Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Property and Development - January 16, 2004

Item No. 3 Closing - part of Wankling Bay
File DAC 25/2003 [c/r DASZ 29/2003]

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the proposed closing as shown on Misc. Plan No. 12078/1 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 Misc. Plan No. 12078/1.

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

Report - Standing Policy Committee on Property and Development - January 16, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, 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 January 16, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 9, 2003, the City Centre 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 25/2003[c/r DASZ 29/2003 and DAV 331374/2003D]
Applicant:	Greg Jasper, Genstar Development Company
Premises Affected:	part of Wankling Bay
Exhibits Filed:	1. Report from the Real Property Officer dated November 25, 2003 2. Inspection Report

REPRESENTATIONS:

In Support:

Bill Coady
John Daniels, Qualico Developments
Greg Jasper
Jerry Klein, Genstar Development Company
Verne Reimer, GBR Architects
Kevin Van
Jim Venw
Frank Wade

In Opposition:

Nil

For the City:

Ross Mitchell, Senior Planner, Planning, Property and Development Department
E.L. Carrière, Land Development Engineer, Planning, Property and Development Department

November 25, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE CITY CENTRE COMMUNITY COMMITTEE

RE: FILE NO. DAC 25/2003 - PROPOSED CLOSING OF PART OF WANKLING BAY FOR INCORPORATION INTO DASZ 29/2003 RIVER HEIGHTS-FORT GARRY 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. 12078/1.

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:
Wankling Bay was created in 1986 under DASZ 6/81B, a subdivision of the lands at the north east corner of Kenaston and McGillivray Boulevards. The street was never constructed, and various portions of the right-of-way have been closed and incorporated into other subdivisions over the years.

The Planning, Property and Development Department has received a request from the Genstar Development Company to incorporate the portion of Wankling Bay so identified on the attached Schedule "A" into DASZ 29/03, an application to subdivide and rezone the adjacent lands.

DISCUSSION:
Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing. Any servicing and/or easement requirements have been addressed through the application to subdivide and rezone.

The Transportation Division of the Public Works Department requires the easterly 45 metres of the street to remain open to provide traffic noise attenuation consistent with the widening already in place along the north side of McGillivray Boulevard to the east of Lindenwood Drive West.

The Transportation Division has advised that a condition of its approval of the closing of the balance of Wankling Bay is that the minimum yard requirements for the proposed "RM-4" development, abutting McGillivray Boulevard, be increased by the width of the Wankling Boulevard right-of-way proposed to be closed. Again, this is necessary to provide traffic noise attenuation for the development proposed for the "RM-4" site.

Transfer of the Street for $1.00

The area of the streets being created by the subdivision exceeds the area of Wankling Bay to be closed. In accordance with City policy, the closed street will be transferred to the applicant for the nominal sum of $1.00.

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. DAC 25/2003

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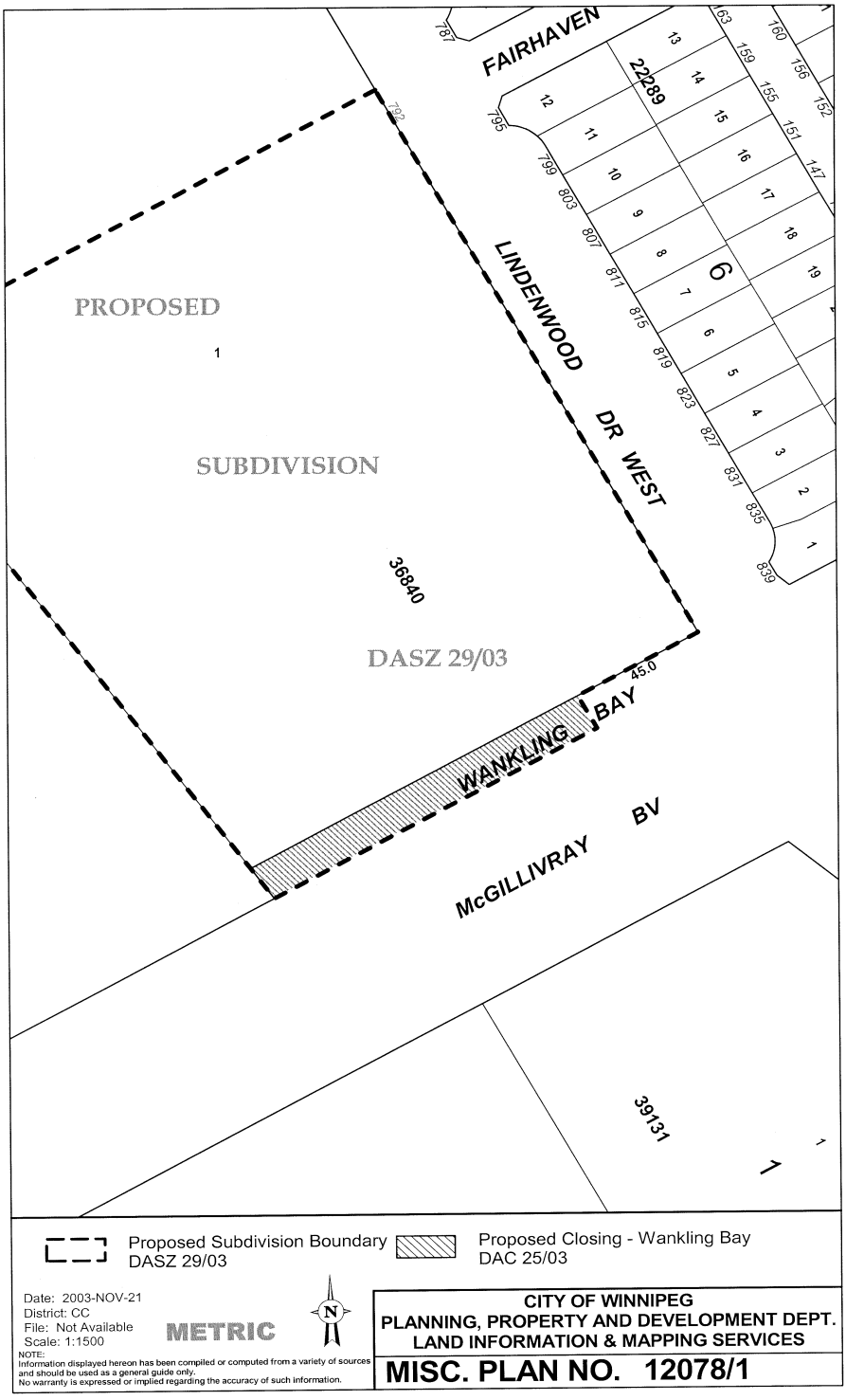
FAIRHAVEN
22289
LINDENWOOD DR WEST
PROPOSED
1
SUBDIVISION
DASZ 29/03
36840
WANKLING BAY
45.0
McGILLIVRAY BV
39131
1
Proposed Subdivision Boundary
DASZ 29/03
Proposed Closing - Wankling Bay
DAC 25/03
Date: 2003-NOV-21
District: CC
File: Not Available
Scale: 1:1500
METRIC
NOTE:
Information displayed hereon 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. 12078/1