Minute No. 254
Report - Standing Policy Committee on Property and Development - March 25, 2008

Item No. 6 **Closing - Public Lanes North of Portage Avenue, East and West of Victor Street**
(Daniel McIntyre Ward)
File DAC 3/2008 [c/r DASZ 2/2008 and DAV 103362/2008D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 proposed lane closings as shown on Misc. Plan No. 13306 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 lane closings in accordance with Misc. Plan No. 13306, 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 - March 25, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations 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 March 25, 2008, 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 March 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 3/2008 [c/r DASZ 2/2008 and DAV 103362/2008D]
Before:	City Centre Community Committee Councillor Leipsic, Chairperson Councillor Gerbasi Councillor Smith
Hearing:	March 17, 2008 North Committee Room Council Building, 510 Main Street
Applicant:	Gladstone Finance Corporation Ltd. (Hart Mallin)
Premises Affected:	public lanes north of Portage Avenue, east and west of Victor Street
Exhibits Filed:	1. Report from the Real Property Officer dated February 29, 2008 2. Inspection Report

REPRESENTATIONS:

In Support:

Andrew Bickford
Hart Mallin, Gladstone Finance Corporation Ltd.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2008 [c/r DASZ 2/2008 and DAV 103362/2008D]

RE: DAC 3/2008 – PROPOSED CLOSING OF THE PUBLIC LANES NORTH OF PORTAGE AVENUE, EAST AND WEST OF VICTOR STREET

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

REPORT DATE: **February 29, 2008**

RECOMMENDATION:

1. That the proposed lane closings as shown on Misc. Plan No. 13306 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 lane closings in accordance with Misc. Plan No. 13306, 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:

Mr. Hart Mallin, representing Gladstone Finance Corporation Ltd., has made an application to close and purchase the subject lanes identified as Parcels "A" and "B" on Miscellaneous Plan No. 13306. Parcel "A" of the proposed closing is to be incorporated within an application to subdivide and rezone the adjoining land currently being processed under DASZ 2/2008. Parcel "B" is to form an addition the applicant's adjoining holding located to the north of the closing.

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

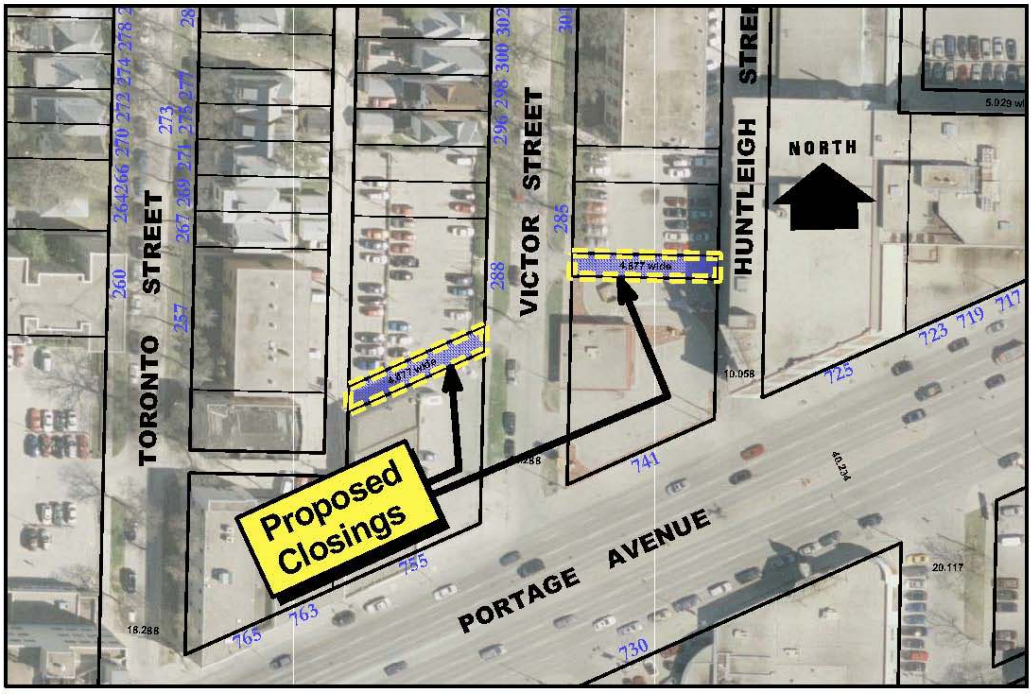
( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with this application will be borne 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 Mr. Hart Mallin, representing Gladstone Finance Corporation Ltd., to purchase the lanes identified as “Proposed Closing” (Parcels “A” and “B”) on the attached copy of Miscellaneous Plan No. 13306. Parcel “A” is to be included in a subdivision and rezoning application currently being processed under DASZ 2/2008, which is to incorporate the surface parking area at 288 Victor Street with the proposed closing.

The developer intends to provide an approach connection to the north/south public lane immediately to the west of the subdivision boundary.
Parcel “B” is to be included in the expansion of parking facilities that currently exist immediately to the north of the subject closing.

DISCUSSION:

Administrative Approval

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

The approval of the closings by the Public Works Department is subject to the following conditions:

> The existing lane turn-outs from Victor and Huntleigh Streets for the public lanes proposed to be closed are either to be removed and the curb, boulevard and sidewalk restored by the applicant, at no expense to the City, or an application for private approach approval will be necessary in order for the lane turn-outs to remain as private approaches.

