Minute No. 702
Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 1 Closing - 117 Lyndale Drive
File DAC 12/2004

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 shown on Misc. Plan No. 12265 be approved and the land declared surplus to the City's needs.

2. 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 Misc. Plan No. 12265, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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 De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 5, 2004, 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 21, 2004, 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 12/2004
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Angus Councillor Magnifico
Public Hearing:	September 21, 2004 Community Committee Chamber, 604 St. Mary's Road July 6, 2004 Community Committee Chamber, 219 Provencher Boulevard
Applicant:	Paul Najda
Premises Affected:	Part of the Public Lane at the rear of 117 Lyndale Drive
Exhibits Filed:	1. Report from the Real Property Officer dated June 25, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Paul and Gail Najda
Shirley and Marcel Beeysaert

In Opposition:

Robert Callis
Darcy De Pape
Carmen and Stanley Kolt

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 12/2004

RE: DAC 12/2004 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE AT THE REAR OF NO. 117 LYNDALE DRIVE

For submission to: **The Riel Community Committee**

Report date: **June 25, 2004**

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12265 be approved and that the land be declared surplus to the City's needs.

2. 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 Misc. Plan No. 12265, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

REPORT SUMMARY

Key Issues:

- The Planning, Property and Development Department has received a request from the owner of No. 117 Lyndale Drive to purchase a portion of the public lane adjacent to his property. The Applicant wishes to relocate his fence to reduce the amount of debris that accumulates in this portion of the lane.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

- All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

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

HISTORY:

The subject lane was created in 1948 by the subdivision of the adjoining area. The portion of the lane proposed to be closed is a grassed area and is not a part of the lane used by vehicles.
In April of 2004, the Planning, Property and Development Department received a request from Mr. Paul Najda, the owner of No. 117 Lyndale Drive, to purchase the portion of the public lane identified as “Proposed Closing”on the attached drawing. Mr. Najda wishes to relocate the fence at the rear of his property to reduce the amount of debris that accumulates in this portion of the lane.

DISCUSSION:

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 identified the portion of the lane required for safe sight lines for traffic in the area. The portion of the lane proposed to be closed is surplus to their needs.

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.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

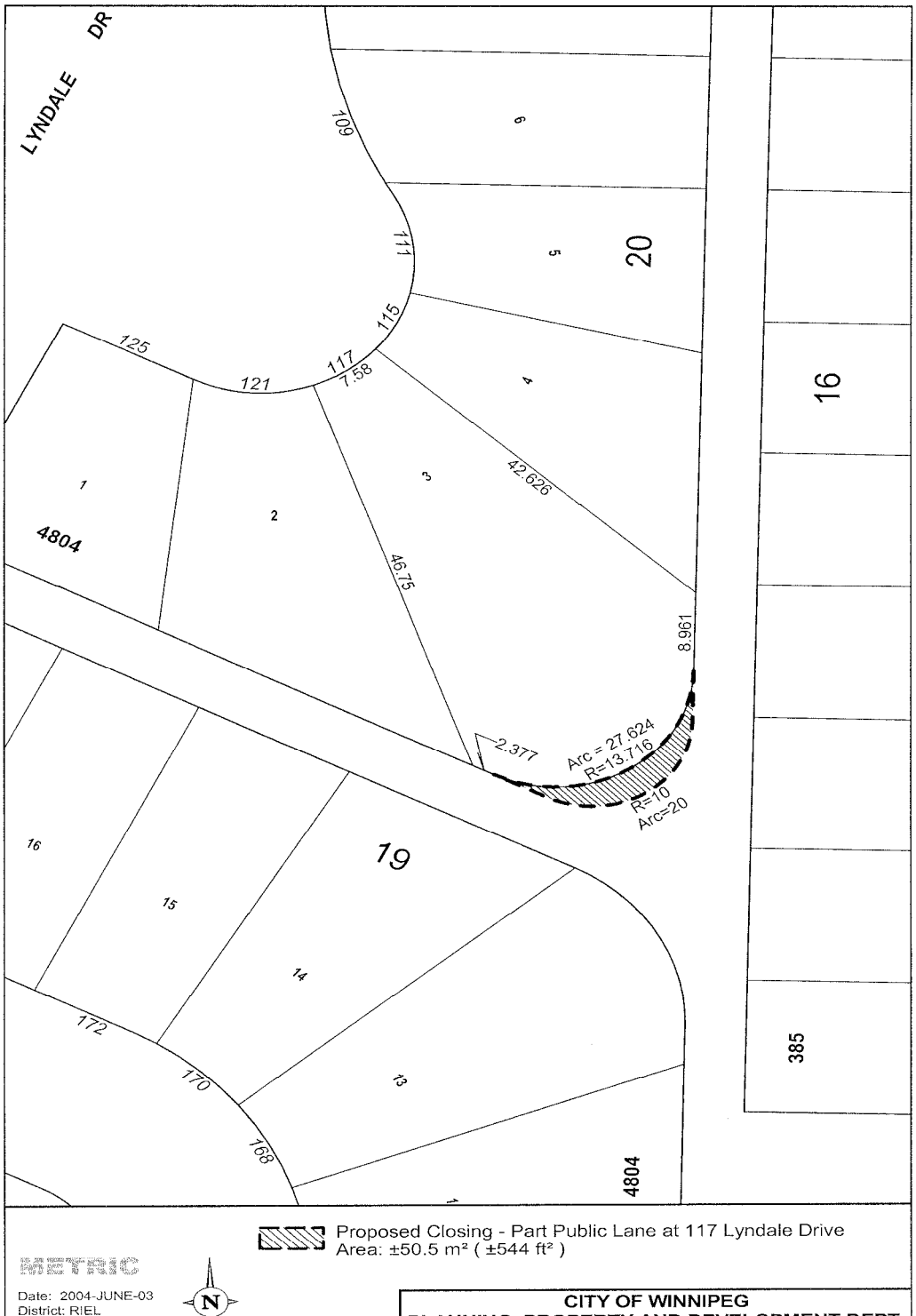
Water and Waste Department – Engineering Division

