Agenda - Executive Policy Committee - March 16, 2005

Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 7 Closing - part of the Public Lane east of Allan Blye Drive, north of Leila Avenue
File DAC 3/2005 [c/r DASZ 2/2005]

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 12354/1 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. 12354/1.

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 - March 16, 2005

Report - Standing Policy Committee on Property and Development - March 7, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, 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 February 22, 2005, 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 3/2005 [c/r DASZ 2/2005]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Public Hearing:	February 22, 2005 West Committee Room, Council Building 510 Main Street
Applicant:	4572026 Manitoba Ltd. o/a Legend Homes (Joe Martins)
Premises Affected:	part of the public lane north of Leila Avenue, east of Allan Blye Drive
Exhibits Filed:	1. Report from the Real Property Officer dated February 8, 2005 2. Communication dated February 15, 2005, from Bernie Verreault with respect to the application 3. Communication dated February 15, 2005, from Valerie Jones in opposition to the application 4. Inspection Report 5. Communication dated February 21, 2005, from Donna and Larry Swenarchuk in opposition to the application 6. Presentation in opposition to the application submitted by Tom Marostica at the public hearing 7. Presentation in opposition to the application submitted by Nadine Scholl at the public hearing

REPRESENTATIONS:

In Support:

Joe Martins
Vinko Paulich
Tony Rodrigues

In Opposition:

R. J. Borger
Jaswinder Chahal
Valerie Jones
Tom and Marilyn Marostica
V. Scherton
Charles and Nadine Scholl
Donna and Larry Swenarchuk
Bernie Verreault
Marilyn Wansbutter

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2005 [c/r DASZ 2/2005]

RE: DAC 3/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE EAST OF ALLAN BLYE DRIVE, NORTH OF LEILA AVENUE

For submission to:	**The Lord Selkirk-West Kildonan Community Committee**
Report date:	**February 8, 2005**
Recommendations:	**1. That the proposed lane closing as shown on Misc. Plan No. 12354/1 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. 12354/1.** **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 closed lane is to be incorporated into DASZ 2/2005, an application to subdivide and rezone the adjacent lands. DASZ 2/2005 will extend the existing east/west lane through to Allan Blye Drive.

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:

☒ **No**

☐ **Yes**

Comment(s):

-

Human resources implications:

☒ **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 subject public lane was dedicated in 1984. The lane is paved and used by the area residents. The Planning, Property and Development Department has received an application to acquire the portion of the public lane identified as Parcel A on the attached Misc. Plan No. 12354/1. The applicant wishes to incorporate the lane into a planned residential subdivision (DASZ 2/2005). The new subdivision will extend the existing east/west lane through to Allan Blye Drive.
The balance of the lane, identified as Parcel B on the drawing, will also be closed and offered to the property owner adjoining at 1487 Leila Avenue.

DISCUSSION:

Administrative Approval

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 requires, as a condition of its approval of the application, that the Applicant be responsible for the removal of the subject lane pavement and the restoration of the curb, boulevard and sidewalk along Leila Avenue.

Easements

Manitoba Hydro has a utility line in the lane. The Applicant will be required to either relocate this line or enter into an easement agreement with Manitoba Hydro for its maintenance.

Transfer of Closed Lane for $1.00

The area of the lane being created by the associated subdivision is greater than the area of the lane being closed. In accordance with City policy, the portion of the lane to be incorporated into the subdivision - Parcel A on Misc. Plan No. 12354/1 - will be transferred to the Applicant for the nominal sum of $1.00. The portion of the lane shown as Parcel B on the drawing will also be offered to the property owner adjoining at 1487 Leila for $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be incorporated into the subdivision. 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 – Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

