Minute No. 670
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 2 **Closing - Sherbrook Street between Henry and Higgins Avenue**
File DAC 16/2003

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 closing in accordance with Schedule "A", Misc. Plan No. 11970.

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

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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 RECOMMENATION:

On September 30, 2003, 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 Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, 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 16/2003
Applicant:	Arctic Glacier Inc. (Neil Winther) 625 Henry Avenue Winnipeg, Manitoba R3A 0V1
Subject and Property Affected:	Proposed Closing of Sherbrook Street between Henry and Higgins Avenues, 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 September 5, 2003 2. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Neil Winther, Arctic Glacier Inc.

In Opposition:

Nil

For the City:

Nil

Exhibit "1" for File DAC 16/2003

September 5, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

RE: FILE NO. DAC 16/2003 – PROPOSED CLOSING OF SHERBROOK STREET BETWEEN HENRY AND HIGGINS AVENUES
POINT DOUGLAS 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. 11970.

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 Real Estate Division of the Planning, Property and Development Department has received an offer from Arctic Glacier Inc. to purchase the subject portion of Sherbrook Street. Arctic Glacier has advised that they are expanding their business at 625 Henry Avenue and will require the street for parking purposes for the increased work force. Arctic Glacier is also investigating the possibility of situating part of their new office building on the land.

On September 4, 2003, the Standing Policy Committee on Planning and Development approved the terms of the sale of the street to Arctic Glacier, subject to the passage of the required street closing by-law.

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 had the following comments:

"The Public Works Department has reviewed the above-referenced proposed street closing and has no objections thereto, subject to the applicant entering into a Servicing Agreement to restore the curb and boulevard on Henry Avenue and the boulevard on Higgins Avenue across the closed street right-of-way. Alternatively the applicant could apply for private approach approval to maintain the two street turnouts as private approaches, however the applicant's proposed plans for the property may preclude this.

Should the applicant wish to retain the street turnout to Henry Avenue as a private approach we wish to advise that such an approach would be non-conforming under the Private Approaches By-Law and would require the approval of the Standing Policy Committee on Public Works."

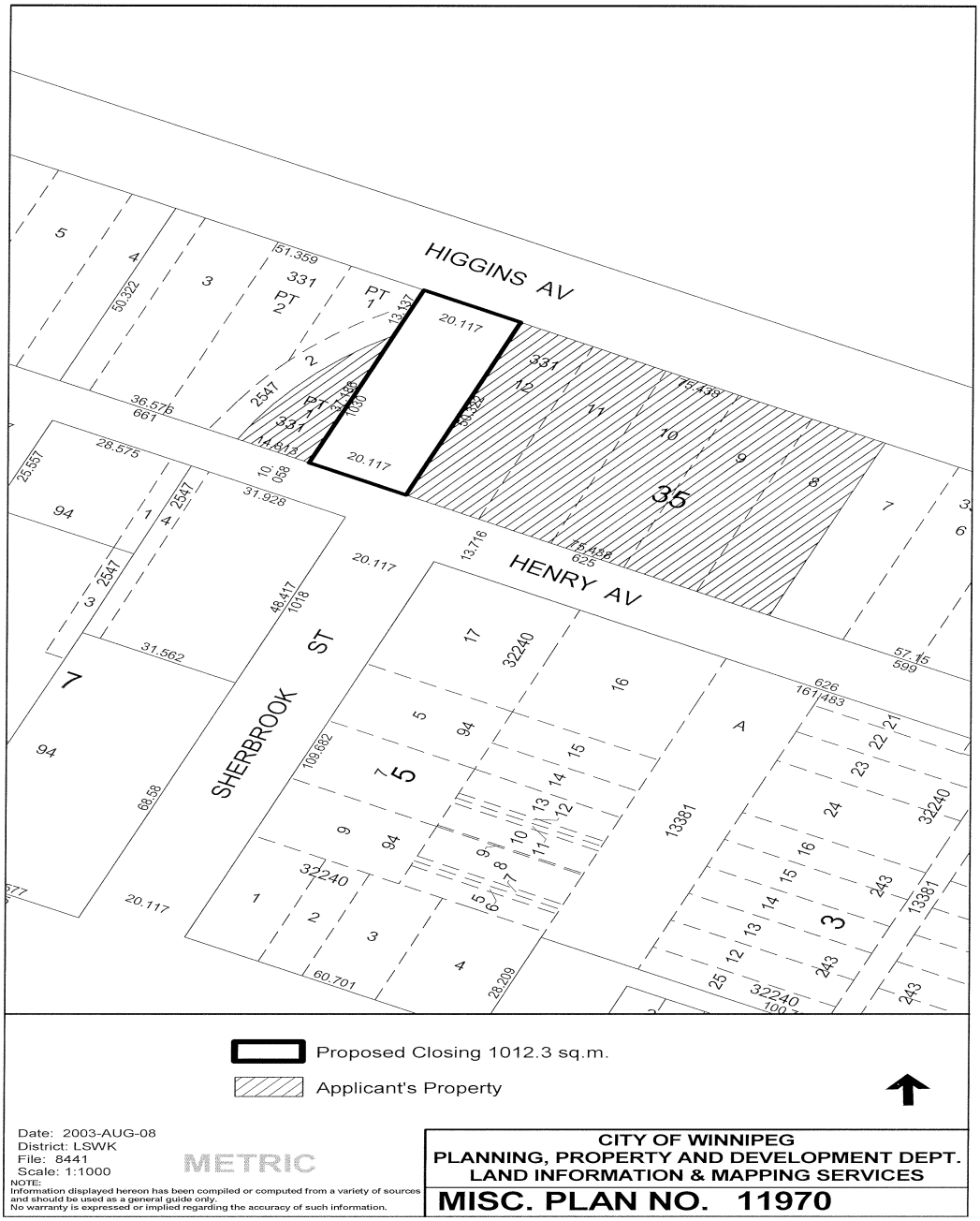
The Zoning Branch of the Planning, Property and Development Department will require the applicant to consolidate the title to the closed street with the title to its holding at 625 Henry Avenue.

The Water and Waste Department maintains a combined sewer which is located in the centre of the street. MTS maintains an overhead line on the east side of the street. Easements will be required for the maintenance of these plants, and no structures other than pavement or fencing will be allowed within the easement areas. These requirements are consistent with the use of the area for parking purposes. If the new office building is to be constructed in the closed street, the MTS line will have to be relocated at Arctic Glacier's expense, and consultation with the Water and Waste Department will be required to ensure that the building will not encroach into the easement area for the combined sewer.

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. 8441


HIGGINS AV
HENRY AV
SHERBROOK ST
Proposed Closing 1012.3 sq.m.
Applicant's Property
Date: 2003-AUG-08
District: LSWK
File: 8441
Scale: 1:1000
METRIC
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. 11970