Minute No. 559
Report - Standing Policy Committee on Property and Development - July 9, 2004

Item No. 2 **Closing - Parts of Barnes Street between Colebrook Drive and Fairfield Avenue**
File DAC 9/2004

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. 12199/1 be approved and the land declared surplus to the City's needs.

2. That the adjacent property owners be provided with the right of first refusal with respect to the purchase of said property, at market value, and on condition that the closed property be consolidated with existing titles.

3. 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. 112199/1, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

4. 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 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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2004, the Riel Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Add the following as Recommendation 2:

  "2. That the adjacent property owners be provided with the right of first refusal with respect to the purchase of said property",

- Renumber the remaining recommendations accordingly,

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

PUBLIC HEARING SUMMARY

File:	DAC 9/2004
Before:	Riel Community Committee Councillor Angus, Chairperson Councillor Steeves
Public Hearing:	June 14, 2004 St. Norbert Community Centre, 3450 Pembina Highway
Applicant:	City of Winnipeg
Premises Affected:	Parts of Barnes Street between Colebrook Drive and Fairfield Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated May 25, 2004 2. Inspection Report 3. Communication dated June 14, 2004 from Elizabeth and Isaac McNeilly in support of the application.

REPRESENTATIONS:

In Support:
Chris Torpey
Elizabeth and Isaac McNeilly

In Opposition:
Nil

For the City:
Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 9/2004

Re: DAC 9/2004 – PROPOSED CLOSING OF PARTS OF BARNES STREET BETWEEN COLEBROOK DRIVE AND FAIRFIELD AVENUE

For submission to: **The Riel Community Committee**

Report date: **May 25, 2004**

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 12199/1 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. 12199/1, 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 closing of Barnes Street is intended to eliminate the use of the street as a vehicular connection from the Richmond West subdivision to Bison Drive. Portions of the street will remain open as a public walkway.

The closed portions of the street will be offered for sale.

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:

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

REASON FOR THE REPORT:

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

HISTORY:

Barnes Street was created in 1913 by the subdivision of the adjacent lands. The street is not paved or used for vehicular access.

On October 22, 2003, Council passed By-law 125/2003, a by-law establishing the Fairfield Park Local Improvement District to allow for the servicing of the neighbourhood to proceed as a Local Improvement in 2004 and subsequent years.

In the course of reviewing the neighbourhood's needs in conjunction with the establishment of the Local Improvement District, the Local Improvement District Committee, in consultation with the area property owners, recommended that the portions of Barnes Street shown on Misc. Plan No. 12199/1 be closed in order to eliminate the future use of the street as a connection from the Richmond West subdivision to Bison Drive. The portions of the street that will remain open will be used as a public walkway, and to accommodate an existing watermain. The closed portions of the street will be offered for sale.

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

The Water and Waste Department will require an easement for the maintenance of a watermain in the portion of the street right-of-way to be closed in the area north of Colebrook Drive. Manitoba Hydro has also identified a need for an easement in the street.

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 – Land Development Administrator, Real Estate Division, 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

The Community Planner, the Traffic Signals Branch, and Shaw Cable did not respond to requests for comments.
This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 9/04

Document name: V:\word\DAOC\dac9_04RPT.doc


FAIRFIELD AV
BARNES STREET
COMDALE AV
COLEBROOK DR
BARNES STREET
1140
1154
1210
6.0 wide
1991
10.0 wide
36891
31037
12976
Proposed Closings
METRIC
Date: 2004-MAY-13
District: RIEL
File: Not Available
Scale: 1:850
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12199/1