Minute No. 798
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 21 **Opening and Closing – Part of Scholberg Lane at Gwynne Road in Conjunction with DASZ 21/2014**
(St. Boniface Ward)
File DAOC 2/2014 [c/r DASZ 21/2014 and DAV 144009/2014D]

COUNCIL DECISION:

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

1. That the street opening and closing as shown on Misc. Plan No. 14708/1 be approved and that the portion of the street proposed to be closed 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 opening and closing in accordance with Misc. Plan No. 14708/1, 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.

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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 September 17, 2014, 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 September 16, 2014, 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 September 8, 2014, 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: DAOC 2/2014

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: September 8, 2014
Council Building, 510 Main Street

Applicant: Genstar Development Company (Marc Brown)

Premises Affected: Part of Scholberg Lane at Gwynne Road

Exhibits Filed:

1. Report from the Real Property Officer dated August 19, 2014
2. Manitoba Status of Titles 21144518/1 and 214579/1
3. Letter of authorization dated August 5, 2014 from Lyne Jones, Development Manager, Novamet Development Corporation to Genstar Development Corporation
4. Site Plan dated August 14, 2014
5. Plans (3 pages)
6. Inspection Report
7. Inspection Report
8. 2 presentations submitted at the Public Hearing by Bryan Ward and MMM Group
9. Presentation submitted at the Public Hearing by Denis Gautron
10. Presentation submitted at the Public Hearing by Michele Kading

REPRESENTATIONS:

In Support:

Dave Boles
Marc Brown
Jerry Klein
Bob Kurylko
Dan Mages
Paul Sunderland
Bryan Ward

In Opposition:

Denis Gautron
Michele Kading

For Information:

Jason Salamandyk
Wilma Sotas
Lindsey Wilson

For the City:

Ms. D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. L. Escobar, Manager of Transportation, Public Works Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2014

ADMINISTRATIVE REPORT

Title: **DAOC 2/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING AND CLOSING OF PART OF SCHOLBERG LANE AT GWYNNE ROAD IN CONJUNCTION WITH DASZ 21/2014**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson		

RECOMMENDATIONS

4. That the proposed street opening and closing as shown on Misc. Plan No. 14708/1 be approved and that the portion of the street proposed to be closed be declared surplus to the City's needs.

5. 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 opening and closing in accordance with Misc. Plan No. 14708/1, 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.

6. 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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

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 opening and closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department originally received a request from Genstar Development Company to close and purchase the portion of Scholberg Lane at its terminus with Gwynne Road so identified on the attached copy of Misc. Plan No. 14708. The processing of the closing application was initiated under DAC 5/2014 in conjunction with DASZ 21/2014, an application to subdivide and rezone the adjoining property to the south as part of the land use, transportation and servicing plans for the redevelopment of the land within the Precinct "K" area. The closing was to facilitate the implementation of a grid neighbourhood design within the subdivision that only allows access to the existing built areas of Island Lakes via collector roadways.

During the course of the circular for the closing application, the Public Works Department noted that the remaining opening radius of 18.0m proposed by the applicant did not conform to the standard radii of 21.5m in the adjoining subdivisions. This has necessitated a change in the geometry of the application which is now being processed as an opening/closing. The revised geometry is identified on the attached copy of Misc. Plan No. 14708/1, and the application is now being processed under file DAOC 2/2014.

Genstar Titleco Limited is the owner of the property required for the opening within DASZ 21/2014. Novamet Development Corporation is the owner of the balance of the land required for the opening within Lot 9, Block 4 and Lot 74, Block 1, Plan 44824 WLTO. Novamet has provided their consent for the inclusion of their lands in this application.

The opening of Scholberg Lane formed part of subdivision and rezoning application DASZ 36/2004 which was registered in the Winnipeg Land Titles Office as Plan No. 44247 in September of 2005. The subject closing consists of part of an unimproved road terminus which appears to have provided a secondary means of access from Gwynne Road to boulevard de la Seigneurie as part of application DASZ 36/2004. The secondary access is no longer in use.

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, and Telus.

