Agenda - Executive Policy Committee - December 10, 2003

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

Item No. 1 Closing - Parts of Raphael Street
File DAC 23/2003

STANDING COMMITTEE RECOMMENDATION:

On December 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the proposed closing as shown on Schedule "A" for File DAC 23/2003, Misc. Plan No. 9997/17, be approved.

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 Schedule "A", Misc. Plan No. 9997/17

3. 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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Agenda - Executive Policy Committee - December 10, 2003

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

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On December 4, 2003, 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 December 1, 2003, 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 23/2003
Before:	Riel Community Committee Councillor Angus, Chairperson Councillor Vandal
Public Hearing:	December 1, 2003 St. Norbert Community Centre, 3450 Pembina Highway
Applicant:	Land Development Branch, Planning, Property and Development Department
Premises Affected:	Parts of Raphael Street
Exhibits Filed:	1. Report from the Real Property Officer dated November 17, 2003 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

Exhibit "1" referred to in File DAC 23/2003

November 17, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE RIEL COMMUNITY COMMITTEE

RE: FILE NO. DAC 23/2003 - PROPOSED CLOSING OF PARTS OF RAPHAEL STREET
SAINT NORBERT 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. 9997/17.

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:

On December 15, 1999, Council authorized the Director of the former Property and Development Services Department to negotiate for the acquisition of the lands necessary to create a stormwater retention pond plus any other land acquisitions necessary for the Fairfield Park Local Improvement project. On October 30, 2003, the Standing Policy Committee on Property and Development approved the terms of the acquisition of this land.

On October 22, 2003, Council passed By-law 125/2003, a by-law establishing the Fairfield Park Local Improvement District to allow for the Fairfield Park works to proceed as a Local Improvement in 2004 and subsequent years.

The requirement for the subject street closing arises out the realignment of Raphael Street that will be a part of Stage 1 of the development. This realignment will render the portions of the street identified as "Proposed Right-of-Way Closings" on Schedule "A" obsolete.

DISCUSSION:

Administrative Approval

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

Incorporation of the Closed Portions of Raphael Street into Subdivision

The Planning, Property and Development Department has initiated the preparation of a plan of subdivision to facilitate the exchange of certain City lands with the owners' lands, to define the lands required for the retention pond, and to realign Raphael Street.

The closed portions of Raphael Street will be incorporated into the subdivision of lands shown on Schedule "B". Upon registration of the plan of subdivision, the property owners will receive title to Lots 1 and 2, the City will receive title to the Public Reserve for the retention pond, and the lands required for the street realignment will be dedicated as a public right-of-way.

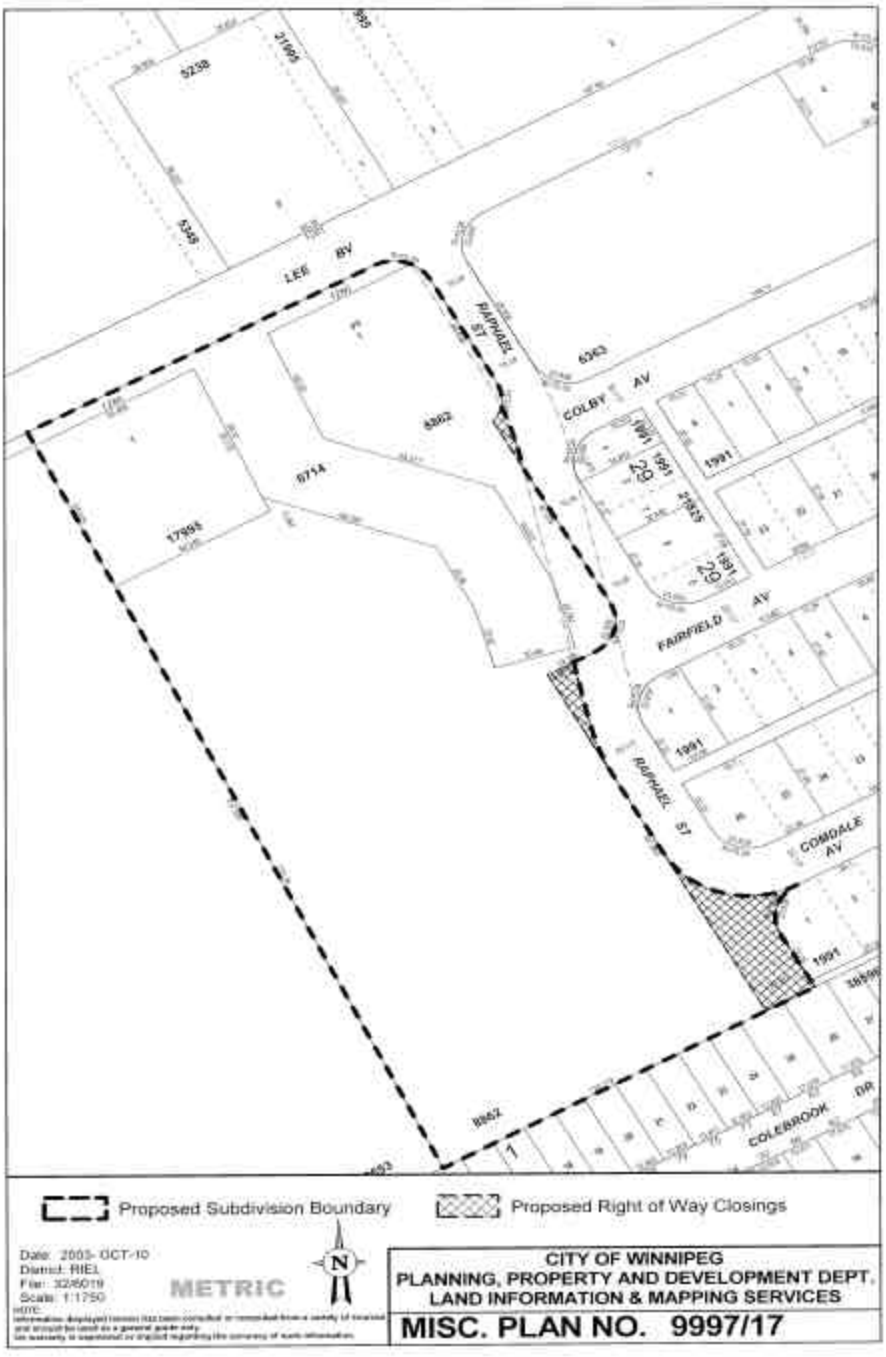
The subdivision will be a "short form" plan of subdivision. This type of subdivision may be processed by the administration without the requirement for approval from Council.
The re-subdivision of Lots 1 and 2 on Schedule "B" is in the planning stage. When decisions regarding the development of the land have been finalized, an application to subdivide and rezone the land will be made.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be incorporated into the subdivision. 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.: 32/6019/A(IV)



