Minute No. 441
Report – Executive Policy Committee – July 6, 2016

Item No. 8 **Closing – Public Lane between Westbrook and Mill Street, South of Lombard Avenue**
(Point Douglas Ward)
File DAC 10/2016

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That subject to Recommendation 2, the proposed public lane closing as shown on Misc. Plan No. 15050 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 public lane closing in accordance with Misc. Plan No. 15050, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant and the registered owner of No. 80 Lombard Avenue each enter into a Purchase and Sales Agreement with the City including a requirement that the applicant and the registered owner of No. 80 Lombard Avenue fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

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

Report – Executive Policy Committee – July 6, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 6, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File:	DAC 10/2016
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Allard Councillor Gerbasi Councillor Wyatt
Public Hearing:	July 5, 2016 Council Building, 510 Main Street
Applicant:	McGowan Russell Group
Premises Affected:	Public Lane between Westbrook and Mill Street, South of Lombard Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated June 14, 2016 2. Inspection Report

REPRESENTATIONS:

In Support:

Ross McGowan

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. J. Kiernan, Director of Planning, Planning, Property and Development
Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Services, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 10/2016

ADMINISTRATIVE REPORT

Title: CLOSING OF THE PUBLIC LANE BETWEEN WESTBROOK AND MILL STREETS, SOUTH OF LOMBARD AVENUE – FILE DAC 10/2016

Critical Path: STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	n/a	D. McNeil

RECOMMENDATIONS

1. Subject to Recommendation 2, that the proposed public lane closing as shown on Misc. Plan No. 15050 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 public lane closing in accordance with Misc. Plan No. 15050, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant and the registered owner of No. 80 Lombard Avenue each enter into a Purchase and Sales Agreement with the City including a requirement that the applicant and the registered owner of No. 80 Lombard Avenue fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

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 Property and Development, Heritage and Downtown Development.

As per Section 3.1 (i) of the City Organization By-law, only Council can declare City-owned property as surplus.

EXECUTIVE SUMMARY

Parcel "A" of the subject lane closing is required in order to facilitate the commercial development of the applicant's property at this location. Parcel "B" is to form an addition to the existing holding at No. 80 Lombard Avenue. In order for this to occur, the lane must be legally closed and declared surplus to the City's needs prior to its sale.

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.

HISTORY

The Planning, Property and Development Department has received a request from McGowan Russell Group, representing Richardson Centre Limited, to close the public lane so identified on the attached copy of Misc. Plan No. 15050.

Richardson Centre Limited is the owner of the property as shown on Misc. Plan No. 15050. Once closed, it is their intention to purchase the portion of the lane identified as Parcel "A" as an addition to their existing holding to facilitate the development of a commercial office and research building at the corner of Lombard and Westbrook. The building is to be the Innovation Centre for Richardson International. The additional land will contribute to a more orderly site development allowing for appropriate set-backs, a functional floor footprint and increased pedestrian level comfort.

J.K. May Investments Limited is the property owner of No. 80 Lombard Avenue. They are supportive of this application and will be purchasing the portion of the lane identified as Parcel "B" on the sketch as an addition to their existing holding as shown.

The subject lane was opened by Plan No. 66 and registered in the Winnipeg Land Titles Office (Selkirk Division) in November of 1876. Its closure should have minimal impact on public transportation, as another public lane approximately 100 feet to the south as well as Lombard Avenue approximately 110 feet to the north will continue to provide public access between Westbrook and Mill Streets.

FINANCIAL IMPACT

Financial Impact Statement Date: June 13, 2016

Project Name:

Proposed Closing of the Public Lane Between Westbrook and Mill Streets, South of Lombard Avenue - File DAC 10/2016

COMMENTS:

All costs associated with the lane closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation:

Legal Services as to legal issues
Corporate Finance
Public Works
Water and Waste
Transit

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada and Fiber.

Imperial Oil, Norscan, Rogers Communications, TeraSpan and Telus did not respond to the request for comment on this proposal.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Services
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	June 14, 2016
File No.	DAC 10/2016

Attachments

Appendix "A" – Administrative Approval/Comments

Appendix "B" - Miscellaneous Plan and Aerial View

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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 lane closing.

Administrative Comments

Approval is subject to the following administrative comments:

Geomatics Branch

Approval is subject to the applicant/purchasers making development application(s) to consolidate their current holdings with the closed portions of the lane. The mylars and land Transfer(s) associated with the subject closing would not be released until the development application mylars have been processed. The required development application should occur concurrently to avoid delays.

Public Works Department

Approval by Public Works is subject to the following:

- The applicant shall remove the existing lane turnout on Westbrook Street and shall restore the curb, sidewalk and boulevard at that location, as determined by and to the satisfaction of the Director of Public Works.
- The applicant shall remove the existing lane turnout on Mill Street and shall restore the curb and boulevard at that location, as determined by and to the satisfaction of the Director of Public Works.
- Should the applicant wish to retain the existing lane turnout(s) as a private approach(es), they must make application to the Public Works Department for Private Approach Approval.

