Agenda - Council – September 26, 2007

Report - Standing Policy Committee on Property and Development – September 4, 2007

Item No. 5 **Closing – part of the public lane at the rear of 690 Notre Dame Avenue for incorporation into DASZ 26/2007 and Opening - alternate public lane**
(Daniel McIntyre Ward)
File DAOC 1/2007 [c/r DASZ 26/2007]

STANDING COMMITTEE RECOMMENDATION:

On September 19, 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 submits the following to Council:

1. That the lane opening and closing as shown on Misc. Plan No. 13159 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. 13159, 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 – September 4, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 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 September 4, 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 July 17, 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:	DAOC 1/2007 [c/r DASZ 26/2007, DAV 136932/2007D, DCU 136931/2007D]
Before:	North Community Committee Councillor Gerbasi, Chairperson Councillor Leipsic Councillor Smith
Public Hearing:	July 17, 2007 North Committee Room Council Building, 510 Main Street
Premises Affected:	690 Notre Dame Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated June 29, 2007 2. Inspection Report

REPRESENTATIONS:

In Support:

Jim Dunn
Gordon B. McDiamond
Bragomir Lazar
Wayne Mitchell
John Prystanski
Hardev Sandhu
Amarjeet S. Warraich

In Opposition:

Nil

For Information:

Fred Curry

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 DAOC 1/2007 [c/r DASZ 26/2007, DAV 136932/2007D, DCU 136931/2007D]

RE: DAOC 1/2007 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE AT THE REAR OF NO. 690 NOTRE DAME AVENUE FOR INCORPORATION INTO APPLICATION NO. DASZ 26/2007; PROPOSED OPENING OF AN ALTERNATE PUBLIC LANE

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

REPORT DATE: **June 28, 2007**

RECOMMENDATION:

1. That the proposed lane opening and closing as shown on Misc. Plan No. 13159 be approved and that the lane 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. 13159, 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 Maryland Hotel is planning some upgrades to their property. The proposed closing will allow the construction of a beer vendor building in the area to the south currently being used for parking. Manitoba liquor laws require a beer vendor to be on property contiguous with the hotel lands. Closing the lane will provide this link.

A new lane will be constructed connecting to McGee Street to facilitate traffic flow in the neighbourhood.

The development of the hotel lands will require a subdivision and rezoning of the property. These matters are addressed under Application No. DASZ 26/2007.

