**Minute No. 294**
**Report – Standing Policy Committee on Property and Development – March 12, 2013**

**Item No. 1** **Opening and Closing – part of the public lane east of St. John Ambulance Way, south of Portage Avenue and St. John Ambulance Way at Empress Street East (St. James-Brooklands Ward) File DAOC 1/2012**

COUNCIL DECISION:

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

1. That the public lane opening and closing and public street opening as shown on Misc. Plan No. 14391/1 be approved and that the portion of the 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 public lane opening and closing and public street opening in accordance with Misc. Plan No. 14391/1, 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 Property and Development – March 12, 2013**

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 March 13, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 12, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 5, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On January 8, 2013, the Assiniboia Community Committee adjourned the public hearing to its meeting on March 5, 2013 at 5:00 p.m. in the Council Building, 510 Main Street.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAOC 1/2012 |
| Before: | Assiniboia Community Committee<br>Councillor Havixbeck, Chairperson<br>Councillor Fielding<br>Councillor Nordman |
| Public Hearing: | March 5, 2013<br>January 8, 2013<br>Council Building, 510 Main Street |
| Applicant: | St. John Ambulance NWT, Manitoba and Nunavut<br>(Steven Gaetz, Chief Executive Officer) |
| Premises Affected: | Part of the public lane east of St. John Ambulance Way, south of Portage Avenue and St. John Ambulance Way at Empress Street East |
| Exhibits Filed: | 1. Report from the Real Property Officer dated December 17, 2012<br>2. Inspection Report<br>3. Notice of Adjournment dated January 14, 2013 |

REPRESENTATIONS:

In Support:

Steven D. Gaetz
Paige Lloyd

In Opposition:

Nil

For Information:

Margot Colquttoun, on behalf of St. James Presbyterian Church
Sharyl Eaglesham
David Sanders, on behalf of St. James Presbyterian Church

For the City:

Mr. B. Boyachuk, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2012

# ADMINISTRATIVE REPORT

**Title:** **DAOC 1/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED OPENING AND CLOSING OF PART OF THE PUBLIC LANE EAST OF ST. JOHN AMBULANCE WAY, SOUTH OF PORTAGE AVENUE AND PROPOSED OPENING OF ST. JOHN AMBULANCE WAY AT EMPRESS STREET EAST**

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Buyachok | B. Thorgrimson | N/A | N/A |

## RECOMMENDATIONS

1. That the proposed public lane opening and closing and public street opening as shown on Misc. Plan No. 14391/1 be approved and that the portion of the 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 public lane opening and closing and public street opening in accordance with Misc. Plan No. 14391/1, 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, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

## IMPLICATIONS OF THE RECOMMENDATIONS

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

All costs associated with the public lane opening and closing and public street opening 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. Steven Gaetz, CEO of St. John Ambulance NWT, Manitoba and Nunavut, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 14391/1. The lane, once closed, is to be incorporated into the redevelopment of the existing training and community services centre on St. John Ambulance Way. The development is to include a new 2 storey, 20,000 square foot facility.

As part of this application, St. John Ambulance will be providing portions of their property for a lane turnaround at the terminus of the remaining open east/west lane and for the opening of St. John Ambulance Way at Empress Street East. A portion of City property has also been included in this street opening application. The openings are shown in solid line on the sketch. The balance of the City land not included in the opening will form part of a land exchange/sales agreement with the applicant. The Public Works Department has advised that no time frame has been identified for the construction of the roadway improvements to St. John Ambulance Way.

The subject lane was opened by Plan Nos. 2268, 5175, 7008 and 21151 which were registered in the Winnipeg Land Titles Office in May of 1914, November of 1950, May of 1959 and June of 1987 respectively. The southerly portion of the subject lane dead ends onto property owned by St. John Ambulance and serves no apparent public transportation purpose. The northerly portion of the lane is used by the St. James Presbyterian Church, the property owners immediately east of the proposed closing, and provides access to a parking area and driveway. St. John Ambulance has indicated that they will provide an easement to the Church for continued, unimpeded access purposes.

## 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, MTS Inc., Shaw Cablesystems, Bell Canada, Louis Riel School Division, Rogers Communications and TeraSpan.

Imperial Oil and Fiber did not respond to the request for comments on this application.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
Date: December 17, 2012
File No.

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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 opening and closing and street opening.

Administrative Comments

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

Transportation Division of the Public Works Department:

1) Confirmation in writing from St. James Presbyterian Church that they are agreeable to the closure of the public lane and access arrangements as proposed by the applicant, St. John Ambulance.
2) The closed public lane is to be consolidated with St. John Ambulance's existing holdings.
3) The provision of an Access Easement Agreement, satisfactory to St. James Presbyterian Church, for continued, unimpeded access for St. James Presbyterian Church parishioners, employees, etc. being registered as a caveat against title issuing for the proposed private lane.

Urban Planning Division:

An access agreement with the St. James Presbyterian Church will be required for ingress/egress to their parking area.

Plan Examination Branch:

Closure of the public lane and expansion of the public thoroughfare will require additional information to ensure that the properties affected by the proposed work do not fall into contravention of the Manitoba Building Code (MBC). The expansion of St. John Ambulance Way will directly affect address #11, and a building permit will be required to retrofit the existing structure, or a demolition permit required to remove it. Furthermore, 1476 Portage Avenue will also require spatial separation calculations for the west exposing building faces of the buildings adjacent to the public lane being closed. These buildings will require compliance to the MBC for their wall construction, fire resistance rating and unprotected openings.

