Agenda – Council – April 24, 2013

Report – Standing Policy Committee on Property and Development – April 9, 2013

Item No. 4 Closing of Parts of Cadboro Road and Lee Boulevard (Government Road Allowance) between Kenaston Boulevard and Brady Road for Incorporation into DASZ 8/2012 (St. Norbert Ward) File DAC 2A/2013 and DAC 2B/2013

STANDING COMMITTEE RECOMMENDATION:

On April 17, 2013, 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 following to Council:

1. That the street closings as shown on Misc. Plan No. 14423 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 street closings in accordance with Misc. Plan No. 14423.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – April 9, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 17, 2013, 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 April 9, 2013, 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 March 11, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 2A and 2B/2013
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Swandel
Public Hearing:	March 11, 2013 Council Building, 510 Main Street
Applicant:	Les McLaughlin, Pollock & Wright (Manitoba Housing and Renewal Corporation)
Premises Affected:	Cadboro Road and Lee Boulevard (Government Road Allowance) Between Kenaston Boulevard and Brady Road
Exhibits Filed:	1. Report from the Real Property Officer dated February 19, 2013 2. Inspection Report

REPRESENTATIONS:

In Support:

Les McLaughlin

In Opposition:

Nil

For Information:

Nil

For the City:

R. Kostiuk, Planner, Planning, Property and Development Department
K. Raban, Land Development Administrator, Planning, Property and Development Department
M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2A and 2B/2013

ADMINISTRATIVE REPORT

Title: **DAC 2A/2013 AND DAC 2B/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PARTS OF CADBORO ROAD AND LEE BOULEVARD (GOVERNMENT ROAD ALLOWANCE) BETWEEN KENASTON BOULEVARD AND BRADY ROAD FOR INCORPORATION INTO DASZ 8/2012**

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 street closings as shown on Misc. Plan No. 14423 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 street closings in accordance with Misc. Plan No. 14423.

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 street closings 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. Les McLaughlin of Pollock & Wright, representing Manitoba Housing and Renewal Corporation, to close the portions of Cadboro Road and Lee Boulevard (Government Road Allowance) so identified on the attached copy of Misc. Plan No. 14423. The streets, once closed, will be incorporated into the development of the adjoining property currently being processed under subdivision and rezoning application DASZ 8/2012.

The subject closings form part of the Waverley West Neighbourhood - Bridgwater Trails Development. At its meeting held on September 10, 2012, the Riel Community Committee considered application DASZ 8/2012 and concurred in the recommendations of the Report of the Winnipeg Public Service, as amended. On November 14, 2012, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and approved subdivision and rezoning application DASZ 8/2012. The sketch for this application is attached and shows the approximate location of the subject closings within the development.

Cadboro Road was opened by Plan No. 1631 and registered in the Winnipeg Land Titles Office in May of 1911. Lee Boulevard (Government Road Allowance) was created in 1877 by the original Dominion Government Survey of the Outer Two Miles of the Parishes of Saint Vital and Saint Norbert. The subject closing areas consist of a granular surface roadway, both connecting to Brady Road. There are no residences on either side of the streets. Portions of these rights of way east of the subject closings have been re-dedicated as “Kenaston Boulevard” by Plan No. 52290 WLTO. Bison Drive will provide a future connection to Brady Road from the Bridgwater Trails Development.

The subject closings are being processed concurrently with DAC 3/2013, an additional application proposing the closing of Upham, Madina and Mickle Avenues, Carrick Street and the Public Lanes south of Lee Boulevard, West of Kenaston Boulevard, also for incorporation into DASZ 8/2012.

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., Bell Canada, Rogers Communications, Norscan, Louis Riel School Division and Pembina Trails School Division

Imperial Oil, Fiber, Shaw Cablesystems and Teraspan did not respond to the request for comments on this application.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Services
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	February 19, 2013
File No.	

V:\development applications\daoc\dev application2013\dac2a_2013 and dac2b_2013\final_report\dac2a & 2b.13rpt

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 street closings.

Easements

Although easement requirements will be addressed through subdivision and rezoning application DASZ 8/2012, Manitoba Hydro has advised that those requirements have yet to be finalized. Consequently, Hydro has requested that easements for their facilities be secured under the subject closing application. The requirements will be withdrawn once they have been finalized under DASZ 8/2012.

In the interim, no permanent structures will be allowed within the easement areas. Any removal or relocation of existing facilities as a result of the proposed street closings will be at the expense of the applicant.

