Proposed closing of parts of Latimer and Litchfield Boulevards
File DAC 2/2002 [c/r DASZ 31/2001 & DAV 105/2002D]

1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a request from Stevenson Advisors Ltd. (Patrick Hamilton) to purchase the streets and lane outlined as "proposed closings" on Misc. Plan No. 11434. The closed rights-of-way will then be incorporated into DASZ 31/2001, an application to subdivide and rezone the adjoining property to allow for the construction of a multiple-family condominium on the site.

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 advised that a turnaround will be required at the terminus of Litchfield Avenue. The configuration of this turnaround will be addressed by the subdivision application. Any easement for or relocation of existing utility lines in the rights of way will also be addressed through the processing of the subdivision application.

In February 1984, Council approved an exchange of lands with Duraps Corporation. Under the terms of this transaction, the City of Winnipeg acquired the Tuxedo Golf Course property in exchange for certain city lands in an area generally bounded by Park and Shaftsbury Boulevards and Wilkes and Bard Avenues. The report recommending the exchange that was approved by Council stated that the streets and lanes in this area, which included the portions of Latimer and Litchfield Boulevards and the public lane that are the subject of this report, were part of the City lands to be exchanged.

In 1999, the Duraps Corporation waived its interest in the portions of these rights-of- way illustrated on Misc. Plan No. 11434/1. Duraps Corporation retained its interest in the balance of Latimer Boulevard.

The City of Winnipeg is now entitled to be the owner of the portions of the closed streets and lane illustrated on Misc. Plan No. 11434/1, and the terms of the sale to the applicant will be determined by the Standing Policy Committee on Property and Development. The interest in the balance of the closed portion of Latimer Boulevard will issue to 74842 Manitoba Inc., the successor to Duraps Corporation. The applicant will acquire this portion of Latimer Boulevard from 74842 Manitoba Inc.

The streets and lane 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.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject street closing application. Three people appeared in support of the application and one person appeared in opposition thereto.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

The Assiniboia Community Committee concurred, in part, in the recommendation contained in the report dated April 19, 2002, from the Real Property Officer, Planning, Property and Development

Department, and recommended approval of the proposed street closing application, subject to condition(s).

On May 27, 2002, the Standing Policy Committee on Property and Development considered the May 14, 2002, recommendation of the Assiniboia Community Committee, and approved the following amendments which have been incorporated into the recommendations set out below:

- Recommendation I. be amended by deleting the following " … subject to the following condition:

  A. That the City retain a 12 foot walkway on the west side of Litchfield / Bower Boulevards for pedestrian access from the Cherlee Investments Ltd. site under File DASZ 2/2002 to Park Place West.

- Recommendation III. be deleted in its entirety, namely:

  III. That the balance of Litchfield/Bower Boulevards be closed and conveyed to the Developer under File DASZ 31/2001 in accordance with terms and conditions to be approved by the Standing Policy Committee on Property and Development.

  and the remaining recommendation be renumbered accordingly.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of parts of Latimer and Litchfield Boulevards, as outlined on Misc. Plan No. 11434, be approved.

II. 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. 11434.

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

Attachment "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002

