Minute No. 165
Report - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 2 **Closing of part of the public lane between William and Elgin Avenues, west of Sherbrook Street (Point Douglas Ward) File DAC 9/2009 [c/r SPA 2/2009, DASZ 26/2009 and DAV 152341/2009D]**

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 as shown on Misc. Plan No. 13640 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 lane closing in accordance with Misc. Plan No. 13640, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

COUNCIL:

On December 16, 2009, Council laid over consideration of the matter to its meeting on January 27, 2010.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 9/2009 [c/r SPA 2/2009, DASZ 26/2009 and DAV 152341/2009D]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor Pagtakhan
Public Hearing:	November 10, 2009 Council Chamber Council Building, 510 Main Street
Applicant:	Smith Carter Architects (Larry Hamilton)
Premises Affected:	Part of the public lane between William and Elgin Avenues, west of Sherbrook Street

Exhibits Filed:

1. Report from the Real Property Officer dated October 20, 2009
2. Inspection Report
3. Communication dated November 4, 2009, from Catherine Collins, President, West Alexander Residents' Association Inc. in opposition to the application
4. Summary of West Alexander and Centennial Community involvement in the planning process of the Women's Hospital Redevelopment Project submitted by Andrew Konowalchuk, Regional Director, Capital Planning and Construction, Winnipeg Regional Health Authority
5. Health Science Centre Winnipeg Master Plan dated July 23, 2009 submitted by Andrew Konowalchuk, Regional Director, Capital Planning and Construction, Winnipeg Regional Health Authority
6. Shadow Study and Roof Plan (17 pages) submitted by Larry Hamilton, Architect, Smith Carter
7. Women's Hospital Redevelopment Project Update to Elgin Residents dated November 6, 2009 submitted by Andrew Konowalchuk, Regional Director, Capital Planning and Construction, Winnipeg Regional Health Authority
8. Communication dated November 10, 2009, from Allan Wise with respect to the application submitted at the public hearing

9. Bound Submission entitled "Women's Hospital Redevelopment Project" submitted by Andrew Konowalchuk, Regional Director, Capital Planning and Construction, Winnipeg Regional Health Authority at the public hearing

REPRESENTATIONS:

In Support:
Helga Bryant
Helen Clark
Doug Corbett
Patricia Gregory
Larry Hamilton, Smith Carter Architects
Jaret Klymchuk
Robert and Lynn Kurylko, Winnipeg Regional Health Authority
Andrew Konowalchuk
GK Mills
Joan Rooke

In Opposition:
Gordon M. Anderson
Rowena Callahan
Fred Curry
Catherine Collins, West Alexander Residents' Association Inc.
Warren Goulet
Harold and Valerie Martinos
Susan Natynczyk
Cynthia and Shane Oleschak

For Information:
Norman Blackie
Jesse Mitchell
Allan Wise

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 9/2009 [c/r SPA 2/2009, DASZ 26/2009 and DAV 152341/2009D]

ADMINISTRATIVE REPORT

ISSUE: DAC 9/2009 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE BETWEEN WILLIAM AND ELGIN AVENUES, WEST OF SHERBROOK STREET FOR INCORPORATION INTO DASZ 26/2009

CRITCAL PATH: FOR SUBMISSION TO THE LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Bohdan Buyachok	Deepak Joshi	N/A	N/A

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 13640 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 lane closing in accordance with Misc. Plan No. 13640, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

There are 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 applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Larry Hamilton of Smith Carter Architects, representing the Winnipeg Regional Health Authority, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 13640. The lane, once closed, will be incorporated into DASZ 26/2009, an application to subdivide and rezone the adjoining property.

The Winnipeg Regional Health Authority has recently acquired the former Weston Bakery commercial property at 666 Elgin Avenue for incorporation into the planned subdivision of its existing holdings fronting William Avenue with the lane proposed to be closed. The site is to support the development of a new 250,000 ft² facility comprising the Women's Hospital Redevelopment Project at the Health Sciences Centre Campus.

The project, currently in the schematic design review stage, is considering alternatives to the dead ending of the remaining public lane, namely, a cul-de-sac turnaround on hospital property versus the creation of a new lane diversion opening onto Elgin Avenue. The Public Works Department favours the opening of a new lane diversion onto Elgin Avenue. Their comments appear in Appendix "A" of this report. The lane opening aspect will be processed via the subdivision/rezoning application.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

Transportation Engineering Division of the Public Works Department
Traffic Signals Branch of the Public Works Department

External Consultation With:

Manitoba Hydro, Centra Gas and Shaw Cablesystems
MTS Allstream did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	October 20, 2009
File No.	

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APPENDIX "A"

Reason for the Report

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

Administrative Approval

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

Administrative Comments

The Transportation Engineering Division of the Public Works Department advises that its approval of this application is subject to the Developer entering into a Servicing Agreement containing the following conditions:

1) The Developer shall, at no cost to the City, provide and legally open as a public lane right-of-way, property to a width of 6.25m complete with a 3.0m x 3.0m corner cut on the inside corner of the 90° deflection, for a north-south public lane at the west limit of the Planned Area, running between the existing east-west public lane proposed to be legally closed, approximately 140m west of Sherbrook Street and Elgin Avenue.

