Minute No. 703
Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 2 Closing of Public Lane adjacent to 110 Perth Avenue
File DAC 14/2004

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 outlined on Misc. Plan No. 12277 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. 12277, 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 - Standing Policy Committee on Property and Development - October 5, 2004

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2004, the Lord Selkirk-West Kildonan 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 14/2004
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	September 7, 2004 West Committee Room Council Building 510 Main Street
Applicant:	The City of Winnipeg Planning, Property and Development Department
Premises Affected:	public lane adjacent to 110 Perth Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated August 18, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Nil

Exhibit "1" referred to in File DAC 14/2004

Re: DAC 14/2004 – PROPOSED CLOSING OF THE PUBLIC LANE ADJACENT TO NO. 110 PERTH AVENUE

For submission to: The Lord Selkirk-West Kildonan Community Committee

Report date: August 18, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12277 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. 12277, 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 Real Estate Division of the Planning, Property and Development proposes to incorporate the closed lane into the vacant City adjacent to the west and offer the land for sale.

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
	Involves a multi-year contract

Comment(s):

Policy implications:

X	**No**
	Yes

Environmental implications:

X	**No**
	Yes

Comment(s):

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

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

Comment(s):

REASON FOR THE REPORT:

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

HISTORY:

In 1976, the Real Estate Division of the Land Surveys and Real Estate Department received an offer to purchase the property at 110 Perth Avenue and made an application to close the public lane so identified on the attached Misc. Plan No. 12277 for the purpose of incorporating it into the property for sale. The West Kildonan Community Committee rejected the application and recommended that the land be retained for recreational purposes.

In 1984, a second offer to purchase the property was received. The Parks and Recreation Department stated that the land was surplus to their needs, and the Lord Selkirk-West Kildonan Community Committee approved the sale of the land. Negotiations for the sale of the land were not successful, and the matter was abandoned.

The Real Estate Division has again applied to close the public lane, to incorporate the lane into the adjoining City property at 110 Perth and to offer the property for sale.
The lane is unimproved and serves no apparent public purpose.

DISCUSSION:

Administrative Approval

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

Easements

The Water and Waste Department will require an easement for the maintenance of a catch basin and catch basin lead within the lane. The easement area will be the full width of the lane. Centra Gas has also identified an easement requirement.

No permanent structures will be allowed in the closed lane.

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:

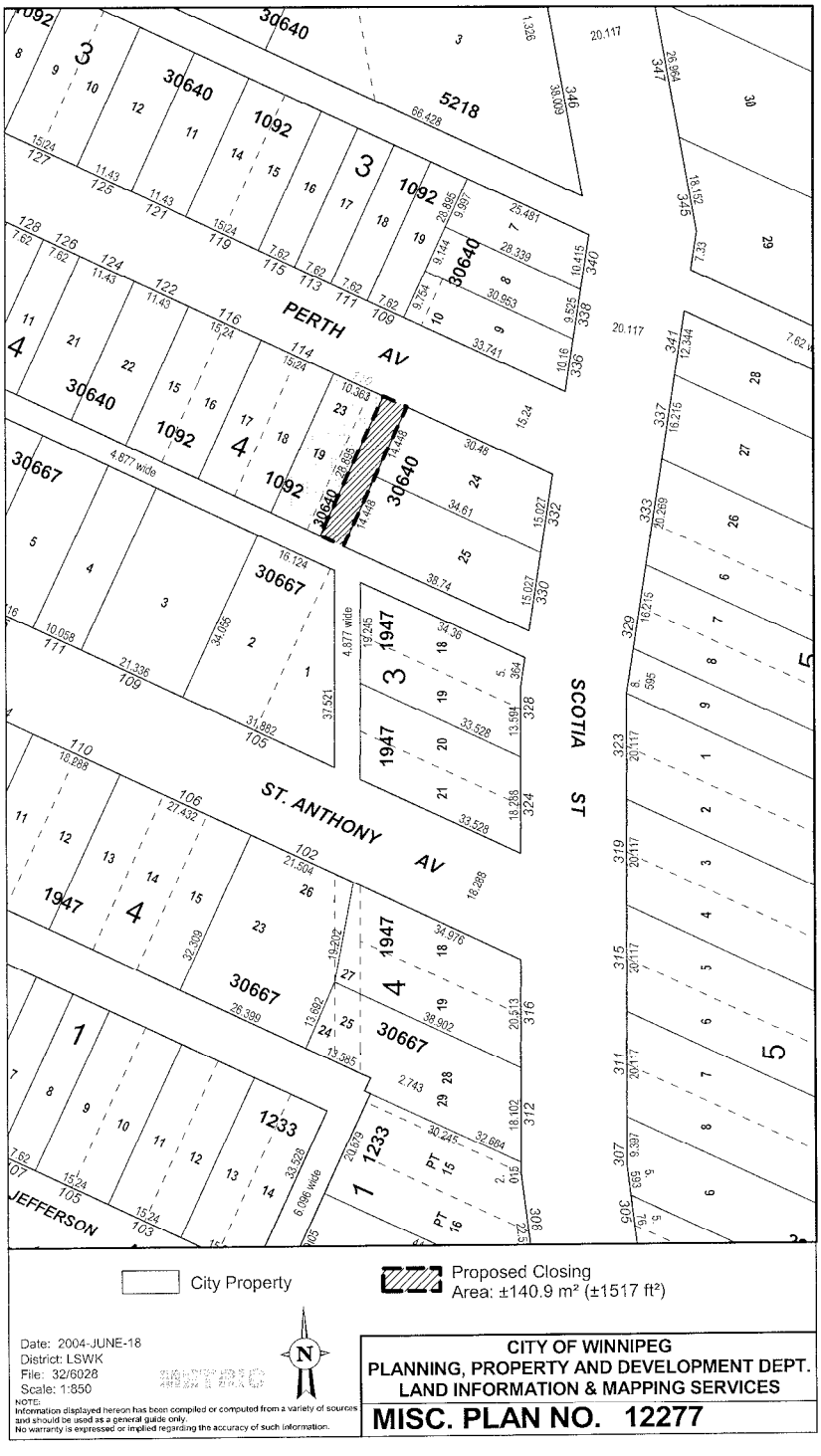
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT – COMMUNITY PLANNER, GEOMATICS AND ZONING & PERMITS BRANCHES
CORPORATE FINANCE DEPARTMENT – LOCAL IMPROVEMENTS
PUBLIC WORKS DEPARTMENT – TRANSPORTATION DIVISION
WATER AND WASTE DEPARTMENT – ENGINEERING DIVISION
CENTRA GAS, MANITOBA HYDRO

MTS COMMUNICATIONS AND SHAW CABLE DID NOT RESPOND TO REQUESTS FOR 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 #: 32/6028

Document name: V:\word\DAOC\dac14_04RPT.doc


PERTH AV
ST. ANTHONY AV
SCOTIA ST
JEFFERSON
City Property
Proposed Closing
Area: ±140.9 m² (±1517 ft²)
Date: 2004-JUNE-18
District: LSWK
File: 32/6028
Scale: 1:850
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12277