Agenda - Executive Policy Committee - May 12, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 3 Closing of the Public Lane west of Day Street, north of Larche Avenue West
File DAC 2/2004

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the proposed lane closing as shown on Misc. Plan No. 12168 be approved and that the land be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 12168, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

Agenda - Executive Policy Committee - May 12, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 16, 2004, the East Kildonan-Transcona 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 2/004
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	March 16, 2004 Community Committee Chamber, 755 Henderson Highway
Applicant:	Global Homes Ltd.
Premises Affected:	Public Lane West of Day Street, North of Larche Avenue West
Exhibits Filed:	1. Report from the Real Property Officer dated February 24, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Bernhard Goertzen

In Opposition:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2004

Re: DAC 2/2004 – PROPOSED CLOSING OF THE PUBLIC LANE WEST OF DAY STREET, NORTH OF LARCHE AVENUE WEST

For submission to: The East Kildonan/Transcona Community Committee

Report date: February 24, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12168 be approved and that the land be declared surplus to the City's needs.

2. That **the City Solicitor/Manager of Legal Services** be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 12168, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

REPORT SUMMARY

Key Issues:

The subject lane serves no apparent public purpose.
The Applicant intends to purchase the lane and incorporate it into a proposed subdivision of the adjacent lands.

Implications of the Recommendation(s):

General implications:

X	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

Policy implications:

X	**No**
	Yes

Comment(s):

Environmental implications:

[X] **No**
[ ] **Yes**

Comment(s):

Human resources implications:

[X] **No**
[ ] **Yes**

Comment(s):

Financial implications:

[ ] Within approved current and/or capital budget
[ ] Current and/or capital budget adjustment required

Comment(s):
All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

The lane closing requires a by-law pursuant to Section 139 of the City of Winnipeg Charter.

HISTORY:

The subject lane was created in 1912 by the original subdivision of lands in the area. The lane has never been paved and serves no apparent public purpose.
The Planning, Property and Development Department has received a request from Global Homes Ltd. to purchase the lane. Global Homes intends to incorporate the lane into a subdivision of the adjoining lands, the boundaries of which subdivision are shown on Misc. Plan No. 12168.

DISCUSSION:

Administrative Approval

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

There is a concrete approach to the lane from Larche. Public Works has advised that, should the applicant wish to retain this approach, private approach approval will be required. If the applicant does not wish to retain the approach, he will be responsible for its removal and for the restoration of the curb and boulevard as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro has advised that it maintains an overhead pole line in the lane. An easement area will be required for the maintenance of this pole line. No improvements other than paving or fencing will be allowed in the easement area.

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.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division, Traffic Signals
Water and Waste Department – Engineering Division
Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 2/2004

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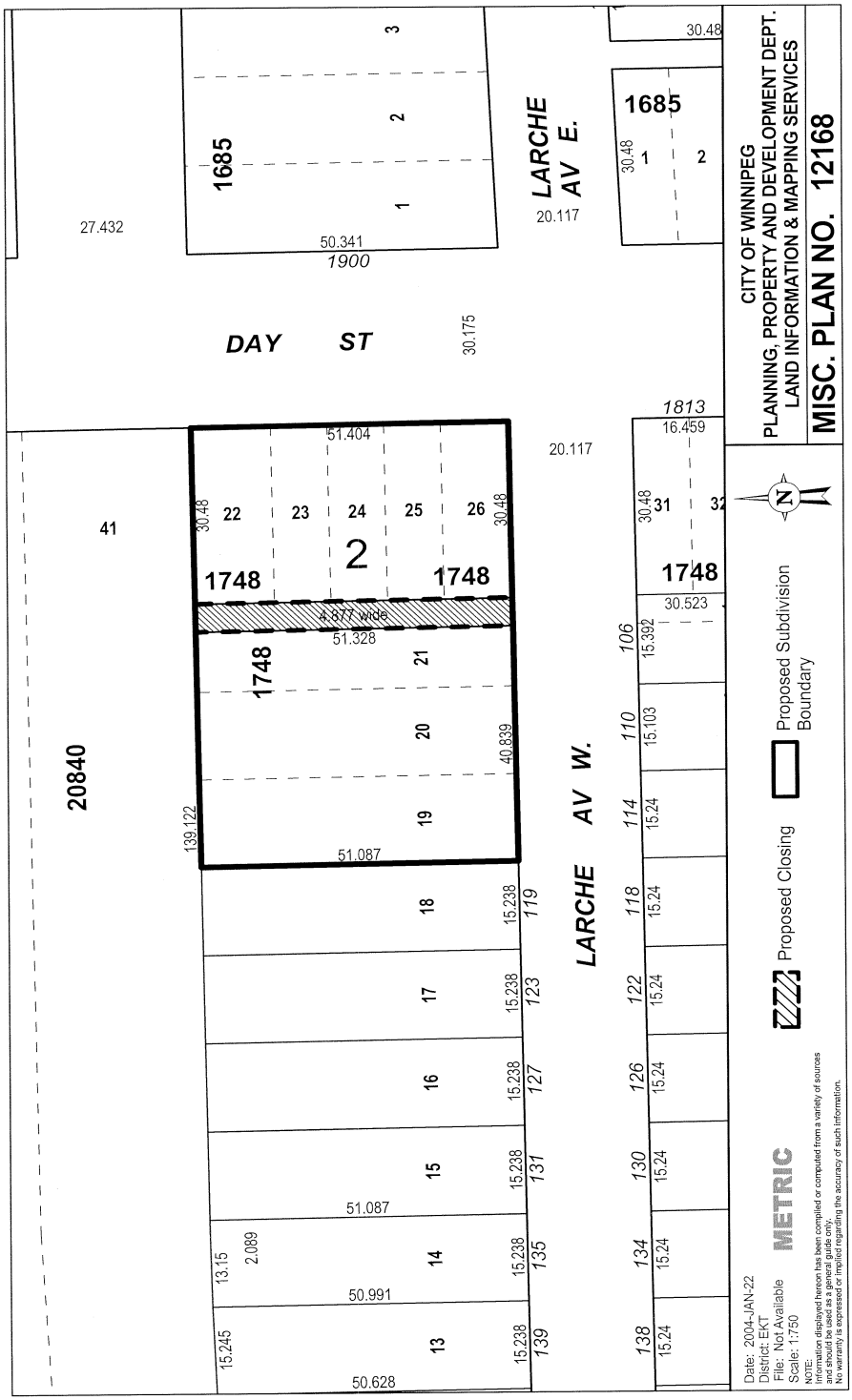
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12168
DAY ST
LARCHE AV E.
LARCHE AV W.
1685
1748
1900
1813
20840
4.877 wide
Proposed Closing
Proposed Subdivision Boundary
METRIC
Date: 2004-JAN-22
District: EKT
File: Not Available
Scale: 1:750
NOTE:
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No warranty is expressed or implied regarding the accuracy of such information.