2) The Developer shall, at no expense to the City, construct a 5.0m in width by 150mm thickness Portland cement concrete pavement and appropriate radius in the corner cut, and all related works in the above referenced public lane all as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City, remove the existing lane turnout on the west side of Sherbrook Street for the lane proposed to be legally closed and restore the curb and boulevard as determined by and to the satisfaction of the Director of Public Works.

The Traffic Signals Branch of the Public Works Department has identified 2 x 70W luminaries on wood poles within the closing area that will require removal. All costs associated with the removal are the responsibility of the applicant.

Easements

Manitoba Hydro and Shaw Cablesystems have identified existing services within the closing area and will require easements for these facilities.

No permanent structures will be allowed within the easement area.

Any removal or relocation of these facilities as a result of the proposed closing will be at the expense of the Developer.

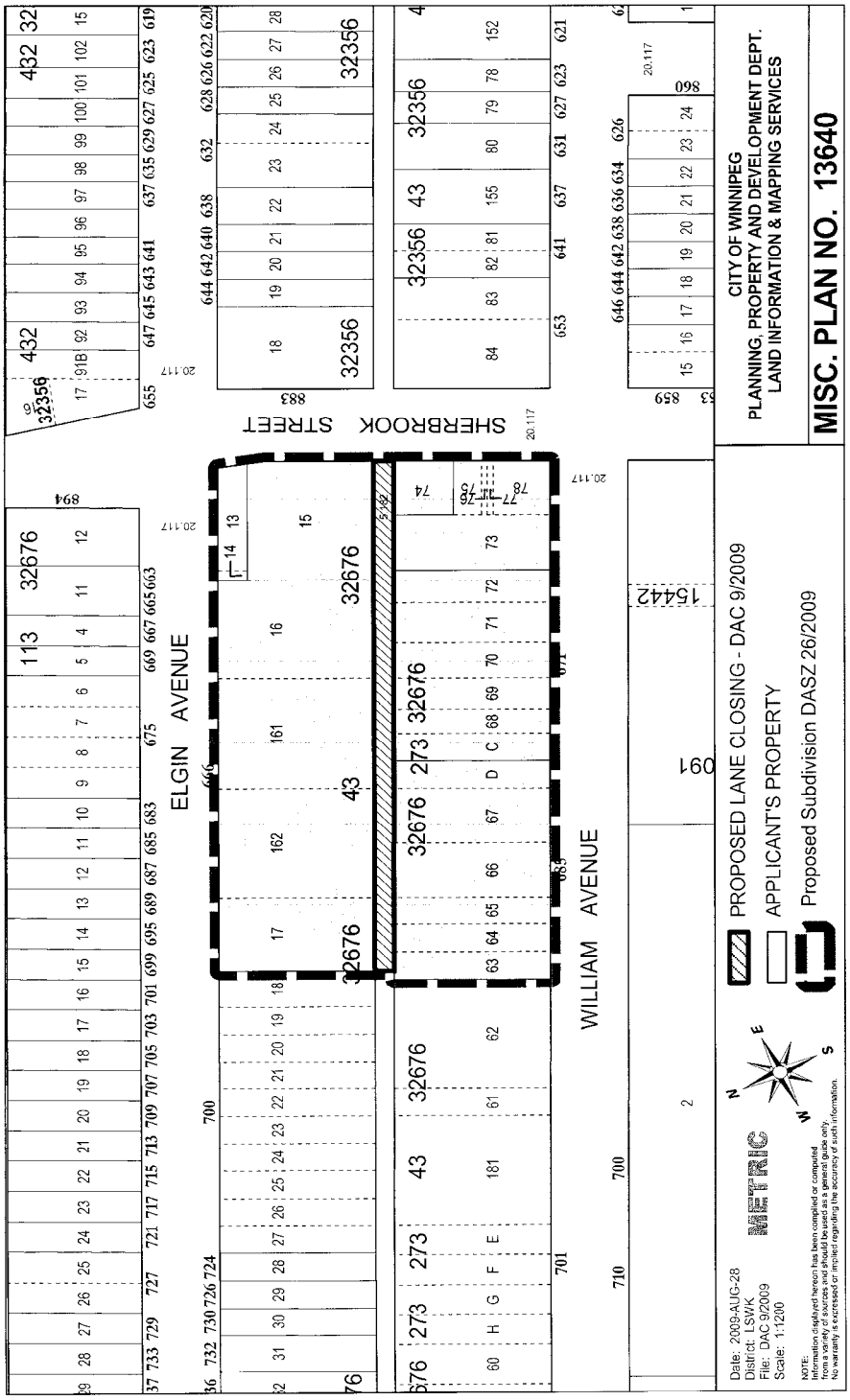
Transfer of Jurisdiction Over Public Rights-of-Way

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.

Aerial View of Subject Closing



Miscellaneous Plan


ELGIN AVENUE
SHERBROOK STREET
WILLIAM AVENUE
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13640
PROPOSED LANE CLOSING - DAC 9/2009
APPLICANT'S PROPERTY
Proposed Subdivision DASZ 26/2009
Date: 2009-AUG-28
District: LSWK
File: DAC 9/2009
Scale: 1:1200
METRIC