Imperial Oil, Rogers Communications, Norscan, TeraSpan and Fiber 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: August 19, 2014
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

Administrative approval of this application is subject to the following condition:

The Water and Waste Department has identified and existing fire hydrant at the subject corner which may require relocation, depending on how the future lot driveways of the subdivision line up. The 5m long 150mm stub can be abandoned which should keep Water and Waste Department infrastructure off of private property. If it doesn't, then the 90˚ bend could be replaced by 2 x 45˚ bends.

Easements

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

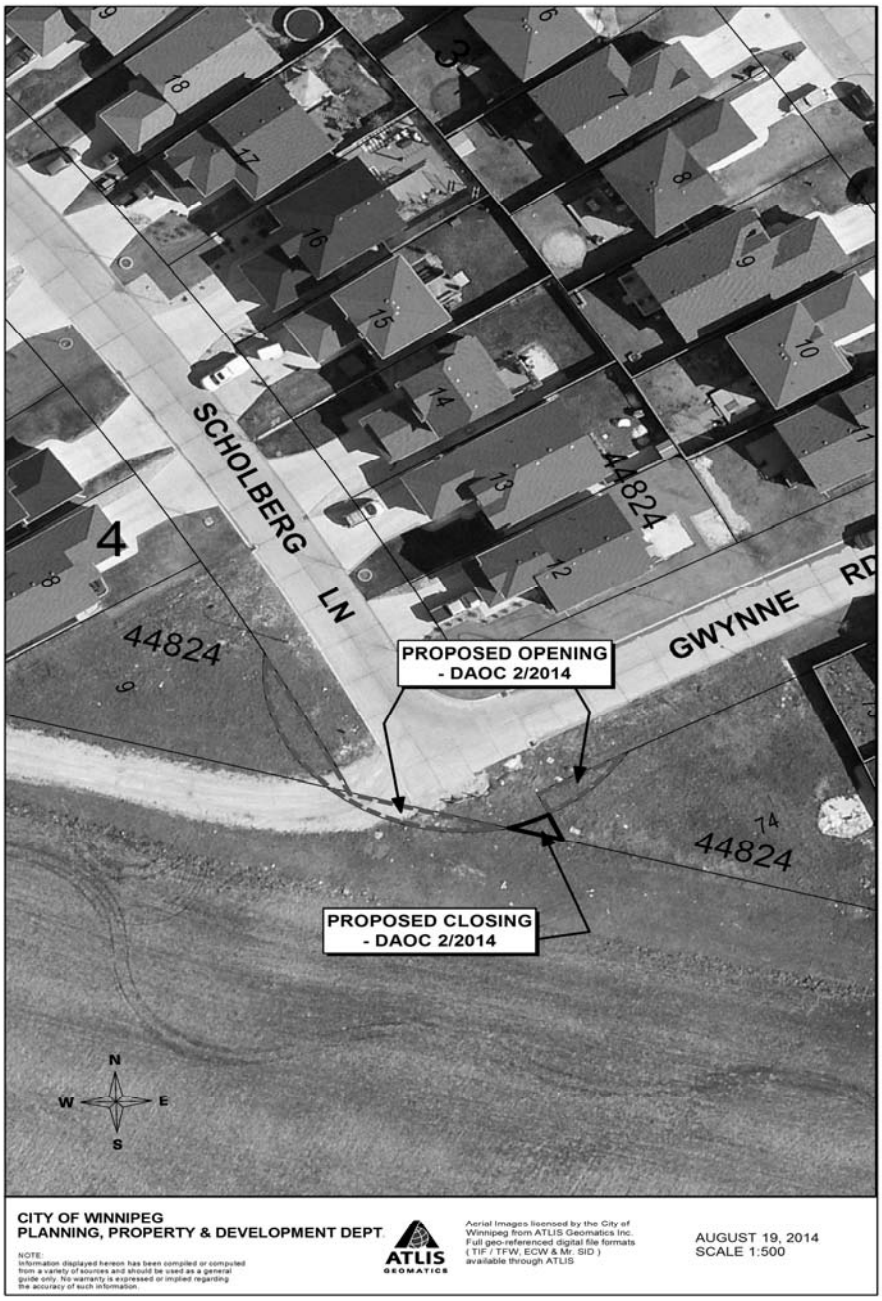
Conveyance of Street for $1.00

The area of the street being opened exceeds the area of the street being closed. In accordance with City policy, the closed portion of Scholberg Lane will be conveyed to the Developer for the nominal sum of $1.00.

