Minute No. 588
Report – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – September 10, 2012

Item No. 1 **Closing – Part of the Public Lane North of MacDonald Avenue, East of Maple Street**
(Point Douglas Ward)
File DAC 3/2012

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. 14257/1 be approved and the subject 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. 14257/1.

3. That the land shown as "proposed closing" on Misc. Plan No. 14257/1 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 September 19, 2012, 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 September 10, 2012, 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 3/2012
Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Swandel, Chairperson Councillor Browaty Councillor Gerbasi Councillor Havixbeck
Public Hearing:	September 10, 2012 West Committee Room Council Building, 510 Main Street
Applicant:	Vernaus Autobody (John Vernaus)
Premises Affected:	Part of the Public Lane North of MacDonald Avenue, East of Maple Street
Exhibits Filed:	1. Report from the Real Property Officer dated August 24, 2012 2. Inspection Report

REPRESENTATIONS:

In Support:

John Vernaus, Vernaus Autobody

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. John Zabudney, Manager of Real Estate, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2012

ADMINISTRATIVE REPORT

Title: **DAC 3/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF THE PUBLIC LANE NORTH OF MACDONALD AVENUE, EAST OF MAPLE STREET**

Critical Path: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, HERITAGE AND RIVERBANK MANAGEMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Dueck	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 14257/1 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. 14257/1.

3. That the land shown as "proposed closing" on Misc. Plan No. 14257/1 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, Heritage and Riverbank Management.

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. Approval is subject to standard City approvals relating to Zoning & Building Codes.

There are no services within the closing area. No easements will be required.

HISTORY

The Planning, Property and Development Department has received a request from Mr. John Vernaus of Vernhaus Autobody, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 14257/1. It is the intention of Mr. Vernaus to acquire the subject lane as an addition to his existing property for the expansion of his autobody business. Mr. Vernaus will also be acquiring the City property identified on the sketch in conjunction with the subject lane, once closed. The lane and the City property will be sold to the applicant by CentreVenture. The City property is currently included in the CentreVenture Asset Agreement. Recommendation 3 of this report requests approval for the inclusion of the closed lane in the Agreement.

The applicant's property fronting on Macdonald Avenue, including a portion of the City property and the entire proposed lane closing has been fenced for security purposes. The applicant is presently using the lane for vehicle storage. The closing and sale will regularize the existing trespass. The lane serves no public transportation purpose, and doesn't appear to have done so for quite some time.

The subject lane right of way was first identified as a Private Lane on Plan No. 484, registered in the Winnipeg Land Titles Office in December of 1895. In March of 1931, the City passed By-law No. 14072 opening the private right of way as a Public Lane. In March of 1950, the City passed By-law No. 16638 widening the lane to its present configuration.

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:** August 7, 2012

Project Name:

DAC 3/2012: Proposed Closing of Part of the Public Lane North of MacDonald Avenue, East of Maple Street

COMMENTS:

All costs associated with the lane closing are the responsibility of the applicant. Subject to approval of Recommendation # 3, the property will be optioned to CentreVenture and then sold to the applicant. There are no direct 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, Shaw Cablesystems, Bell Canada and TeraSpan.
MTS Inc., Imperial Oil, Fiber, Louis Riel School Division and Rogers 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: August 24, 2012
File No.

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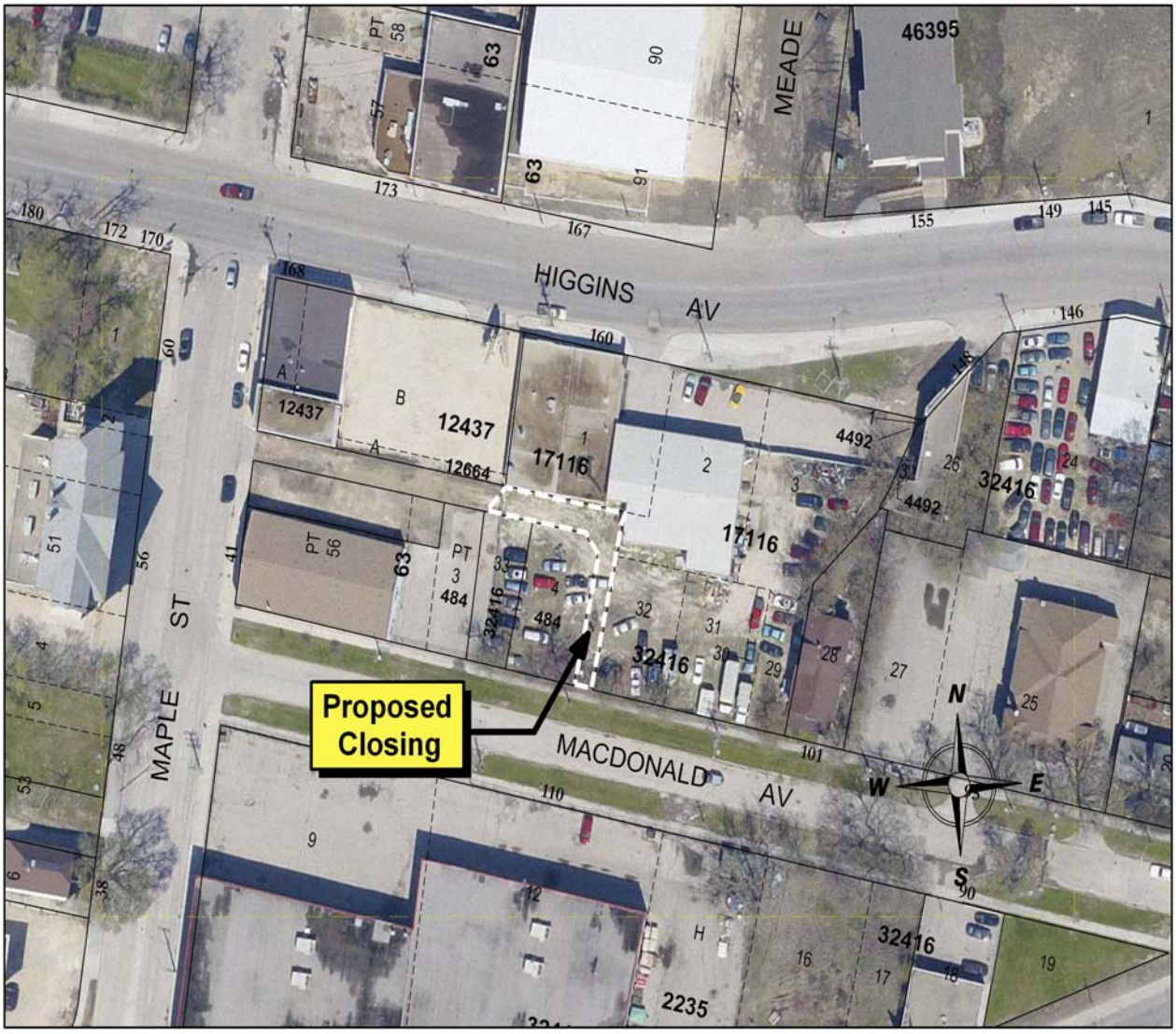
Aerial View of Subject Closing



Miscellaneous Plan

