Agenda - Council - May 18, 2005

Report - Standing Policy Committee on Property and Development - May 3, 2005

Item No. 2 Closing - part of De Vries Avenue at Knowles Avenue
File DAC 25/2004 [c/r DASZ 20/2004]

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development (which did not concur in the recommendation of the East Kildonan-Transcona Community Committee) and submits the following to Council:

1. That the street closing shown on Misc. Plan No. 12434/1 be approved and the land declared surplus to the City's needs, subject to Council approval of DASZ 20/2004.

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. 12434/1.

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 - May 3, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 11, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development (which did not concur in the recommendation of the East Kildonan-Transcona Community Committee) and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 3, 2005, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee and concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2005, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation, recommended that the street closing not be proceeded with and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 11, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 5, 2005.

PUBLIC HEARING SUMMARY

File:	DAC 25/2004 [c/r DASZ 20/2004, DAV 134532/2004]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	April 5, 2005 January 11, 2005 Helen Mayba Theatre Miles Macdonell Collegiate 757 Roch Street
Applicant:	John Wiebe, North Grassie Properties
Premises Affected:	Part of De Vries Avenue at Knowles Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated December 20, 2004 2. Inspection Report 3. Communication dated April 5, 2005, from Terry Kozak with respect to the application

REPRESENTATIONS

In Support:

Doug Henne, Doug Henne
Planning Services
Norm Boyle
Don and Pat Guigueno
Ed and Hanna Hindle
Robert and Nikki Klos
Robert Linney
Mirko and Ethel Ljubic
Kelly Pickard
Dan Powell
John Schoofs
Randal Thomas
Leonard van Leeuwen

In Opposition:

Bruce and Nancy Adams
Peter Allerton
James Ashton
Florence Asante and Mary Barzey
Gaylynne Bergen
Doug Bird
Gina Boily
Brad Borgstrom
Valerie Bumstead
Peter Celhar
Art and Patricia Cerkow
Debbie Chomiak
Bob and Kim Church
Doug Christie
Henry Claeys
Cathy Cox
Cynthia P. and Orest Cychmistruk
Rob Dilk and Shelly Eckert Dilk
Henni and Reg Dyck
Don Engel
Henry and Susan Enns
Rod and Tracy Falk
Yumi Falk
Lindsey Fuller
Ernie and Patricia Gagnon
Brian and Joyce Gainor
Miguel and Sheri Garrido
Kay, Robert and Stan Gigiel
Gerald and Penny Goosen
Livia and John Groppi
Steve Halabura
Gail and Glen Hammond
Annette and Randall Hay
Jim Hazell
Heinz and Anita Hindemith
Alvina and Rob Hlady
Michael Hodgkinson
Murray and Pat Hope
Raymon Houle
N.B. Ingram
Elly and Vic Janzen
Jeff and Paula Johnson
Marlene Jorgenson
Werner C. and Waltraut Jarschke
Fred Kaita
Carole Kenning
Betty Anne and Ken Kilbrie
Don King
R. and Sandra Klinck
Gord and Martina Korne
Peter Kotyk
Gary Kubinec
Ken and Marie Kuhn
Eugene and Mary Kyrzyk
Dean Lash
Adolf and Elfriede Laubstedt
Ryan Litton
Lawrence Lobay
Anne and W.L. Macbeth
Lena Mancluk
Helen and Wes Mark
Teresa Marsh
Cathy Martens
William Mazur
Heather McColl
Diana and Jim McEachern
Reinhard Mohr
Walter Naherny
Sal Napolfone
Cam Neirinck
James Novasat
Paul Nyhof
Barry Olinkin
Judi Parry
Don and Gail Paul
Ken Peter
Jim Prokopowich
Bruck Prozyk
Kathy Pyper
Barbara Quinlan
Anita Quiring
Henry Quiring
Bill and Zelma Quiring
Carmine Racano
Sharon M. Raddatz
Gaylene D. Rathwell-Nemeth
Teri Reske
Darryl Robinson
William Sandulak
Guenter Schaub
Daniel Sernyk
Mike and Rosalie Shupenia
June and Nick Shymko
Richard Stefanic
Carol and Gary Stelter
Frankie and Nicole Foster-St. Bernard
Ted Stoesz
Ellery and Susanne Strell
Karen and Trevor Strome
Isabel Thornhill
Marvin Thorsteinson
Lawrence Traa
Andre Trudeau
Jordan, Karen, Leanne and Rick Veale
Larry and Karen Vince
Leonard Watts
A.S. and R.E. Willms
Hedy and Keith Witzky
Cathie and Fred Woodhall
Al Wozny
R.and N. Yackel
Helen Zacharias
Richard Zaric

