Minute No. 369
Report - Standing Policy Committee on Property and Development – May 10, 2011

Item No. 9 **Closing – Public Lane in the block bounded by Melrose and Pandora Avenues West and Bond and Winona Streets (Transcona Ward) File DAC 5/2011**

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. 13951 be approved and that the land be declared surplus to the City's needs and sold to NVR Holdings Ltd., for $1.00.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13951, subject to the approval of the terms and conditions of the conveyance of the land by the Director of Planning, Property and Development.

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 Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 10, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- Amend Recommendation 1. by adding the words "and sold to NVR Holdings Ltd., for $1.00." after the words "City's needs",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 12, 2011, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 5/2011
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	April 12, 2011 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East
Applicant:	Verne Reimer Architecture (Alden Neufeld)
Premises Affected:	Public Lane in the block bounded by Melrose and Pandora Avenues West and Bond and Winona Streets
Exhibits Filed:	1. Report from the Real Property Officer dated March 10, 2011 2. Inspection Report 3. Site Plan submitted by Alden Neufeld at the public hearing.

REPRESENTATIONS:

In Support:

Alden Neufeld, Verne Reimer Architecture
Rick Purling

In Opposition:

Nil

For Information:

Wendy Baxter
Heather Berry
Wanda Bonin
Joe Fedoruk
Ingrid Fredette
Donald Gale
Lynne Gale
Jean Goodfellow
John Roger Goodfellow
Mike Henry
Douglas G. McNaughton
Sharon McNaughton
Blair Pilotte
Deborah Thiessen-Derksen

For the City:

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

Exhibit "1" referred to in File DAC5/2011

ADMINISTRATIVE REPORT

Title: **DAC 5/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY MELROSE AND PANDORA AVENUES WEST AND BOND AND WINONA STREETS**

Critical Path: **EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 13951 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13951, 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 require the consideration of the Community Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

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

The subject closing will remove lane access to properties located at No. 110 Winona Street and Nos. 111 and 103 Bond Street. The applicant will be required to enter into easement agreements with the owners of these properties for continued lane access purposes.

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. Alden Neufeld of Verne Reimer Architecture, representing NVR Holdings Ltd., to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 13951.

NVR Holdings Ltd. is the registered owner of the majority of property adjoining the subject closing as shown on the sketch. NVR has requested the closing and subsequent purchase of the land in order to fully develop their properties into a more complete, integrated and innovative housing development. The closure of the lane will allow for the optimization of the site opportunities by eliminating unnecessary traffic, strengthening the pedestrian environment and fully landscaping the space between buildings with the intent of creating a neighbourhood focused residential “village”. In addition to the subject lane closing application, NVR is also proceeding concurrently with applications for a Plan of Subdivision (DASSF 577/2010), Conditional Use (DCU 10 176375/C) and Variance (DAV 10 176360/C and DAV 10 176376) that pertain to the development of multi-family residences on their properties contiguous to the proposed closing.

Winnipeg Condominium Corporation No. 616, 4564414 Manitoba Ltd. and The City of Winnipeg are all property owners adjoining the closing as shown on the sketch. A recently constructed condominium building occupies No. 111 Bond Street. The Pandora Inn is situated at No. 103 Bond Street. The City property at 110 Winona Street is under the jurisdiction of Parks and is currently being leased to First Transcona Scout and Cub Pack. NVR is prepared to enter into agreements with these property owners for any cross access purposes over portions of the closed lane affecting these holdings.

In September of 2003, the Planning, Property and Development Department received a request from Shindico Realty for the closing of this public lane. The closing, processed via DAC 19/2003, was approved by the EKT Community Committee on May 4, 2004 and subsequently approved by Council on June 23, 2004. Shindico's intention was to purchase the lane for incorporation into the adjoining property under option to them from 0100986 Manitoba Ltd., the previous owners of the land, for the development of the new Winnipeg Regional Health Authority offices. The construction of the WHRA offices did not occur at this location, and the land under option to Shindico was subsequently sold to the present owners, NVR Holdings.

The subject lane right of way was created by the subdivision of the adjoining land and registered via Plan No. 1504 in the Winnipeg Land Titles Office in September of 1909. Portions of the lane were subsequently widened by the re-subdivision of the adjoining land under application DASZ 4/2007 and registered via Plan No. 46446 in the Winnipeg Land Titles Office in July of 2007.

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 MTS Allstream.
Shaw Cablesystems did not respond to the request for comment on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	March 10, 2011
File No.	6681

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APPENDIX "A"

Administrative Approval

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

Administrative Comments

The approval of this application by the Transportation Division of the Public Works Department is subject to the applicant obtaining the agreement of the 3 other property owners adjoining the subject lane closing, and entering into and maintaining appropriate cross access agreements between all property owners. As an alternative, the lane could be legally closed and the portions of the subject lane abutting the other properties could be sold to those property owners, thereby maintaining their access, with the applicant acquiring the remainder of the lane. In either case, if this application is to proceed, the entire lane should be closed with no partial closing of any kind.