The approval of the closings by the Community Planner is subject to the following condition:

> That either closing does not result in a significant increase in vehicular traffic along the portion of any public lane or public street that has an adjacent residential parcel.

In response to the Planner’s concerns, the Transportation Engineering Division of the Public Works Department has stated that they would not expect any significant traffic increases on the adjacent streets as a result of the proposed closings.

Easements

> MTS Allstream Inc. and Shaw Cablesystems have identified existing ducts and cable within the southerly 3.1m of both lane closings. Both utilities will require easements for these facilities. No permanent structures will be allowed within the easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The public lanes must be legally closed before they 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.

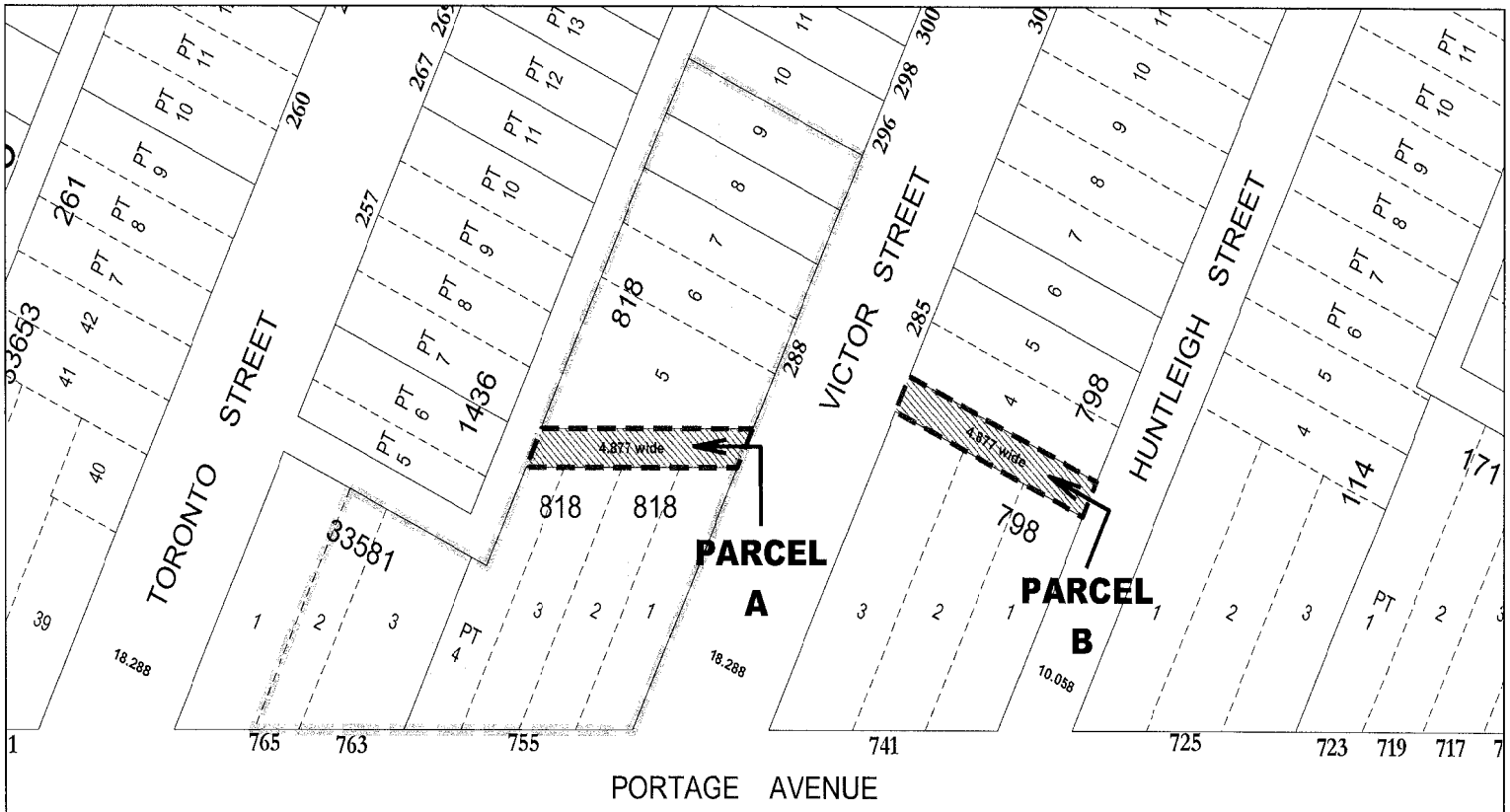
External Consultation With:

MTS Communications, Shaw Cable, Manitoba Hydro and Centra Gas

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Bohdan Buyachok, Real Property Officer
File No.

V:\devapp\dev application2008\dac3_2008\final_report\dac3_08rpt.doc



Date: 2008-JAN-22
District: CC
File: Not Available
Scale: 1:700

METRIC

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.

N W E S

PROPOSED CLOSING - DAC 3/2008

PROPOSED SUBDIVISION BOUNDARY - DASZ 2/2008

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 13306