Minute No. 669
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 1 Opening and Closing – Parts of Bull Avenue
File DAOC 2/2003 [c/r DASZ 19/2003]

COUNCIL DECISION:

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

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Schedule "A", Misc. Plan No. 9367/8.

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

Report - Standing Policy Committee on Property and Development - September 30, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2003, the Assiniboia Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2003
Applicant:	Fillmore Riley (Kerri Tymchuk) 1700 - 360 Main Street Winnipeg, MB R3C 3Z3
Premises Affected:	parts of Bull Avenue
Exhibits Filed:	1. Report of the Real Property Officer dated August 15, 2003 2. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Kerri Tymchuk, Fillmore Riley

In Opposition:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Ross Mitchell, Senior Planner, Planning, Property and Development Department

Exhibit "1" for File DAOC 2/2003

August 15, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

RE: FILE NO. DAOC 2/2003 - PROPOSED OPENING AND CLOSING OF PARTS OF BULL AVENUE
SAINT JAMES-BROOKLANDS WARD

RECOMMENDATION:
That the Community Committee approve the proposed opening and closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 9367/8.

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 openings and closings require the consideration of the Community Committee.

HISTORY:
Bull Avenue was created by a subdivision in 1906. The land has never been developed. The street is not paved and serves no apparent public purpose.

In 2001, the Yanke Group of Companies applied to acquire the City property and the streets and lane so identified on the attached Shedule "B" for inclusion into the expansion of its property at 50 Omands Creek Boulevard. The closings were processed under DAC 14/01 and the application was approved by the Lord Selkirk-West Kildonan Community Committee on September 11, 2001. The terms of the sale of the lands were approved by the Standing Policy Committee on Property and Development on January 9, 2003.

The applicant has now acquired lands south of the proposed closing of Bull Avenue, and wishes to purchase the portion of the street adjacent to those lands. The Yanke Group of Companies intends to incorporate these lands into DASZ 19/2003, a application to subdivide and rezone their holdings in the area. The boundaries of the application are shown on Schedule "C".

DISCUSSION:
Administrative Approval

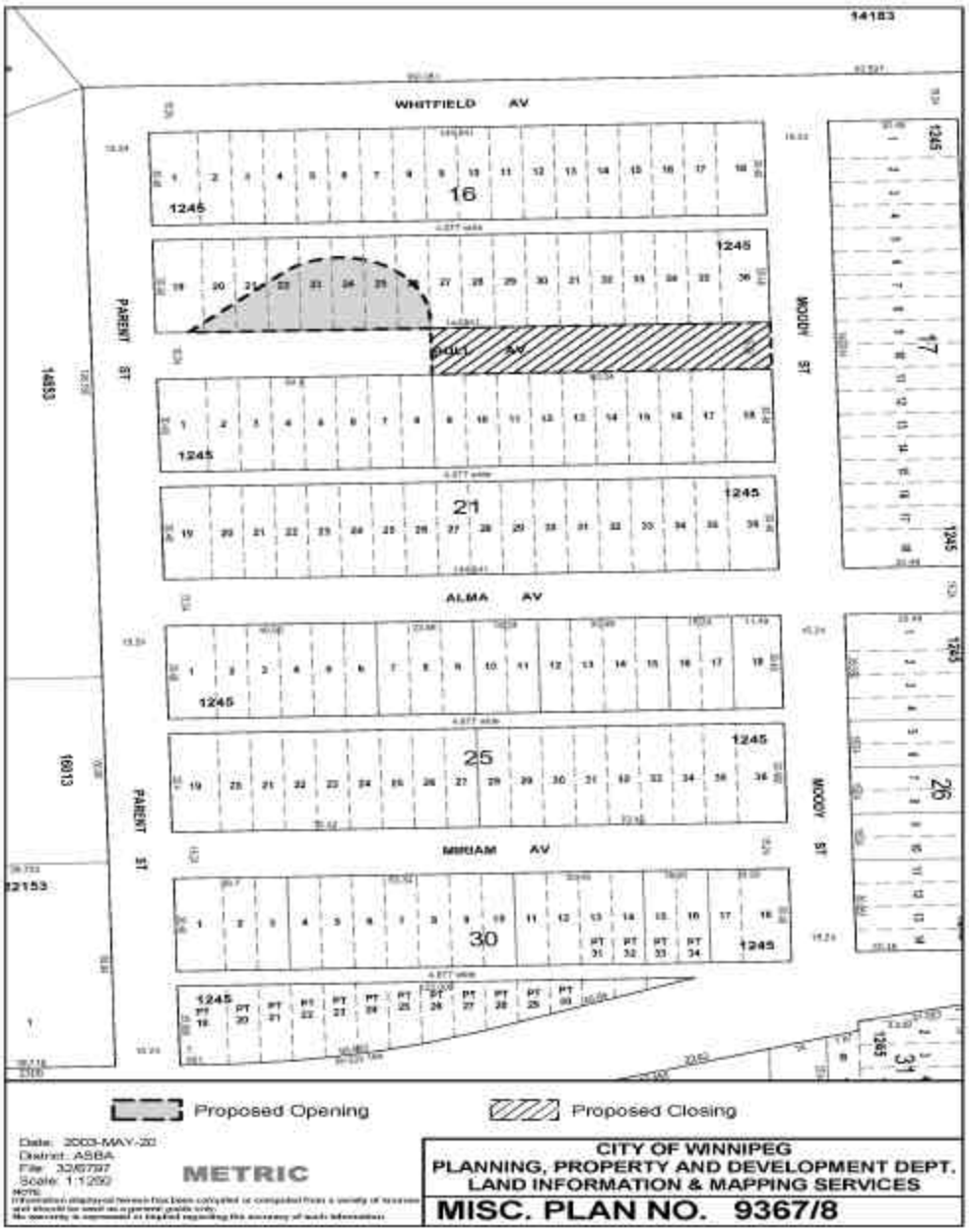
The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