Planning and Land Use

With the existing configuration of the parking lots, the west end of the lane will be essentially landlocked since it currently has no direct access into the parking. No issues are identified if it is intended as unused land for future consideration. If the proposal is to reconfigure the parking lot layout to incorporate the lane as parking or aisleway, it may require a conditional use for expansion of a non-accessory parking area.

Water and Waste Department

Water and Waste has no objections to the closing but notes that records indicate a private "MTS Drain" land drainage sewer main entering the west end of the lane. The records further indicate

that this sewer main has been cut off and plugged. This sewer main may or may not be within the subject land, as this information was based on the best information available at the time of GIS input.

Easements

Manitoba Hydro and Bell Canada have identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

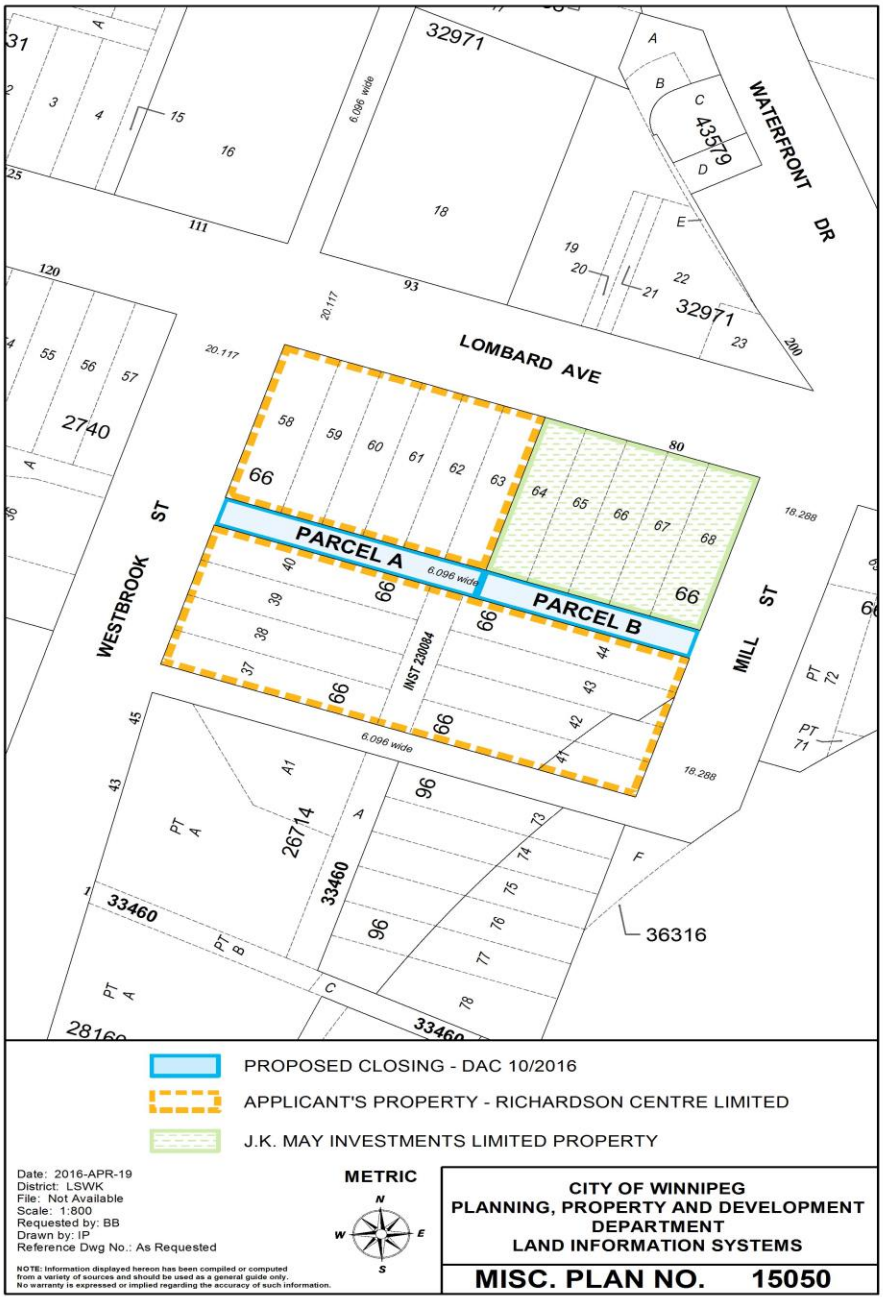
Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

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.

Appendix "B"

Miscellaneous Plan



Aerial View of Subject Closing

