**Minute No. 33**
**Report - Standing Policy Committee on Property and Development - October 28, 2003**

**Item No. 1 Closing - Public Lane at the rear of 1719 Portage Avenue**
**File DAC 17/2003**

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. ASBA 9171.

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 - October 28, 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 November 19, 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 October 28, 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 October 14, 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: | DAC 17/2003 |
| Applicant: | Lawrence Maksymetz |
| Premises Affected: | public lane at the rear of 1719 Portage Avenue |
| Exhibits Filed: | 1. Report of the Real Property Officer dated September 10, 2003<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Lawrence Maksymetz

In Opposition:

Nil

September 10, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

**RE: FILE NO. DAC 17/2003 – PROPOSED CLOSING OF THE PUBLIC LANE AT THE REAR OF 1719 PORTAGE AVENUE SAINT JAMES – BROOKLANDS 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. ASBA 9171.

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 subject lane was created by two plans of subdivision between 1906 and 1944. The lane is contained within the parking lot at the rear of the Saint James Hotel at 1719 Portage Avenue and serves no public purpose.

The Saint James Hotel has enquired about purchasing the lane.

**DISCUSSION:**
Transfer of Jurisdiction Over Public Rights-of-Way

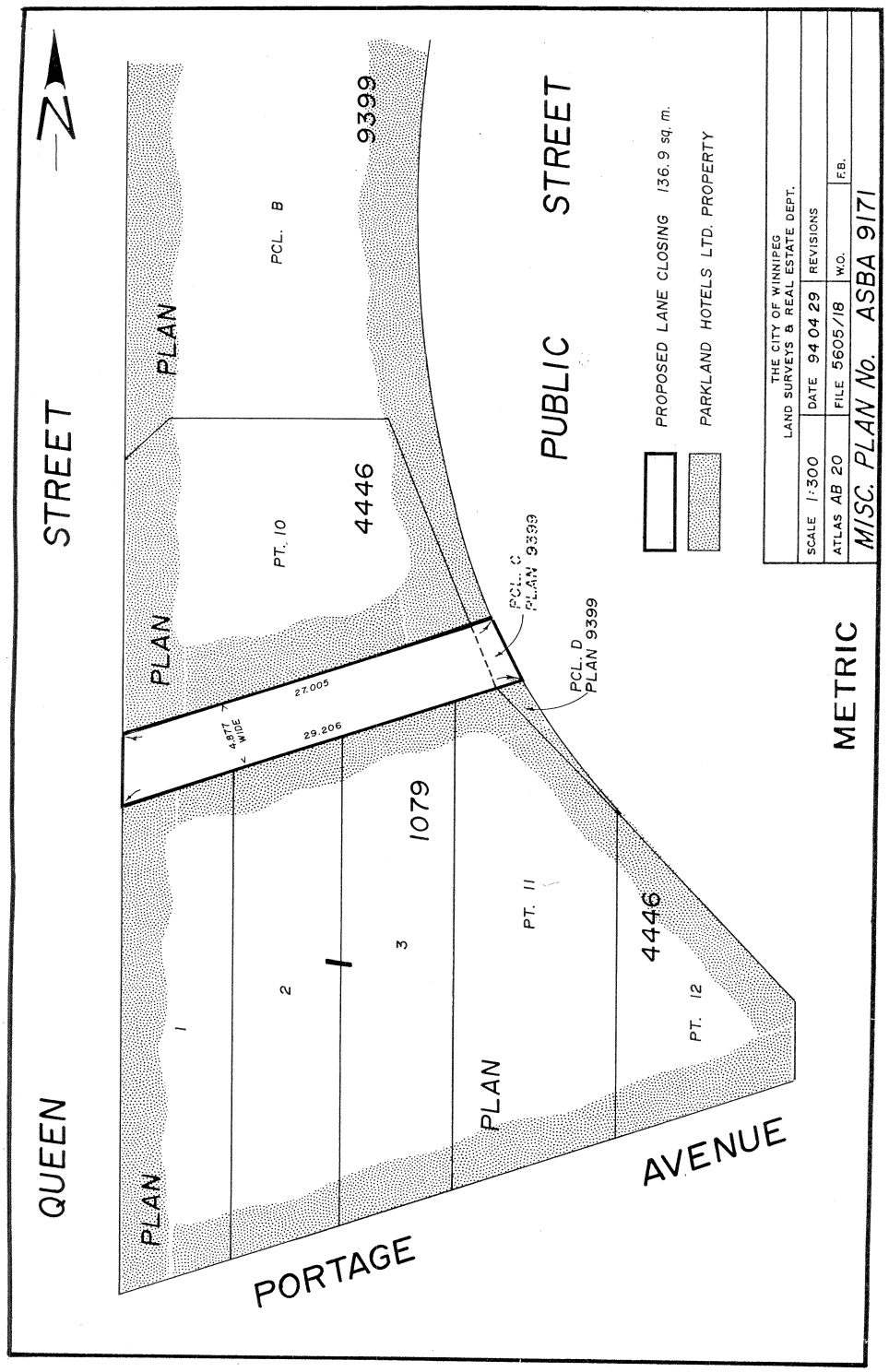
The lane must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property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

Administrative Approval

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

The Public Works Department has advised that Private Approach approval will be necessary if the applicant intends to maintain the lane turn-out as a private approach; if not the applicant should be responsible for the removal of the lane turn-out and the restoration of the curb, boulevard and/or sidewalk.

**THIS REPORT SUBMITTED BY:**
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 5605/18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29.206
1079
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PT. 11
4446
PT. 12
PLAN
PORTAGE AVENUE
METRIC
PROPOSED LANE CLOSING 136.9 sq. m.
PARKLAND HOTELS LTD. PROPERTY
THE CITY OF WINNIPEG
LAND SURVEYS & REAL ESTATE DEPT.
SCALE 1:300
DATE 94 04 29
REVISIONS
ATLAS AB 20
FILE 5605/18
W.O.
F.B.
MISC. PLAN No. ASBA 9171