Agenda - Executive Policy Committee - January 19, 2005

Report - Standing Policy Committee on Property and Development - January 10, 2005

Item No. 2 Closing - Fairfield Avenue east of Shore Street
File DAC 24/2004

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the street closing outlined on Misc. Plan No. 12431/1 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 closing in accordance with Misc. Plan No. 12431/1, 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.

Agenda - Executive Policy Committee - January 19, 2005

Report - Standing Policy Committee on Property and Development - January 10, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2005, 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 December 14, 2004, the Riel 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 24/2004
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Magnifico
Public Hearing:	December 14, 2004 Community Committee Chamber, 604 St. Mary's Road
Applicant:	Real Estate Division of The City of Winnipeg
Premises Affected:	Fairfield Avenue east of Shore Street
Exhibits Filed:	1. Report from the Real Property Officer dated November 29, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Denis Flood

In Opposition:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 24/2004

RE: DAC 24/2004 – PROPOSED CLOSING OF FAIRFIELD AVENUE EAST OF SHORE STREET

For submission to:	**The Riel Community Committee**
Report date:	**November 29, 2004**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12431/1 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. 12431/1, 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:

- This street is not paved or used for vehicular traffic. The Real Estate Division of the Planning, Property and Development Department intends to create a residential lot out of the northern portion of the street and to offer the southern portion of the street for sale to the adjoining property owners.

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):

- All costs associated with this proposal will be borne by the City of Winnipeg and recovered through the sale of the land.

REASON FOR THE REPORT:

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

HISTORY:

Fairfield Avenue was created in 1913 by the subdivision the adjacent lands. The subject portion of the street is not paved or used for vehicular traffic.

The Land Development Branch of the Planning, Property and Development Department has received an application to subdivide the land north of Fairfield Avenue. This subdivision, being processed under File No. DASSF 570/2004, will require a portion of Fairfield to be closed and incorporated into the southerly lot. The Real Estate Division of the Planning, Property and Development Department proposes to close the entire street and create an additional lot in the subdivision from the northerly 12.192 metres of the street. This lot will be placed on the market. The balance of closed street will be offered for sale to the property owners adjoining to the south at 202 Shore Street.

DISCUSSION:

Administrative Approval

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

Use of Street by No. 202 Shore Street

The driveway for No. 202 Shore Street encroaches into the street. The Real Estate Division is confident that it will be able to arrive at a mutually acceptable price for the portion of the closed street that will be offered to the property owners. They would then own the land over which the presently encroach. In the event that they do not wish to purchase the land, the City is prepared to enter into some form of agreement allowing the continued use of the driveway.

Ownership of 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, Real Estate Division

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

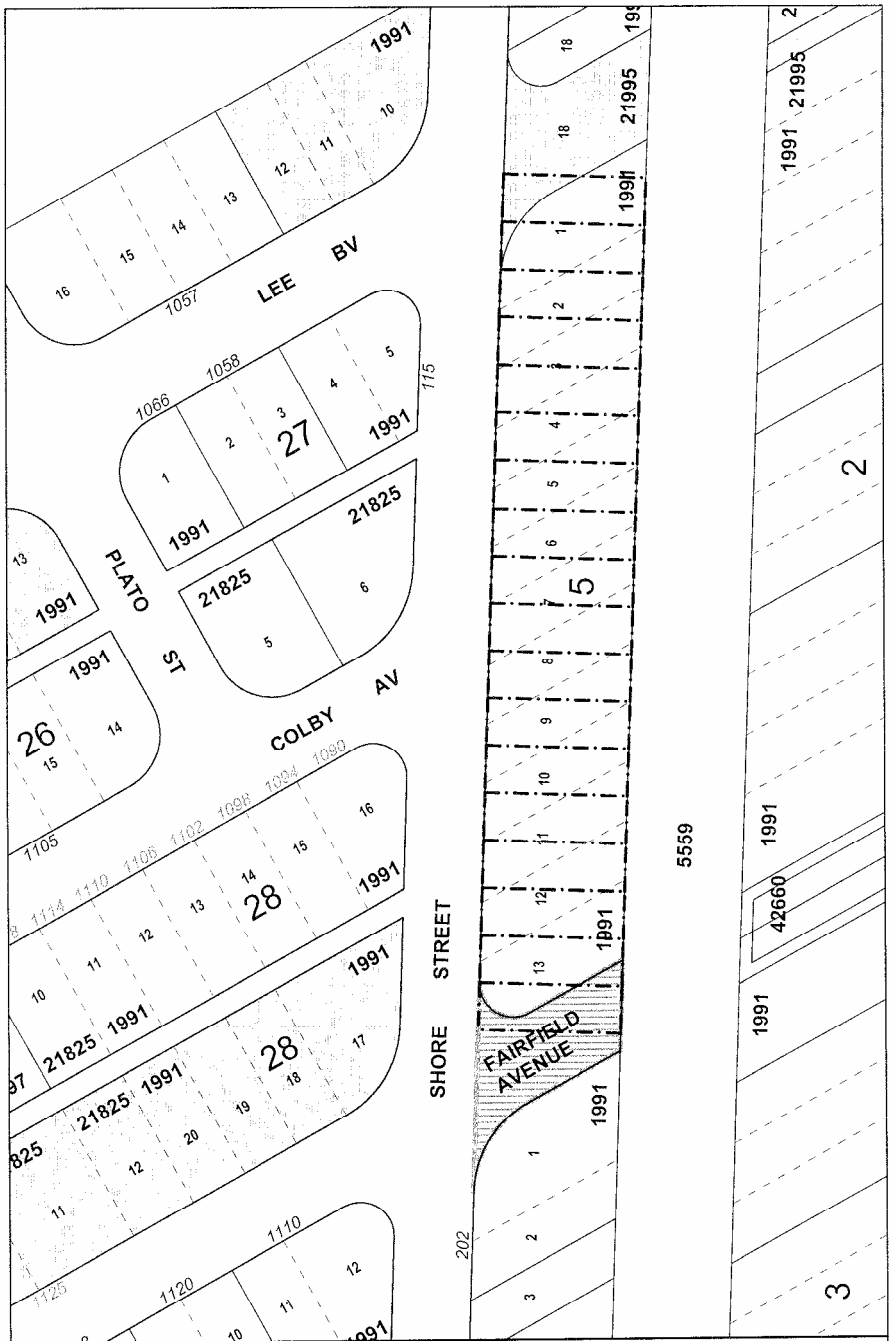
Water and Waste Department – Engineering Division

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 #: 8355

Document name: V:\word\DAOC\dac24_04RPT.doc



City Owned Property

Proposed Closing

Proposed Subdivision (18 Lots) - DASSF 570/04

Date: 2004-NOV-18
District: RIEL
File: 8355
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.

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

MISC. PLAN NO. 12431/1