**Agenda - Council - September 29, 2004**

**Report - Standing Policy Committee on Property and Development – September 7, 2004**

**Item No. 2 Closing - Public Lanes east of King Edward Street between Inkster Boulevard and Inkster Garden Drive**
**File DAC 21/2003 [c/r DASZ 24/2003]**

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, 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 lane closings shown on Misc. Plan Nos. 12071, 12072 and 12073 be approved and the lands 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 closings in accordance with Misc. Plan Nos. 12071, 12072 and 12073, 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 - Standing Policy Committee on Property and Development - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 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 September 7, 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 July 6, 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 21/2003 [c/r DASZ 24/2003]

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

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Global Homes Ltd. (Bernhard Goertzen)

Premises Affected: The public lanes east of King Edward Street between Inkster Boulevard and Inkster Garden Drive

Exhibits Filed:

1. Report from the Real Property Officer dated April 26, 2004
2. Communication in opposition to the application received from Ken Razmus dated May 13, 2004
3. Communication in opposition to the application received from the following:
   a. Bob and Alice Marten received May 18, 2004
   b. Darren Wittmann and Trish Wittmann received May 18, 2004
   c. Saudeep Kaushal received May 18, 2004
   d. Ronaldo R. Ramos received May 18, 2004
   e. Mr. and Mrs. Cesar Reyes received May 18, 2004
   f. Iqbal Brar received May 18, 2004
   g. Hop Doan and Lan Doan received May 18, 2004
   h. S. Field received May 18, 2004
   i. Sal Infantino received May 18, 2004
   Alenka Seri received May 18, 2004
4 Inspection Report

REPRESENTATIONS:

In Support:

Bernard Goertzen, Global Homes Ltd.
Akash Bedi
Baldev S. Bedi
Dalip S. Bedi

Kiranjit Bedi
Paramjit Bedi
Garry Bistyak
Charles Carroll
Balminder Gill
Ali M. Harb
Andrew Hretzay
Alvin Kleinsasser
Beverley MacLennan
Raymond MacLennan
Alvin Morgan
Karampaul Sandhu
Darshan Thind
Pauline Tutkaluke
Amarjeet S. Warraich

In Opposition:

Iqbal Brar
Loc Doan
Bradley Gray
Joan Hayter-Smith
Reg Horbeski
Kiran Kaushal
Meenu Kaushal
Saudeep Kaushal
David Langen
Chitra Maharaj
Narsh Maharaj
Pedro and Amelia Malonzo
Fred Massey
Arsenia Pacete
Santosh Pathak
Mr. and Mrs. Cesar Reyes
Mario Santos
C. Serrano
Rick Sheppart
Jaswinder P. Sing
R.P. Soddhi
Teresita Soliven
Ernesto Tonelete
A. Papanikolaou
Dung Van

For Information:

Ligaya Catalan
Sonny Cenidoza
Edna Matias
K. Razmus

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 21/2003

Re: DAC 21/03 - PROPOSED CLOSING OF THE PUBLIC LANES EAST OF KING EDWARD STREET BETWEEN INKSTER BOULEVARD AND INKSTER GARDEN DRIVE

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

Report date: April 26, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan Nos. 12071, 12072 and 12073 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 Nos. 12071, 12072 and 12073, 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:**

Global Homes Ltd. has made an application to subdivide and rezone the adjacent lands. The lanes are to be incorporated into the subdivision.

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:

4010

[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 land required for the subject lanes was dedicated in 1906 by a plan of subdivision. The lanes are unpaved and unserviced and serve no apparent public use.

Global Homes Ltd. has made an application to subdivide and rezone the adjacent lands (Application No. DASZ 24/2003). The lanes are to be incorporated into the subdivision.

**DISCUSSION:**

Administrative Approval

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

The Transportation Division of the Public Works Department has requested that the City of Winnipeg property adjacent to the lane and shown shaded on Schedule "A" also be sold to the applicant and incorporated into the subdivision. This land was acquired to provide for either the widening of the lane or for a frontage road to serve development fronting onto King Edward Street. It is now surplus to the City's needs.