For Information:

Guy Chartier
Frank Domareski
Violet Dudeck
Warren Earl
Les Gawinski
Peter H. Gsols
Lloyd Hiebert
Andrew Hretzay, Anson Developments
Douglas Jentsch
Elfriede Kehler
Christopher J. and Michele Kolba
Ingrid and Reynold Martens
Bonnie Mitchelson
G.E. O'Brien
Donn C. Poitras
Verna Prigroski
Wilf Regier
Victor Reimer
Allen Robinson
Louis Schoofs
Mike Shupenia
Susan Thomas
Donald and Beatrice Tymko
Arie Van Ry
Jo-Anne and Rick Wierzbicki
Greg and April Wozney
R. Zacharias

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 25/2004 [c/r DASZ 20/2004, DAV 134532/2004D]

RE: DAC 25/2004 – PROPOSED CLOSING OF PART OF DE VRIES AVENUE AT KNOWLES AVENUE FOR INCLUSION INTO DASZ 20/2004

For submission to:	**The East Kildonan-Transcona Community Committee**
Report date:	**December 20, 2004**
Recommendations:	**1. That the proposed street closing as shown on Misc. Plan No. 12434/1 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. 12434/1.** **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:

- An application has been received to acquire a portion of De Vries Avenue for incorporation into DASZ 20/2004, an application to subdivide and rezone the adjoining lands. The portion of the street proposed to be closed is not part of the paved portion of the road and is not used by the public. The Public Works Department has declared the property to be surplus to their needs.

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:

De Vries Avenue was dedicated as a public road in 1966. The portion proposed to be closed is not part of the paved road and is not used by the public.

The Planning, Property and Development Department has received a request from North Grassie Properties to acquire the portion of De Vries Avenue identified as "Proposed Closing" on the attached Misc. Plan No. 12434/1. The applicant intends to incorporate the closed street into DASZ 20/2004, an application to subdivide and rezone the adjacent 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.

The Transportation Division of the Public Works Department advises that its approval is subject to the developer fulfilling obligations with respect to the construction of the Headmaster Row connection to Lagimodiere Boulevard and the removal of the Knowles Avenue connection to De Vries/Lagimodiere which are recommended conditions of the Public Works Department with respect to DASZ 20/04.

Transfer of Land for $1.00

The area of the streets being created by DASZ 20/2004 exceeds the area of the portion of De Vries Avenue proposed to be closed. In accordance with City policy, the street will be transferred to North Grassie Properties for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be transferred to the applicant. 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, Traffic Signals