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

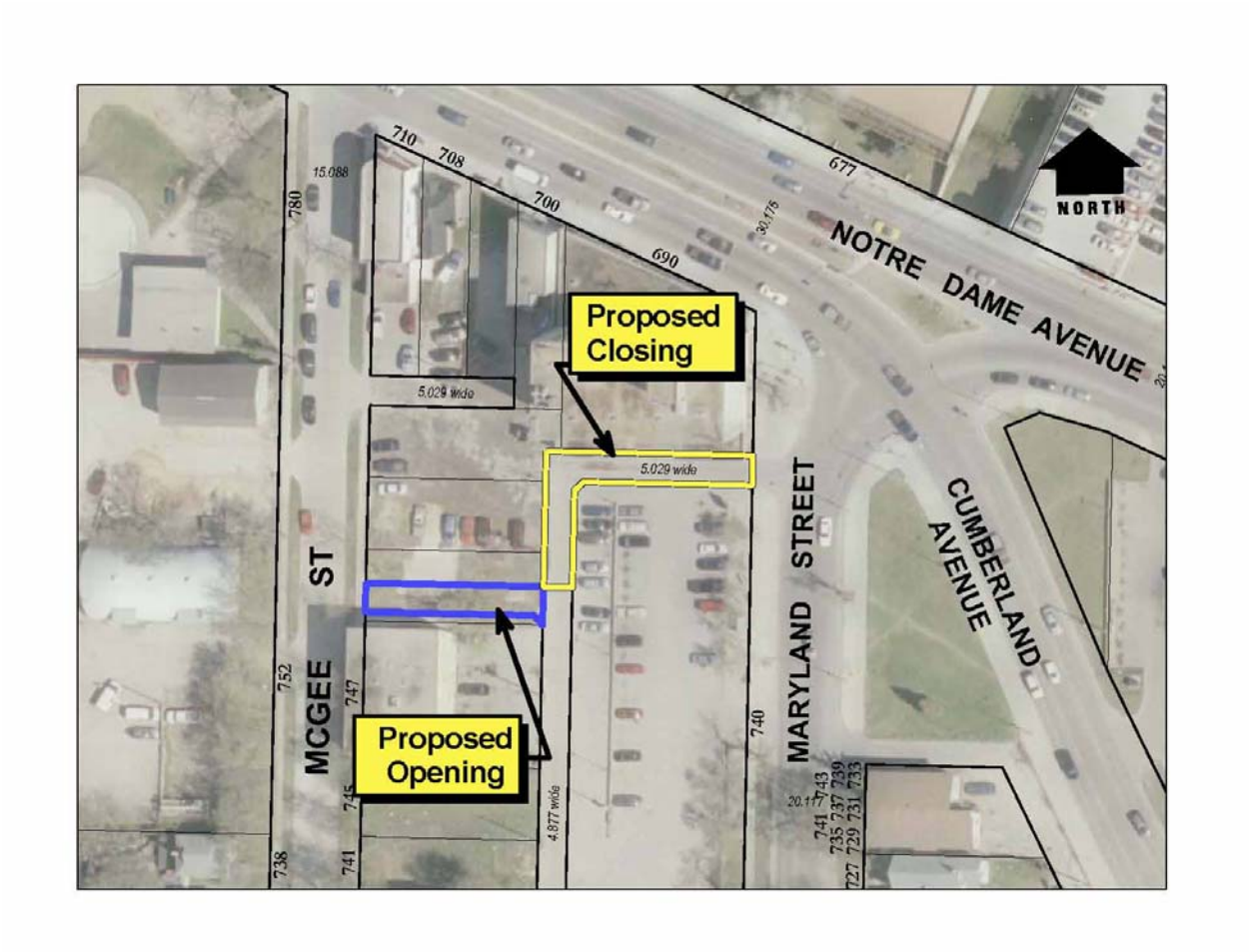
Comment(s): All costs associated with the opening and closing will be paid by the applicant. There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

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

HISTORY:



The Planning, Property and Development Department has received a request from John Prystanski, representing the Maryland Hotel, to purchase the portion of the public lane identified as “Proposed Closing” on the attached Misc. Plan No. 13159. An alternate lane providing access and egress is shown as “Proposed Opening” on the drawing.

The Maryland Hotel is joining the Econo Lodge hotel chain and plans some upgrades to their property. The proposed closing will allow the construction of a beer vendor building in the area to the south currently being used for parking. Manitoba liquor laws require a beer vendor to be on property contiguous with the hotel lands. Closing the lane will provide this link. The proposed closing will also allow the construction of a canopy over the lane to protect hotel customers from inclement weather.

The development of the hotel lands will require a subdivision and rezoning of the property. These matters are addressed under Application No. DASZ 26/2007.

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.

Servicing Agreement

The Public Works Department will require the applicant to enter into a Servicing Agreement for the following works:

1. Removing the existing public lane turnout from Maryland Street and restoring the curb, boulevard and sidewalk all as determined by and to the satisfaction of the Director of Public Works. If the applicant wishes to retain the turnout for use as a Private Approach, an application for Private Approach Approval will be necessary.
2. Removing the existing lane pavement within the portion of public lane being closed if necessary.
3. Establishing in the area shown as "Proposed Lane Opening" on Misc. Plan No. 13159 a lane right-of-way of 7.25m complete with a right-of-way corner cut measuring 3.0m by 3.0m on the inside of the 90^{o} deflection of the public lane.
4. Constructing a 6.0m by 150mm portland cement concrete pavement in the public lane being opened, including a 4.5m concrete radius within the 3.0m by 3.0m corner cut, and all related works, including, but not necessarily limited to a street turnout at McGee Street and land drainage sewer in the proposed public lane all as determined by and to the satisfaction of the Director of Public Works.

All costs associated with these works are to be the responsibility of the Applicant.

