Agenda - Council - September 24, 2003

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

Item No. 1 Closing - Part of the Public Lane north of Gilmore Avenue, east of Henderson Highway
File DAC 9/2003

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona 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. 11911/1.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On July 15, 2003, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation, and recommended that the proposed closing as illustrated on Schedule “A”, Misc. Plan No. 11911/1 be approved, and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 9/2003
Before:	East Kildonan-Transcona Community Committee Councillor Thomas, Chairperson Councillor Lubosch Councillor Wyatt
Public Hearing:	July 15, 2003 Community Committee Chamber 755 Henderson Highway
Applicant:	Royal LePage Stevenson Advisors (Patrick Hamilton) 276-A Colony Street Winnipeg, MB R3C 1W3
Subject and Property Affected:	Closing of part of the Public Lane North of Gilmore Avenue, East of Henderson Highway, 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 June 27, 2003 2. Photographs, Affidavit and Inspection Notice

REPRESENTATIONS:

In Support:

Patrick Payne, Royal LePage Stevenson Advisors
Monique Desrosiers
Kurt Penner

In Opposition:

Don Loewen
Henry & Bruni Winter

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

June 27, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

RE: FILE NO. DAC 9/2003 - PROPOSED CLOSING OF PART OF THE PUBLIC LANE NORTH OF GILMORE AVENUE, EAST OF HENDERSON HIGHWAY NORTH KILDONAN WARD

RECOMMENDATION:

That the Community Committee not approve the proposed closing as illustrated on Schedule "A", Misc. Plan No. 11911/1.

REASON:

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

HISTORY:

In May of 2003, the Planning, Property and Development Department received a request from Patrick Hamilton of Royal Lepage Stevenson Advisors to purchase the portion of the public lane shown as "Proposed Closing" on Schedule "A". Mr. Hamilton's client proposes to incorporate the lane into a planned development of the property to the west at 1665 Henderson Highway.

The subject lane was created by a plan of subdivision in 1954. The lane terminated at this point, and the wider configuration at the terminus was intended to allow for vehicles to turn around. The lane has never been paved or used for traffic, and serves no public purpose.

DISCUSSION:

Administrative Comments

All affected City departments and public utilities have considered the proposal. The Transportation Division of the Public Works Department is opposed to closings that result in "dead-ends". This creates a safety concern, as vehicles are obliged to either trespass on private property to turn around or to back in or out of the dead-end lane. The Transportation Division has advised that it cannot support the lane closure without the provision of a turnaround area as generally illustrated on Schedule "B", Misc. Plan No. 11911.

Manitoba Hydro has advised that there are Hydro, MTS and Shaw Cable facilities in the lane. If this lane is closed and sold it will be necessary to create an easement area to allow continued

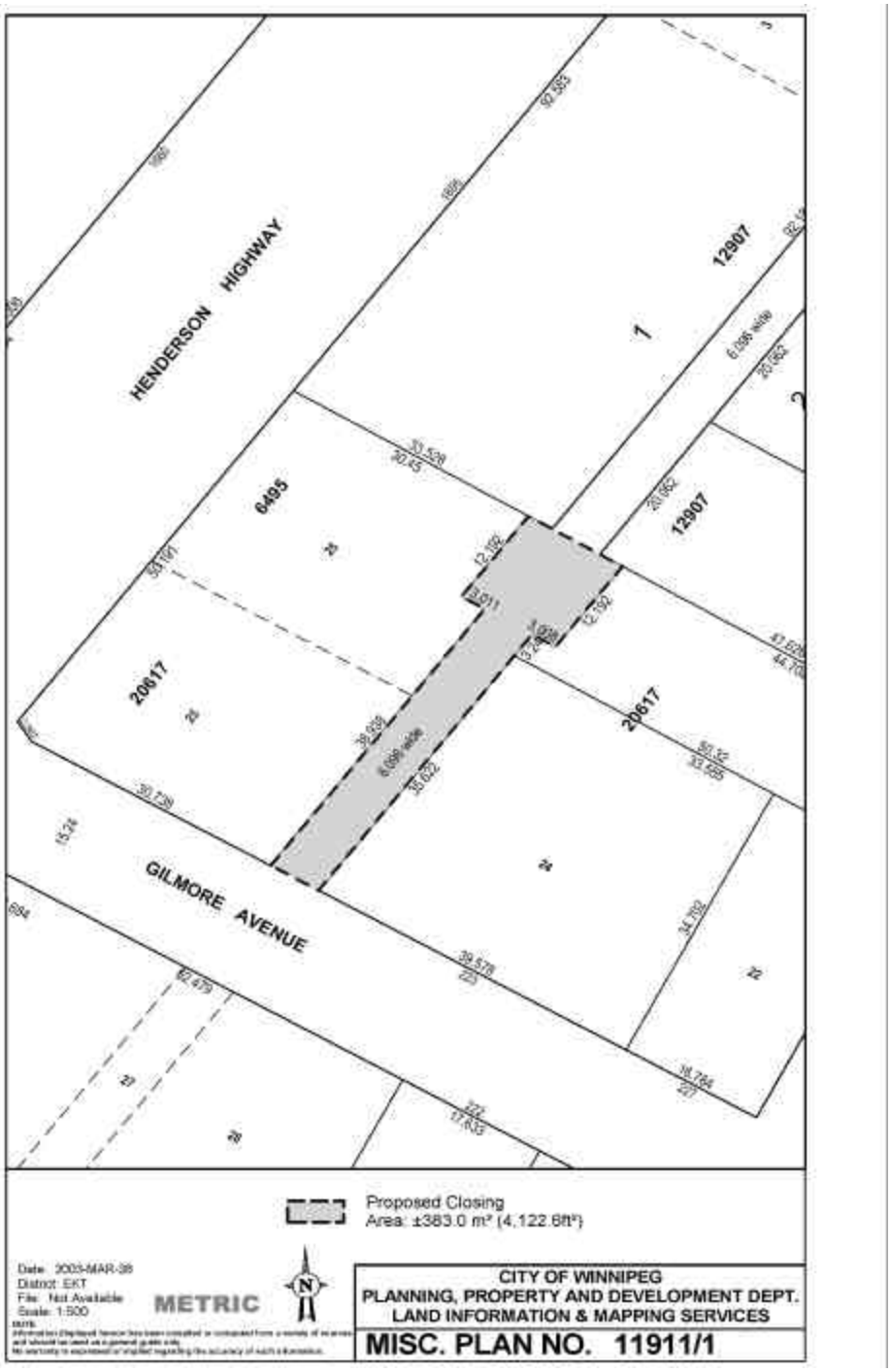
access to these facilities. No structures other than paving or fencing will be allowed in this easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

