Minute No. 38
Report - Standing Policy Committee on Downtown Development - October 31, 2005

Item No. 1 **Street Closing - Part of McDermot Avenue opposite Ship Street**
File DAC 22/2005

COUNCIL DECISION:

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

1. That the proposed street closing as shown on Misc. Plan No. 12677 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 closings in accordance with Misc. Plan No. 12677, subject to the approval of the Standing Policy Committee on Downtown 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 Downtown Development - October 31, 2005

DECISION MAKING HISTORY:

Moved by Councillor Magnifico,
That the recommendation of the Standing Policy Committee on Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 16, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 31, 2005, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 22/2005
Before:	Standing Policy Committee on Downtown Development Councillor De Smedt, Chairperson Councillor Eadie Councillor Gerbasi Councillor Steeves
Public Hearing:	October 31, 2005 West Committee Room, Council Building 510 Main Street
Applicant:	2116669 Manitoba Corporation
Premises Affected:	part of McDermot Avenue opposite Ship Street
Exhibits Filed:	1. Report from the Real Property Officer dated October 21, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:
Paul McNeil, ND Lea Engineers and Planners Inc., on behalf of 2116669 Manitoba Corporation

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. H. Finnigan, Director of Planning, Property and Development
Mr. J. Zabudney, Supervisor of Property Management,
Planning, Property and Development Department

Exhibit "1 referred to in File DAC 22/2005

RE: DAC 22/2005 – PROPOSED CLOSING OF PART OF MCDERMOT AVENUE OPPOSITE SHIP STREET

For submission to: The Standing Policy Committee on Downtown Development

Original report signed by: Director of Planning, Property and Development

Report date: October 21, 2005

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 12677 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 closings in accordance with Misc. Plan No. 12677, subject to the approval of the Standing Policy Committee on Downtown 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 entered into an agreement with the City of Winnipeg in 2001 allowing the use of portion of the street proposed to be closed as a parking area. The terms of the agreement provide an option for the applicant to purchase the street. The applicant is exercising this option. The street must be closed before it may be sold.

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 paid by the applicant.

REASON FOR THE REPORT:

All street and lane closings within the boundaries of the Downtown Winnipeg area, as defined by By-Law 100/2004, require the consideration of the Standing Policy Committee on Downtown Development.

HISTORY:

In 2001, the City of Winnipeg entered into a Leave and License agreement with 2116669 Manitoba Corporation to allow the use of the land shown as "Proposed Closing" on the attached Misc. Plan No. 12677 as a parking area. This area was created to compensate 2116669 Manitoba Corporation for a parking area lost through the dedication of some of its land as Waterfront Drive. The terms of the Leave and License agreement include an option for the Corporation to purchase the parking lot area. 2116669 Manitoba Corporation has decided to exercise that option.

DISCUSSION:

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing.

Easements

There is an existing fire hydrant, catch basin and associated catch basin lead located within the proposed closing. The Water and Waste Department will allow the catch basin and lead to be relocated or abandoned at the owner's expense. The fire hydrant cannot be abandoned. The hydrant would have to be moved to a location that would still ensure adequate fire protection. It would be the applicant's responsibility to retain the services of a consulting engineer to determine the costs for relocation and/or abandonment. Any relocation will be subject to the approval of the Water and Waste Department. If the facilities are left in place an easement will be required for their maintenance.

Manitoba Hydro will also require an easement for the maintenance of its facilities in the area.

No permanent structures will be allowed in either easement area.

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.

Financial Impact Statement **Date:** October 4, 2005

COMMENTS:

All costs associated with this project will be the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

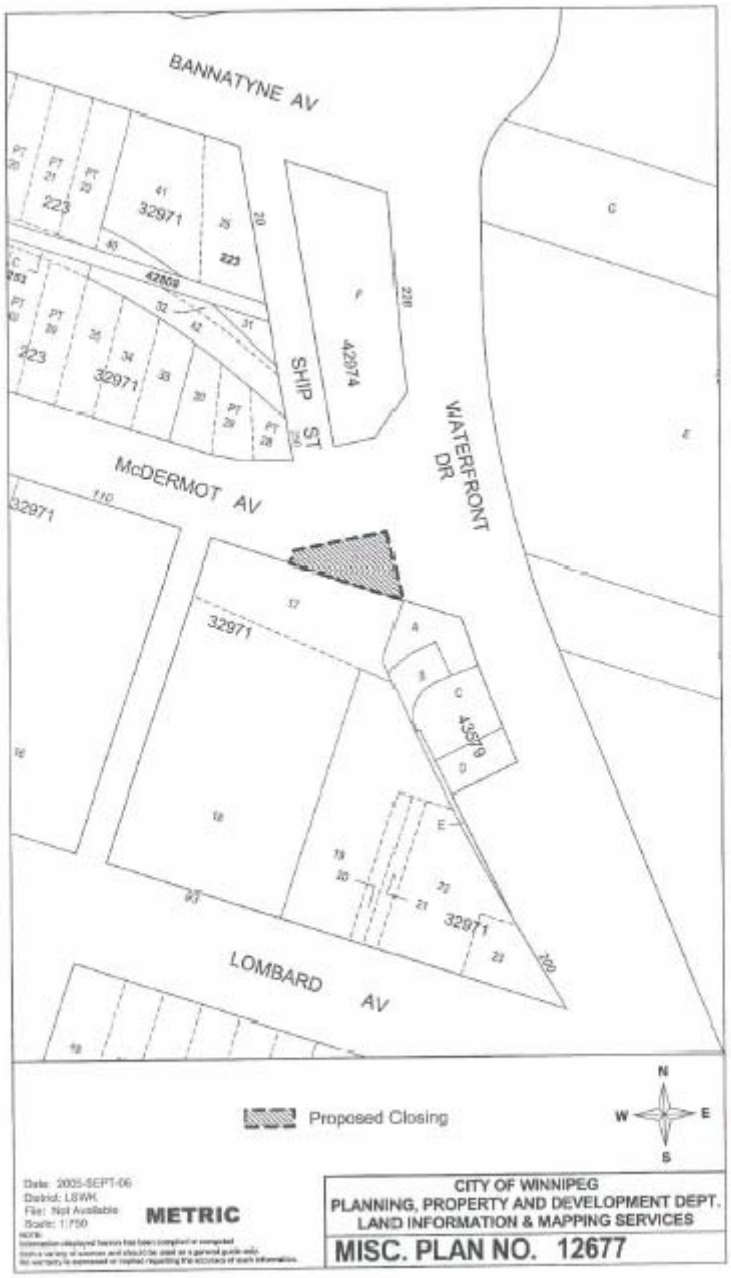
Water and Waste Department – Engineering Division

Manitoba Hydro, Centra Gas, MTS

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 22/05


BANNATYNE AV
McDERMOT AV
SHIP ST
WATERFRONT DR
LOMBARD AV
32971
42874
43919
Proposed Closing
N
W
E
S
Date: 2005-SEPT-06
District: LSWK
File: Not Available
Scale: 1:750
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12677