Minute No. 474
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 4 **Closing - Parts of Cleveland Street adjacent to 2401 Inkster Boulevard**
File DAC 13/2003 [c/r DAOC 4/2003]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the street closing under File DAC 13/2003 not be proceeded with.

Report - Standing Policy Committee on Property and Development - June 8, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

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 May 18, 2004, the Lord Selkirk-West Kildonan Community Committee did not concur in the administrative recommendation and recommended that the proposed closing under File DAC 13/2003 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DAC 13/2003 [c/r DAOC 4/2003]

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan
Councillor O'Shaughnessy

Public Hearing: May 18, 2004
Council Chamber, Council Building
510 Main Street

Adjourned From: March 23, 2004
January 20, 2004
November 13, 2003
West Committee Room, Council Building
510 Main Street
September 16, 2003
July 22, 2003
Community Committee Chamber
1760 Main Street

Applicant: William Stolar

Premises Affected: Parts of Cleveland Avenue adjacent to 2401 Inkster Boulevard

Exhibits Filed:

1. Report from the Real Property Officer dated July 9, 2003
2. Inspection Report
3. Communication from Rocky Neufeld, Stevenson Advisors received on July 16, 2003, on behalf of Marge Danylchuk, with respect to the application
4. Communication from Rocky Neufeld, Stevenson Advisors, on behalf of Marge Danylchuk, dated November 10, 2003, with respect to the application
5. Communication from Aikins, MacAulay & Thorvaldson, Barristers and Solicitors, on behalf of Precision Metal Craft Inc., dated November 13, 2003, with respect to the application
6. Communication from William Stolar dated March 16, 2004 requesting an adjournment of the public hearing to May 18, 2004
7. Revised report from the Real Property Officer dated March 26, 2004

REPRESENTATIONS:

In Support:

Alfredo Santos, Al-San Underground Ltd.
Mario Santos, on behalf of Alfredo Santos
William Stolar

In Opposition:

Kingsley Bowles
C.L. Chappell, Aikins, MacAulay & Thorvaldson, on behalf of Precision Metal Craft Inc.
Matt Kaufmann
Rocky Neufeld, Stevenson Advisors, on behalf of Marge Danylchuk and Fort Garry Industries

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "7" referred to in File DAC 13/2003

Re: FILE NO. DAC 13/2003 - PROPOSED CLOSING OF CLEVELAND AVENUE ADJACENT TO NO. 2401 INKSTER BOULEVARD

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

Report date: March 26, 2004

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 11932 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. 11932, 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:

This closing is contingent on DAOC 4/2003, an application to purchase portions of Mobile Street, Wolf Avenue, and the balance of Cleveland Street. The City administration will not be able to process DAC 13/2003 if the applicant for DAOC 4/2003 decides not to purchase the balance of Cleveland Street.

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 Planning, Property and Development Department has received an application from Mr. William Stolar, the owner of No. 2401 Inkster, to purchase the portion of Cleveland Street adjacent to his property.
Cleveland Street between Inkster Boulevard and Wolf Avenue was created in 1907. The street serves as access to No. 2401 Inkster. The balance of the street is unimproved and serves no public purpose.

DISCUSSION:

Administrative Approval

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

This application is contingent on Application No. DAOC 4/2003, an application by Mr. Alfredo Santos of Al-San Underground Ltd. to purchase portions of Mobile Street, Wolf Avenue, and the balance of Cleveland Street, as illustrated on the attached Misc. Plan No. 11917/2. If either application is rejected, or if either applicant decides not to proceed with the purchase of the property, the authority given by this Committee will be exercised differently.

For example, Mr. Santos will be required to dedicate land for the turnaround at the south end of the proposed closing of Cleveland Street shown as "Proposed Openings" on the attached Misc. Plan No. 11917/1 if Mr. Stolar does not acquire the balance of the street. Conversely, if Mr. Santos does not acquire the portion of Cleveland Street, the ramifications of closing the lesser portion of Cleveland will have to be reviewed, and Mr. Stolar's application may not proceed.

Easements

Manitoba Hydro has advised that there are Hydro, MTS, and Shaw Cable facilities in the portion of the street proposed to be closed. An easement area or areas will be required for the maintenance of these facilities. No improvements other than paving or fencing will be allowed in these easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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.

