Minute No. 421
Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 31, 2011

Item No. 1 **Closing – Part of the Public Lane west of Donald Street, north of Portage Avenue**
(Daniel McIntyre Ward)
File DAC 11/2011

COUNCIL DECISION:

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

1. That the lane closing as shown on Misc. Plan No. 14018 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. 14018.

3. That the land shown on Misc. Plan No. 14018 be added to the CentreVenture Asset Agreement.

4. 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 Swandel,

That the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 31, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management 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 11/2011
Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Committee Councillor Swandel, Chairperson Councillor Gerbasi Councillor Steeves
Public Hearing:	May 31, 2011 West Committee Room Council Building, 510 Main Street
Applicant:	The City of Winnipeg
Premises Affected:	Part of the Public Lane west of Donald Street, north of Portage Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated May 12, 2011 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. D. Joshi, Director, Planning, Property and Development
Mr. B. Thorgrimson, Manager of Real Estate and Economic Development, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 11/2011

ADMINISTRATIVE REPORT

Title: **DAC 11/2011: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE WEST OF DONALD STREET, NORTH OF PORTAGE AVENUE**

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 lane closing as shown on Misc. Plan No. 14018 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. 14018.

3. That the land shown on Misc. Plan No. 14018 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.

Costs associated with the lane closing are the responsibility of the Planning, Property and Development Department and are within the approved current and/or capital budget and considered immaterial in nature.

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 Transportation Engineering Division of the Public Works Department is subject to the Applicant/Developer entering into a Servicing Agreement for the removal of the existing lane turn-out on Donald Street and the restoration of the curb, boulevard and sidewalk at that location. Furthermore, the Applicant/Developer will be required to carry out all works necessary to ensure that the drainage in the portion of the Public Lane remaining legally open to the west and north is accommodated, all as determined by and to the satisfaction of the Director of Public Works.

Manitoba Hydro, Centra Gas Manitoba Inc. and Shaw Cablesystems have identified services within the closing area. These utilities will require easements for their existing facilities. No permanent structures will be allowed within the easement area.

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

HISTORY

The Real Estate Division of the Planning, Property and Development Department is proceeding with an application to close the portion of the public lane so identified on the attached copy of Misc. Plan No. 14018. Once closed, the lane will be sold and incorporated into the development of the adjoining property as shown bordered on the sketch.

CentreVenture Development Corporation is the owner of the property at No. 311 Portage Avenue which forms part of the land assembly requirement for the development of the subject site. CentreVenture is currently working in conjunction with the developer in acquiring the other adjoining properties for this project. The proposed development is to house a multi use facility.

The subject lane was opened by Plan No. 129, being a subdivision of the Hudson Bay Company Reserve lands, and registered in the Winnipeg Land Titles Office in July of 1881. The right of way is Old System land.

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.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 11, 2011

Project Name: **First Year of Program** **2011**

DAC 11/2011: CLOSING OF PART OF THE PUBLIC LANE WEST OF DONALD STREET, NORTH OF PORTAGE AVENUE

	2011	2012	2013	2014	2015
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 lane closing are the responsibility of the Planning, Property and Development Department and are within the approved current and/or capital budget. These costs are considered immaterial in nature.

"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: May 12, 2011
File No.

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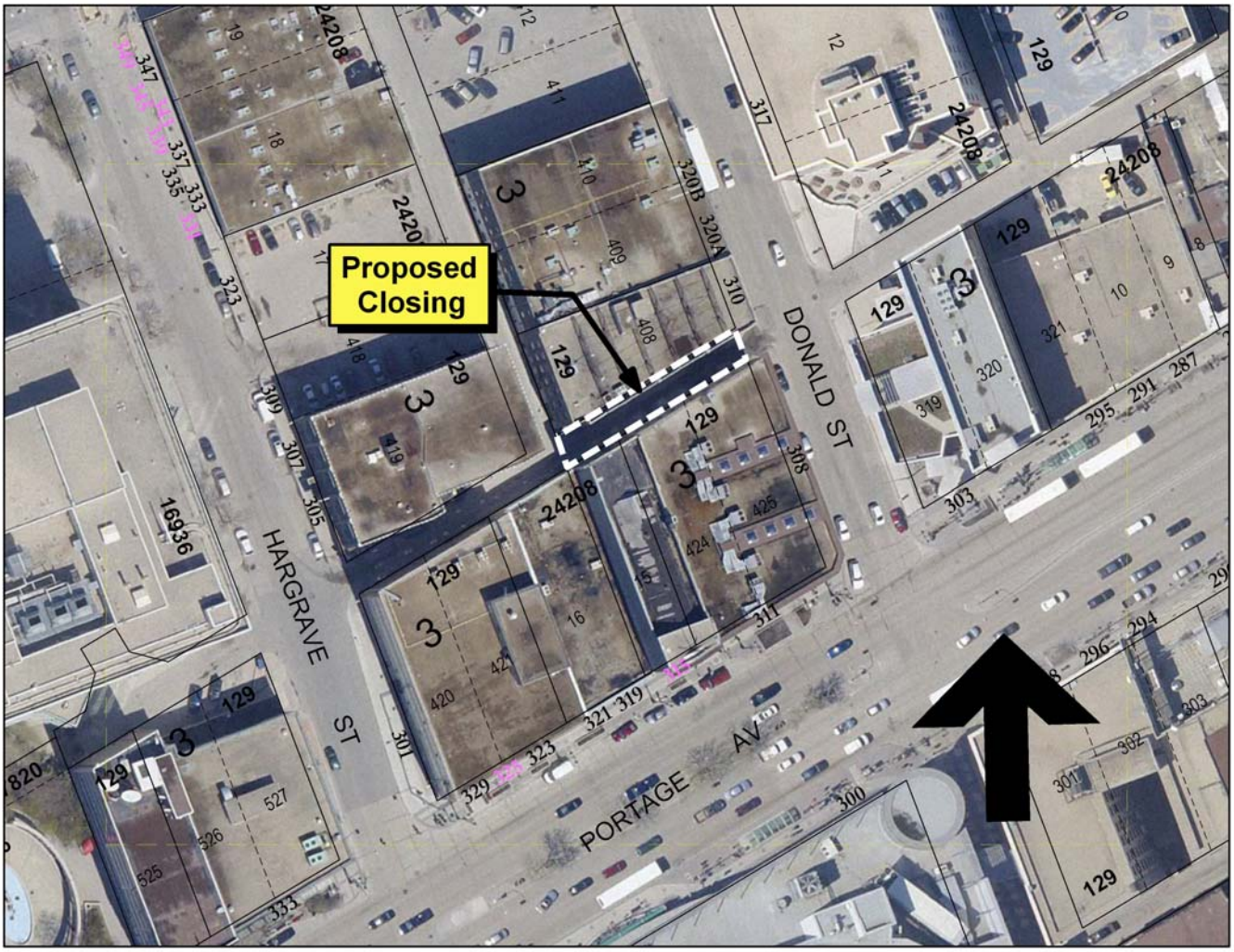
Aerial View of Subject Closing



Miscellaneous Plan