Conveyance of Street for $1.00

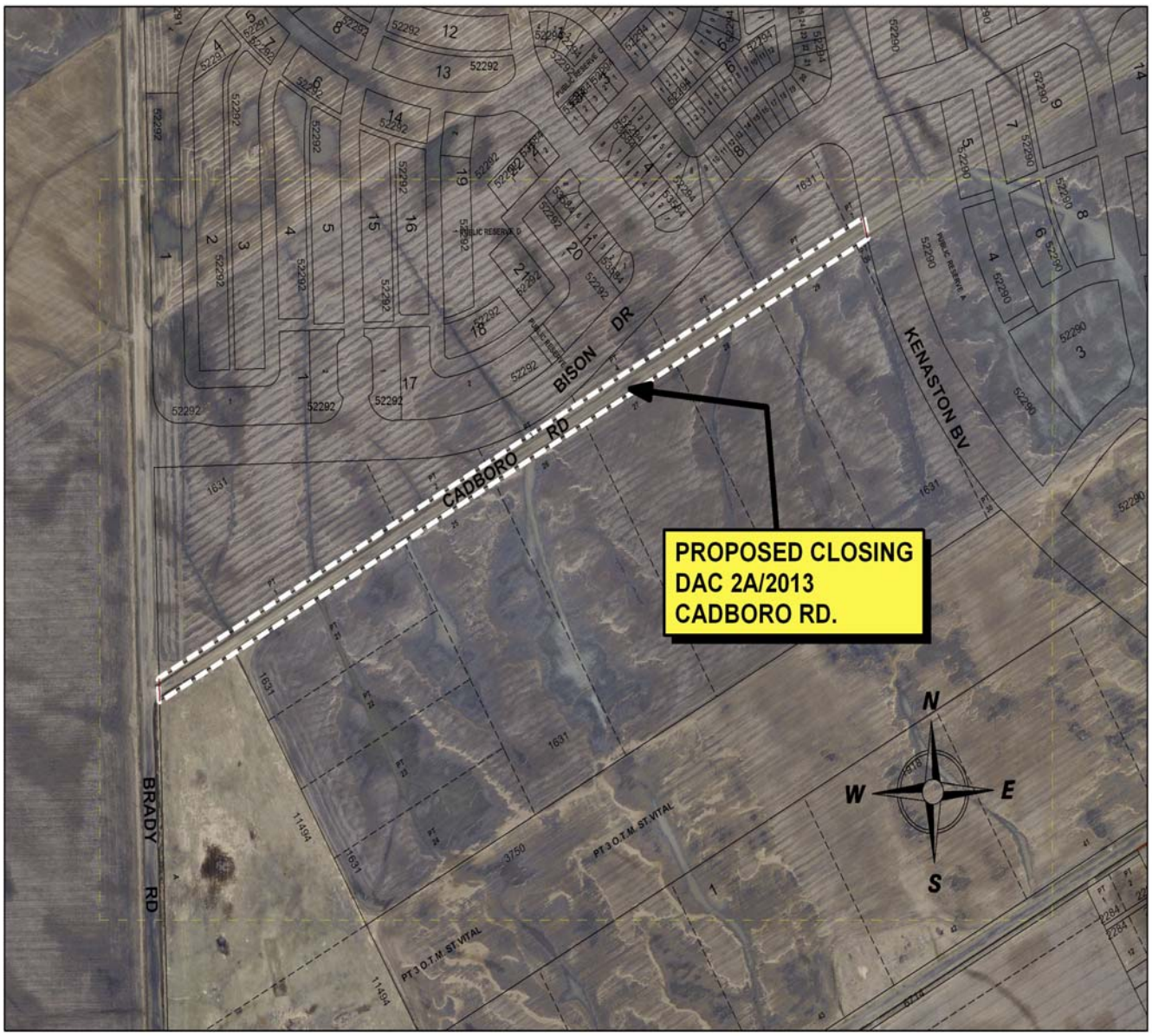
The area of the streets and lanes being created by the subdivision (69.84 acres) exceeds the area of the streets being closed (12.22 acres). In accordance with City policy, the closed portions of Cadboro Road and Lee Boulevard (Government Road Allowance) will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they may be conveyed. 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 Closings

