Minute No. 800
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 23 **Closing – Footpath adjoining Nos. 86 and 90 Columbus Crescent (St. Charles Ward)**
File DAC 7 2014

COUNCIL DECISION:

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

1. That the footpath closing as shown on Misc. Plan No. 14713 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 footpath closing in accordance with Misc. Plan No. 14713, subject to the approval of the terms and conditions of the conveyance of the land by the Director of Planning, Property and Development.

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 – September 16, 2014

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 Assiniboia 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2014, the Assiniboia 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 7/2014
Before:	Assiniboia Community Committee Councillor Nordman, Chairperson Councillor Fielding Councillor Havixbeck
Hearing:	September 9, 2014 Council Building, 510 Main Street
Applicant:	Charles Romanchuk
Premises Affected:	Footpath adjoining Nos. 86 and 90 Columbus Crescent
Exhibits Filed:	1. Report from the Real Property Officer dated August 19, 2014 2. Inspection Report

REPRESENTATIONS:

In Support:

Charles Romanchuk

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Principal Planner, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 7/2014

ADMINISTRATIVE REPORT

Title: **DAC 7/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE FOOTPATH ADJOINING NOS. 86 AND 90 COLUMBUS CRESCENT**

Critical Path: **ASSINIBOIA 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 footpath closing as shown on Misc. Plan No. 14713 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 footpath closing in accordance with Misc. Plan No. 14713, 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, lane and footpath 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 footpath 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. Charles Romanchuk, the property owner at No. 90 Columbus Crescent, to close and purchase a portion of the footpath so identified on the attached copy of Misc. Plan No. 14713.

The applicant has indicated that the owner of the adjoining property at No. 86 Columbus Crescent has also expressed tentative interest in acquiring a portion of the footpath. If the adjoining owner chooses not to proceed, Mr. Romanchuk will be purchasing all of the closing area as an addition to his existing holding. The applicant has further indicated that it is his intention to remove the existing concrete walk contained therein, and construct a proper fence once he acquires the property.

The subject footpath (3.048m wide) was opened by Plan No. 8422 and registered in the Winnipeg Land Titles Office in December of 1963. The footpath originally provided access from Columbus Crescent to an elementary school at the rear of the applicant's property. The school was contained within the limits of Block 6, Plan 8422. The elementary school was demolished, and Block 6 was subsequently redeveloped as single family lots by subdivision and rezoning application DASZ 13/1994. Plan No. 32470 WLTO prepared with respect to this subdivision was registered in July of 1995.

The footpath now leads from Columbus Crescent to the rear of a single family home at No. 71 Franklin Bay. It no longer serves any public access 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, and Telus.

Imperial Oil, Fiber, Norscan, Rogers Communications and TeraSpan 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 19, 2014
File No.

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the footpath closing.

Administrative Comments

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

The Public Works Department requires that the applicant be responsible for the removal of the existing sidewalk within the closing area and for the restoration of the boulevard.

Easements

Manitoba Hydro has identified services within the closing area and will require easements 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 footpath closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The footpath 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.

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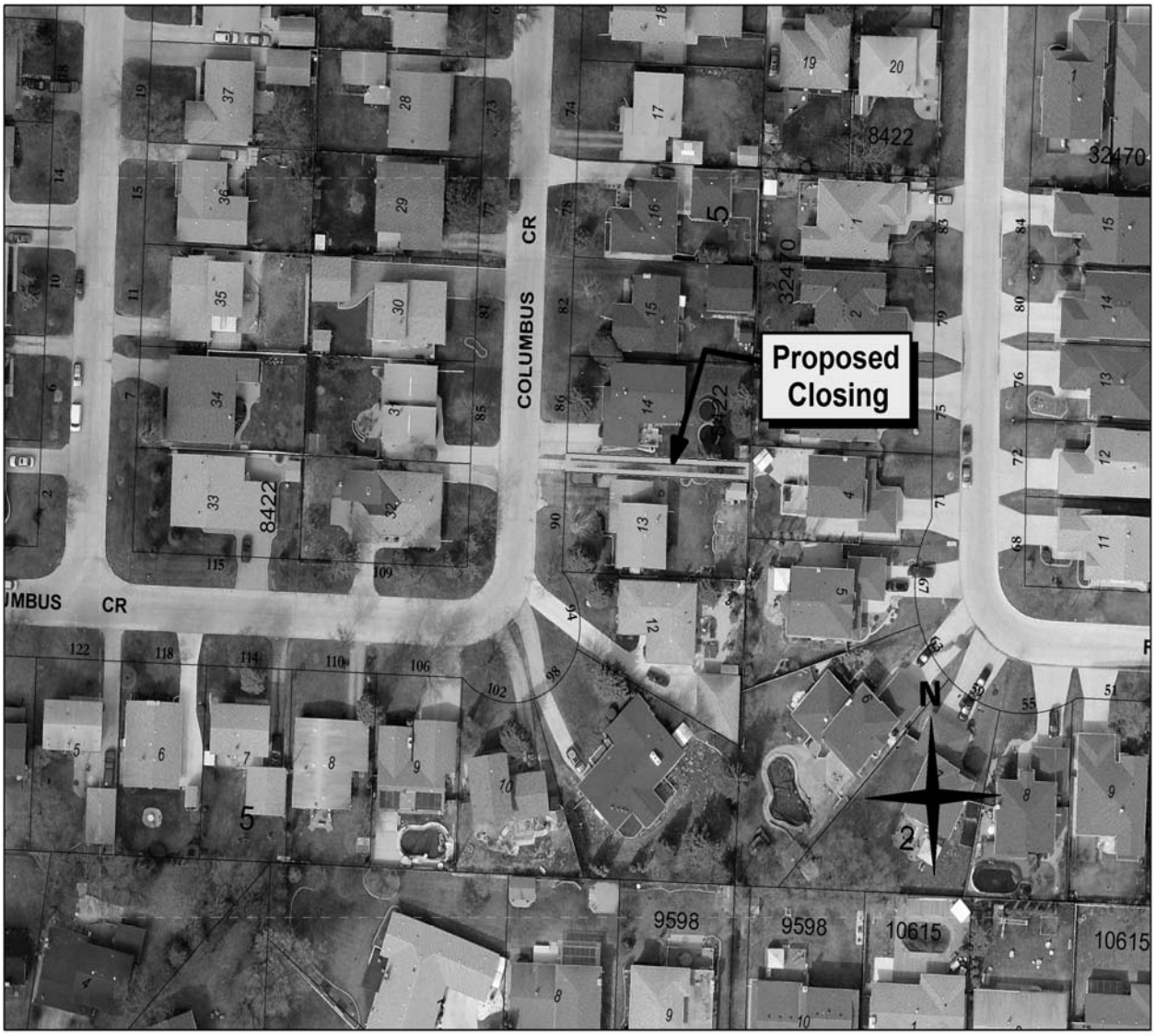
Aerial View of Subject Closing



Miscellaneous Plan