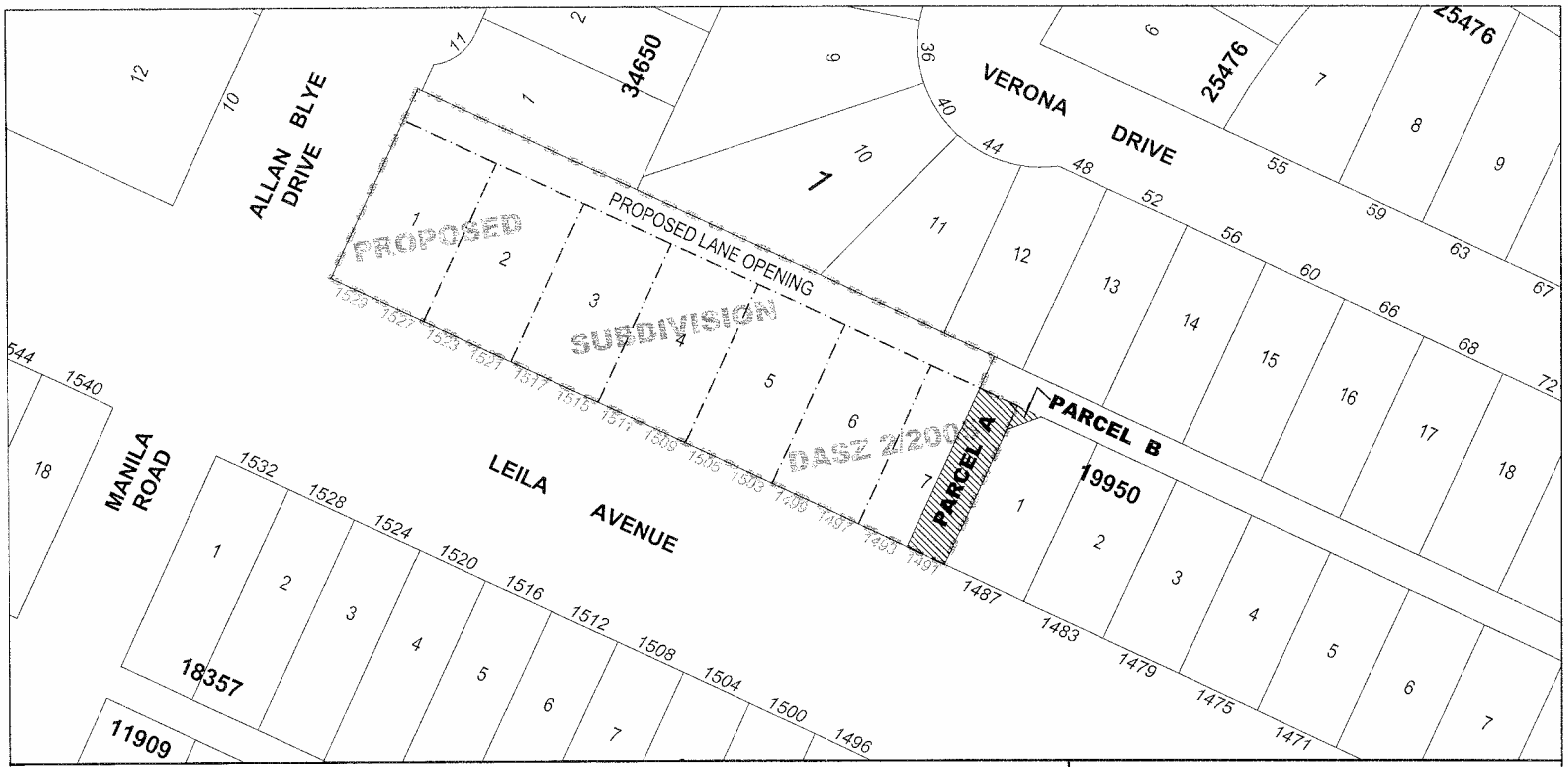
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro

MTS Communications and Shaw Cable did not respond to the request 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 3/05



Date: 2005-FEB-08
District: LSWK
File: Not Available
Scale: 1:850

NOTE:
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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. 12354/1