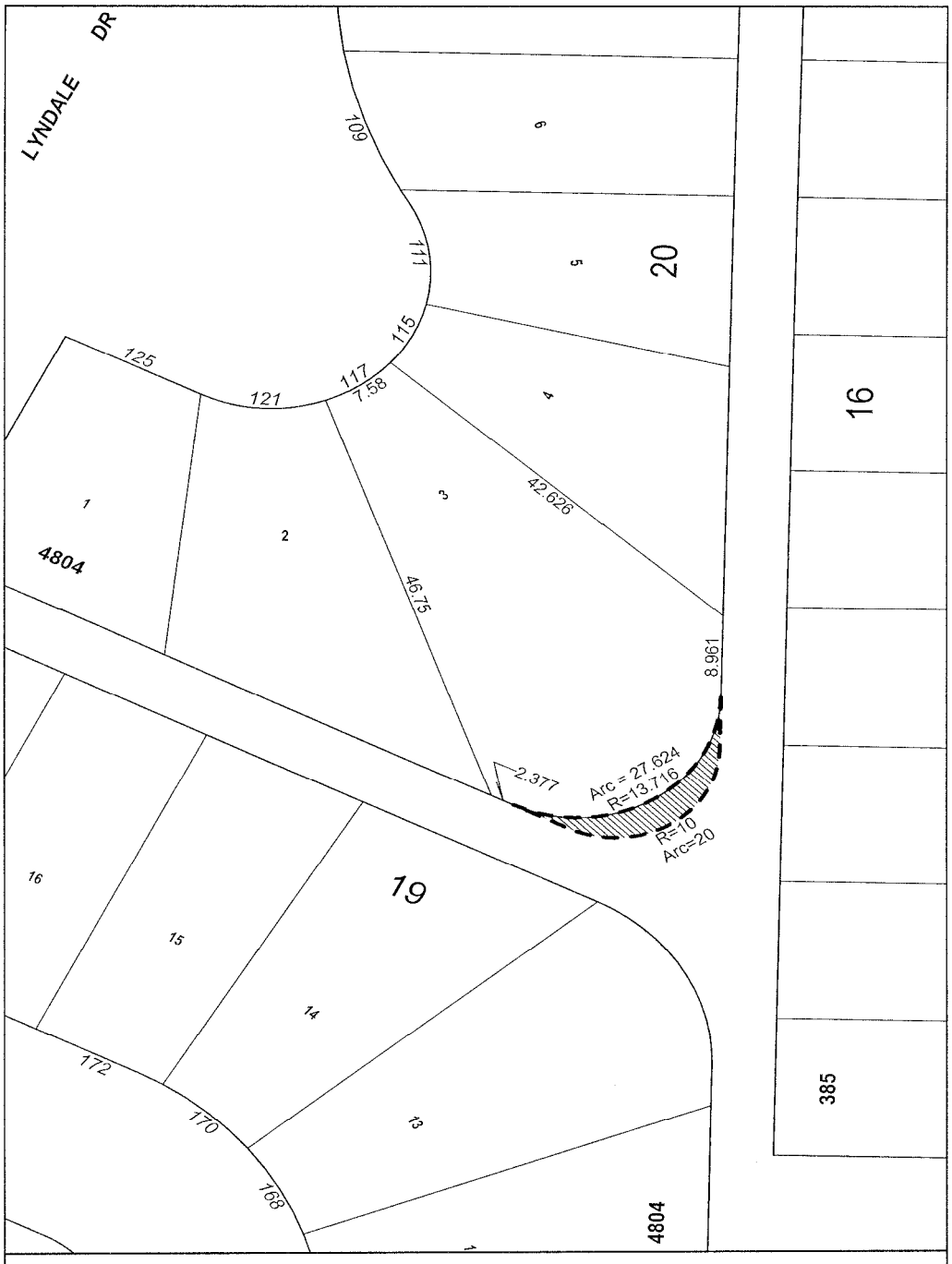
The Community Planner, Centra Gas, Manitoba Hydro, MTS Communications and Shaw Cable did not respond to requests for their comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 12/04

Document name: V:\word\DAOC\dac12_04RPT.doc


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Proposed Closing - Part Public Lane at 117 Lyndale Drive
Area: ±50.5 m² (±544 ft²)
METRIC
Date: 2004-JUNE-03
District: RIEL
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CITY OF WINNIPEG


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