**Minute No. 286**
**Report - Standing Policy Committee on Property and Development - March 7, 2005**

**Item No. 5 Street Closing - parts of Kenaston Boulevard**
**File DAC 21/2004 [c/r DASZ 39/2004]**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closings shown on Misc. Plan No. 12154/1 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. 12154/1, 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 - Standing Policy Committee on Property and Development - March 7, 2005**

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Assiniboia 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 21/2004 [c/r DASZ 39/2004, DAV 101489/2005D] |
| Before: | Assiniboia Community Committee<br>Councillor De Smedt, Chairperson<br>Councillor Clement<br>Councillor Eadie |
| Public Hearing: | February 22, 2005<br>Community Committee Chamber,<br>5006 Roblin Boulevard |
| Applicant: | Hopewell Development Corporation (Patrick Hamilton, Stevenson Advisors) |
| Premises Affected: | Parts of Kenaston Boulevard |
| Exhibits Filed: | 1. Report from the Real Property Officer dated December 21, 2004<br>2. Inspection Report |

REPRESENTATIONS:

In Support:

Patrick Hamilton, Stevenson Advisors Ltd.
James Gillies, Hopewell Development Corporation
Ross Roy
Ross McGowan

In Opposition:

Bill Kocsis

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Martin Grady, Senior Planner, Planning, Property and Development Department
Randy Humble, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 21/2004 [c/r DASZ 39/29004, DAV 101489/2005D]

**RE: DAC 21/2004 - PROPOSED CLOSING OF PARTS OF KENASTON BOULEVARD FOR INCORPORATION INTO DASZ 39/2004**

**For submission to:** **The Assiniboia Community Committee**

**Report date:** **December 20, 2004**

**Recommendations:**

**1. That the proposed street closings as shown on Misc. Plan No. 12154/1 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. 12154/1, 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:**

- The applicant proposes to incorporate the closed streets into DASZ 39/2004, an application to subdivide and rezone the adjacent lands.

**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:**

The Planning, Property and Development Department has received a request from Mr. Patrick Hamilton of Stevenson Advisors, representing the Hopewell Development Corporation, to acquire the portions of Kenaston Boulevard identified as "Surplus Lands" on the attached Misc. Plan No. 12154/1. The closed streets are to be incorporated into DASZ 39/2004, an application to subdivide and rezone the adjacent lands.

**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 Water and Waste Department maintains a 1050mm wastewater interceptor sewer within the portion of Kenaston opposite Lindenwood Drive East. The Department has no objections to the closing, provided that the interceptor sewer remains within the redefined Kenaston Boulevard right-of-way.

Easements

Centra Gas maintains natural gas high pressure mains in the area. An easement will be required. No structures will be allowed in the easement area without the approval of Centra Gas.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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 – Real Estate Division, 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

Shaw Cable did not respond to the request for information regarding their easement/relocation requirements. It is assumed that Shaw has no plant in the area.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 21/04

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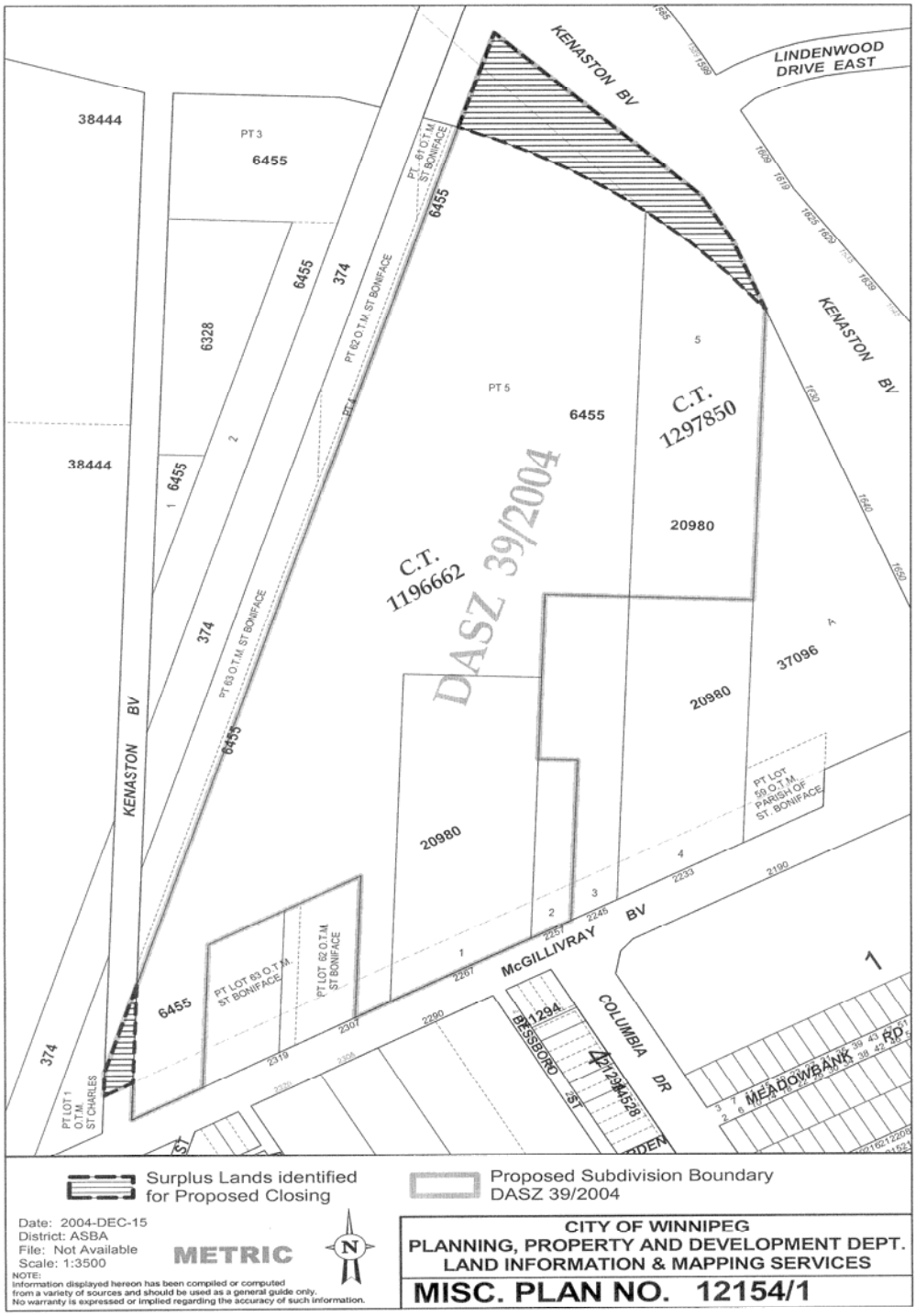
KENASTON BV
LINDENWOOD DRIVE EAST
38444
PT 3
6455
6328
374
PT 5
C.T. 1297850
C.T. 1196662
DASZ 39/2004
20980
37096
PT LOT 59 O.T.M. PARISH OF ST. BONIFACE
PT LOT 63 O.T.M. ST BONIFACE
PT LOT 62 O.T.M. ST BONIFACE
PT LOT 1 O.T.M. ST CHARLES
McGILLIVRAY BV
COLUMBIA DR
BESSBORO ST
MEADOWBANK RD
Surplus Lands identified for Proposed Closing
Proposed Subdivision Boundary DASZ 39/2004
Date: 2004-DEC-15
District: ASBA
File: Not Available
Scale: 1:3500
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. 12154/1