Easements

Manitoba Hydro, MTS Allstream and Centra Gas will require easements for the maintenance of their plants in the lane to be closed. 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:

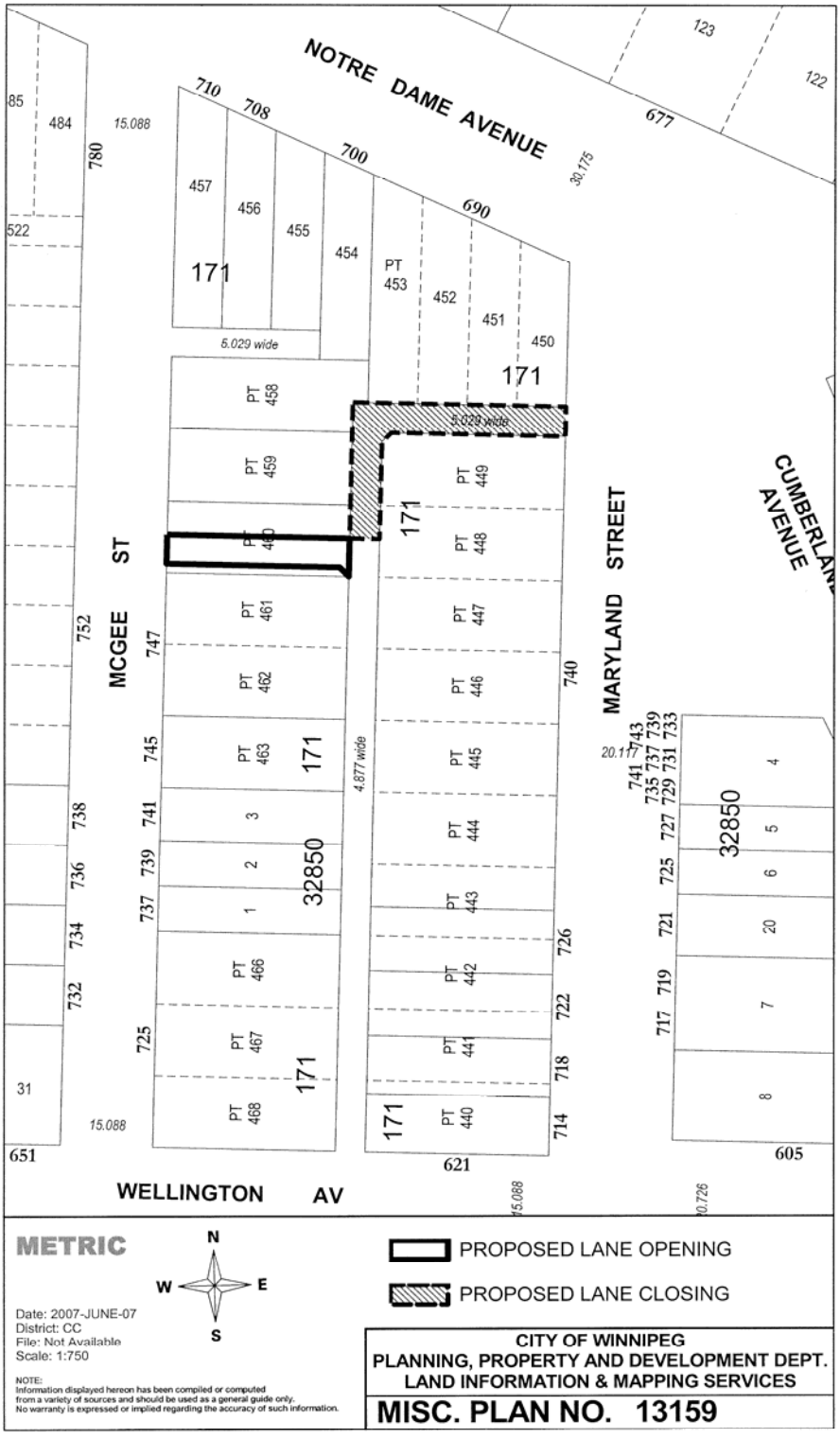
There was no internal consultation involved in the preparation of this report.

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. 8711


NOTRE DAME AVENUE
MCGEE ST
MARYLAND STREET
CUMBERLAND AVENUE
WELLINGTON AV
171
32850
5.029 wide
4.877 wide
15.088
30.175
20.117
METRIC
N
W
E
S
Date: 2007-JUNE-07
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.
PROPOSED LANE OPENING
PROPOSED LANE CLOSING
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13159