Although there are no roads in the area today, the Transportation Division of the Public Works Department has advised that the applicant will be required to dedicate a portion of its land to allow vehicles to turn around should the area be developed in the future. This turnaround area is identified as "Proposed Opening" on Schedule "A".

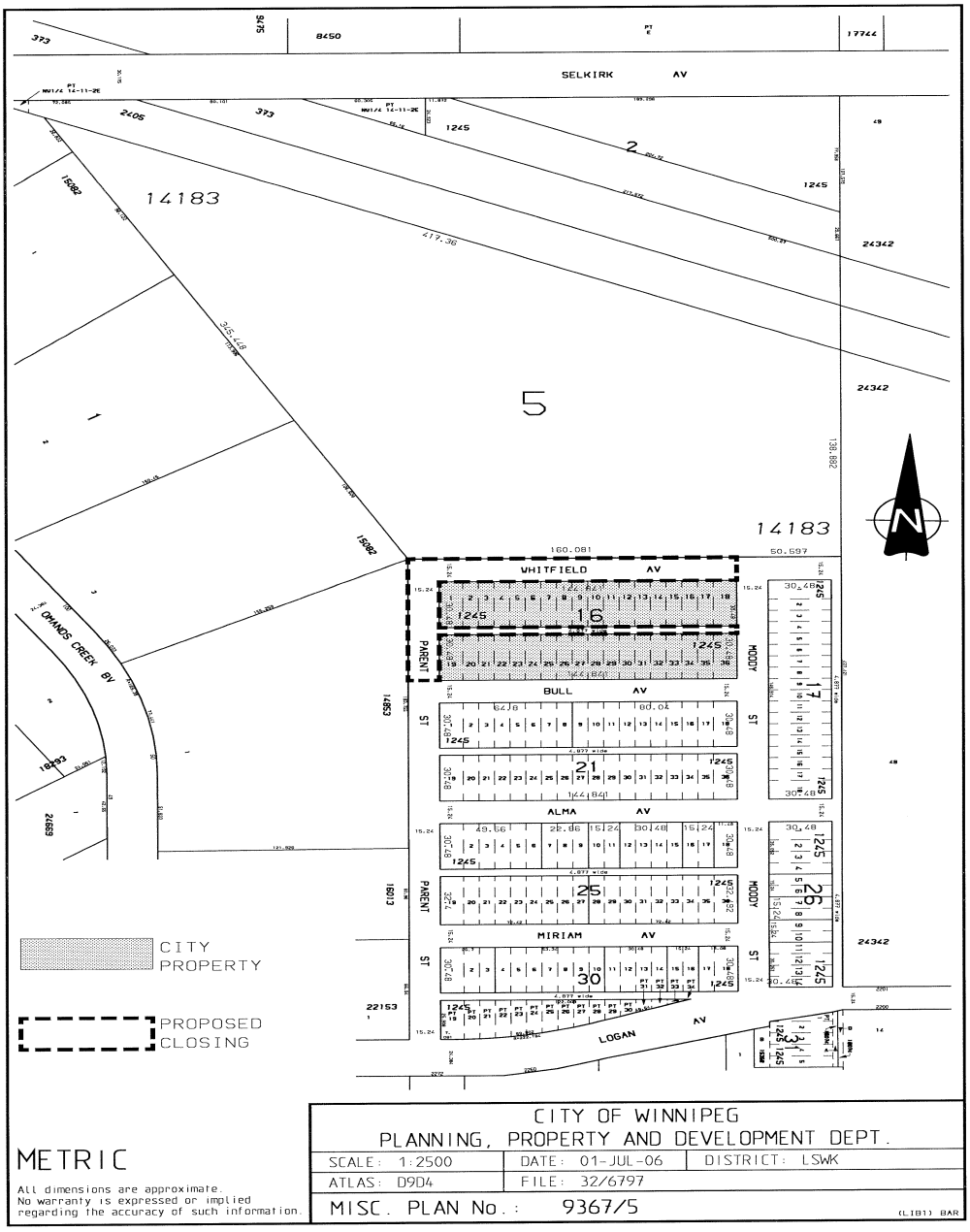
Transfer of Jurisdiction Over Public Rights-of-Way