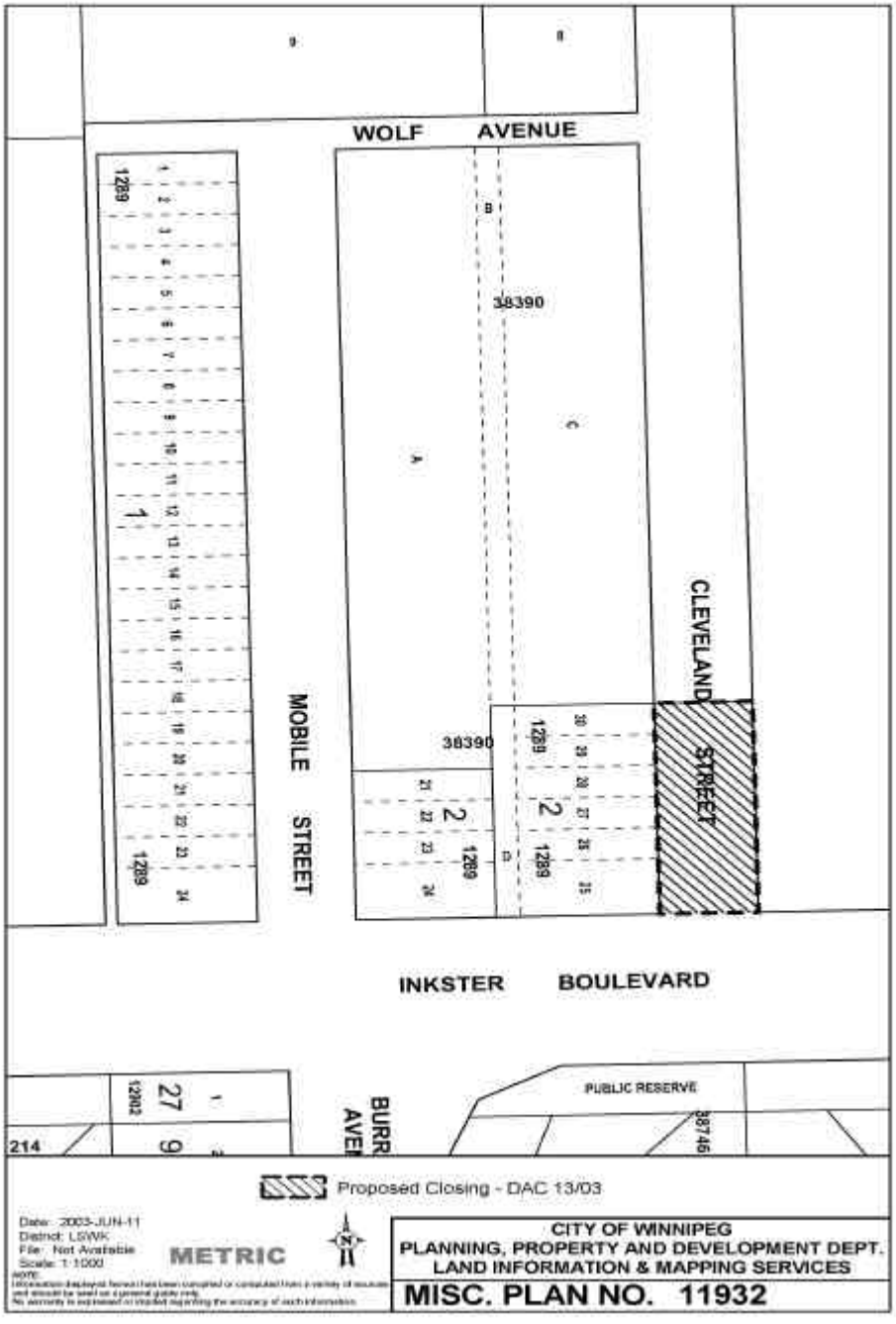
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

