Minute No. 437
Report - Standing Policy Committee on Property and Development – May 1, 2007

Item No. 4 **Closing - Public Lane between 625 and 635 Pembina Highway**
File DAC 4/2007

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. 13077/1 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. 13077/1, 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 - Standing Policy Committee on Property and Development – May 1, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 9, 2007, 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 May 1, 2007, 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 April 16, 2007, 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 4/2007
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Leipsic Councillor Smith
Public Hearing:	April1 6, 2007 North Committee Room, Council Building, 510 Main Street
Applicant:	Gimli Fish Company Limited
Premises Affected:	public lane between 625 and 635 Pembina Highway
Exhibits Filed:	1. Report from the Real Property Officer dated March 23, 2007 2. Inspection Report 3. Communication dated April 13, 2007, from Morse Silden Barrister and Solicitor, representing Mike Sapozhnik, MLS Management Ltd. (Quality Inn) in opposition to the application.

REPRESENTATIONS:

In Support:

Karen Olson, Gimli Fish Company Limited

In Opposition:

Morse Silden, on behalf of Mike Sapozhnik
Mike Sapozhnik, MLS Management Ltd. (Quality Inn)

For Information:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 4/2007

RE: DAC 4/2007 – PROPOSED CLOSING OF THE PUBLIC LANE BETWEEN NOS. 625 AND 635 PEMBINA HIGHWAY

FOR SUBMISSION TO: **The City Centre Community Committee**

REPORT DATE: **March 23, 2007**

RECOMMENDATION:

1. That the proposed lane closing as shown on Misc. Plan No. 13077/1 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. 13077/1, 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 owner of the property at 625 Pembina, Gimli Fish Company Limited, has applied to purchase a portion of the public lane. The balance of the lane will be offered to the owner of the Quality Inn at 635 Pembina.

The closing will eliminate the access from Pembina to the Quality Inn's parking lot and to the neighbourhood to the west. Alternate access to the hotel or the neighbourhood is available via Carter Avenue and Arbuthnot Street.

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
( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No
( ) Yes
Comment(s):

Regulatory Implications

(x) None
( ) Eliminates or reduces regulatory impact
( ) Proposes regulatory impact

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 application will be assumed by the applicant. There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

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



HISTORY:

The public lane proposed to be closed is the remnant of a lane that once ran between Pembina Highway and Arbuthnot Street. The larger part of the lane was closed and sold to the adjoining owner in 1972. The width of the balance of the lane was increased at that time to allow vehicles to turn around at the dead end created by the closing.
The lane is not used as a turnaround area. Vehicle do use the lane for access to the properties to the west.

The Planning, Property and Development Department has received a request from the Gimli Fish Company Limited, the owner of the property at 625 Pembina, to purchase the portion of the public lane shown as Parcel A on the attached Misc. Plan No. 13077/1. The applicant is planning to build an addition to the existing store on the site. The plans do not indicate any building addition in the closed lane.

The balance of the lane, shown as Parcel B on the drawing, will be offered to the owner of 635 Pembina.

DISCUSSION:

Administrative Approval

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

Effect of the Lane Closing

While some vehicles use the lane to enter and exit the Quality Inn property at 635 Pembina, it is reasonable to assume that area residents are also using the lane and trespassing on the hotel property. Closing the lane will be a minor inconvenience, as access to the hotel or the neighbourhood is available via Carter Avenue and Arbuthnot Street. The extra distance that vehicles will have to travel will be approximately 150 metres.

Approach

The Public Works Department has advised that the applicant will be required to remove the approach from Pembina Highway and restore the curb, boulevard and sidewalk at her expense and to the satisfaction of the Director Public Works. If the applicant wants to retain the approach, a permit for a private approach will be required.

Easements

Manitoba Hydro, Centra Gas, MTS and Shaw Cable require easements for the maintenance of their infrastructure in the lane. No permanent structures will be allowed in these easement areas.

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:

Internal Consultation With and Concurrence By:

There was no internal consultation involved in the preparation of this report.

