Minute No. 626
Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 8 **Closing – part of the public lane east of Sherbrook Street, south of Ellice Avenue**
File DAC 16/2005 [c/r DASZ 23/2005]

COUNCIL DECISION:

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

1. That the lane closing shown on Misc. Plan No. 12591 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. 12591, 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 applicant enter into a Servicing Agreement for the removal of the existing public lane turnout on Sherbrook Street and the restoration of the curb, boulevard and sidewalk, all as determined by and to the satisfaction of the Director of Public Works.

4. 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 - July 18, 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 July 20, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 18, 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 July 5, 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 16/2005 [c/r DASZ 23/2005 and DAV 131599/2005D]
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Benham Councillor Smith
Public Hearing:	July 5, 2005 Council Chamber Council Building, 510 Main Street
Applicant:	Prairie Architects (Carolynn Wilson)
Premises Affected:	part of the public lane east of Sherbrook Street
Exhibits Filed:	1. Report from the Real Property Officer dated June 24, 2005 2. Inspection Report 3. Presentation submitted by the applicant at the public hearing.

REPRESENTATIONS:

In Support:

Carolynn Wilson, Prairie Architects Inc.
Inonge Aliaga
Nan Colledge
Robin Falk
Al Matsune
Karen Meelker
Mzilikazi Ndlovu
Katherine Sjoberg
Erika Wiebe

In Opposition:

Nil

For Information:

Ron Oswald

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. R. Humble, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 16/2005

RE: DAC 16/2005 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE EAST OF SHERBROOK STREET, SOUTH OF ELLICE AVENUE FOR INCORPORATION INTO DASZ 23/2005

For submission to: **The City Centre Community Committee**

Report date: **June 24, 2005**

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12591 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. 12591, 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 applicant enter into a Servicing Agreement for the removal of the existing public lane turnout on Sherbrook Street and the restoration of the curb, boulevard and sidewalk, all as determined by and to the satisfaction of the Director of Public Works.

4. 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 West End Cultural Centre intends to incorporate the closed lane into its planned expansion, as addressed by DASZ 23/2005.

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):

- The lane closing will eliminate a means of access to the lane servicing the properties on Sherbrook and Furby Streets. Alternate access from Furby Street 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 Planning, Property and Development Department has received an application from Prairie Architects on behalf of the West End Cultural Centre to acquire the portion of the public lane identified as "Proposed Closing" on the attached Misc. Plan No. 12591. The closed lane will be incorporated into the Centre's plans to expand its facilities as identified in DASZ 23/2005, the application to subdivide and rezone the Centre's property.

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 has the following conditions to its approval of the proposal:

1. The applicant shall provide and legally open, at no expense to the City, property required for a 1.219m (4.0ft.) widening to the south side of the east/west public lane abutting 459 Shebrook Street, west of the north/south public lane to the satisfaction of the Director of Public Works.

2. The applicant shall provide and legally open, at no expense to the City, property required for a 1.219m (4.0ft.) widening to the west side of the north/south public lane abutting 459 Sherbrook Street, south of the east/west public lane, including a right-of-way corner-cut in the southwest corner of the intersection of the two public lanes measuring 3.0m by 3.0m, all to the satisfaction of the Director of Public Works.

3. The applicant shall enter into a Servicing Agreement for the removal of the existing public lane turnout on Sherbrook Street and the restoration of the curb, boulevard and sidewalk, all as determined by and to the satisfaction of the Director of Public Works.

Loss of Access

The lane closing will eliminate one of the means of access to the lane servicing the properties on Sherbrook and Furby Streets. Alternate access from Furby Street will remain.