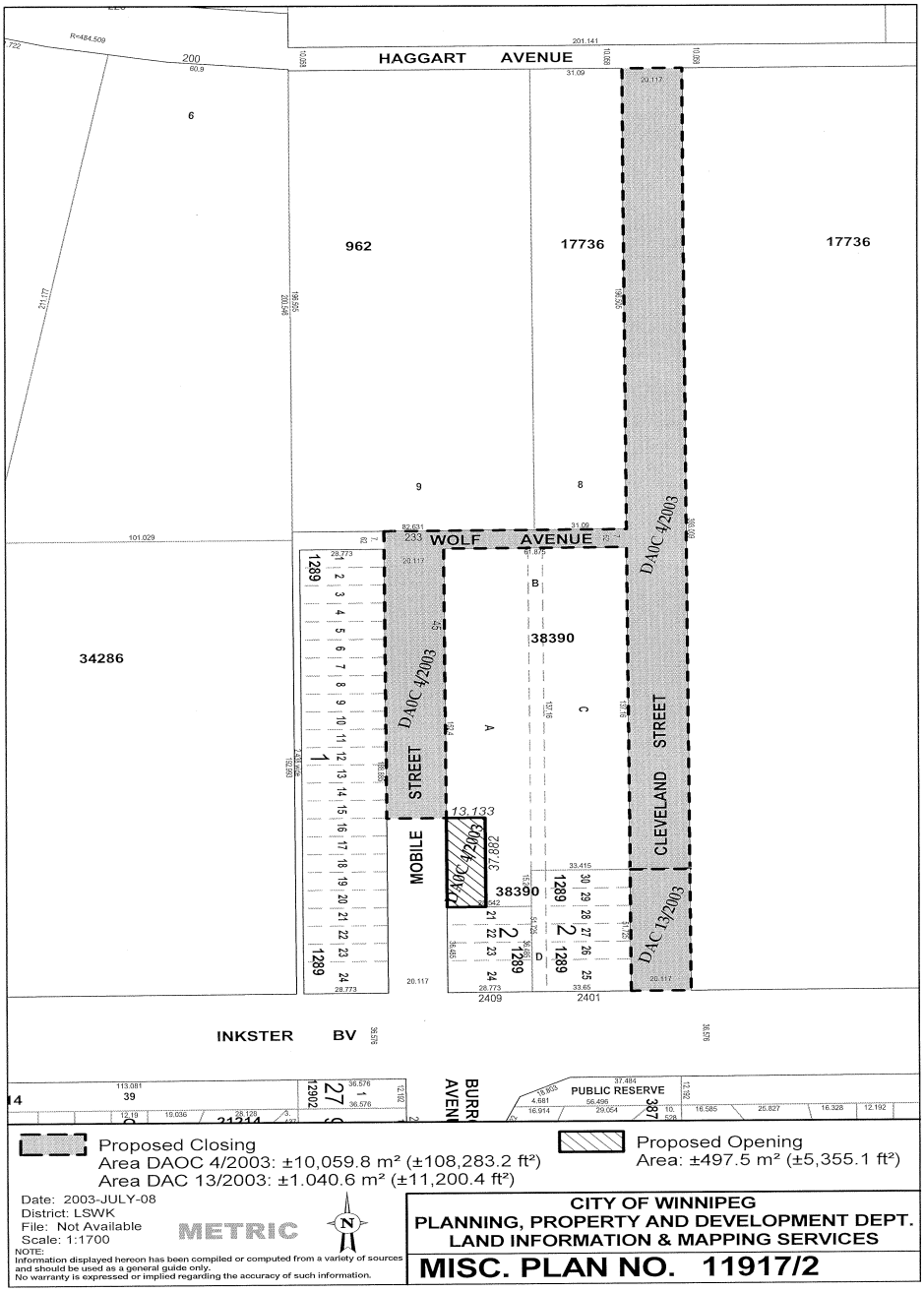
Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division
Water and Waste Department – Engineering Division
Centra Gas, Manitoba Hydro, MTS Communications,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

