Minute No. 558
Report - Standing Policy Committee on Property and Development - July 9, 2004

Item No. 1 **Closing - Parts of Lagimodière Boulevard and Ravelston Avenue West**
File DAC 7/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closing shown on Misc. Plan No. 10840 be approved, subject to the applicant's submission of a drainage plan and calculations satisfactory to the Directors of Water and Waste and Public Works.

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. 10840.

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 - July 9, 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 July 14, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 1, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment:

- That Recommendation 1. be amended by adding the following words at the end, namely,

  "subject to the applicant's submission of a drainage plan and calculations satisfactory to the Directors of Water and Waste and Public Works",

and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DAC 7/2004

Before: East Kildonan-Transcona Community Committee
Councillor Wyatt, Chairperson
Councillor Lubosch

Public Hearing: June 1, 2004
May 4, 2004 (adjourned from)
Community Committee Chamber
755 Henderson Highway

Applicant: Donovan Toews
ND Lea (on behalf of 3801233 Manitoba Ltd.)

Premises Affected: Parts of Lagimodière Boulevard and Ravelston Avenue West

Exhibits Filed:

1. Report from the Real Property Officer dated April 19, 2004
2. Inspection Report
3. Communication dated May 4, 2004, from Mike Malyk with respect to the application, including a petition purporting to contain the signatures of 27 area residents
4. Communication from Mike Malyk with respect to the application, including referenced photographs (9), and a petition purporting to contain the signatures of an additional 7 area residents
5. Plan entitled "Almey Development Site Land Drainage Concept", Sheet Nos. 1 and 2, for File DAC 7/2004 dated June 1, 2004, submitted at the public hearing by Donovan Toews

REPRESENTATIONS:

In Support:
Abe Anhang
Berny Chura
Brian Esau
Glenn Friesen
Dolores Lowe
Jeff Okun
Jerry Pilipowicz
Donovan Toews, ND Lea

In Opposition:
Anne Drabchuk
Matt Drabchuk
Mike Malyk
Jonathan Michaluk
Gloria Woodcock

For Information:
Jeff Cooke
Varina Okun
Jason Stubson
Gloria Woodcock

For the City:
Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Kim Raban, Services Development Engineer, Water and Waste Department
John Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 7/2004

Re: DAC 7/2004 – PROPOSED CLOSING OF PARTS OF LAGIMODIÈRE BOULEVARD AND RAVELSTON AVENUE WEST

For submission to: The East Kildonan-Transcona Community Committee

Report date: April 19, 2004

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 10840 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. 10840.
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 Planning, Property and Development Department has received an offer to purchase portions of Lagimodière Boulevard and Ravelston Avenue West. A retention pond and parking area will be constructed in the closed street to serve the proposed development of the adjacent property. The Standing Policy Committee on Property and Development has approved the terms of the sale of the land.

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 has received an offer from 3801233 Manitoba Ltd. to purchase the portions of Lagimodière Boulevard and Ravelston Avenue West shown shaded and identified as "Surplus Street Right of Way" on the attached drawing. The purchaser intends to develop the adjacent property and the closed street will serve as a retention pond and parking area. The purchaser has agreed to dedicate the lands required for the future widening of Lagimodière Boulevard shown hatched on the drawing through the subdivision process.
On April 27, 2004, the Standing Policy Committee on Property and Development approved the terms of the sale of the land, subject to the enactment of the street closing by-law, and recommended that Council declare the street to be surplus to the City's requirements.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing. The Transportation Division of the Public Works Department has confirmed that the lands are surplus to their requirements for street right of way.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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:

