Minutes - Executive Policy Committee – March 15, 2006

Minute No. 273
Report - Standing Policy Committee on Property and Development - February 28, 2006

Item No. 1 **Closing - part of Togo Avenue east of Osborne Street**
Widening - public lane adjacent to 421 Glasgow Avenue
File DAOC 7/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the opening and closing shown on Misc. Plan No. 11715/4 be approved and the lane to be closed 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 opening and closing in accordance with Misc. Plan No. 11715/4.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Minutes - Executive Policy Committee – March 15, 2006

Report - Standing Policy Committee on Property and Development – February 28, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 28, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 31, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 3, 2006, the City Centre Community Committee adjourned the public hearing to its meeting on January 31, 2006.

PUBLIC HEARING SUMMARY

File:	DAOC 7/2005
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Benham Councillor Smith
Public Hearing:	January 3, 2006, Council Chambers January 3, 2006, West Committee Room Council Building, 510 Main Street
Applicant:	The City of Winnipeg
Premises Affected:	Closing - part of Togo Avenue east of Osborne Street, Widening - public lane adjacent to 421 Glasgow Avenue

Exhibits Filed:

1. Report from the Real Property Officer (undated)
2. Inspection Report
3. Presentation with respect to the application submitted by R. Bruce Nield on January 3, 2006
4. Supplementary Report from the Manager of Planning and Land Use dated January 24, 2006
5. Supplementary Report from the Real Property Officer dated January 30, 2006
6. Communication (undated) from Bruce Nield with respect to the application, submitted at the public hearing.

REPRESENTATIONS:

In Support:

Roy Robertson

In Opposition:

Nil

For Information:

Bruce and Madeline L. Nield

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. M. Sandhurst, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 7/2005

RE: DAOC 7/2005 – PROPOSED CLOSING OF PART OF TOGO AVENUE EAST OF OSBORNE STREET; PROPOSED WIDENING OF THE PUBLIC LANE ADJACENT TO NO. 421 GLASGOW AVENUE

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

Report date:

Recommendations:

1. That the proposed opening and closing as shown on Misc. Plan No. 11715/4 be approved and that the land to be closed 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 opening and closing in accordance with Misc. Plan No. 11715/4.

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 proposed street closing and lane widening are conditions of the negotiations to acquire an easement for a riverbank pathway within No. 421 Glasgow Avenue, as approved by the Standing Policy Committee on Property and Development on November 29, 2005 and by Council on December 14, 2005.
- Public access to the river will be maintained by leaving the northerly 3 metres of Togo Avenue open.

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:

X	**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 City of Winnipeg. The sale will offset the cost of the acquisition. All remaining funds will be credited to the Land Operating Reserve Account.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The Real Estate Division of the Planning, Property and Development Department has obtained an agreement with the owners of No. 421 Glasgow in which the property owners receive the City property shown as "Proposed Sale" and the portion of Togo Avenue shown as "Proposed Closing" on the attached Misc. Plan No. 11715/4 and the City of Winnipeg receives an easement for a riverbank pathway over the area shown as "Proposed Easement – 5.0 Wide", the land shown as "Proposed Widening" and financial compensation for the closed street.
The northerly 3 metres of the street will remain open as a pedestrian access to the river.

On November 29, 2005, the Standing Policy Committee on Property and Development approved the terms of the land exchange. Council approved the land exchange on December 14, 2005.

DISCUSSION:

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the opening and closing.

The Transportation Division of the Public Works Department advised that the lane adjacent to 421 Glasgow should be widened to 7.25 metres and the street closing should align with the lane widening. The Transportation Division further advised that the purchaser would be responsible for the removal of all street pavement and all related works within the closed right of way as well as for the construction of curbing and all related works, including but not limited to land drainage works, required to effect the new street terminus as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro will require an easement for the maintenance of its facilities in the closed street. No permanent structures will be allowed in the easement area.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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 BranchesCorporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:7582/2