Relocation of Electrical Plant

The applicant will be required to relocate the Manitoba Hydro facilities in the lane.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be incorporated into the project. 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

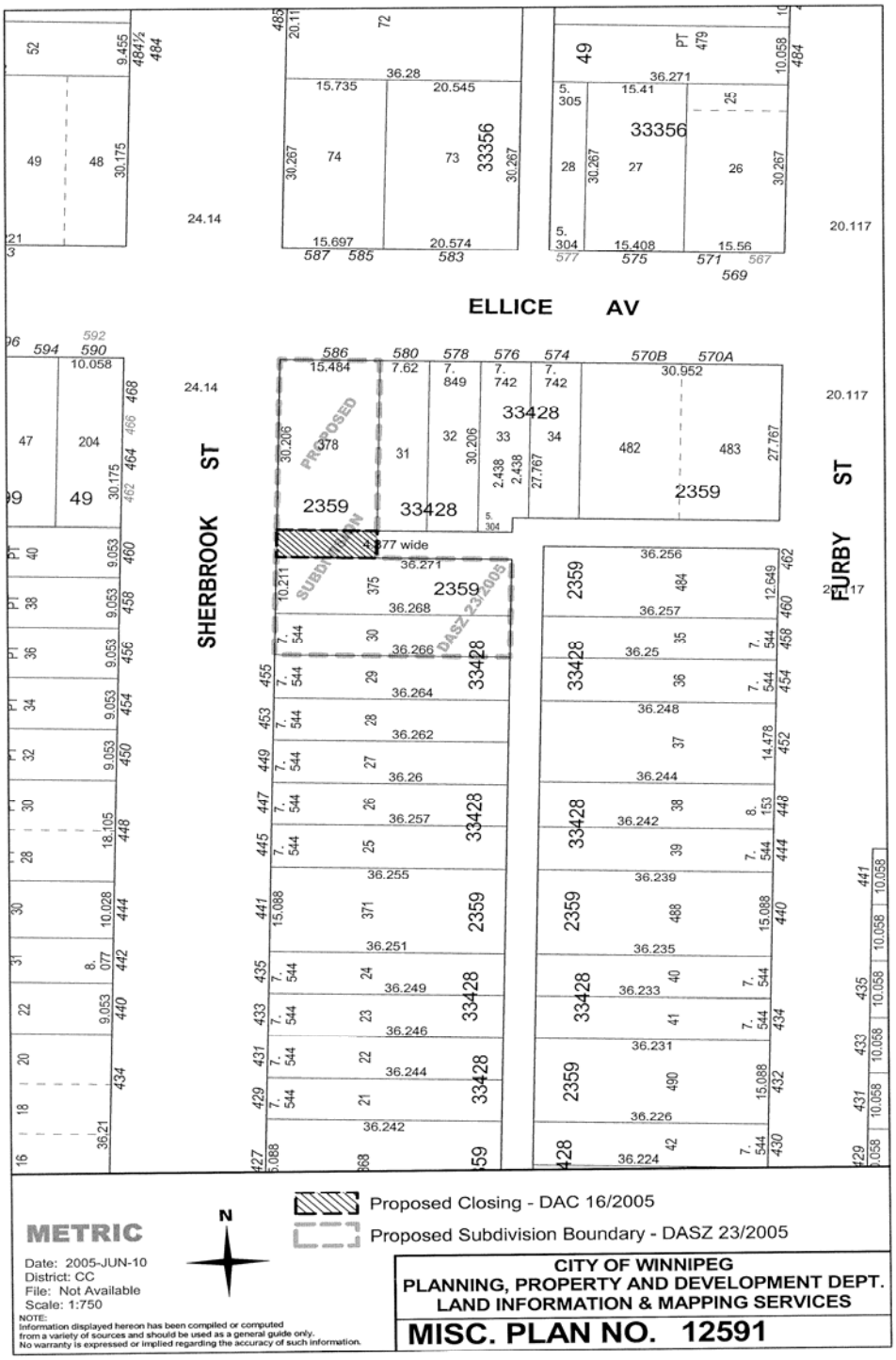
Centra Gas, Manitoba Hydro

MTS Allstream and 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 16/05

Document name:V:\word\DAOC\Dac16_05RPT.DOC


ELLICE AV
SHERBROOK ST
FURBY ST
PROPOSED SUBDIVISION
4.877 wide
DASZ 23/2005
Proposed Closing - DAC 16/2005
Proposed Subdivision Boundary - DASZ 23/2005
METRIC
Date: 2005-JUN-10
District: CC
File: Not Available
Scale: 1:750
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. 12591