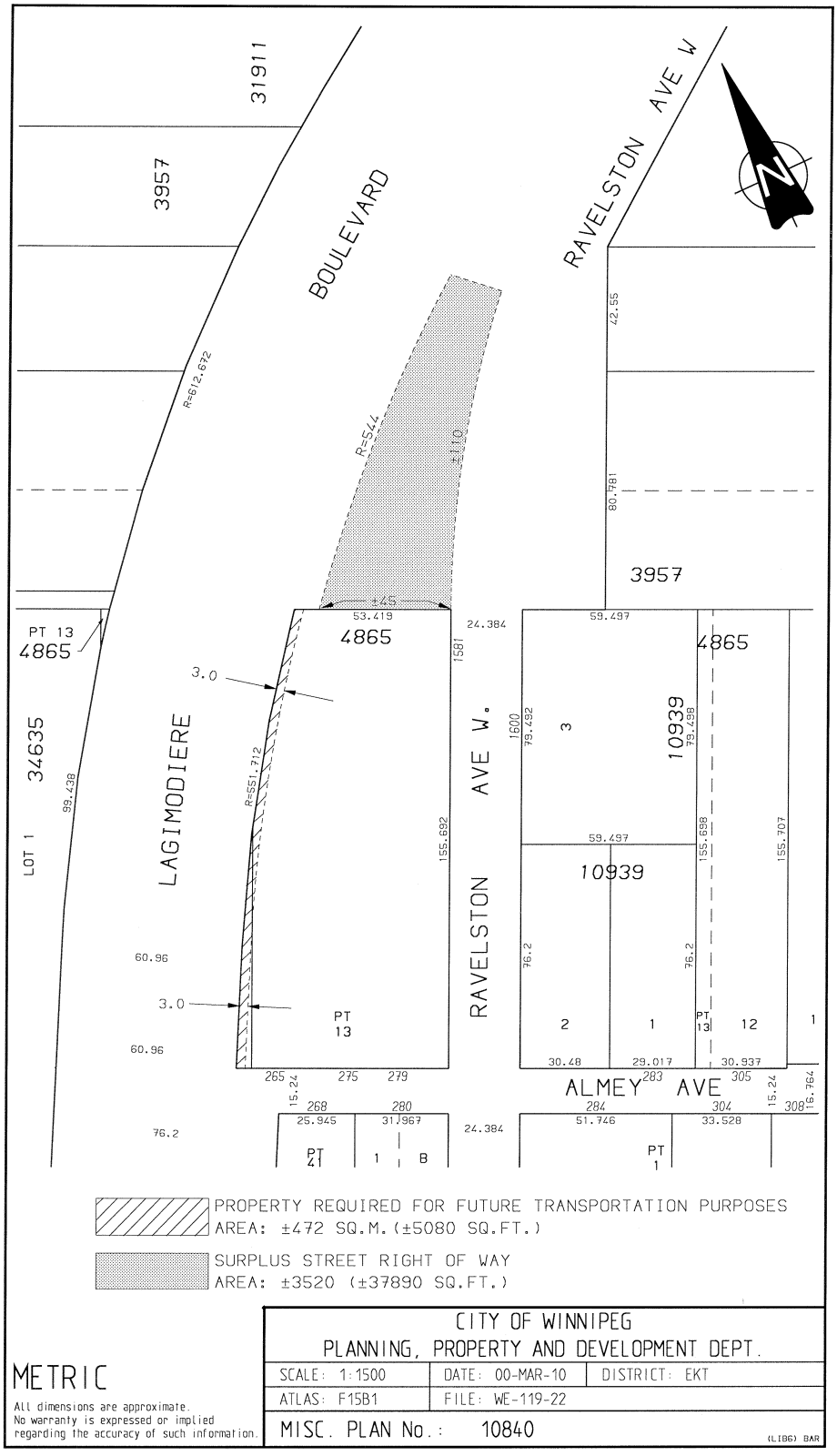
Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division, Traffic Signals
Water and Waste Department – Engineering Division
Centra Gas

Manitoba Hydro, MTS Communications and Shaw Cable were asked to provide information regarding any easement requirements they might have. They have not responded to the request.

This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: WE-119-22

Document name: V:\word\DAOC\dac7_04RPT.doc


31911
3957
BOULEVARD
RAVELSTON AVE W
R=612.672
R=544
±110
42.55
80.781
3957
±45
53.419
4865
24.384
59.497
4865
PT 13
4865
3.0
1581
LAGIMODIERE
34635
LOT 1
99.438
R=551.712
155.692
1600
79.492
3
10939
79.498
155.698
155.707
59.497
10939
RAVELSTON AVE W.
60.96
3.0
PT
13
76.2
76.2
2
1
PT
13
12
1
60.96
265
15.24
275
279
30.48
29.017
30.937
283
305
ALMEY AVE
15.24
16.764
308
268
280
284
304
25.945
31.967
51.746
33.528
76.2
24.384
PT
41
1
B
PT
1
PROPERTY REQUIRED FOR FUTURE TRANSPORTATION PURPOSES
AREA: ±472 SQ.M.(±5080 SQ.FT.)
SURPLUS STREET RIGHT OF WAY
AREA: ±3520 (±37890 SQ.FT.)
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1500
DATE: 00-MAR-10
DISTRICT: EKT
ATLAS: F15B1
FILE: WE-119-22
MISC. PLAN No.: 10840
(LIBG) BAR