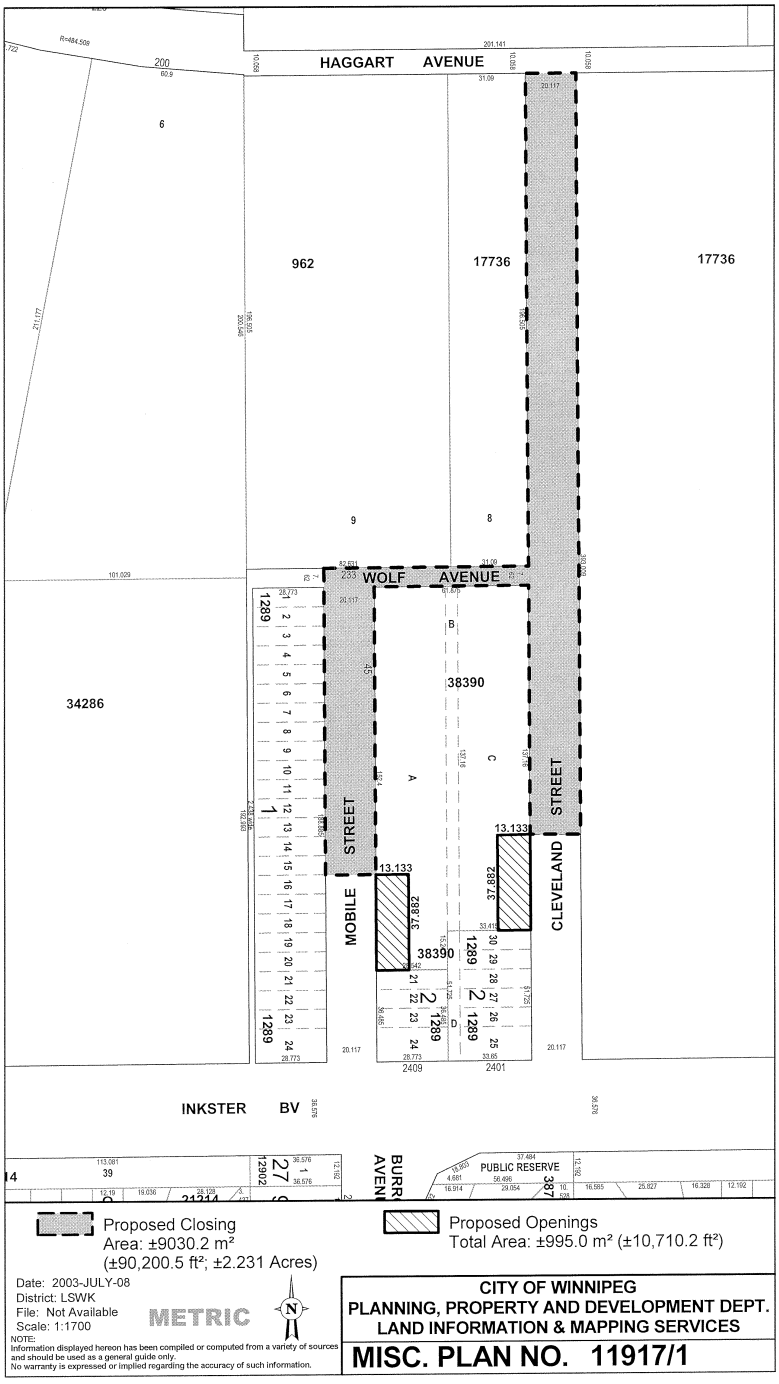
This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:8422

Document name: V:\word\DAOC\dac13_03RPT.doc


WOLF AVENUE
MOBILE STREET
CLEVELAND STREET
INKSTER BOULEVARD
BURR AVE
PUBLIC RESERVE
38390
1289
12902
214
Proposed Closing - DAC 13/03
Date: 2003-JUN-11
District: LSWK
File: Not Available
Scale: 1:1000
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11932


HAGGART AVENUE
WOLF AVENUE
INKSTER BV
MOBILE STREET
CLEVELAND STREET
DAOC 4/2003
DAC 13/2003
962
17736
34286
38390
PUBLIC RESERVE
Proposed Closing
Area DAOC 4/2003: ±10,059.8 m² (±108,283.2 ft²)
Area DAC 13/2003: ±1.040.6 m² (±11,200.4 ft²)
Proposed Opening
Area: ±497.5 m² (±5,355.1 ft²)
Date: 2003-JULY-08
District: LSWK
File: Not Available
Scale: 1:1700
METRIC
NOTE:
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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. 11917/2


HAGGART AVENUE
WOLF AVENUE
INKSTER BV
MOBILE STREET
CLEVELAND STREET
BURRIN AVENUE
PUBLIC RESERVE
962
17736
17736
34286
38390
38390
6
9
8
Proposed Closing
Area: ±9030.2 m²
(±90,200.5 ft²; ±2.231 Acres)
Proposed Openings
Total Area: ±995.0 m² (±10,710.2 ft²)
Date: 2003-JULY-08
District: LSWK
File: Not Available
Scale: 1:1700
METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11917/1