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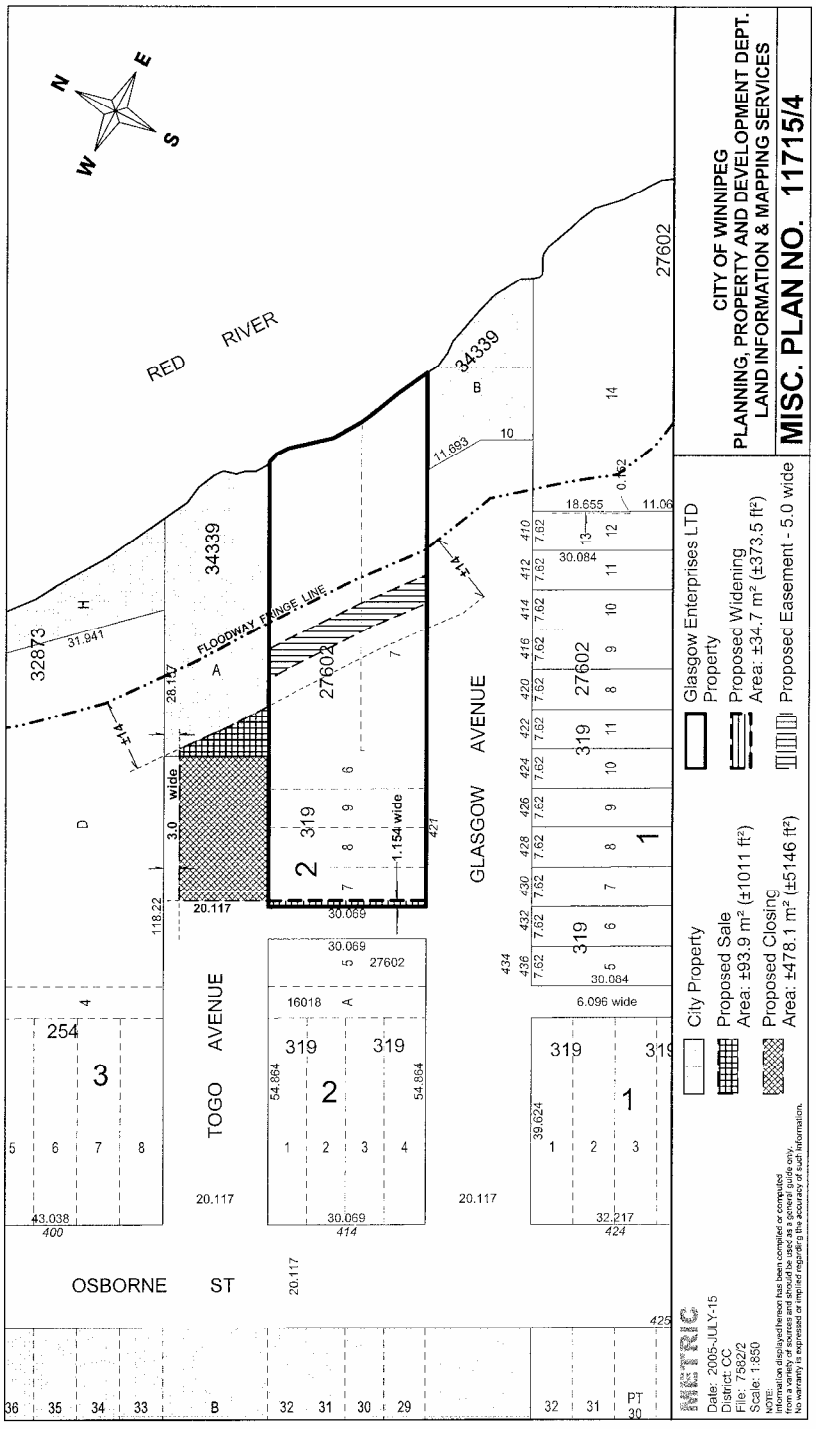
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11715/4
City Property
Proposed Sale
Area: ±93.9 m² (±1011 ft²)
Proposed Closing
Area: ±478.1 m² (±5146 ft²)
Glasgow Enterprises LTD
Property
Proposed Widening
Area: ±34.7 m² (±373.5 ft²)
Proposed Easement - 5.0 wide
METRIC
Date: 2005-JULY-15
District: CC
File: 7582/2
Scale: 1:850
RED RIVER
FLOODWAY FRINGE LINE
GLASGOW AVENUE
TOGO AVENUE
OSBORNE ST
34339
27602
32873
319
254
3.0 wide
1.154 wide
6.096 wide
20.117
30.069
118.22
11.693
18.655
30.084
54.864
43.038
39.624
32.217