Water and Waste Department – Engineering Division

Manitoba Hydro

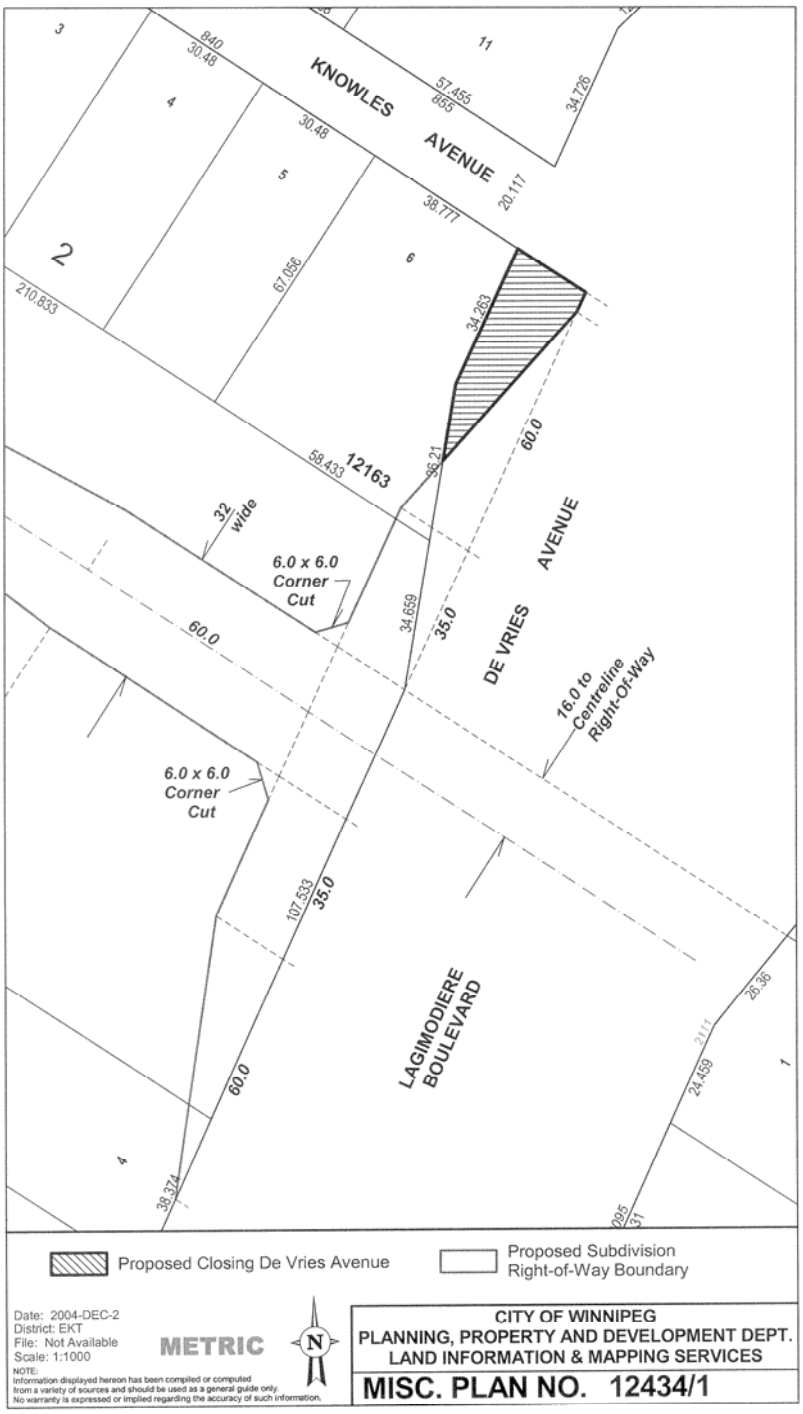
The Community Planner did not respond to the request for comments on the application.

Centra Gas, MTS Communications and Shaw Cable did not respond to the request for easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 25/04

Document name:V:\word\DAOC\dac25_04RPT.doc


KNOWLES AVENUE
DE VRIES AVENUE
LAGIMODIERE BOULEVARD
12163
32 wide
6.0 x 6.0 Corner Cut
6.0 x 6.0 Corner Cut
16.0 to Centreline Right-Of-Way
60.0
35.0
60.0
35.0
60.0
840
30.48
30.48
38.777
57.455
855
34.726
20.117
67.056
210.833
34.263
58.433
36.21
34.659
107.533
38.374
26.36
24.459
2111
Proposed Closing De Vries Avenue
Proposed Subdivision Right-of-Way Boundary
Date: 2004-DEC-2
District: EKT
File: Not Available
Scale: 1:1000
METRIC
N
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. 12434/1