The street 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.

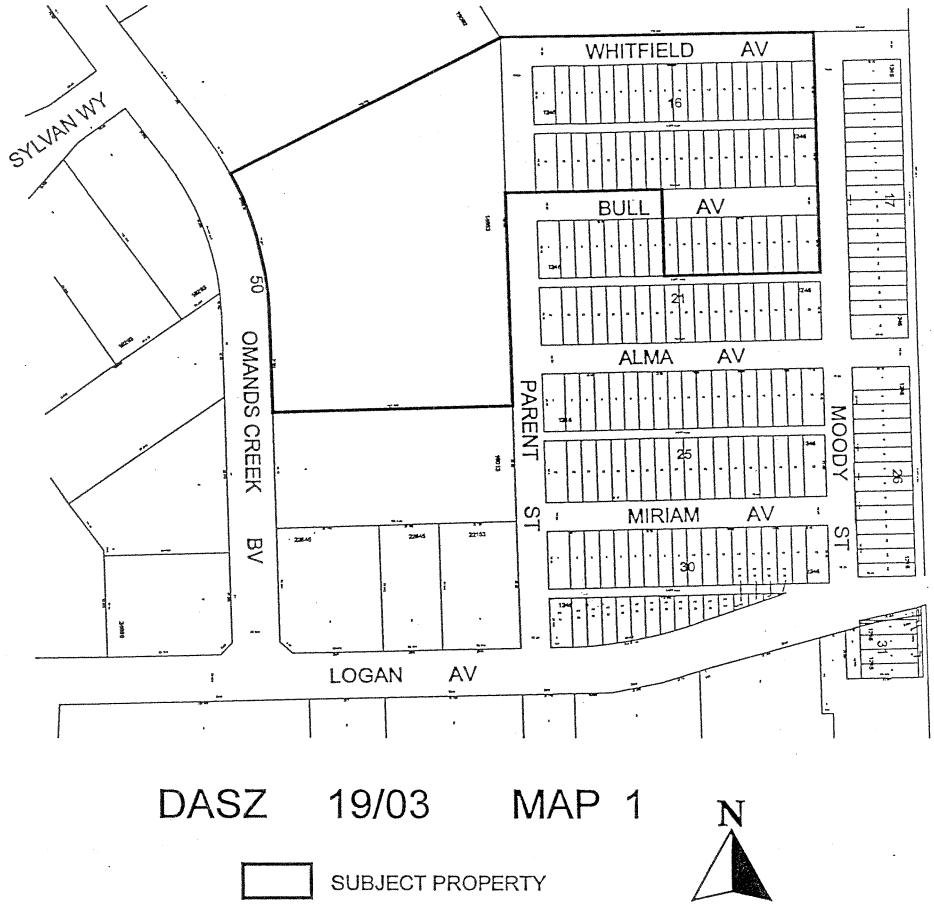
THIS REPORT SUBMITTED BY:
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 32/6797



SCHEDULE "A"
TO THE REPORT TO THE ASSINIBOIA COMMUNITY COMMITTEE
FOR FILE NO. DAOC 2/2003



SCHEDULE "B"
TO THE REPORT TO THE ASSINIBOIA COMMUNITY COMMITTEE
FOR FILE NO. DAOC 2/2003



DASZ 19/03 MAP 1

N

SUBJECT PROPERTY