Agenda – Council – October 23, 2013

Report – Standing Policy Committee on Property and Development – October 8, 2013

Item No. 1 Closing - Part of Miravista Drive at the rear of No. 15 Attache Place (Old Kildonan Ward)
File DAC 10/2013

STANDING COMMITTEE RECOMMENDATION:

On October 16, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submitted the following to Council:

1. That the street closing as shown on Misc. Plan No. 12663/8 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 closing in accordance with Misc. Plan No. 12663/8, 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 and the applicant entering into a conservation easement with the City.

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 8, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment:

- Add the following to the end of Recommendation 2:

  "and the applicant entering into a conservation easement with the City."

and forwarded to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 10, 2013, the Lord Selkirk-West Kildonan 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 10/2013
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	September 10, 2013 Council Building, 510 Main Street
Applicant:	Jan Drewniak
Premises Affected:	Part of Miravista Drive at the rear of No. 15 Attache Place
Exhibits Filed:	1. Report from the Real Property Officer dated August 26, 2013 2. Inspection Report

REPRESENTATIONS:

In Support:

Jan Drewniak

In Opposition:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 10/2013

ADMINISTRATIVE REPORT

Title: **DAC 10/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF MIRAVISTA DRIVE AT THE REAR OF NO. 15 ATTACHE PLACE**

Critical Path: **LORD SELKIRK – WEST KILDONAN 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 street closing as shown on Misc. Plan No. 12663/8 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 closing in accordance with Misc. Plan No. 12663/8, 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 street 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. Jan Drewniak, the property owner of No. 15 Attache Place, to close and purchase the portion of Miravista Drive so identified on the attached copy of Misc. Plan No. 12663/8. It is the intention of the owner to improve the aesthetic appearance of the area and acquire the subject closing as an addition to his existing holding.

Miravista Drive was opened by Plan No. 49538 which was registered in the Winnipeg Land Titles Office in January of 2010. The opening formed part of the subdivision and rezoning of land at the southwest corner of Templeton Avenue and McGregor Street processed via application DASZ 9/2008 and passed by Council on July 16, 2008. The property comprising this subdivision was originally intended to serve as the right of way for the McGregor Street extension. It was declared surplus to the City's needs in October of 1993.

Miravista Drive serves as a frontage road adjacent to the McGregor Street right of way. The portion of the street northeast of the subject closing is barricaded at the terminus of the existing concrete turnaround at the rear of No. 19 Attache Place. The closing area consists of several mature trees with deadfall and overgrown bush. It serves no 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, Bell Canada, Rogers Communications, Norscan, TeraSpan and Telus.
Imperial Oil, Canadian Pacific Railway and Fibre did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Services
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	August 26, 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 to the street closing.

Administrative Comments

The Urban Forestry Branch has provided the following comment:

> The wooded area in question was inventoried on August 22. Only trees greater than 5cm DBH (diameter breast height) in good to fair condition were counted. The value was established using the City of Winnipeg Tree Removal Guidelines method for trees growing in natural stands. The Value came to $54,000.00. Should the land in question be sold, the Urban Forestry Branch would expect compensation for these trees.

SPECIES	# OF TREES	VALUE
POPLAR	2	$2,400
MMAP	15	$10,200
AELM	2	$1,200
GASH	3	$1,800
WILLOW	13	$16,200
SELM	19	$22,200
TOTALS	54	$54,000

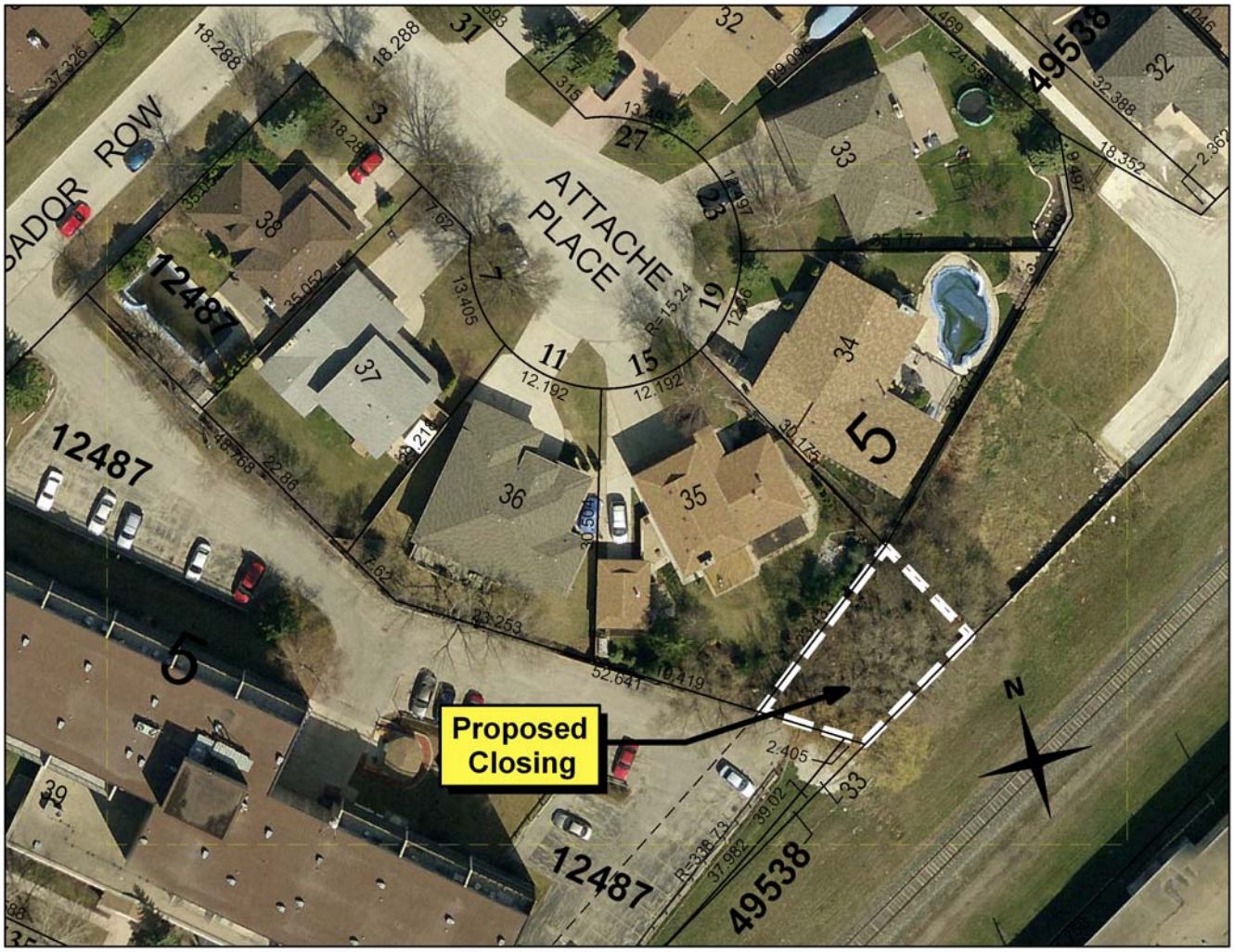
Easements

There are no services within the closing area. No easements will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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

