Agenda - Executive Policy Committee - September 17, 2003

Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 2 Closing - Part of the Public Lane north of John Bruce Road, east of St. Anne's Road
File DAC 12/2003 [c/r DASZ 15/2003 and DAV 314653/2003D]

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 11930, dated June 10, 2003.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Agenda - Executive Policy Committee - September 17, 2003

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development:

PUBLIC HEARING SUMMARY

File:	DAC 12/2003 [c/r DASZ 15/2003 and DAV 314653/2003D]
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Angus Councillor Vandal
Public Hearing:	July 22, 2003 Community Committee Chamber, 604 St. Mary's Road
Applicant:	Troy Richardson Agencies (Troy Richardson) 155 Redview Drive Winnipeg, MB R2N 3C8
Subject and Property Affected:	Closing of part of the Public Lane North of John Bruce Road, East of St. Anne's Road for inclusion into DASZ 15/2003, pursuant to the provisions of Clause 5 of the Report of the Standing Policy Committee on Property and Development dated September 22, 1998, as adopted by Council on September 29, 1998
Exhibits Filed:	1. Report from the Real Property Officer dated July 8, 2003 2. Photographs, Affidavit and Inspection Notice

REPRESENTATIONS:

In Support:

Gary Hartwell, 21 Edgemont, Winnipeg, Manitoba, R2J 3H8
David Lewis, 372 Waverley Street, Winnipeg, Manitoba, R3M 3L3
Rick Lewis, 18 Larchwood Place, Winnipeg, Manitoba, R2H 1M1
Daniel Orlikow, 21 Edgemont, Winnipeg, Manitoba, R2J 3H8

In Opposition:

Peter E. Falk, 32 John Bruce Road, Winnipeg, Manitoba, R2M 2S4
E. Leclerc, 585 St. Anne's Road, Winnipeg, Manitoba, R2M 5R5
For Information:

Louis Ouellette, 114 – 66 Morrow, Winnipeg, Manitoba, R2M 1A4
John Swekdyliak, 585 St. Anne's Road, Winnipeg, Manitoba, R2M 3G5
Connie Wachsmann, 20 – 85 St. Anne's Road, Winnipeg, Manitoba, R2M 5R5

For the City:

Kevin Lalor, Acting Coordinator, Urban Planning Branch, Planning, Property and Development Department
Ernest Carrière, Land Development Administrator, Planning Property and Development Department

July 8, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE RIEL COMMUNITY COMMITTEE

RE: FILE NO. DAC 12/2003 - PROPOSED CLOSING OF PART OF THE PUBLIC LANE NORTH OF JOHN BRUCE ROAD, EAST OF ST. ANNE'S ROAD FOR INCLUSION INTO DASZ 15/2003
SAINT VITAL WARD

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 11930.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The subject lane was created in 1912 by a subdivision of the surrounding area. It is not paved and serves no public purpose.

The Planning, Property and Development Department has received a request from Troy Richardson Agencies to purchase the portion of the lane identified as "Proposed Lane Closing" on Schedule "A". The applicant proposes to incorporate the lane into DASZ 15/2003, an application to subdivide and rezone the land shown bordered on Schedule "A".

DISCUSSION:

Administrative Approval

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

The Transportation Division of the Public Works Department has the following comments:

"…the actual gravel roadway of the subject lane located to the south of the proposed closing as well as a portion of the gravel roadway of the east-west lane do not exist within their prescribed rights-of-way. It is recommended that as a condition of either the subject closing or the proposed subdivision and rezoning application (DASZ 15/03) the applicant shall enter into a Servicing Agreement providing for the reconstruction, to similar standards as the current lane roadway, of the affected sections of public lane within the designated rights-of-way, as determined by and to the satisfaction of the Director of Public Works."

Easements

Manitoba Hydro has advised that Hydro, MTS, and Shaw Cable maintain facilities in the area. The only improvements typically allowed in easement areas are fencing and paving. The provision of these easement areas will be addressed through the subdivision process.