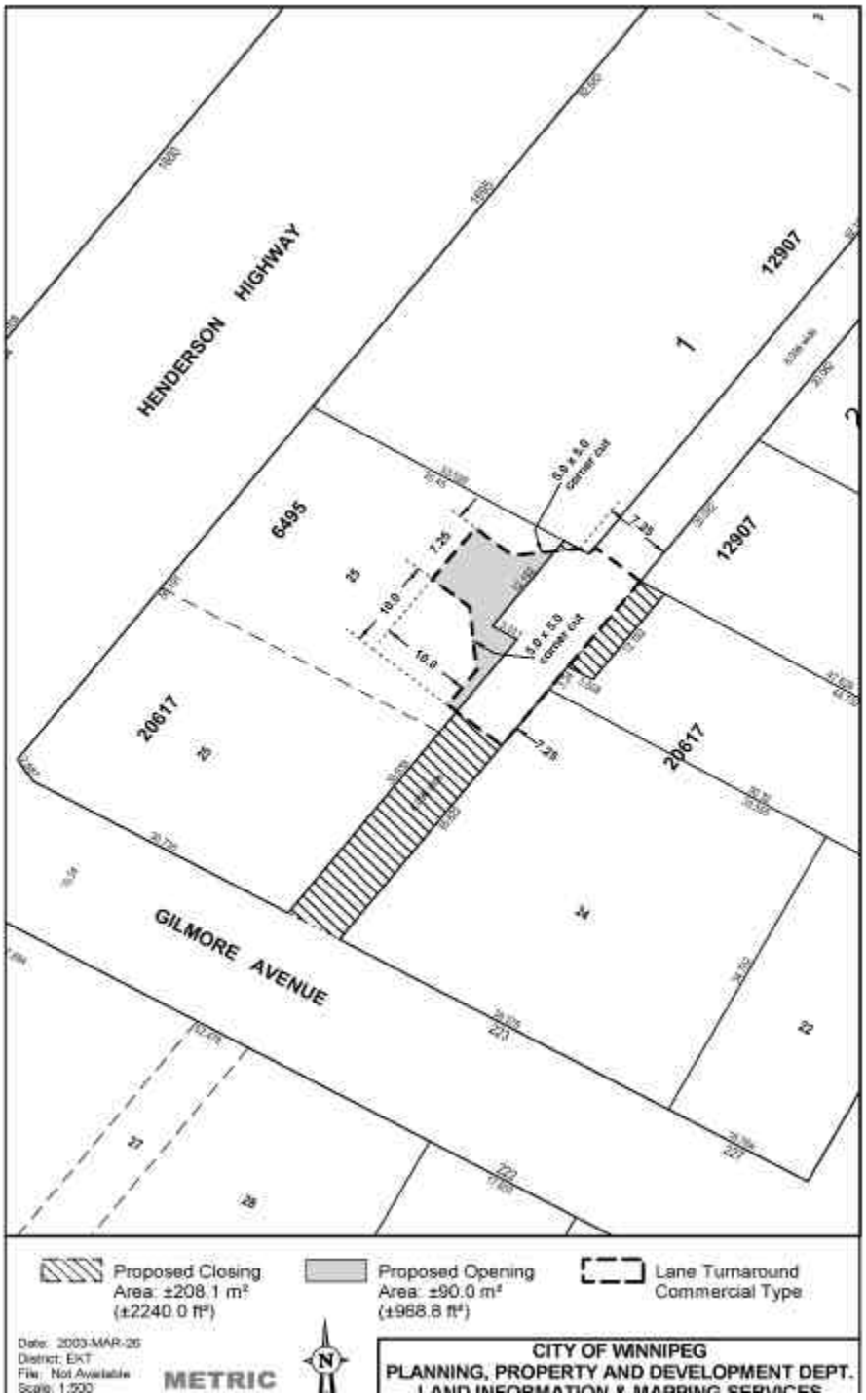
The lane must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