**Transfer of Jurisdiction Over Public Rights-of-Way**

The lanes 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.

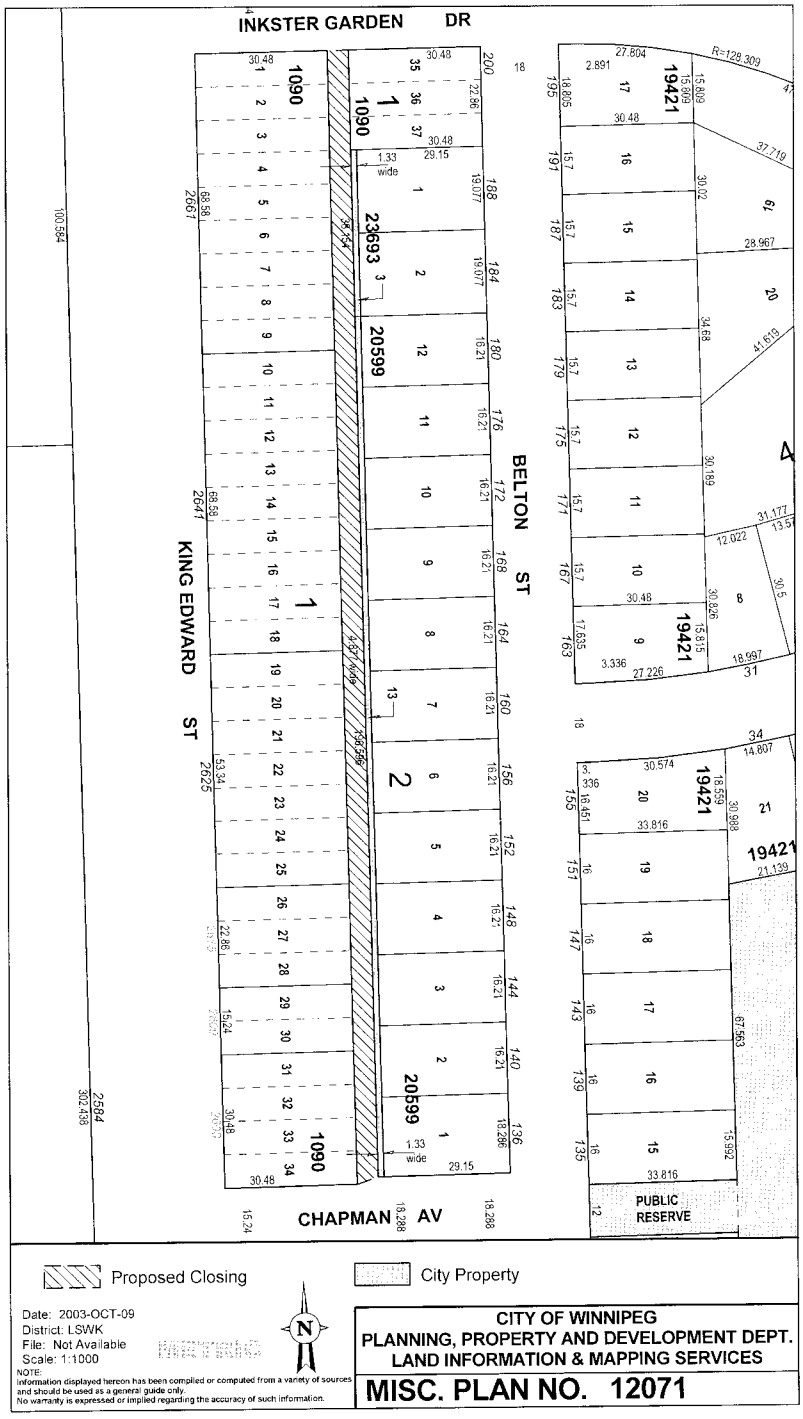
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT – COMMUNITY PLANNER, GEOMATICS AND ZONING & PERMITS BRANCHES
CORPORATE FINANCE DEPARTMENT – LOCAL IMPROVEMENTS
PUBLIC WORKS DEPARTMENT – TRANSPORTATION DIVISION, 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 #: 5861/7