.SCHEDULE “A”

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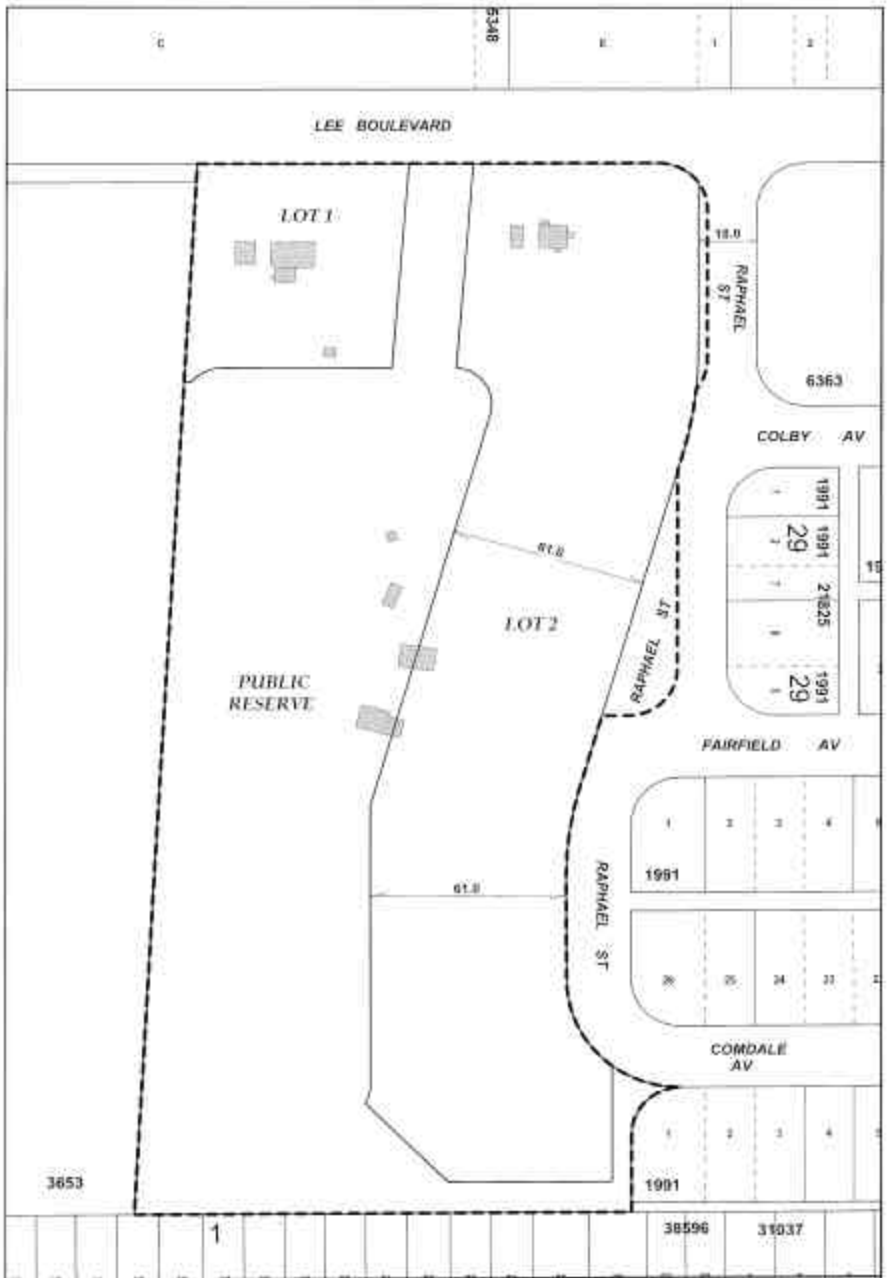
TO THE REPORT TO THE RIEL COMMUNITY COMMITTEE
FOR APPLICATION NO. DAC 23/2003
DATED NOVEMBER 17, 2003



Proposed Subdivision Boundary

Date: 2003- OCT-10
District: RIEL
File: 32/6019 A
Work Order: 20030078
Scale: 1:1500

METRIC

Areas:
Lot 1: ± 4378.7 m² (± 1.082 acres)
Lot 2: ± 21826.9 m² (± 5.394 acres)
Public Reserve: ± 23647.8 m² (± 5.844 acres)

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 9997/18