Agenda - Council - October 27, 2004

Report - Standing Policy Committee on Property and Development - October 5, 2004

Item No. 4 Closing - Public Lane south of John Duncan Drive, west of Ravenhurst Street
File DAC 16/2004

STANDING COMMITTEE RECOMMENDATION:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 12301 be approved and the land 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 lane closing in accordance with Misc. Plan No. 12301.

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 - October 5, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE:

On October 20, 2004, the Executive Policy Committee concurred in the recommendations 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 October 5, 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 September 14, 2004, the East Kildonan-Transcona 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 16/2004
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Thomas
Public Hearing:	September 14, 2004 Community Committee Chamber 755 Henderson Highway
Applicant:	Lynne Jones, Novamet Development Corporation
Premises Affected:	Public Lane South of John Duncan Drive, West of Ravenhurst Street
Exhibits Filed:	1. Report from the Real Property Officer dated August 27, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 16/2004

Re: DAC 16/2004 – PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF JOHN DUNCAN DRIVE, WEST OF RAVENHURST STREET

For submission to: The East Kildonan-Transcona Community Committee

Report date: August 27, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12301 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 lane closing in accordance with Misc. Plan No. 12301.

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 subject lane is being opened by the latest phase of the Canterbury Park subdivision for the sole purpose of being immediately closed. This procedure is dictated by the Real Property Act, and will allow the closed lane to be parcelled and donated by the Developer to the property owners adjoining to the north.

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:

In 1994, the public lane at the rear of the properties on John Duncan Drive, west of Ravenhurst Street, was closed as part of the Canterbury Park subdivision. The Developer, Novamet Development Corporation, is entitled to receive this land for the nominal sum of $1.00, since the areas of the streets that were created by the subdivision is greater than the area of the streets and lanes being closed. The City of Winnipeg has retained title to the closed lane pending its incorporation into the next phase of the subdivision

The property owners on John Duncan Drive have been using the north half of this closed lane as part of their rear yards for some years. Novamet has offered to give this property to them and to undertake the preparation of the documents required to effect the transfer of the land. The property owners have each agreed to pay Novamet a small fee to cover the legal costs.

Zoning regulations require the consolidation of the property into the titles to the adjoining lands. This is not allowed under the Real Property Act in this particular case. Since the Act does allow for a closed public right-of-way to be consolidated into the adjoining titles, Novamet has proposed the following solution to the problem:

the former public lane will be transferred to Novamet for incorporation into the subdivision of the lands adjoining to the south (Phase 2F of Application No. DASZ 42/1987)
the north half of the former lane – the land to be transferred to the adjoining property owners – will be opened as a public lane by that subdivision

the lane will be immediately closed and transferred.

The Winnipeg Land Titles Office and the City of Winnipeg administration have agreed that this is the most effective way to deal with the transfer of the land.

DISCUSSION:

Administrative Approval

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

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be transferred. The registration of the closing by-law will remove the public right of way status from the land and vest 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 AND SHAW CABLE WERE NOT CONSULTED. THIS LANE IS BEING OPENED FOR A MOMENT IN TIME TO FACILITATE ITS TRANSFER. THE UTILITIES HAVE NO INTEREST REGISTERED IN THE UNDERLYING LAND, AND CAN HAVE NO INTEREST IN THE LANE BEING OPENED AND CLOSED.

This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 16/04

Document name: v:\word\daoc\dac16_04rpt.doc



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Scale: 1:1250

METRIC

NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.

Proposed Subdivision Boundary - DASZ 42/1987 Phase 2F

Proposed Lane Closing

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

MISC. PLAN NO. 12301