Minute No. 484
Report - Standing Policy Committee on Downtown Development – June 29, 2009

Item No. 1 **Closing – Part of the Public Lane in the block bounded by Main and Fort Streets, Assiniboine Avenue and Broadway (City Centre Ward) File DAC 7/2009**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Downtown Development and adopted the following:

1. That the lane closing as shown on Misc. Plan No. 12500/12 be approved and that the land be declared surplus to the City's needs.

2. That the Acting 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. 12500/12.

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 – June 29, 2009

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, 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 June 29, 2009, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Amend Recommendation 2. by deleting the following words:

  "subject to the approval of the Standing Policy Committee on Downtown Development of the terms and conditions of the conveyance of the land",

and forwarded to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 7/2009
Before:	Standing Policy Community Committee on Downtown Development Councillor Pagtakhan, Chairperson Councillor Fielding Councillor Gerbasi
Public Hearing:	June 29, 2009 West Committee Room Council Building, 510 Main Street
Applicant:	Friends of Upper Fort Garry Inc.
Premises Affected:	Part of the Public Lane in the block bounded by Main and Fort Streets, Assiniboine Avenue and Broadway
Exhibits Filed:	1. Report from the Real Property Officer dated June 11, 2009 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. D. Joshi, Director, Planning, Property and Development
Mr. R. Klassen, Manager of Real Estate, Planning, Property and Development Department
Mr. J. Zabudney, Supervisor of Sales, Planning, Property and Development Department

Exhibit "2" referred to in File DAC 7/2009

ADMINISTRATIVE REPORT

ISSUE: **DAC 7/2009 - PROPOSED CLOSING OF PART OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY MAIN AND FORT STREETS, ASSINIBOINE AVENUE AND BROADWAY**

CRITICAL PATH: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, EXECUTIVE POLICY COMMITTEE, COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Saj	D. Joshi	n/a	

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 12500/12 be approved and that the land be declared surplus to the City's needs.

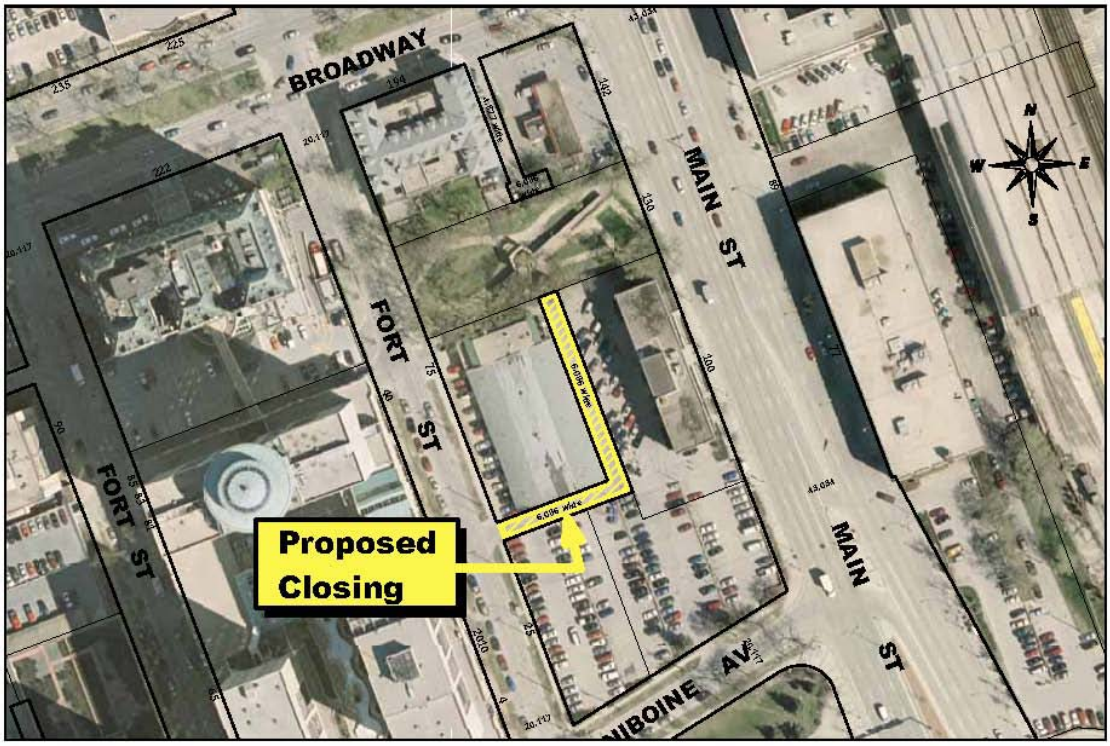
2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12500/12, subject to the approval of the Standing Policy Committee on Downtown Development of the terms and conditions of 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.

