Minute No. 53
Report - Standing Policy Committee on Downtown Development – November 29, 2010

Item No. 1 **Opening and Closing – Public Lane South of Macdonald Avenue, East of Argyle Street and Closing of Macdonald Avenue between Waterfront Drive and Disraeli Freeway – DAOC 1/2010 (Point Douglas Ward)**

COUNCIL DECISION:

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

1. That the street and lane closing and lane opening as shown on Misc. Plan No. 13836 be approved and that the portion of the street and lane to be closed 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 and lane closing and lane opening in accordance with Misc. Plan No. 13836, 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.

Report - Standing Policy Committee on Downtown Development – November 29, 2010

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 December 8, 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 November 29, 2010, 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.

HEARING SUMMARY

File:	DAOC 1/2010
Before:	Standing Policy Committee on Downtown Development Councillor Swandel, Chairperson Councillor Gerbasi Councillor Steeves
Public Hearing:	November 29, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	6000690 Manitoba Ltd. (James Buhler)
Premises Affected:	Public Lane South of Macdonald Avenue, East of Argyle Street and Closing of Macdonald Avenue between Waterfront Drive and Disraeli Freeway
Exhibits Filed:	1. Report from the Real Property Officer dated November 2, 2010 2. Inspection Report

REPRESENTATIONS:

In Support:

James Buhler

In Opposition:

Nil

For the City:

Mr. D. Joshi, Director, Planning, Property and Development

Exhibit "1" referred to in File DAOC 1/2010

ADMINISTRATIVE REPORT

Title: **DAOC 1/2010: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING AND CLOSING OF THE PUBLIC LANE SOUTH OF MACDONALD AVENUE, EAST OF ARGYLE STREET AND PROPOSED CLOSING OF MACDONALD AVENUE BETWEEN WATERFRONT DRIVE AND DISRAELI FREEWAY**

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed street and lane closing and lane opening as shown on Misc. Plan No. 13836 be approved and that the portion of the street and lane proposed to be closed 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 and lane closing and lane opening in accordance with Misc. Plan No. 13836, 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 is no policy, regulatory, environmental, human resource or general implication associated with the recommendations.

All costs associated with the street and lane closing and lane opening 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 and lane closing and lane opening.

The approval of this application is subject to the following conditions:

> The Geomatics Branch of the Development and Inspections Division advises that the applicant is to be responsible for obtaining any and all consents required in order to open the lane free and clear of any encumbrances.
>
> The Planning and Land Use Division advises that Greenseed Development Corporation's approved plan for the development of their property adjoining the subject street closing at No. 530 Waterfront Drive, shows a private approach from MacDonald Avenue providing ingress/egress to the parking area below the townhouse development. Planning and Land Use will require a revised site plan from Greenseed Development which should be at the expense of the applicant. The applicant will also be required to grant Greenseed Development any easements for access purposes resulting from the street closure. Planning and Land Use further advises that the Disraeli Bridges Rehabilitation Project drawings show a pedestrian link at MacDonald from the bridge to grade with a sidewalk and landscaping. A safe, attractive pedestrian link is critical at this location which will require sufficient space for a sidewalk. The applicant will be required to enter into an easement agreement with the City for this purpose.
>
> The Engineering Division of the Public Works Department advises that an easement agreement for access purposes will be required in order to facilitate the construction of the Disraeli Bridges Rehabilitation Project and any subsequent maintenance of the bridge once completed.

The Transportation Division of the Public Works Department provides the following:

1) The applicant shall be responsible for removing the existing lane and street pavements within the portion of public lane and street being legally closed, if necessary.
2) The applicant shall, at no expense to the City, remove the existing public street turnout for the section of MacDonald Avenue being legally closed from Waterfront Drive and restore the curb, boulevard and sidewalk, all as determined by and to the satisfaction of the Director of Public Works, unless the applicant wishes to retain the turnout for use as a Private Approach, in which case an application for Private Approach Approval will be necessary.
3) The applicant shall, at no expense to the City, construct a 6.0m X 150mm Portland cement concrete pavement in the public lane turnaround being legally opened, including 4.5m concrete radii within the 3.0m X 3.0m corner cuts, and all related works including, but not necessarily limited to any necessary land drainage sewer works in the existing and proposed lane, all as determined by and to the satisfaction of the Director of Public Works. Within the existing Public Lane there are no drainage inlets, and surface drainage must flow towards Argyle Street. The applicant is to be responsible for any works necessary to achieve this surface drainage as determined by and to the satisfaction of the Director of Public Works.
4) Should it be the decision of Council to approve the proposed closing and opening, the applicant should be required to enter into a Servicing Agreement to carry out the works identified in 1), 2) and 3) above, as determined by and to the satisfaction of the Director of Public Works.

The Traffic Signals Branch of the Public Works Department advises that there are 2 street lights within the closing area that will require removal: a 150W HPS on a 35' davit on the south side of MacDonald, and immediately across from this, a 100W HPS on a 25' wood pole. There is also a bare wood pole within the lane closing area. The applicant will be required to contact Manitoba Hydro and arrange for the removal of these facilities. The removal expenses will be the responsibility of the applicant.

Fire and Paramedic Services advises that as plans for the development of the subject property progress, access for firefighting to any building must be provided in accordance with the National Building Code.

The Engineering Division of the Water and Waste Department has identified an existing 375mm combined sewer and fire hydrant within the proposed street closing area. An easement over the entire portion of MacDonald Avenue proposed to be closed will be required with access 24 hours a day, 7 days a week, should these existing facilities require servicing. No permanent structures are permitted within the easement area.

