Minute No. 276
Report - Standing Policy Committee on Downtown Development – March 7, 2011

Item No. 1 **Closing – Henry Avenue at Argyle Street**
(Point Douglas Ward)
File DAC 3/2011

COUNCIL DECISION:

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

1. That the street closing as shown on Misc. Plan No. 13932 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 street closing in accordance with Misc. Plan No. 13932.

3. That the land shown on Misc. Plan No. 13932 be added to the CentreVenture Asset Agreement.

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

Report - Standing Policy Committee on Downtown Development – March 7, 2011

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 March 16, 2011, 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 March 7, 2011, the Standing Policy Committee on Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 3/2011
Before:	Standing Policy Committee on Downtown Development Councillor Swandel, Chairperson Councillor Gerbasi Councillor Steeves
Public Hearing:	March 7, 2011 West Committee Room Council Building, 510 Main Street
Applicant:	CentreVenture Development Corporation (Jeff Palmer)
Premises Affected:	Henry Avenue at Argyle Street
Exhibits Filed:	1. Report from the Real Property Officer dated March 1, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Jeff Palmer, CentreVenture Development Corporation

In Opposition:

Nil

For the City:

Mr. D. Joshi, Director, Planning, Property and Development
Mr. J. Zabudney, Supervisor of Sales, Planning, Property and Development Department
Ms S. Owen, Solicitor, Legal Services Division, Corporate Services Department

Exhibit "1" referred to in File DAC 3/2011

ADMINISTRATIVE REPORT

Title: **DAC 3/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF HENRY AVENUE AT ARGYLE STREET**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Solkoski	D. Joshi	N/A	Phil Sheegl Deputy CAO

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13932 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 street closing in accordance with Misc. Plan No. 13932.

3. That the land shown on Misc. Plan No. 13932 be added to the CentreVenture Asset Agreement.

4. 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 street 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 street closing.

The Planning and Land Use Division advises that part of a public sidewalk passes through the subject property, and requires the applicant to prepare a plan for the re-routing of the walk for submission for Urban Design Review.

The Engineering Division of the Water and Waste Department has identified an existing 300mm combined sewer and manhole within the closing area. The sewer main can be abandoned and the manhole can be relocated from the subject property into the remaining open right of way, all at the cost of the new property owners. Should this option not be viable, an easement for these services will be required. No permanent structures will be allowed within the easement area.

Centra Gas Manitoba Inc. and Shaw Cablesystems have also identified services within the closing area. Both utilities will require easements for these existing facilities. Similarly, no permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street 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 portion of Henry Avenue so identified on the attached copy of Misc. Plan No. 13932.

CentreVenture is the registered owner of Lot 1, Plan 22536 WLTO adjoining the subject closing as shown on the sketch. CentreVenture has conditionally sold this property as of December 31, 2010. It is the intention of the new owners to develop the property into a multi family residential housing project consisting of 80 units. The acquisition of the subject closing area will provide the development with improved access, parking and landscaping along Argyle Street.

Henry Avenue was opened by Plan No. 38 and registered in the Winnipeg Land Titles Office in June of 1874. The portion of Henry immediately west of Argyle Street was closed by Plan No. 7234 in March of 1960. This plan also widened the west side of Argyle Street between Henry and Heaton Avenues and opened the street between Henry and George Avenues, realigning the right of way to its present configuration. Subsequent to this realignment, the subject

property now remains open in a legal context only and appears to serve no public transportation purpose.

The street 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:**

Project Name: **First Year of Program**

DAC 3/2011: PROPOSED CLOSING OF HENRY AVENUE AT ARGYLE STREET

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

original signed by
Mike McGinn
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 comment on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: March 1, 2011
File No.

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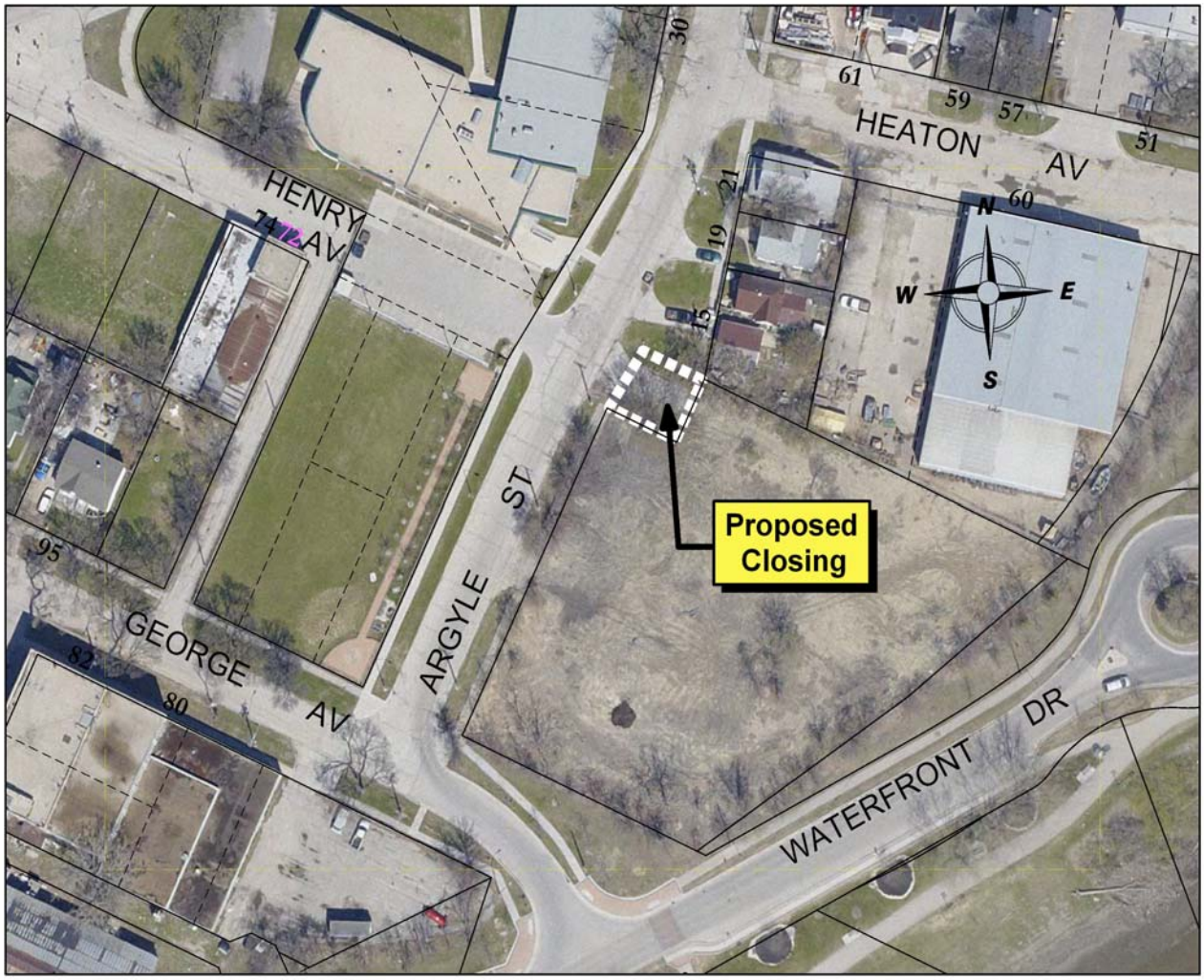
Aerial View of Subject Closing



Miscellaneous Plan

