**Minute No. 466**
**Report - Standing Policy Committee on Property and Development - May 20, 2008**

**Item No. 2** **Opening and Closing of public lanes in the block bounded by Kensington and Madison Streets and St. Matthews and Silver Avenues**
**File DAOC 2/2008**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the following:

1. That the lane openings and closing as shown on Misc. Plan No. 13096/3 be approved and that the portion of the lane proposed 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. 13096/3, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land which terms and conditions shall provide that:

    a) That where required, the applicant enter into cross access agreements (or their equivalent) at no cost to those businesses or property owners who require them, in order to facilitate the necessary movement of vehicles.

    b) That the First Nation and/or Proponents of the Project make a commitment to a public consultation process (including a public open house) for the next phase of the project in order to receive feedback on the detailed plans, building drawings and phasing for the construction of Governance House.

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 20, 2008**

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development with the following amendment, namely:

- Amend Recommendation 2 by adding the words "which terms and conditions shall provide that:" after "conveyance of the land" and incorporating Recommendations 3 and 4 as sub items 2.A and 2.B, and renumbering the remaining recommendation accordingly,

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 20, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 6, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Add the following conditions and renumber the remaining condition accordingly:

    3. That where required, the applicant enter into cross access agreements (or their equivalent) at no cost to those businesses or property owners who require them, in order to facilitate the necessary movement of vehicles.

    4. That the First Nation and/or Proponents of the Project make a commitment to a public consultation process (including a public open house) for the next phase of the project in order to receive feedback on the detailed plans, building drawings and phasing for the construction of Governance House,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAOC 2/2008 |
| Before: | Assiniboia Community Committee<br>Councillor Fielding, Chairperson<br>Councillor Clement<br>Councillor Nordman |
| Public Hearing: | May 7, 2008<br>West Committee Room<br>Council Building, 510 Main Street |
| Applicant: | Long Plain First Nation Trust (Vince Perswain) |
| Premises Affected: | public lanes in the block bounded by Kensington and Madison Streets and St. Matthews and Silver Avenues |

Exhibits Filed:

1. Report from the Real Property Officer dated April 23, 2008
2. Inspection Report
3. Computer Generated Images (4) of the proposed development, submitted at the public hearing by Harry H. Finnigan
4. Governance House Lane Closure Consultation Study, submitted at the public hearing by Harry H. Finnigan
5. Communication with respect to the application dated May 6, 2008 from Marion Kotelniski, Kotelniski Overhead Doors Ltd., submitted at the public hearing by Kelly Moss
6. Communication with respect to the application dated May 6, 2008 from Adam Chisick, submitted at the public hearing by Kelly Moss
7. Presentation in opposition to the application, submitted at the public hearing by Kelly Moss

REPRESENTATIONS:

In Support:
Eileen Apetagon
Ed Buller
Debbie Burka
Harry H. Finnigan
Greg Hasiuk
Vince Perswain, Long Plain First Nation Trust
Myra Schmidt
Diane Stevenson
Richard Tebinka and Kerra Mruss, MMM Group

In Opposition:

Kelly Moss
Sharon Zynoberg, Winnipeg Construction Company

For Information:

Stephen Smyth
Adam Chisick
Marion Kotelniski, Kotelniski Overhead Doors Ltd.

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2008

**RE: DAOC 2/2008 – PROPOSED OPENING AND CLOSING OF PUBLIC LANES IN THE BLOCK BOUNDED BY KENSINGTON AND MADISON STREETS AND ST MATTHEWS AND SILVER AVENUES**

**FOR SUBMISSION TO:** **The Assiniboia Community Committee**

**REPORT DATE:** **April 23, 2008**

**RECOMMENDATION:**

**1. That the proposed lane openings and closing as shown on Misc. Plan No. 13096/3 be approved and that the portion of the lane proposed 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. 13096/3, 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. Vince Perswain, representing Long Plain First Nation Trust, has applied to purchase the lane proposed to be closed for incorporation into the development of the adjacent lands into a conference centre and commercial complex.

Long Plain First Nation Trust will create new lanes to connect to Madison and Kensington Streets. The City property north and south of the proposed closing will also be widened, providing the existing lane with a uniform width of 7.315m.

The lands being developed are in the process of being declared an Urban Reserve.