Manitoba Hydro, Centra Gas Manitoba Inc. and Shaw Cablesystems have also identified services within the closing area. These utilities will require easements for their 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 street closing will be at the expense of the applicant.

HISTORY

The Planning, Property and Development Department has received a request from Mr. James Buhler, President of 6000690 Manitoba Ltd., to open and close the public rights of way so identified on the attached copy of Misc. Plan No. 13836.

Mr. Buhler is in the process of purchasing the land on either side of the lane closing identified as "Subject Property" on the sketch. The proposed acquisition, along with the subject right of way closings, is required for the development of a multi-family residence consisting of 35 to 40 units on the combined properties. The properties are to be consolidated, and with the closing of MacDonald Avenue, the development will have frontage on Waterfront Drive.

Mr. Buhler will be dedicating a portion of the property within the development for a turnaround for the east/west public lane remaining open. Greenseed Development Corporation is the property owner at 530 Waterfront Drive adjoining the MacDonald Avenue closing. They have no objections to this proposal. Greenseed is also finalizing the closing of the southwest corner of MacDonald Avenue and Waterfront Drive identified as DAC 12/2008 on the sketch.

This application will be conditional upon Mr. Buhler acquiring the properties on either side of the lane closing. If these parcels are not acquired, MacDonald Avenue and the public lane will not be closed.

The street and lane must be legally closed before they 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:** October 28, 2010

Project Name:

DAOC 1/2010: Proposed Opening/Closing of the Public Lane South of MacDonald, East of Argyle and Proposed Closing of MacDonald between Waterfront and Disraeli Freeway

COMMENTS:

All costs associated with the street and lane closing and lane opening 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 comment on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: November 2, 2010
File No.

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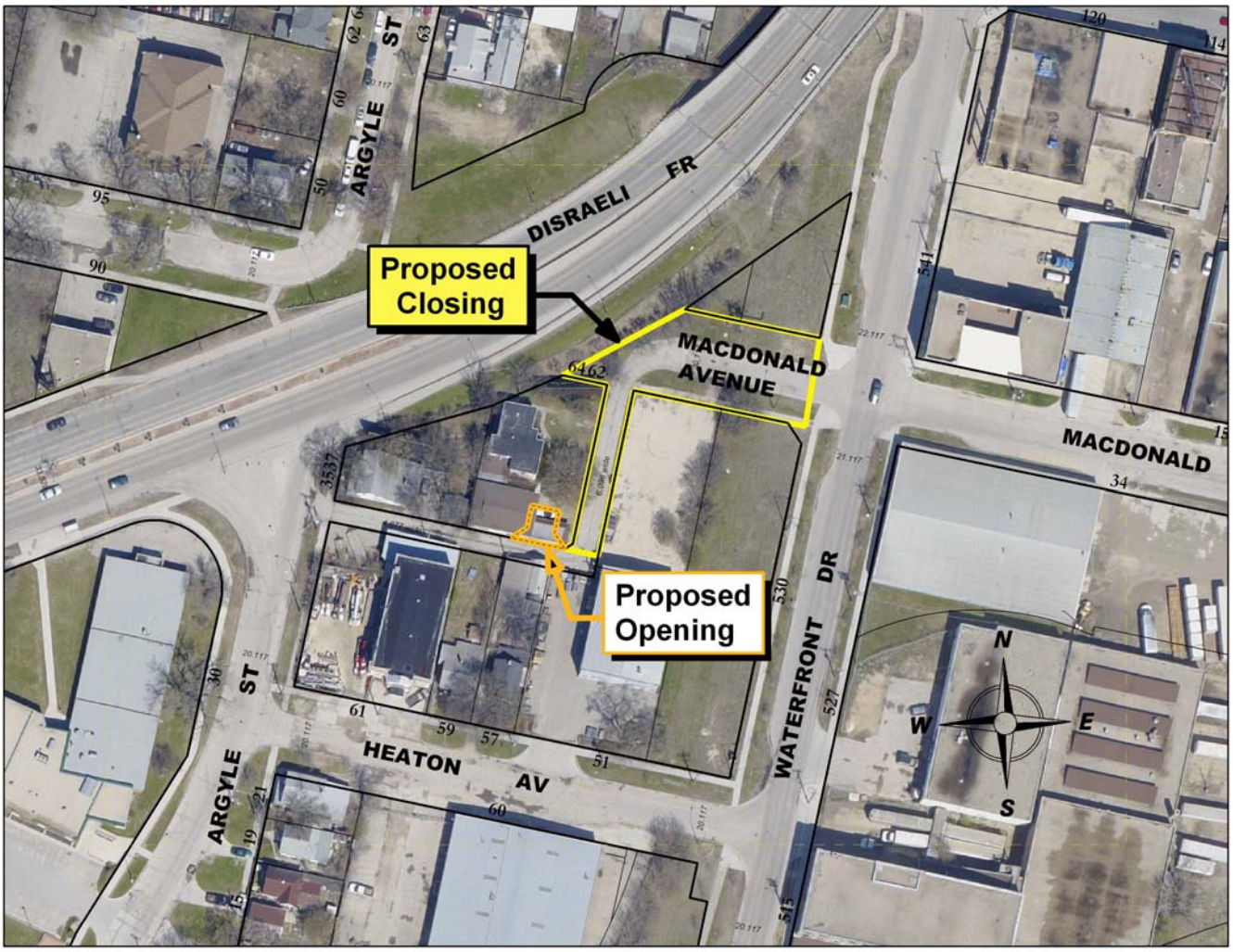
Aerial View of Subject Opening/Closing



Miscellaneous Plan

