Minute No. 387
Report - Standing Policy Committee on Downtown Development – May 10, 2010

Item No. 1 **Closing – Public Lane east of King Street, north of Higgins Avenue (Point Douglas Ward)**
File DAC 3/2010

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. 11244/7 be approved and that the land be declared surplus to the City's needs.

2. That the land be transferred to the CentreVenture Development Corporation for the cost of $1.00.

3. That the 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. 11244/7, 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.

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

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2010, 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 May 10, 2010, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Add the following Recommendation 2. and renumber the remaining recommendations accordingly:

  "2. That the land be transferred to the CentreVenture Development Corporation for the cost of $1.00."

and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 3/2010
Before:	Standing Policy Committee on Downtown Development Councillor Swandel, Chairperson Councillor Gerbasi Councillor Pagtakhan
Public Hearing:	May 10, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	CentreVenture Development Corporation (Jeff Palmer)
Premises Affected:	Public lane east of King Street, north of Higgins Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated April 28, 2010 2. Inspection Report

REPRESENTATIONS:

In Support:

Jeff Palmer, CentreVenture Development Corporation

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Thorgrimson, Acting Director, Planning, Property and Development Mr. W. Larkin, Director of Public Works

Exhibit "1" referred to in File DAC 3 /2010

ADMINISTRATIVE REPORT

Title: **DAC 3/2010**

Issue: **TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE EAST OF KING STREET, NORTH OF HIGGINS AVENUE**

Critical Path: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Saj	D. Joshi		

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 11244/7 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 closing in accordance with Misc. Plan No. 11244/7, 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.

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.

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.

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

The approval of this application by The Public Works Department is subject to the closed lane being consolidated with all the adjoining lands proposed to be transferred to the developer.

The Water and Waste Department has identified an abandoned sewer service within the closing area, the ownership of which is to be assumed by the applicant.

Centra Gas Manitoba Inc. has identified services within the closing area will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Jeff Palmer of Centreventure Development Corporation to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 11244/7.

Centreventure is in the process of assembling land at the northwest corner of Higgins and Main and will be purchasing City owned property immediately east of the subject closing, being Lot 1, Plan 40541 WLTO. Centreventure will also be acquiring portions of the remaining land contiguous to the lane closing currently owned by Canadian Pacific Railway. These acquisitions are anticipated to be completed in June of this year. The public lane, once closed, and the newly acquired property will then be transferred by Centreventure to Youth for Christ for the development of the new Centre for Youth Excellence project.

The subject lane was opened by Plan Nos. 133 and 184, both registered in the Winnipeg Land Titles Office in 1881. A portion of the lane was also widened by By-law No. 2790 and registered in the Winnipeg Land Titles Office in 1916. The lane is not physically in place and exists only in a legal context as a designation of land as public right-of-way, serving no apparent public purpose.

The public 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: April 23, 2010

Project Name:

DAC 3/2010

COMMENTS:

All costs associated with the lane closing are the responsibility of the applicant. 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:

There was consultation with the affected Civic departments.

External Consultation:

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: April 28, 2010
File No.

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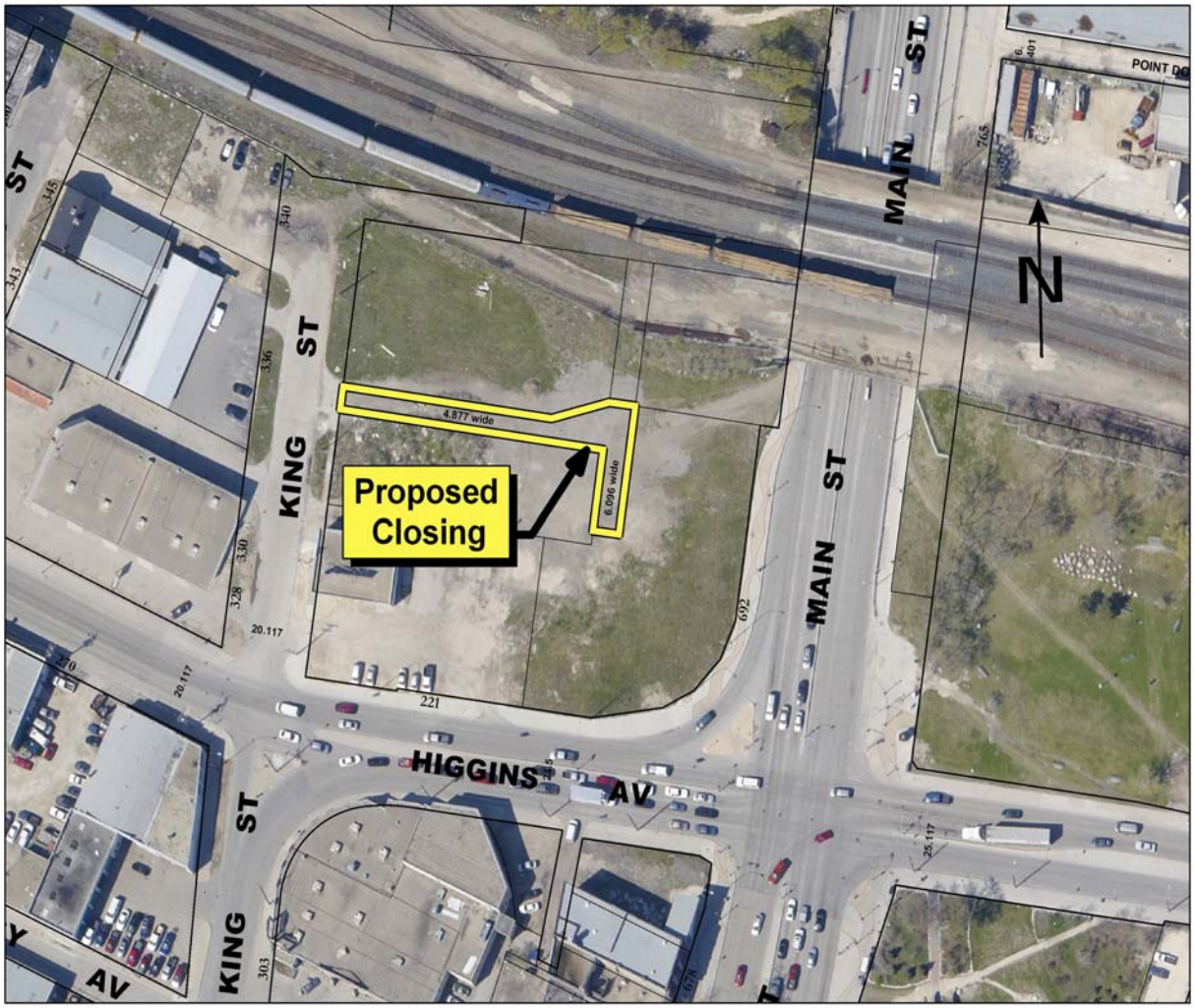
Aerial View of Subject Closing



Miscellaneous Plan