IMPLICATIONS OF THE RECOMMENDATIONS

There is no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the lane closing are the responsibility of the Friends of Upper Fort Garry Inc. There are no financial implications for the City of Winnipeg.



HISTORY

At its meeting held on May 4, 2009, the Standing Policy Committee on Downtown Development approved, among other things, the sale of land adjoining the subject lane closing identified as "Subject City Property" on the attached copy of Misc. Plan No. 12500/12 to the Friends of Upper Fort Garry Inc. for the nominal sum of $1.00. In addition, the Committee was made aware that the Friends had expressed an interest in purchasing the subject lane identified as "Proposed Closing" on the sketch for $1.00, and that the matter would be processed under a separate Closing Application filed by the Public Service, at the sole cost and expense of the Friends, subject to Council enactment of the necessary By-law to effect the legal lane closing.

The Real Estate Division of the Planning, Property and Development Department has now made this application. Once closed, the public lane will be transferred to the Friends of Upper Fort Garry Inc. for the nominal sum of $1.00 and in accordance with the City's standard terms and conditions of sale.

The Friends have also purchased The Grain Exchange Curling Club property located at 75 Fort Street, being Lots 300 to 303, Block 2, Plan 129 WLTO. These lands, along with the proposed lane closing and recently acquired City property are to be consolidated and developed into an interpretive centre.

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.

Administrative Approval

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

Administrative Comments

The Urban and Neighbourhood Planning Branch of the Planning, Property and Development Department has provided the following comments:

> Refuse collection for the Grain Exchange Curling Club is currently serviced by a bin located at the northerly extent of the subject closing. Relocation of refuse pick-up to the front of the curling club's property may not be supported by Downtown Design Review. Once the lane is closed and transferred to the Friends of Upper Fort Garry, access to refuse collection must be provided to the Grain Exchange for the duration of their occupancy on the land.

Solid Waste Services of the Water and Waste Department has provided the following comments:

> Fort Garry Place currently has several recycling bins located in the parking lot accessed by the proposed closing. Alternative arrangements for recycling storage would have to be made with them as they have stated in the past that they have no ability to store said bins on site.

The Engineering Division of the Water and Waste Department has provided the following comments:

> A catch basin is located within the lane closing area. No easement will be required. It will be up to the future owners of the site to decide what they want to do with the existing catch basin at their own cost.

Easements

The utilities have identified no services within the proposed lane closing area. No easements will be required.

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.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 11, 2009

Project Name:

DAC 7/2009: PROPOSED CLOSING OF PART OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY MAIN AND FORT STREETS, ASSINIBOINE AVENUE AND BROADWAY

COMMENTS:

The recommendations contained in this report include that the proposed lane closing as shown on Misc. Plan No. 12500/12 be approved and that the land be declared surplus to the City's needs and 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. 12500/12, subject to the approval of the Standing Policy Committee on Downtown Development of the terms and conditions of the conveyance of the land.

All costs associated with the lane closing are the responsibility of the Friends of Upper Fort Garry Inc. As such, there are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

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

External Consultation With:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: June 11, 2009
File No.