Document name: V:\word\daoc\dac21_03RPT.doc


INKSTER GARDEN DR
BELTON ST
KING EDWARD ST
CHAPMAN AV
PUBLIC RESERVE
1090
20599
23693
19421
Proposed Closing
City Property
Date: 2003-OCT-09
District: LSWK
File: Not Available
Scale: 1:1000
NOTE:
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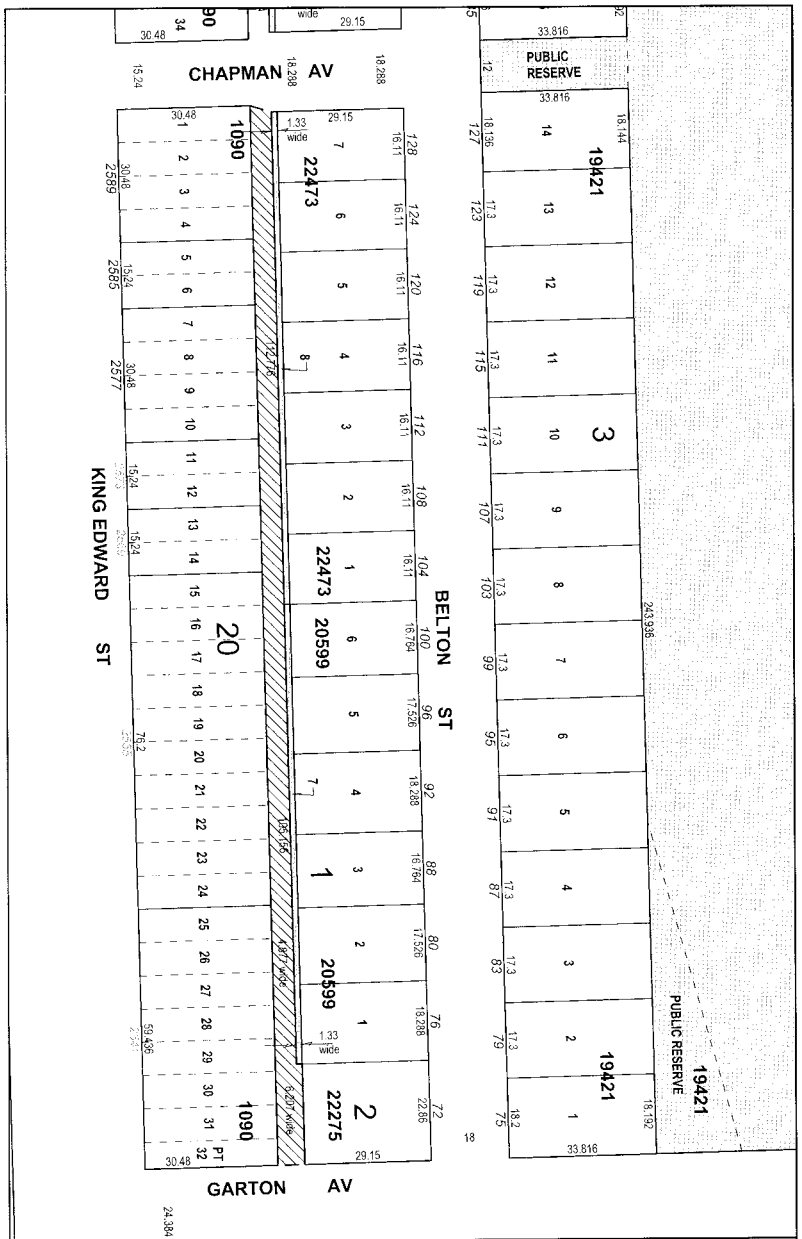
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12071