THIS REPORT SUBMITTED BY:

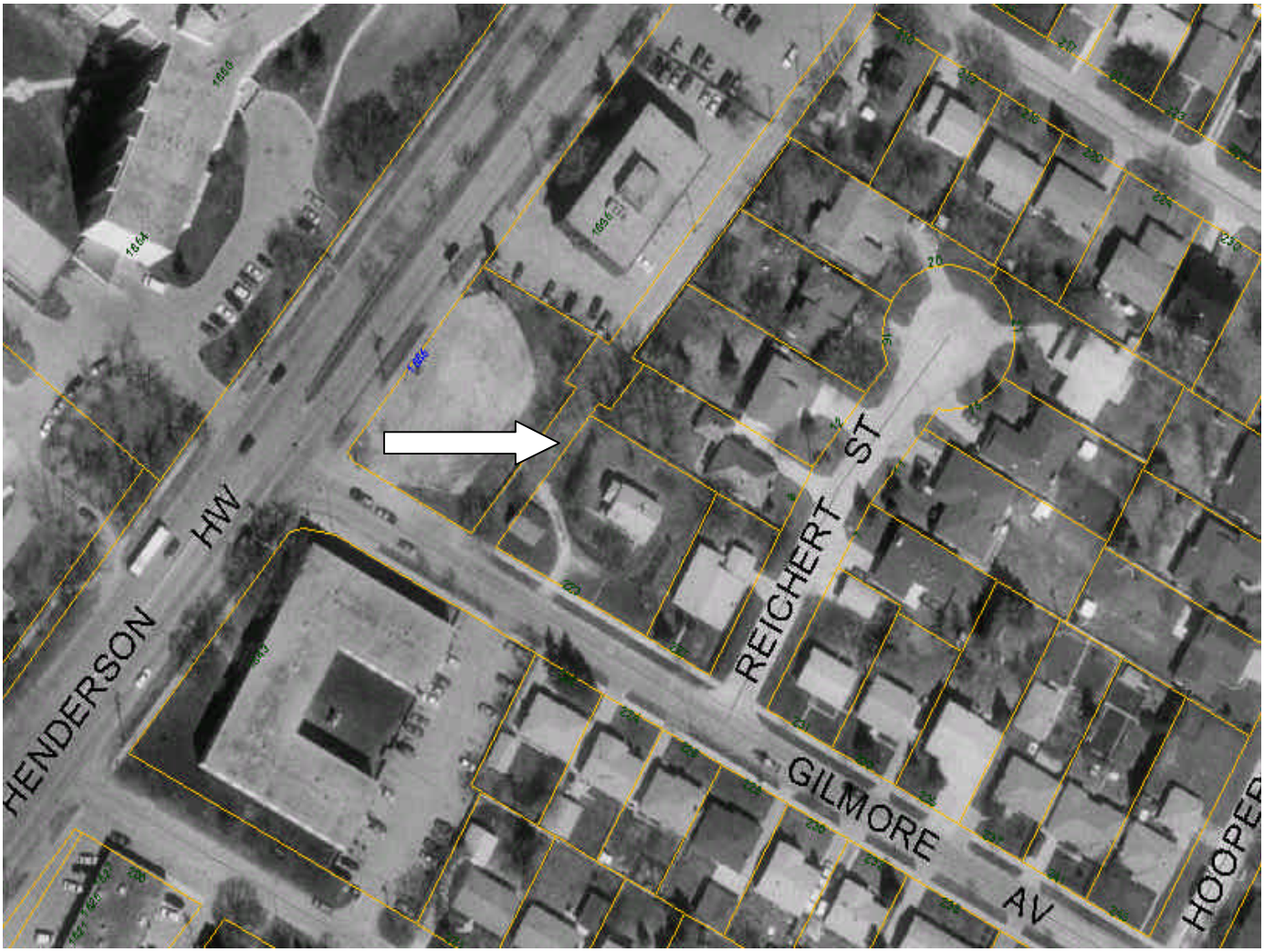
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. DAC 9/03



SCHEDULE "A"
TO THE REPORT TO THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE
FOR FILE DAC 9/2003 DATED JUNE 27, 2003



SCHEDULE "B"
TO THE REPORT TO THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE
FOR FILE DAC 9/2003 DATED JUNE 27, 2003


HENDERSON HWY
REICHERT ST
GILMORE AV
HOOPER