde Developments is the registered owner of the property adjoining to the north of the proposed closing as shown on the sketch. They are requesting the closing and subsequent purchase in order to provide for the expansion of a multi-family residential housing project now under construction on their lot.

The applicant has contacted the property owner to the south of the proposed closing who has indicated a possible interest in acquiring a portion of the right of way adjoining his holding. The parceling of the closing, if approved, has yet to be determined. If the owner to the south decides not to acquire the land, the entire closing area will be purchased by Warde Developments.

The subject right of way was created in 1877 by the original Dominion Government Survey of the Outer Two Miles of the Parish of Saint Norbert. The road exists in a legal context only, being undeveloped land consisting of dense bush. It currently serves no public access or 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 Inc., Shaw Cablesystems, Bell, Pembina Trails School Division, Rogers, and TeraSpan

Canadian Pacific Railway, Esso, Fiber and Louis Riel School Division did not respond to the request for comment on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: September 11, 2012
File No.

V:\development applications\daoc\dev application2012\dac4_2012\final_report\dac4.12rpt

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the road closing.

Administrative Comments

The Transportation Division of the Public Works Department has provided the following comment:

> As the proposed closing is to be incorporated into the lands to the north, owned by Warde Developments Ltd., for development purposes it is recommended that the applicant be required to extend the fence along the railway right of way required to be constructed abutting their existing property for the length of the proposed closing abutting the railway right of way.

Easements

Manitoba Hydro has identified services within the closing area and will require a blanket easement for their existing facilities.

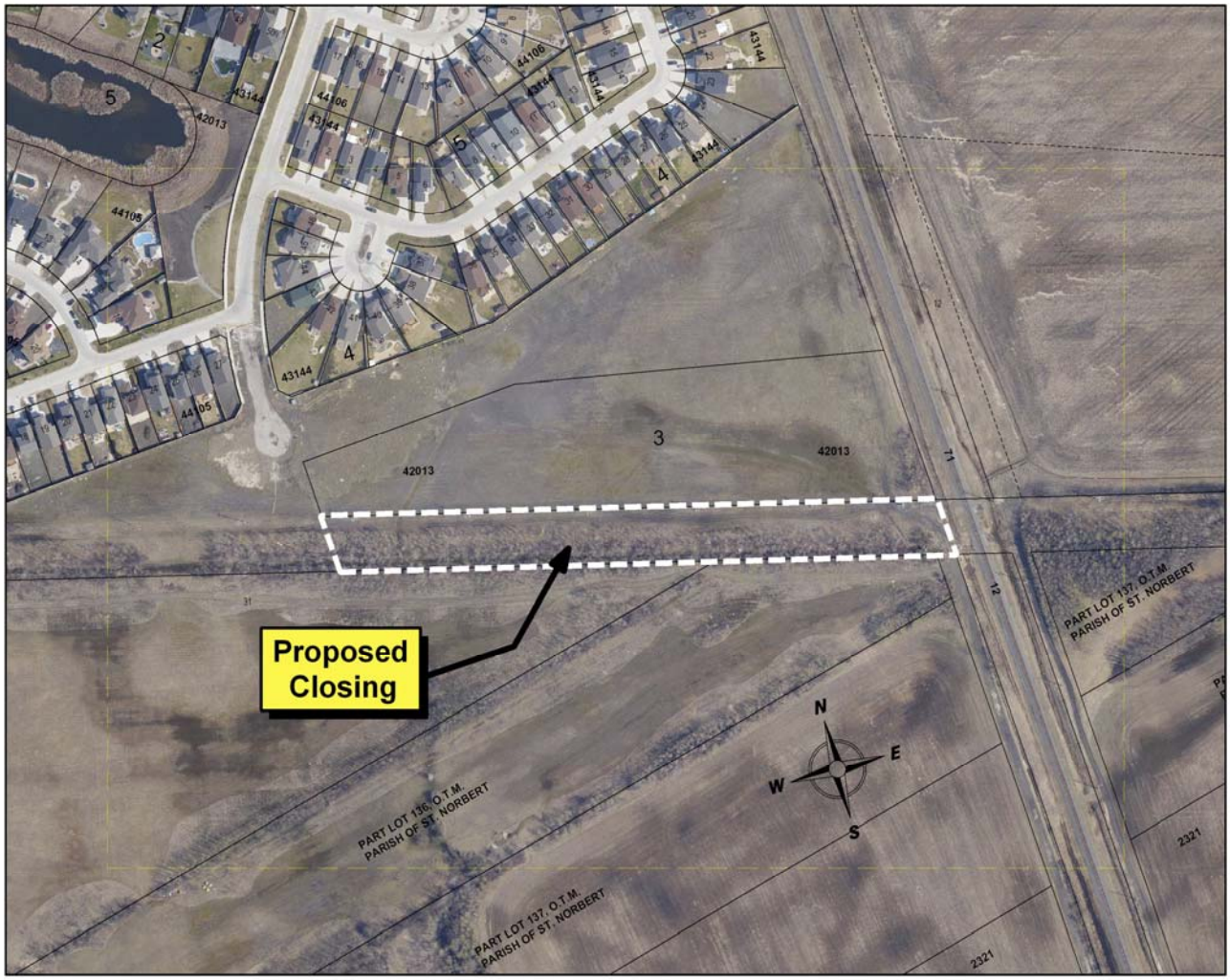
No permanent structures will be allowed within the easement area.

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

Transfer of Jurisdiction Over Public Rights-of-Way

The road 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