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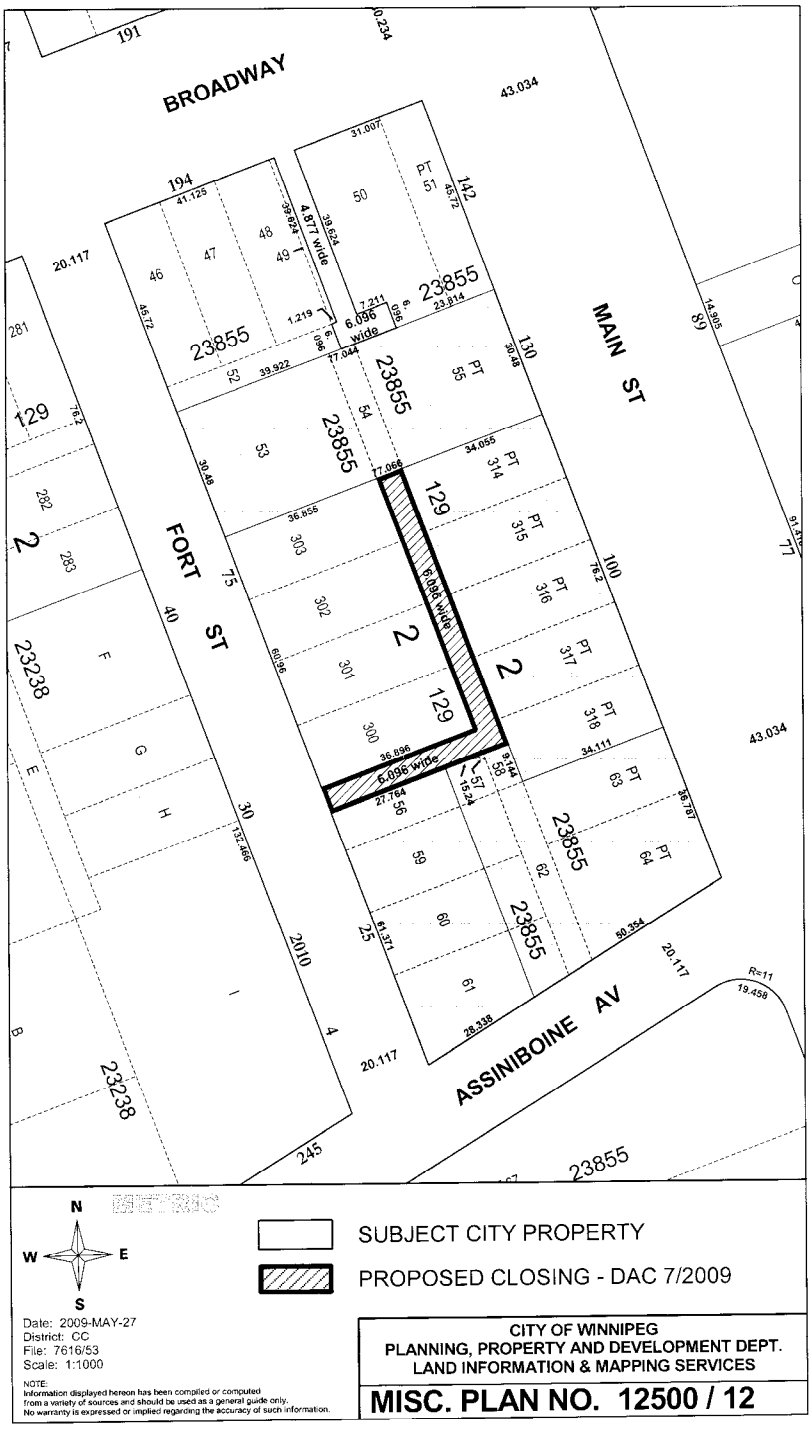
BROADWAY
MAIN ST
FORT ST
ASSINIBOINE AV
6.096 wide
4.877 wide
6.096 wide
6.096 wide
SUBJECT CITY PROPERTY
PROPOSED CLOSING - DAC 7/2009
N
W
E
S
Date: 2009-MAY-27
District: CC
File: 7616/53
Scale: 1:1000
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12500 / 12