Exhibit “4” referred to in File DAOC 7/2005

In reply please refer to / Référence à rappeler :

(204) 986-5066
Fax / Τθlθc. : (204) 986-7524

File No. DAOC 7/05 January 24, 2006
CCA – City Centre
Our c/f CP 500 (.666)

TO THE CHAIRMAN AND MEMBERS OF
CITY CENTRE COMMUNITY COMMITTEE

PREMISES: 421 Glasgow
APPLICANT: City of Winnipeg
SUBJECT: Road opening and closing

At its January 3, 2006 meeting, City Centre Community Committee considered DAOC 7/05, regarding “an application for a Closing for premises affected at Togo Avenue east of Osborne Street Widening - public lane adjacent to 421 Glasgow Avenue”. Community committee adjourned the public hearing to its meeting on January 31, 2006.

Subsequently, Planning, Property, & Development Department has confirmed the subject site is zoned “C2” Commercial District. The site is currently vacant. Although no development application has been received, earlier discussions with the property owner indicate a professional office may be developed.

Sincerely,

J. East
Manager of Planning and Land Use

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Per: M. Sandhurst, planner

Exhibit "5" referred to in File DAOC 7/2005

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Geomatics Branch
2nd floor, 65 Garry Street

Date: January 30, 2006

To: Josie Marques, City Centre Community Committee Clerk
From: Glenn Halldorson, Real Property Officer
RE: **DAOC 7/2005 – PROPOSED CLOSING OF PART OF TOGO AVENUE EAST OF OSBORNE STREET; PROPOSED WIDENING OF THE PUBLIC LANE ADJACENT TO NO. 421 GLASGOW AVENUE FILE (PLEASE QUOTE WHEN REPLYING)**

On January 3rd, the City Centre Community Committee adjourned the public hearing of the subject application so that the administration could provide answers to the questions raised by Bruce and Madeline Nield on behalf of the residents at 400 Osborne Street. Following are the questions asked and the administration's responses.

"Where is the property line in respect to the current Togo Avenue curbs?"

The property line (the north limit of the proposed closing) will be approximately 3 metres north of the curb.

"What is the zoning for this site? i.e. Maximum number of floors. What are the requirements for space between the building and lot lines? i.e. what set back?"

The property on each side of Togo is zoned C2, which the closed portion of Togo will also become. The front yard for the proposed development of 421 Glasgow will have to be Glasgow, which means that the rear yard will be the new property line on Togo which the closing will create. In a C2 zoning district the required rear yard is 25 feet, and the maximum height of a building is 45 feet. If the applicant wishes to build any closer to the new property line on Togo or higher than 45 feet, he must apply to vary the by-law.

Architectural drawings provided by the owner of 421 Glasgow showing the building proposed for the site are attached.

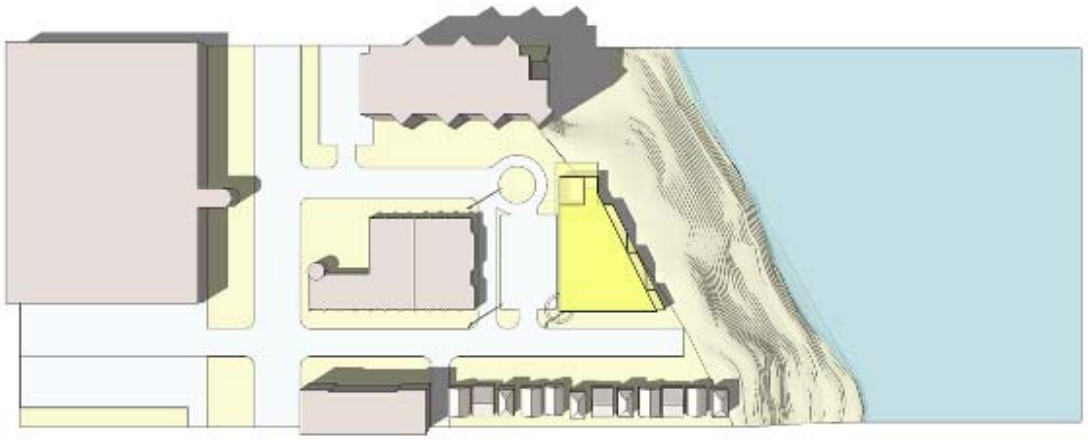
"Does there have to be access to the river walk off Togo?