The Traffic Signals Branch of the Public Works Department has identified 2 x 100W lane lights on wooden poles within the lane closing. Furthermore, there is an additional angled light NW into the parking lot behind 110 Winona Street. All lights are to be removed from the City's street lighting bill. If the purchaser of the lane would like to retain the lighting, they can contact Manitoba Hydro and make arrangements to transfer the billing from the City to a new private contract.

The Real Estate Division of the Planning, Property and Development Department advises that they currently lease the property at 110 Winona Street to the Transcona Scout and Cub Pack, who do not oppose the subject closure on the provision that they have uninterrupted access to their leasehold property from the lane. Real Estate's approval of the closing is subject to the applicant entering into an access easement agreement with the City. It will be the applicant's responsibility and sole expense to maintain the easement area free of snow or any obstacles which might hinder access to the parking area behind 110 Winona Street.

The Sold Waste Division of the Water and Waste Department requires the new owners of the property to provide and develop suitable access within their site for garbage and recycling pick up. The pick up areas are not to be located on the surrounding streets.

Easements

The Engineering Division of the Water and Waste Department requires the prospective owners of the subject closing to submit a lot grading plan for approval. An easement for a land drainage swale may be required. This will be determined after the submission of the lot grading plan. There is also an existing watermain within the lane closing area, the ownership and maintenance of which will become the sole responsibility of the applicant.

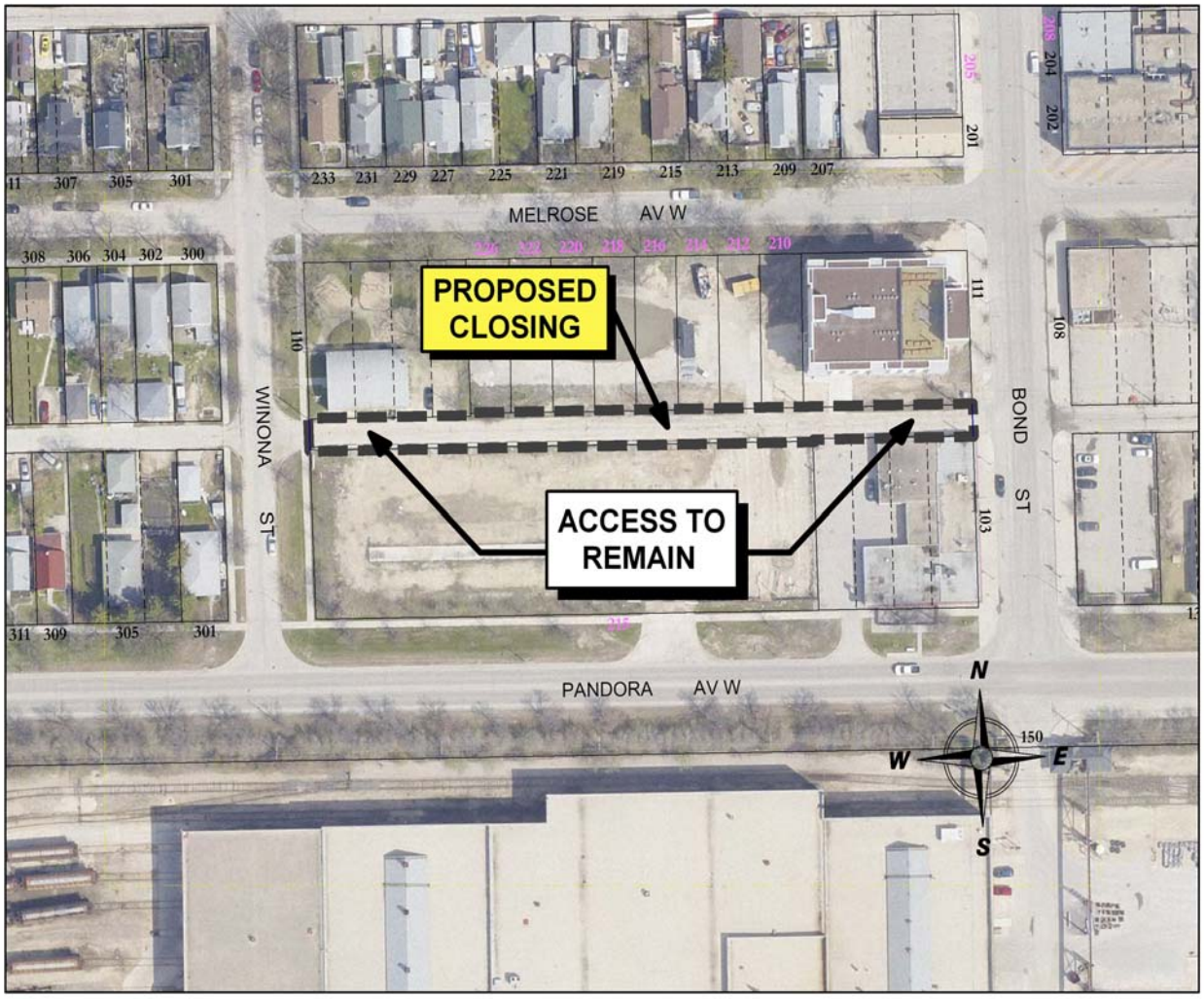
Manitoba Hydro, Centra Gas Manitoba Inc. and MTS Allstream have also identified services within the closing area.

All utilities 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.

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

