**Minute No. 524**
**Report – Standing Policy Committee on Property and Development – July 2, 2013**

**Item No. 2** **Closing – Part of the Public Lane at the Rear of 474 Wellington Crescent**
**(River Heights-Fort Garry Ward)**
**File DAC 8/2013**

COUNCIL DECISION:

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

1. That the lane closing as shown on Misc. Plan No. 14476/1 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. 14476/1, 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 – July 2, 2013**

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 July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 2, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 11, 2013, the City Centre 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 8/2013 |
| Before: | City Centre Community Committee<br>Councillor Orlikow, Chairperson<br>Councillor Gerbasi<br>Councillor Smith |
| Public Hearing: | June 11, 2013<br>Council Building, 510 Main Street |
| Applicant: | Lombard North Group Ltd. (Chris Nelson) |
| Premises Affected: | Part of the Public Lane at the Rear of No. 474 Wellington Crescent |
| Exhibits Filed: | 1. Report from the Real Property Officer dated June 6, 2013<br>2. Inspection Report |

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:
Chris Nelson
Perry and Alana Sawatzky

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 8/2013

# ADMINISTRATIVE REPORT

**Title:** **DAC 8/2013: To Seek Council Approval for the Proposed Closing of Part of the Public Lane at the Rear of No. 474 Wellington Crescent**

**Critical Path:** **City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | B. Thorgrimson | N/A | N/A |

## RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 14476/1 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. 14476/1, 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 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. Chris Nelson of Lombard North Group Ltd., representing the property owners of No. 474 Wellington Crescent, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 14476/1. It is the intention of the property owners to acquire the subject lane closing area as an addition to their existing holding which is currently being developed as a single family residence.

The subject closing area was opened by Plan No. 700 and registered in the Winnipeg Land Titles Office in September of 1902. At that time, the public lane's terminus was coincident with the northerly limit of Lot 21 Plan 700 WLTO immediately to the west. The closing area comprises 45.5 m² and appears to have been created for turnaround purposes. With a subsequent public lane opening created by Plan No. 822 and registered in the Winnipeg Land Titles Office in May of 1904, the lane was extended northwards to Kingsway. The turnaround area is now redundant and serves no apparent public 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 and Bell Canada.

Imperial Oil, Fiber, Louis Riel School Division, Norscan, Pembina Trails School Division, Rogers Communications and Teraspan did not respond to the request for comment 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: June 6, 2013
File No.

**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

Manitoba Hydro has identified existing services within the closing area and will require an easement for these 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 lane closing will be at the expense of the applicant.

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