DAC 2A/2013



DAC 2B/2013


KENASTON BV
BRADY RD
GARRICK
LEE BV
PROPOSED CLOSING
DAC 2B/2013
LEE BV.
PT 3 O.T.M. ST.VITAL
PT 124 O.T.M. PARISH OF ST. NORBERT
PT 123 O.T.M. PARISH OF ST. NORBERT
PT 122 O.T.M. PARISH OF ST. NORBERT
LOT 121 O.T.M. PARISH OF ST. NORBERT
LOT 120 O.T.M. PARISH OF ST. NORBERT
LOT 119 O.T.M. PARISH OF ST. NORBERT
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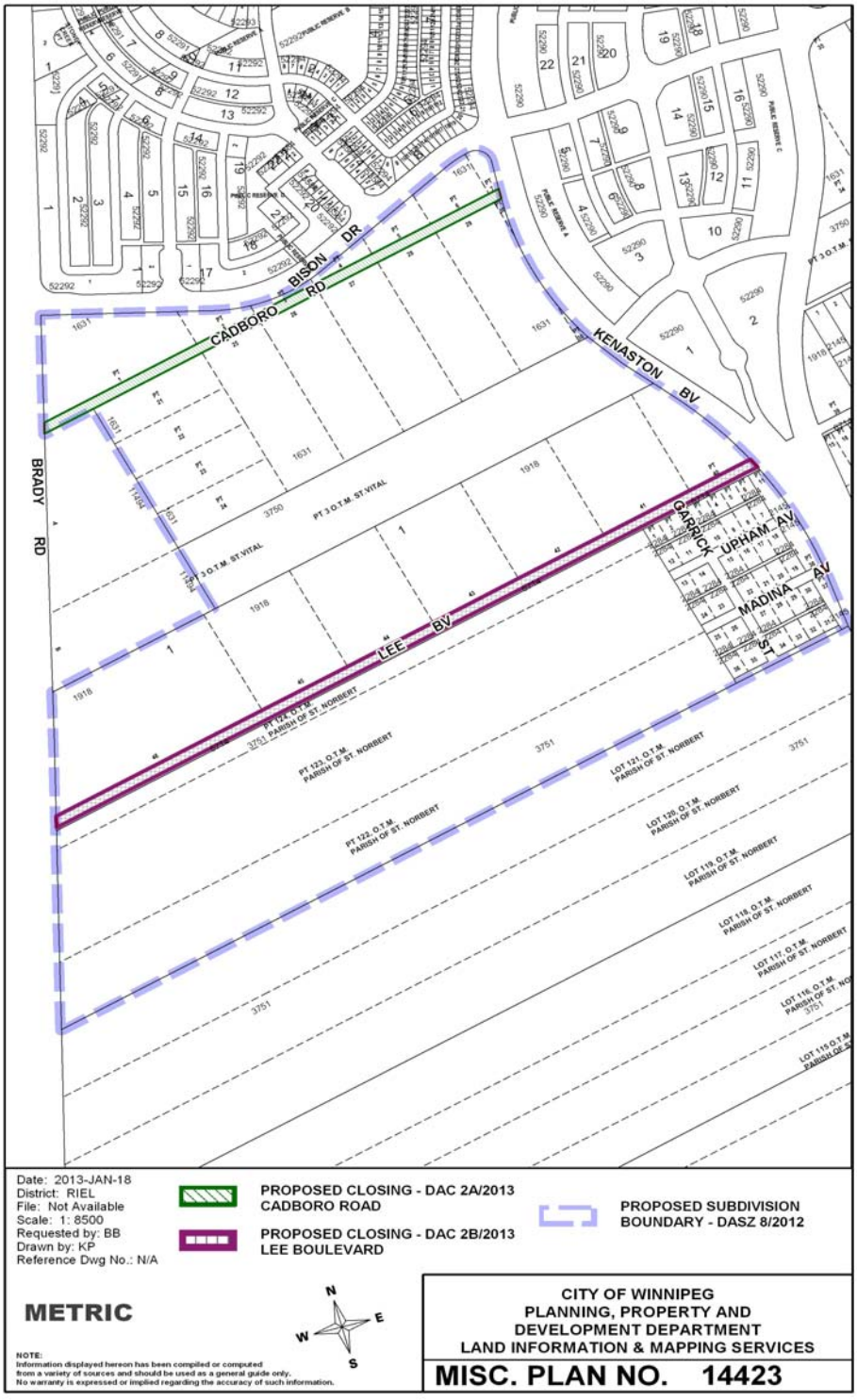
Miscellaneous Plan



Closings Within Streets in DASZ 8/2012