**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

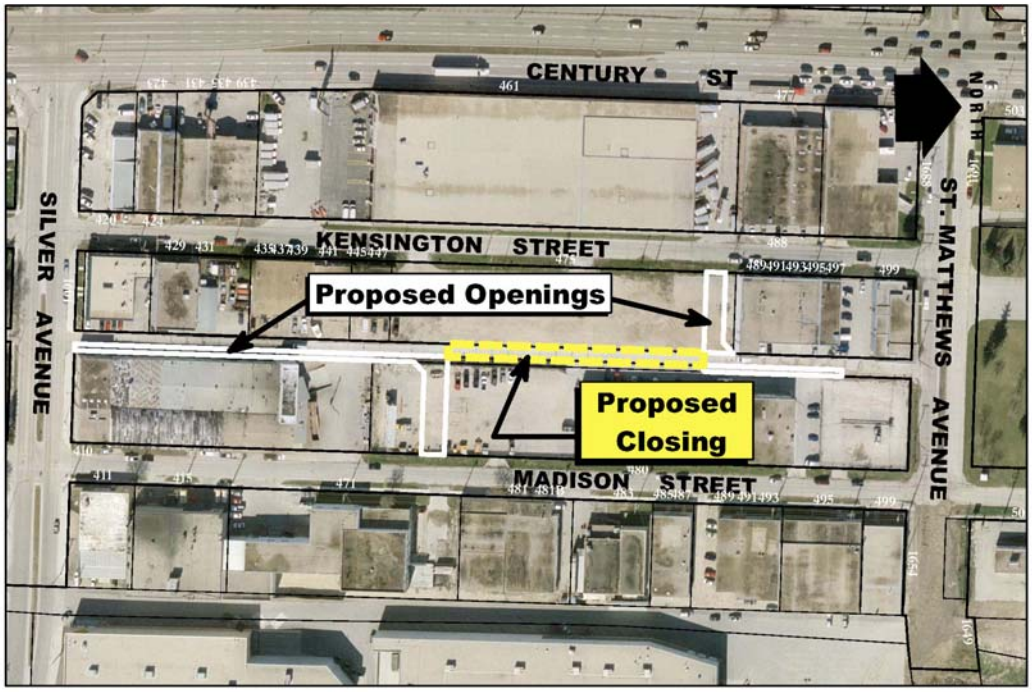
( ) Current and/or capital budget adjustment required

Comment(s): All costs associated with this proposal 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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.




**HISTORY:**

The Planning, Property and Development Department has received a request from Mr. Vince Perswain, representing Long Plain First Nation Trust, to purchase the lane identified as “Proposed Closing” on the attached copy of Misc. Plan No. 13096/3. LPFNT Landholding Inc., a corporation of Long Plain First Nation Trust, is the registered owner of the property adjoining the proposed lane closing. They will also be purchasing the strip of land adjacent to the subject closing shown as “City Property” on the sketch.

Long Plain First Nation Trust intends to develop the area into a conference centre/commercial development. The lands being developed are in the process of being declared an Urban Reserve.

It will be necessary for Long Plain First Nation Trust to subdivide the land in order to accommodate the planned development. This subdivision will be processed under Application No. DAPS 22/2007.

As part of this application, Long Plain First Nation Trust will dedicate land for new lane outlets to connect to Madison and Kensington Streets. The City property north and south of the proposed closing will also be widened, providing the existing lane with a uniform width of 7.315m. The new lane diversions and widening are shown as "Proposed Opening" on Misc. Plan No. 13096/3.

Long Plain First Nation Trust had previously applied for a similar opening/closing under DAOC 2/2007 (C/R DAC 7/2007). That application was originally considered by the Assiniboia Community Committee on November 13, 2007, and subsequently laid over to the public meetings held on December 11, 2007 and March 11, 2008. At the latter meeting, the application was not approved by the Community Committee because of opposition to the proposal by the area residents over concerns regarding truck accessibility to their business loading docks. Long Plain First Nation Trust has withdrawn their application under DAOC 2/2007 and re-applied for the opening/closing under DAOC 2/2008. The sketch for the new application now shows amendments to the opening aspect of the proposal which attempt to address the accessibility concerns of the area business owners.

**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 approval of this application by the Land Development Branch and the Public Works Department is subject to the applicant entering into a Servicing Agreement with The City of Winnipeg for the new public lanes being opened.

The Transportation Engineering Division of Public Works has identified the following specific requirements:

1) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 6.0m by 150mm in thickness in the proposed east/west public lane connecting to Kensington Street and appropriate radii in the

4.0m by 4.0m right-of-way corner cut and all related works, including, but not necessarily limited to a lane turnout at Kensington Street, drainage improvements and land drainage works in both the proposed public lane and in the existing public lane which is to remain, if required, all as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.55m by 150mm in thickness in the proposed east/west public lane connecting to Madison Street and appropriate radii in the 4.0m by 4.0m right-of-way corner cut and all related works, including, but not necessarily limited to a lane turnout at Madison Street, drainage improvements and land drainage works in both the proposed public lane and in the existing public lane which is to remain, if required, all as determined by and to the satisfaction of the Director of Public Works.

A further condition to this application by the Transportation Engineering Division is that the City owned property adjacent to the section of the public lane being closed should be sold to the applicant. This property, currently under the jurisdiction of Public Works, is surplus to their needs.

Easements

The Water and Waste Department advises that there is a catch basin and catch basin lead just north of the proposed north opening. If it is deemed necessary to keep the catch basin and lead, an easement would be required. This matter will be addressed in the subdivision application.

Manitoba Hydro will require an easement for the maintenance of existing facilities within the lane proposed to be closed.

