Agenda - Executive Policy Committee - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 6 Lane Closing - rear of 905 Portage Avenue
File DAC 9/2005

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submits the following to Council:

1. That the lane closing shown on Misc. Plan No. 12524 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. 12524, 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 - July 20, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2005, the City Centre 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 9/2005
Before:	City Centre Community Committee Councillor Benham, Chairperson Councillor Gerbasi Councillor Smith
Public Hearing:	June 7, 2005 Council Chamber
Applicant:	Stan Halbesma, Harry's Foods
Premises Affected:	rear of 905 Portage Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated May 19, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Stan Halbesma, Harry's Foods

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 9/2005

RE: DAC 9/2005 – PROPOSED CLOSING OF THE PUBLIC LANE AT THE REAR OF NO. 905 PORTAGE AVENUE

For submission to:	**The City Centre Community Committee**
Report date:	**May 19, 2005**
Recommendations:	**1. That the proposed lane closing as shown on Misc. Plan No. 12524 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. 12524, 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 wishes to acquire the lane for incorporation into the site of a planned expansion to the grocery store at 905 Portage Avenue.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- This lane is used for access by the area residents and businesses. Alternate access from Arlington Street and St. Paul Avenue will remain.

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 portion of the public lane shown as "Proposed Closing" on Misc. Plan No. 12524 was created in 1903 by the subdivision of the adjoining lands. The lane is paved and is one of the three access routes used by the area residents and businesses, the other access routes being from Arlington Street and St. Paul Avenue.

The Planning, Property and Development Department received a request to purchase the public lane in April of 2005. The applicant, Mr. Stan Halbesma, owns Harry's Foods at 905 Portage, the properties at 893 and 899 Portage, and the property at 255 Burnell. Mr. Halbesma is exploring two options to expand the grocery store. The first option is to build an addition to the east of the store and use the property at 255 Burnell for parking. The second option is to demolish the buildings at 893, 899 and 905 Portage and at 255 Burnell, build a new store on the 255 Burnell site, and use the 893/899/905 Portage area for parking. The acquisition of the public lane is required under either option.

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 will require the applicant to remove the existing public lane turnout at Burnell and restore the curb, sidewalk and boulevard to the satisfaction of the Director of Public Works. Should the applicant wish to retain the approach from Burnell it will be necessary for him to obtain private approach approval.

Easements

Manitoba Hydro/Centra Gas and MTS Allstream will require easements to maintain their services in the lane. No permanent structures will be allowed within this easement area, which will encompass the entire lane.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane 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

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 comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 9/05

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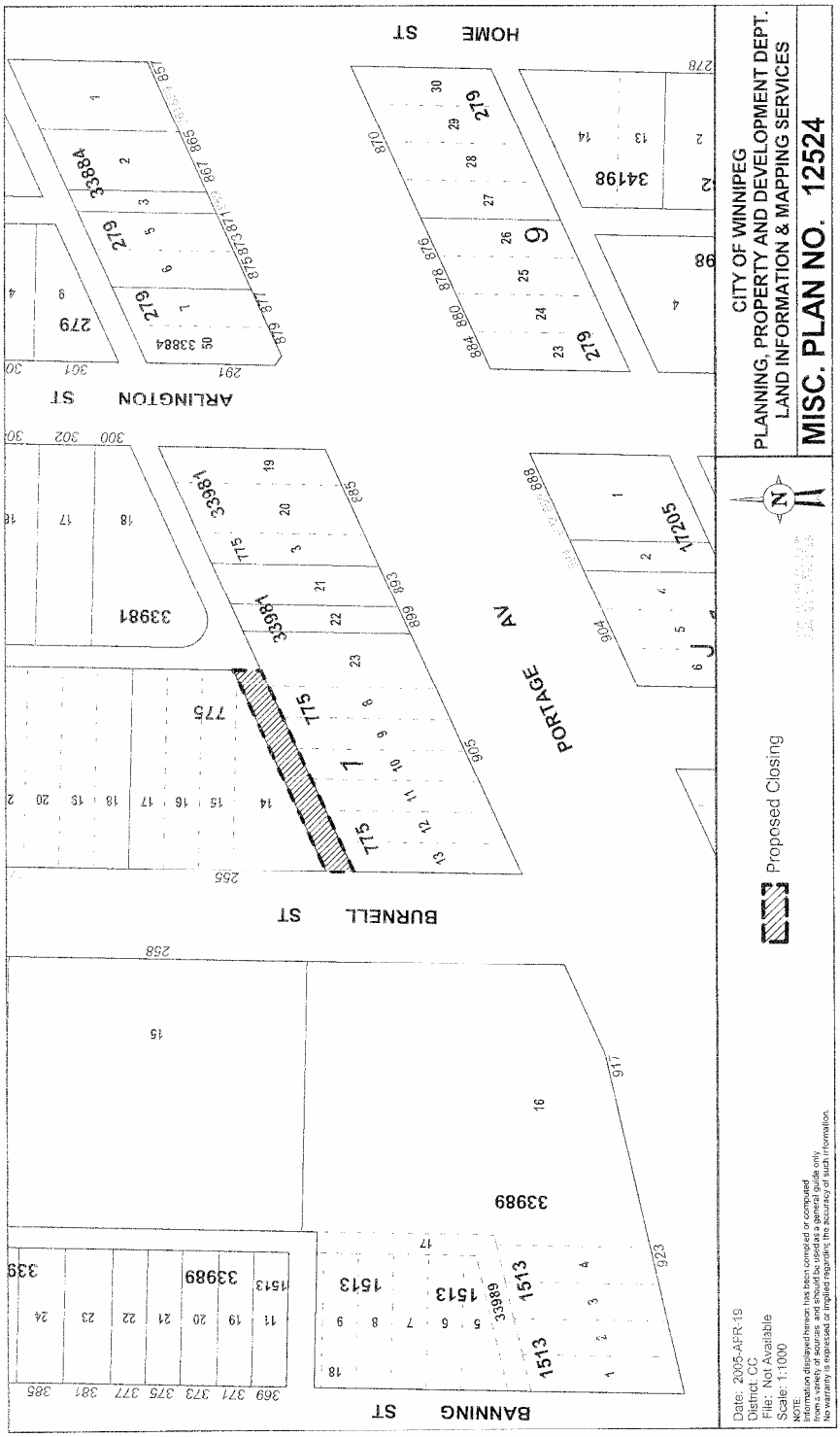
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12524
Proposed Closing
Date: 2005-APR-19
District: CC
File: Not Available
Scale: 1:1000
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
HOME ST
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BURNELL ST
BANNING ST
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