Minute No. 39
Report - Standing Policy Committee on Downtown Development - October 31, 2005

Item No. 2 **Street Closing - Parts of Bannatyne Avenue and Waterfront Drive**
File DAC 23/2005

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. 12467/3 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. 12467/3, 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 23/2005
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:	McGowan Russell Architects (Mr. Ross McGowan) on behalf of Ship Street Development Ltd.
Premises Affected:	Parts of Bannatyne Avenue and Waterfront Drive
Exhibits Filed:	1. Report from the Real Property Officer dated October 21, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:
Ross McGowan, McGowan Russell Architects, on behalf of Ship Street Development Ltd.

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. H. Finnigan, Director of Planning, Property and Development

Exhibit "1" referred to in File DAC 23/2005

RE: DAC 23/2005 – PROPOSED CLOSING OF PARTS OF BANNATYNE AVENUE AND WATERFRONT DRIVE

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. 12467/3 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. 12467/3, 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 Ship Street Village Condominium building at Waterfront Drive and McDermot Avenue does not fit on the site. The developer wishes to purchase the portions of the street into which the building encroaches.

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.

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 November of 2004, Ship Street Development Ltd. applied to acquire portions of Bannatyne Avenue and Waterfront Drive. The Ship Street Village Condominium building planned for the site did not fit and the closed portions of the streets would accommodate this situation. The application was processed under DAC 27/2004 and approved by the Standing Policy Committee on Downtown Development and Council.

In March of 2005, the applicant identified an additional closing requirement to fit the building on the site. This application was processed under DAC 6/2005 and approved by the Standing Policy Committee on Downtown Development and Council.

The building is now under construction and a recent survey has revealed that the building, once completed, will encroach into Bannatyne Avenue and Waterfront Drive. The applicant wishes to purchase the encroachment areas. A further closing is required. The additional closing will be 0.1 metres of Bannatyne and a portion of Waterfront 1 metre in width at its widest point.

DISCUSSION:

Administrative Approval

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

Easements

Manitoba Hydro will require either an easement for the maintenance of its facilities in the area or a relocation of those facilities.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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 borne by 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

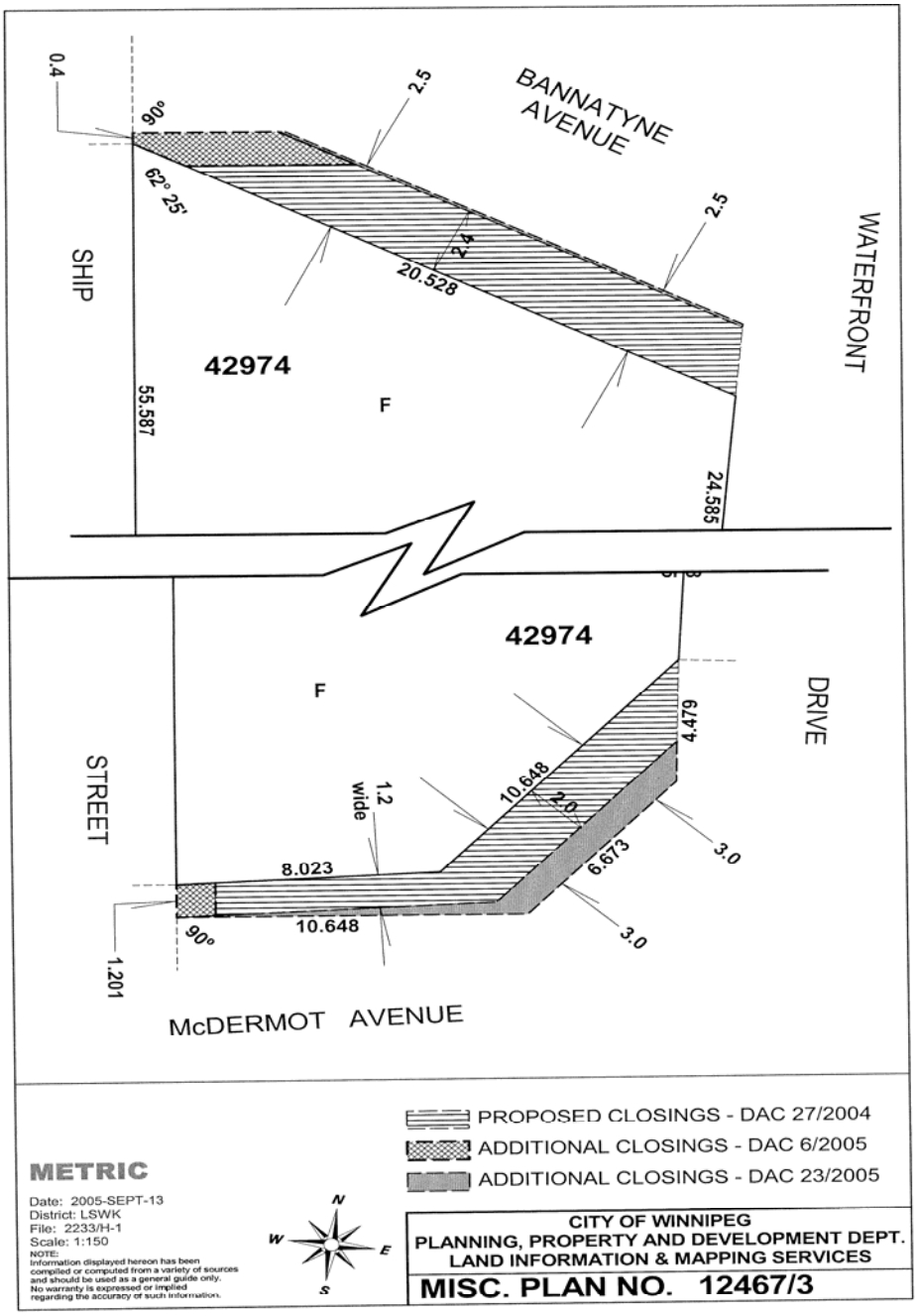
Water and Waste Department – Engineering Division

Manitoba Hydro, MTS

Centra Gas 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 23/05


BANNATYNE AVENUE
WATERFRONT
SHIP
STREET
DRIVE
McDERMOT AVENUE
42974
F
42974
F
0.4
90°
2.5
62° 25'
2.5
20.528
55.587
24.585
4.479
10.648
1.2 wide
2.0
3.0
6.673
8.023
10.648
3.0
90°
1.201
PROPOSED CLOSINGS - DAC 27/2004
ADDITIONAL CLOSINGS - DAC 6/2005
ADDITIONAL CLOSINGS - DAC 23/2005
METRIC
Date: 2005-SEPT-13
District: LSWK
File: 2233/H-1
Scale: 1:150
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12467/3