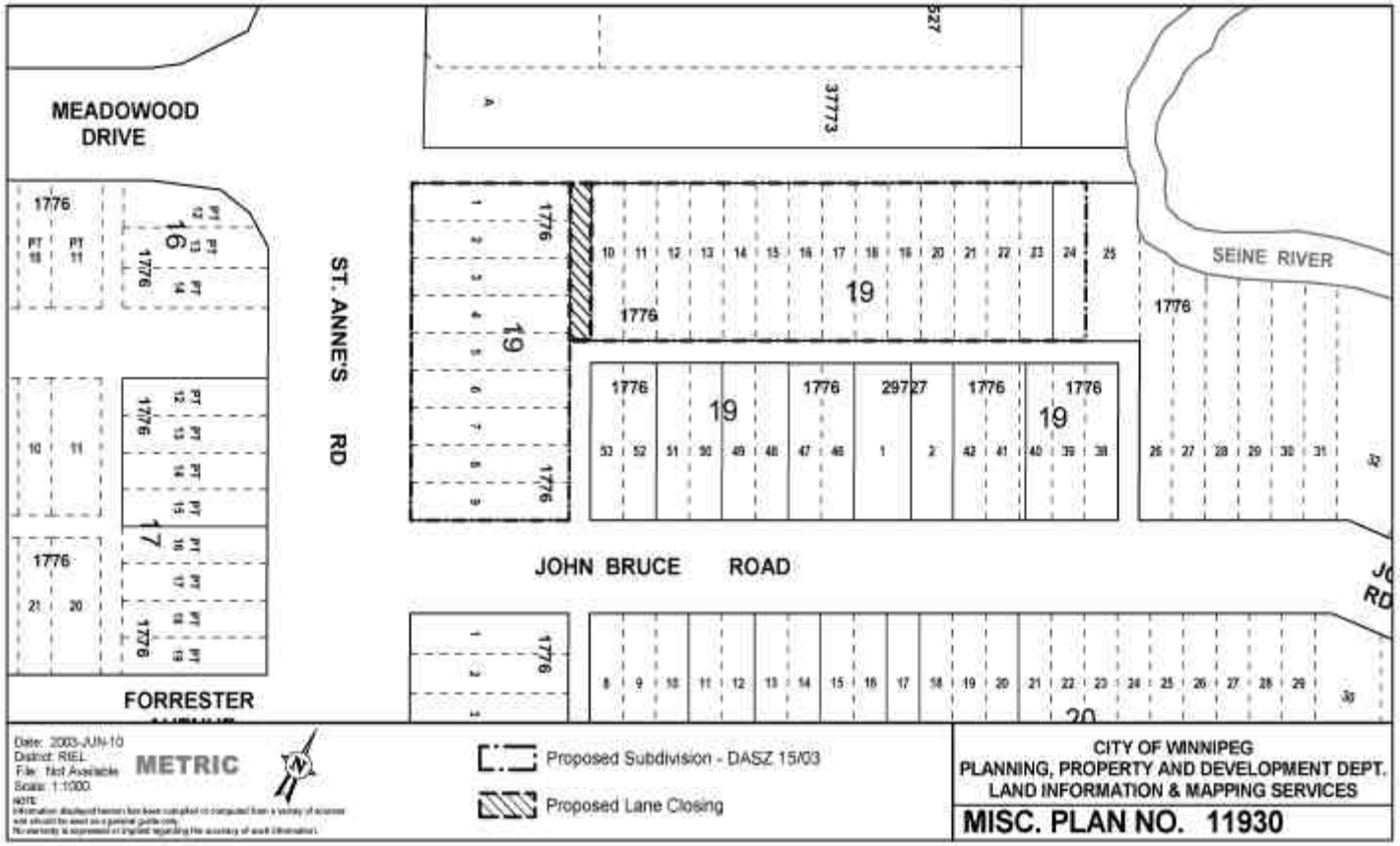
Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be incorporated into the subdivision. 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.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. DAC 12/2003

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MEADOWOOD DRIVE
ST. ANNE'S RD
FORRESTER
JOHN BRUCE ROAD
SEINE RIVER
37773
527
1776
19
16
17
20
Date: 2003-JUN-10
District: RIEL
File: Not Available
Scale: 1:1000
METRIC
Proposed Subdivision - DASZ 15/03
Proposed Lane Closing
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11930