Minute No. 388
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 7 **Closing - Public Road south of Jefferson Avenue, east of Keewatin Street**
File DAC 1/2004 [c/r DASZ 38/2003]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the proposed road closing as outlined on Misc. Plan No. 12161 be approved and the land 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 closing in accordance with Misc. Plan No. 12161, 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.

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DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, 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 the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, 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 1/2004 [c/r DASZ 38/2003]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	April 20, 2004 Council Chamber, Council Building 510 Main Street
Applicant:	UMA Engineering Ltd. (Don Hester)
Premises Affected:	Public Road south of Jefferson Avenue, east of Keewatin Street
Exhibits Filed:	1. Report from the Real Property Officer dated March 29, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Andrew Baidwan
Kuldip Bhullar
Pardeep Bhullar
Don Hester, UMA Engineering Ltd.
Andrew Hretzay, on behalf of Anson Development
Douglas Kalcsics, on behalf of Santa Fe Developments

In Opposition:

Joan Hayter-Smith

For Information:

Kevin Lamoureux

For the City:

Nil

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

Re: DAC 1/2004 – PROPOSED CLOSING OF THE PUBLIC ROAD SOUTH OF JEFFERSON AVENUE, EAST OF KEEWATIN STREET FOR INCLUSION INTO FILE DASZ 38/2003

For submission to: The Lord Selkirk-West Kildonan Community Committee

Report date: March 29, 2004

Recommendations:

1. That the proposed road closing as shown on Misc. Plan No. 12161 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 closing in accordance with Misc. Plan No. 12161, 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. hat the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REPORT SUMMARY

Key Issues:

An application has been received to acquire the road for incorporation into DASZ 38/2003, a proposed subdivision and rezoning of the adjacent lands.
The road does not physically exist, and serves no apparent public purpose.

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:

All street and lane closings require the consideration of the Community Committee.

HISTORY:
The public road proposed to be closed was dedicated in 1891. The road does not physically exist, and serves no apparent public purpose.
UMA Engineering has submitted an application to acquire the road. Their client intends to incorporate the closed right of way into DASZ 38/2003, an application to subdivide and rezone the adjoining 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.

Easements

Manitoba Hydro maintains underground distribution in the road. An easement will be required for the maintenance of this plant. No improvements other than paving or fencing will be allowed in the easement area.

Transfer of Road for $1.00, Transfer of Road in Stages

The area of the streets being created in the subdivision exceeds the area of the road to be closed. In accordance with City policy, the road will be transferred to the Developer for $1.00. The City of Winnipeg will retain title to the closed road and transfer the portions required as the individual stages of DASZ 38/2003 are developed.

Transfer of Jurisdiction Over Public Rights-of-Way

The road must be legally closed before it may be conveyed. 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.

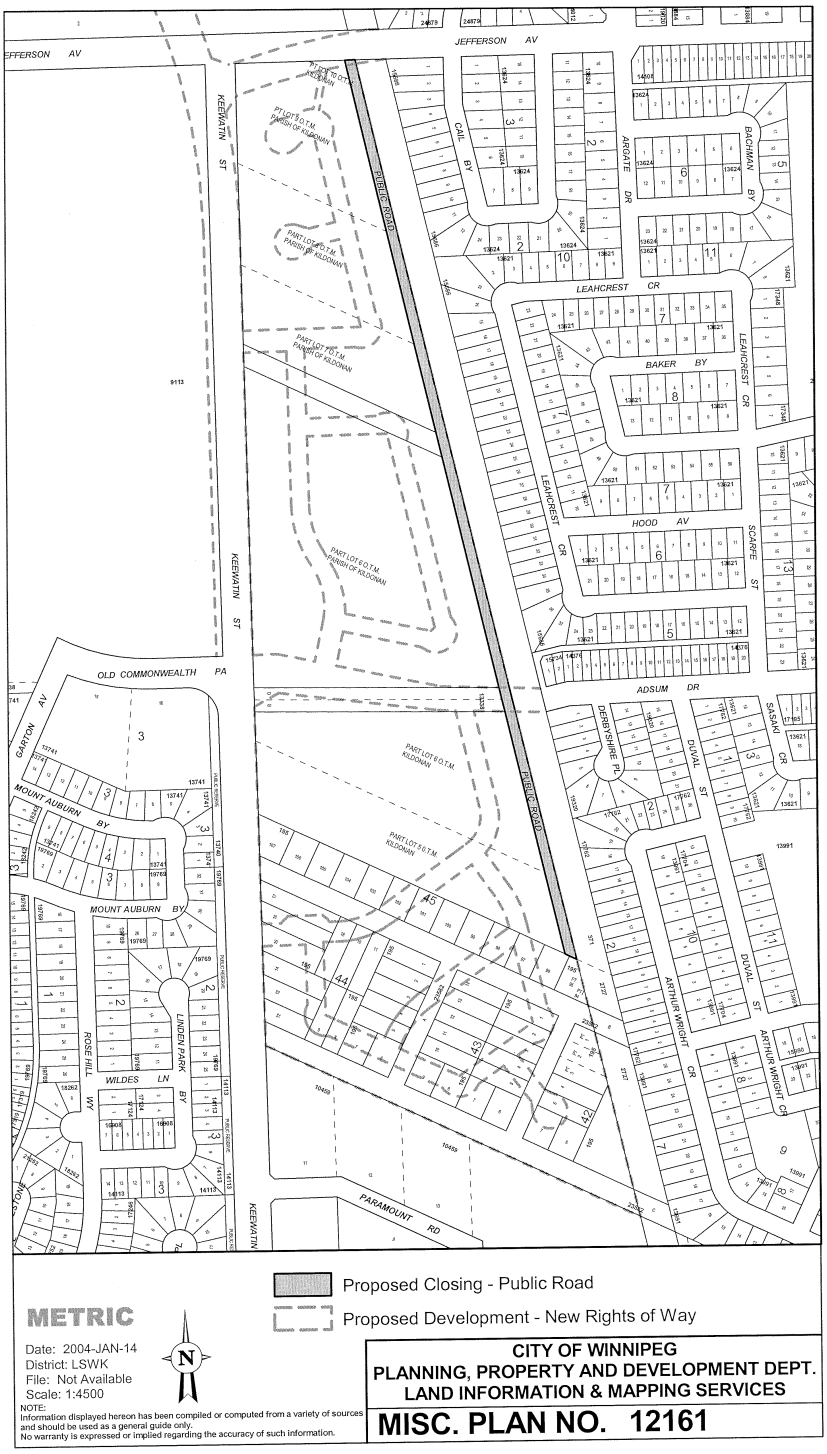
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

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 #: 7061

Document name: V:\word\DAOC\dac1_04RPT.doc


JEFFERSON AV
KEEWATIN ST
PT LOT 6 O.T.M. PARISH OF KILDONAN
PART LOT 6 O.T.M. PARISH OF KILDONAN
SUBJECT ROAD
CAIL BY
ARGATE DR
BACHMAN BY
LEAHCREST CR
BAKER BY
HOOD AV
SCARTH ST
ADSUM DR
DERBYSHIRE PL
DUVAL ST
SASKATCHEWAN CR
ARTHUR WRIGHT CR
OLD COMMONWEALTH PA
GARTON AV
MOUNT AUBURN BY
ROSE HILL WY
WILDES LN
LINDEN PARK BY
PARAMOUNT RD
Proposed Closing - Public Road
Proposed Development - New Rights of Way
METRIC
Date: 2004-JAN-14
District: LSWK
File: Not Available
Scale: 1:4500
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12161