Plans to pave and illuminate a path to the river walk from Togo have been abandoned. Access will be provided from Glasgow instead.

e-mailed

v:\word\daoc\daoc7_05 memo to cc.doc

6010



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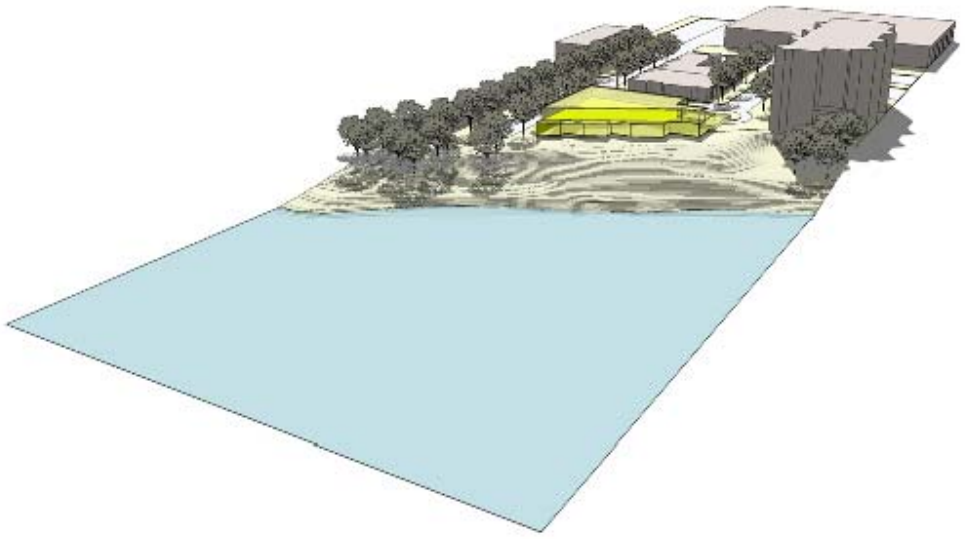

TetrES HQ . Winnipeg SYVERSON | MONTEYNE

Exhibit "6" referred to in File DAOC 7/2005

Submitted by BRUCE NIELD on January 31, 2006

R. Bruce Nield
706 – 400 Osborne Street
Winnipeg, Mb. R3L 2W1
January 31, 2006

City of Winnipeg
City Centre Community Committee
510 Main Street
Winnipeg, Mb.

Re: Proposed closing of Togo Avenue

To Whom It May Concern

At the meeting of January 3rd, we expressed concerns or required information on the following:

-where is the property line in respect to the current Togo Avenue curbs

We were advised that the property line runs approximately 3 meters north of the Togo curb.

-What is the zoning for the site? I.e. Maximum number of floors. What are the requirements for space between the buildings and the lot lines?

We were advised that the site is zoned C2 and that the maximum number of floors are two and the maximum height is 45 feet. The rear of the building along Togo is to be 25 feet from the boundary line.

-parking needs for the new building.

There will be 24 stalls which meet city guidelines and are adequate for their needs.

-Does there have to be access to the river walk off Togo Avenue?

We have been advised that the paved and illuminated path to the river walk off Togo Ave. has been abandoned and will be provided off Glasgow.

The tenants of our building were advised of the above in a recent meeting and we cannot see any problems or opposition to the above. We would like to thank Glenn Halldorson of the Planning, Property and Development Dept as well as Roy Robertson, the property owner for their co-operation in getting good information to us promptly.

R. B. Nield