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:**

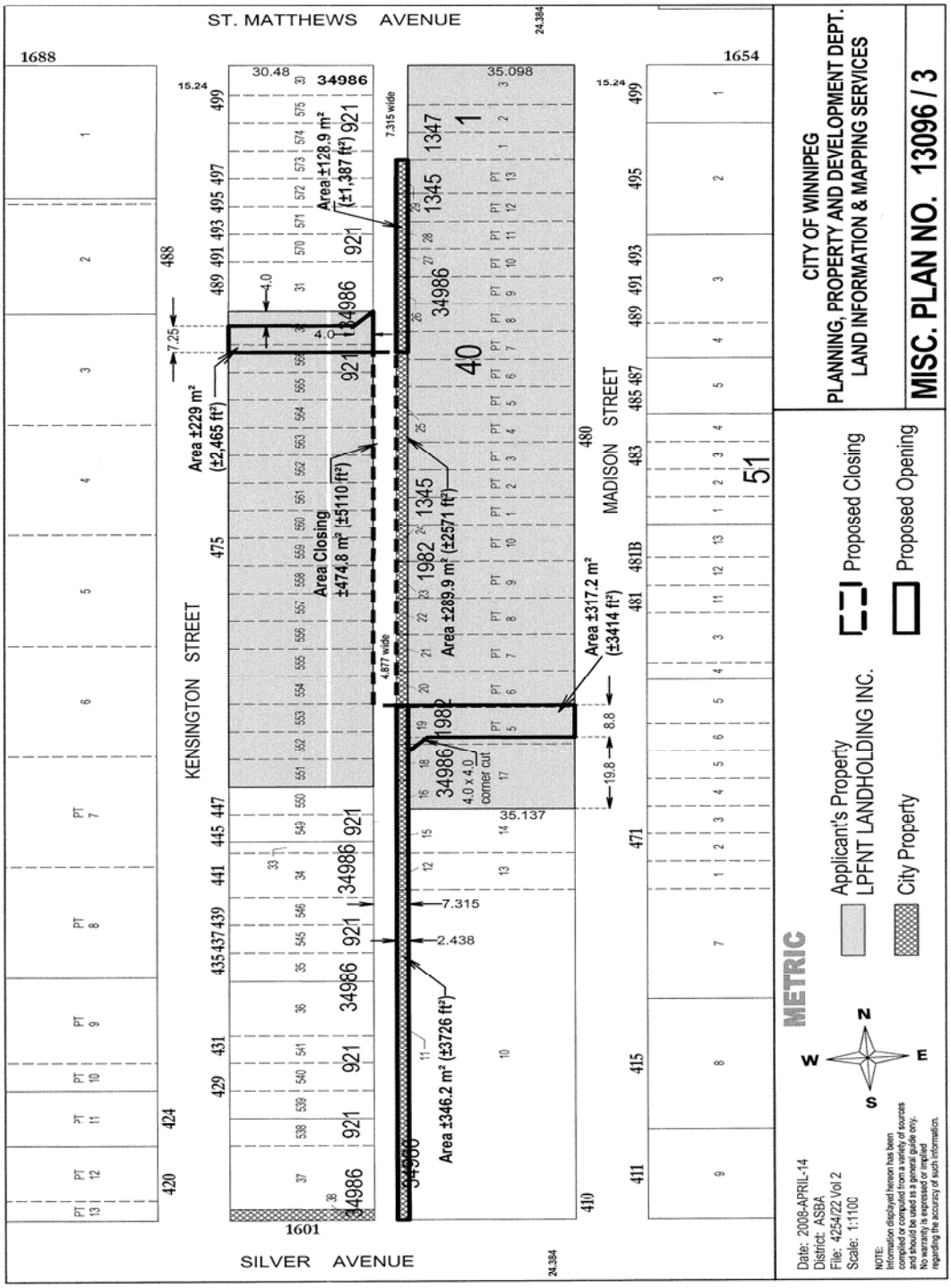
There was no internal consultation involved in the preparation of this report.

**External Consultation With:**

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable
(Responses received under previous application No. DAOC 2/2007)

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Bohdan Buyachok, Real Property Officer
File No. 4254/22(II)


ST. MATTHEWS AVENUE
SILVER AVENUE
KENSINGTON STREET
MADISON STREET
1688
1654
1601
Area ±229 m² (±2,465 ft²)
Area Closing ±474.8 m² (±5110 ft²)
Area ±289.9 m² (±2571 ft²)
Area ±317.2 m² (±3414 ft²)
Area ±346.2 m² (±3726 ft²)
Area ±128.9 m² (±1,387 ft²)
4.0 x 4.0 corner cut
7.315
2.438
4.877 wide
7.315 wide
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13096 / 3
Proposed Closing
Proposed Opening
Applicant's Property
LPFNT LANDHOLDING INC.
City Property
METRIC
Date: 2008-APRIL-14
District: ASBA
File: 4254/22 Vol 2
Scale: 1:1100