Minute No. 344
Report – Standing Policy Committee on Property and Development – April 9, 2013

Item No. 3 **Closing of Upham, Madina and Mickle Avenues, Carrick Street and the Public Lanes South of Lee Boulevard, West of Kenaston Boulevard for Incorporation into DASZ 8/2012 (St. Norbert Ward) File DAC 3/2013**

COUNCIL DECISION:

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

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

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 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 3/2013
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:	Upham, Madina and Mickle Avenues, Carrick Street and the Public Lanes South of Lee Boulevard, West of Kenaston Boulevard
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 3/2013

ADMINISTRATIVE REPORT

Title: **DAC 3/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF UPHAM, MADINA AND MICKLE AVENUES, CARRICK STREET AND THE PUBLIC LANES SOUTH OF LEE BOULEVARD, WEST OF KENASTON BOULEVARD 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 and lane closings as shown on Misc. Plan No. 14423/1 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 street and lane closings in accordance with Misc. Plan No. 14423/1.

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 and lane 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 Upham, Madina and Mickle Avenues, Carrick Street and the Public Lanes south of Lee Boulevard, west of Kenaston Boulevard so identified on the attached copy of Misc. Plan No. 14423/1. 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. A sketch showing the location of the subject closings within the development application boundary is attached.

Upham (formerly York) and Mickle Avenues, Carrick Street and the Public Lanes were opened by Plan No. 2284 and registered in the Winnipeg Land Titles Office in June of 1914. Madina (formerly Warwick) Avenue was opened by Plan Nos. 2145 and 2284 and registered in the Winnipeg Land Titles Office in August of 1913 and June of 1914 respectively. The subject streets and lanes are not physically developed and exist in a legal context only, consisting of open prairie. They serve no apparent public transportation purpose.

The subject closings are being processed concurrently with DAC 2A/2013 and DAC 2B/2013, additional applications proposing the closing of part of Cadboro Road and Lee Boulevard (Government Road Allowance), 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 and Rogers Communications. Imperial Oil, Fiber, Shaw Cablesystems, Teraspan, Norscan, Louis Riel School Division and Pembina Trails School Division 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.

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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 street and lane closings.

Easements

Any easement requirements will be addressed through subdivision and rezoning application DASZ 8/2012.

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 and lanes being closed (5.42 acres). In accordance with City policy, the closed portions of Upham, Madina and Mickle Avenues, Carrick Street and the Public Lanes will be conveyed to the Developer for the nominal sum of $1.00.

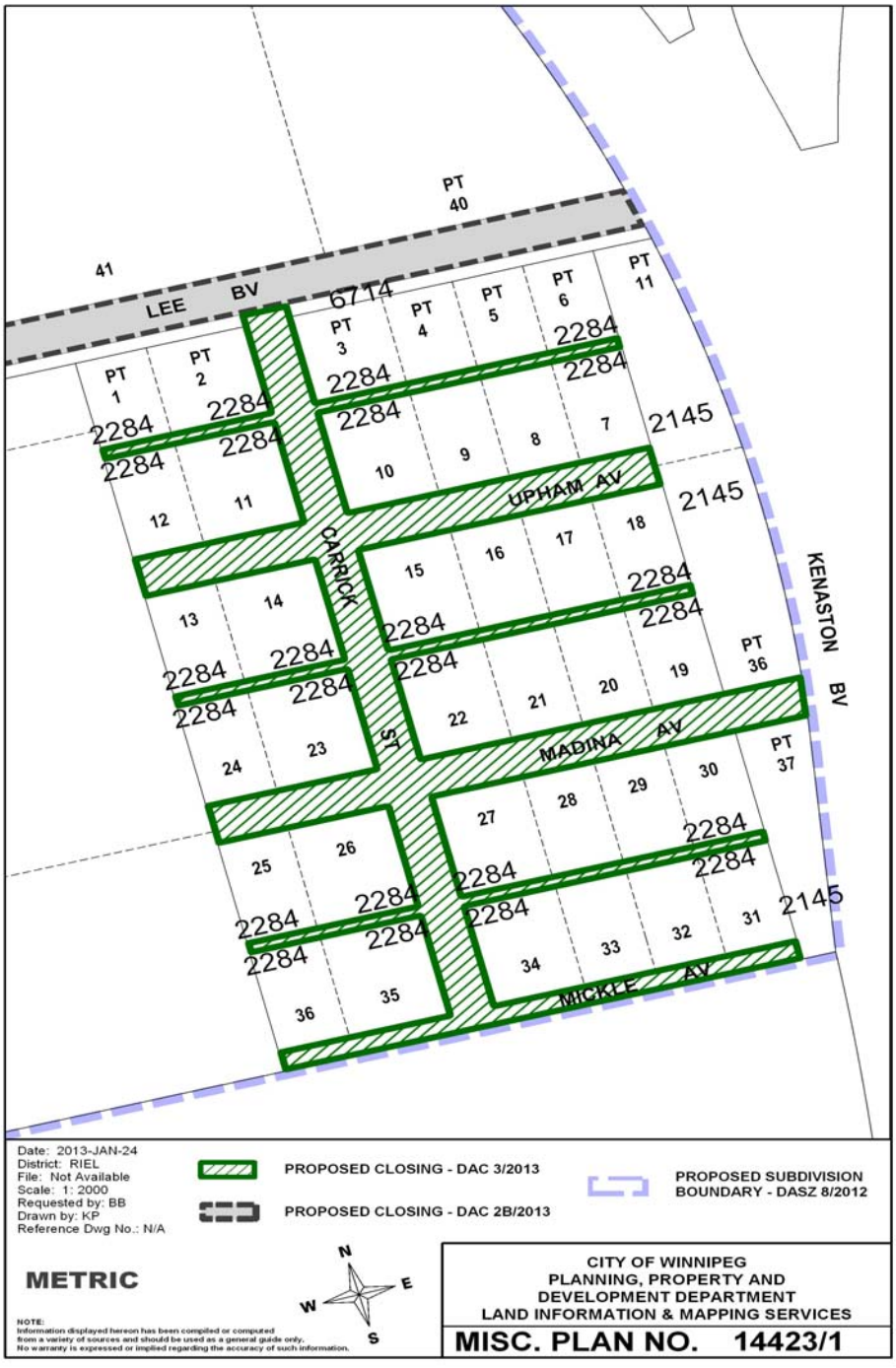
Transfer of Jurisdiction Over Public Rights-of-Way

The streets and lanes 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 Closing



Miscellaneous Plan



Closings Within DASZ 8/2012 Boundary