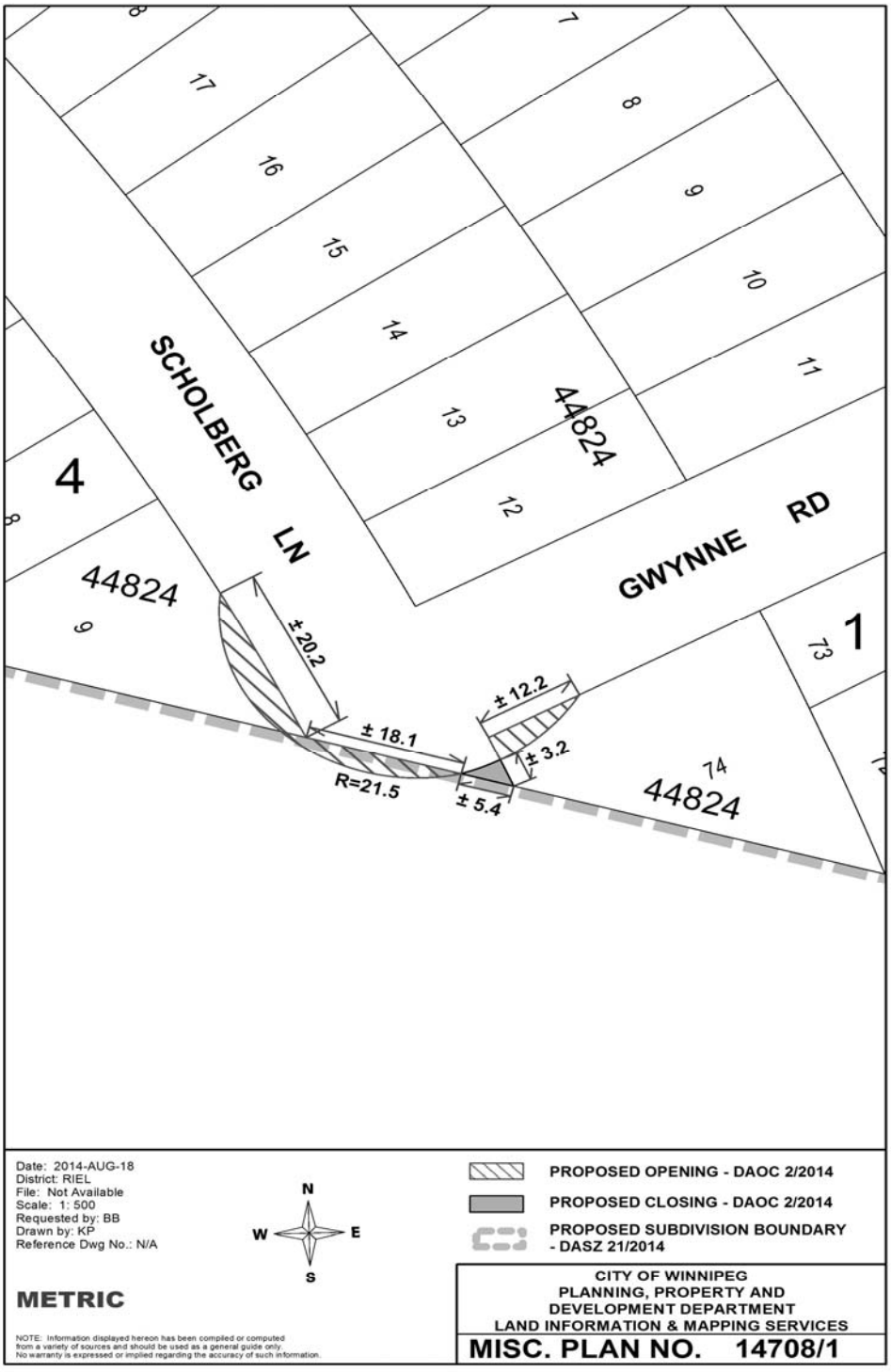
Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it 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 Opening/Closing



Miscellaneous Plan 14708/1: Opening/Closing Application



Miscellaneous Plan 14708: Original Closing Application