External Consultation With:

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 4342

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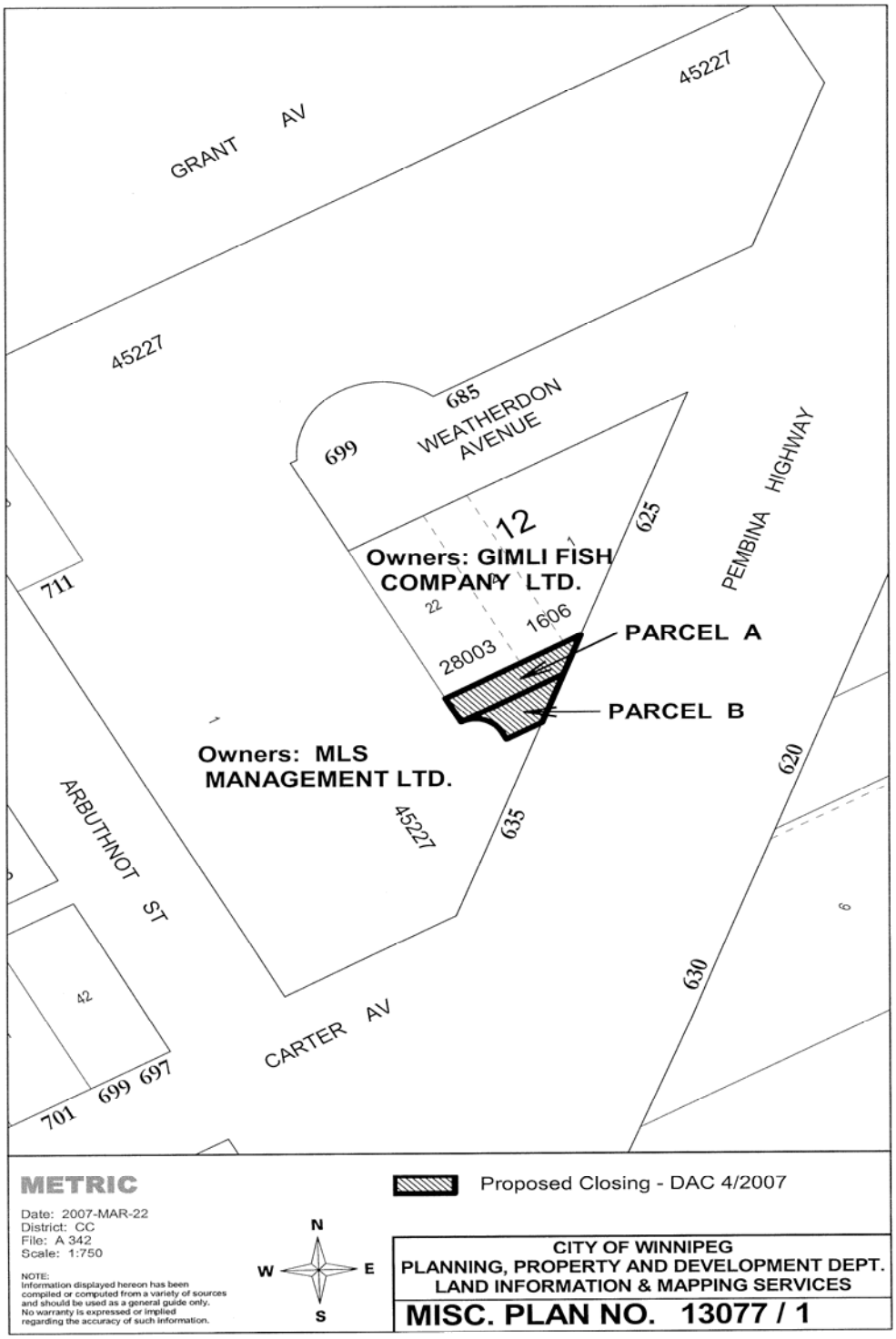
GRANT AV
45227
45227
685
699
WEATHERDON AVENUE
12
Owners: GIMLI FISH COMPANY LTD.
625
PEMBINA HIGHWAY
711
22
1606
28003
PARCEL A
PARCEL B
Owners: MLS MANAGEMENT LTD.
620
ARBUTHNOT ST
45227
635
630
42
CARTER AV
701
699
697
METRIC
Date: 2007-MAR-22
District: CC
File: A 342
Scale: 1:750
NOTE:
Information 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.
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Proposed Closing - DAC 4/2007
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13077 / 1