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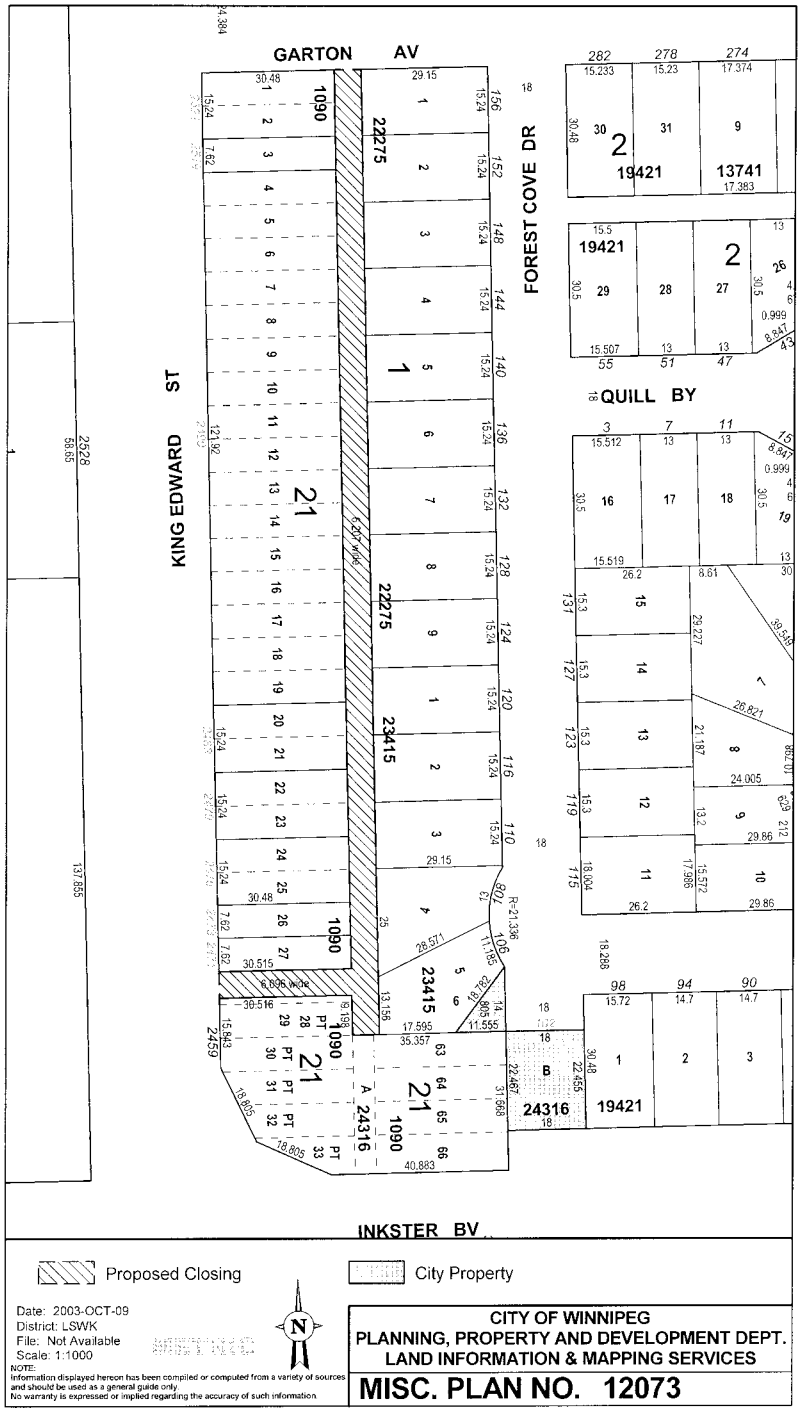
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

**MISC. PLAN NO. 12072**


GARTON AV
FOREST COVE DR
KING EDWARD ST
QUILL BY
INKSTER BV
Proposed Closing
City Property
Date: 2003-OCT-09
District: LSWK
File: Not Available
Scale: 1:1000
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12073