The spatial separation calculations and construction details shall be submitted under the seal of an Architect or Professional Engineer entitled to practice in the Province of Manitoba, skilled in the appropriate section of work concerned.

In the event that the spatial separation calculations determine the exposing building face requires upgrading, a building permit complete with construction details of the existing building(s) will be necessary prior to the release of the plan examination portion of the subdivision application.

Traffic Signals Branch of the Public Works Department:

There are 2 x 70W lane lights presently installed on wood poles along the portion of the public lane proposed to be closed. These will require removal from the City's street lighting bill.

Zoning

Each half of a closed street or lane assumes the zoning designation of the adjoining property. The applicant's property west of the lane closing is designated R2 Residential and C2 Commercial. Property to the east of the closing is designated R2 Residential and RMF Residential Multi Family. Depending on the proposed development of the St. John Ambulance site, the subject properties may require rezoning in order to accommodate the development.

Easements

The Engineering Division of the Water and Waste Department has identified an existing watermain within the southerly portion of the closing area extending westerly through the City property forming part of a land exchange/sales agreement with the applicant. An easement will be required for this existing facility.

There is also a 300mm catch basin lead and catch basin located near the southerly portion of the lane closing area which connects to a manhole at the south end of St. John Ambulance Way. Water and Waste requires that ownership of the catch basin and lead be assumed by the property owner, as it would be used for private property drainage.

As information, the Water and Waste Department has also identified several curb stops on/near the property limits of Nos. 5 to 11, St. John Ambulance Way. In the future event that the proposed opening is physically constructed, the curb stops may require relocation.

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

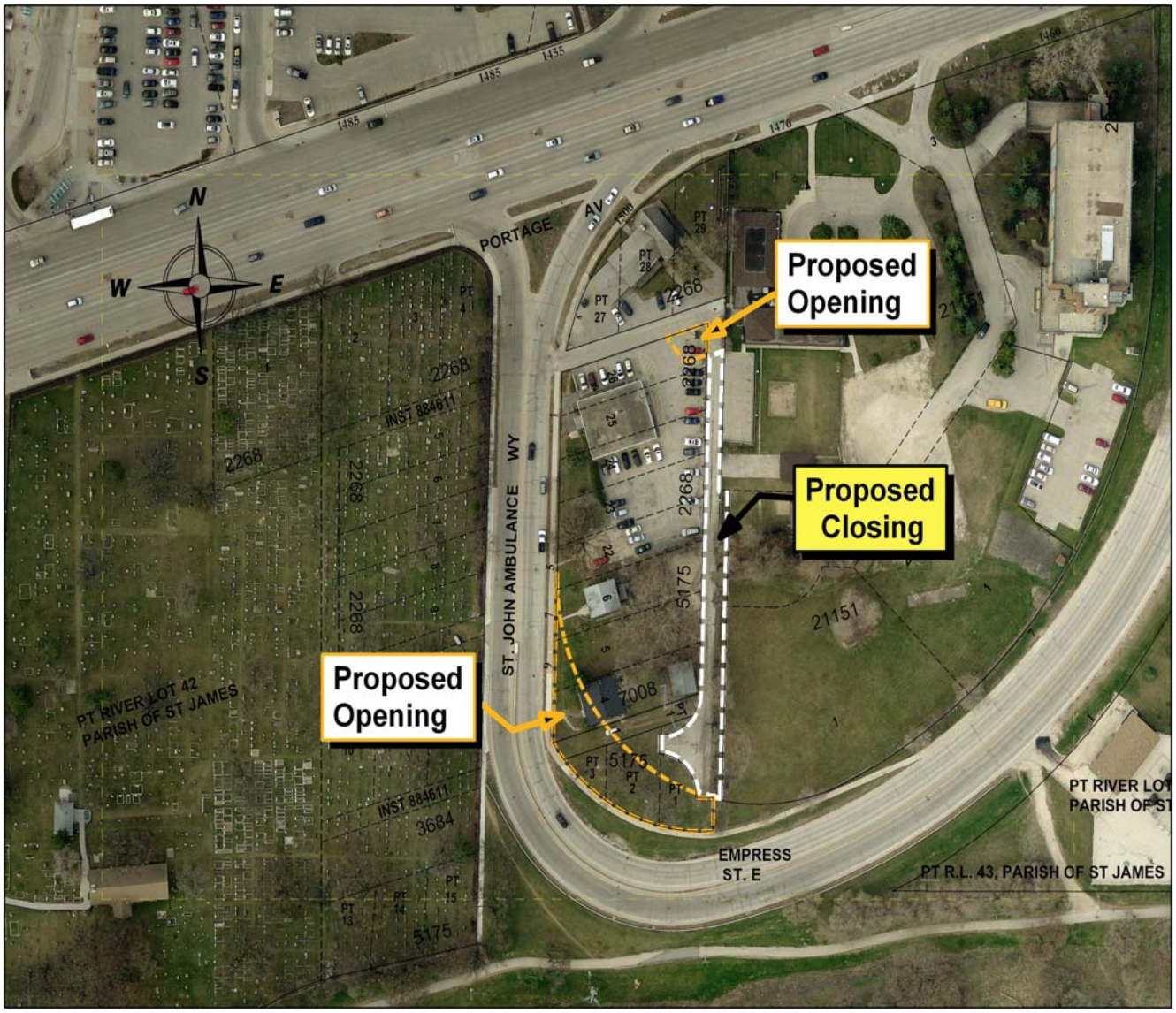
All utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

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 Opening and Closing



Miscellaneous Plan

