Minute No. 254
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2017

Item No. 1 **Closing – Public Lane North of Maginot Street, West of Speers Road (St. Boniface Ward)**
File DAC 5/2015

COUNCIL DECISION:

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

1. That subject to Recommendation 2, the proposed public lane closing as shown on Misc. Plan No. 15063/1 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 public lane closing in accordance with Misc. Plan No. 15063/1, subject to:

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

    B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 15, 2017, 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 March 7, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 6, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File:	DAC 5/2015
Before:	Riel Community Committee Councillor Lukes, Chairperson Councillor Allard Councillor Mayes
Public Hearing:	February 6, 2017 Council Building, 510 Main Street
Applicant:	Qualico Communities (Jordan Sodomsky)
Premises Affected:	Public Lane North of Maginot Street, West of Speers Road
Exhibits Filed:	1. Report from the Real Property Officer dated January 12, 2017 2. Inspection Report

REPRESENTATIONS:

In Support:

Mike Armstrong
Susan Russell

In Opposition:

Nil

For Information:

Nil

For the City:

B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 5/2015

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF THE PUBLIC LANE NORTH OF MAGINOT STREET, WEST OF SPEERS ROAD – FILE DAC 5/2015**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. Subject to Recommendation 2, that the proposed public lane closing as shown on Misc. Plan No. 15063/1 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 public lane closing in accordance with Misc. Plan No. 15063/1, subject to:

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

   B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant 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 openings and closings require Council approval.

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

EXECUTIVE SUMMARY

The subject lane is an unimproved right of way which adjoins City property being sold to Qualico Developments (Winnipeg) Ltd. As a condition of the Offer to Purchase, Qualico is required to submit a DAC application to close the lane and subsequently purchase the right of way. The lane must be 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 public lane closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

In October of 2015, the Real Estate Division accepted an Offer to Purchase from Qualico Developments (Winnipeg) Ltd. for the acquisition of surplus City land identified as "City Property Acquired by Applicant" on the attached copy of Misc. Plan No. 15063/1. One of the conditions of approval was for the Purchaser to submit an opening application (DAO) for the future widening of Maginot Street. An Addendum to the Offer to Purchase furthermore required the Purchaser to submit a closing application (DAC) to effect the closing of the unimproved north/south and east/west lane adjoining the City property being sold.

The closing application was submitted in November of 2015 but held in abeyance pending resolution of the extent of the westerly closing area. At that time, Trimac Transportation Services was the owner of Lots 34 to 37, Block 2, Plan 1486 WLTO adjoining part of the lane closing, immediately west of the land being sold to Qualico. Trimac has now sold this property to Qualico, enabling the full closure of the lane as shown on the sketch.

In September of 2016, Qualico submitted their opening application for the widening of Maginot Street required for roadway and intersection improvements at this location. The opening is being processed under File DAO 4/2016. Both applications fulfill part of the conditions of the Offer to Purchase approval.

Discussion

The Planning, Property and Development Department has received an application from Qualico Developments (Winnipeg) Ltd. to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 15063/1. The lane, once closed, is to form an addition to the applicant's existing holdings as shown on the sketch.

Trimac Transportation Services Inc. is the owner of the property west of and adjoining the closing area. They have provided written confirmation that they are amenable to this proposal.

The subject lane was opened by Plan Nos. 1486 and 7298 and registered in the Winnipeg Land Titles Office in July of 1909 and June of 1960 respectively. The lane consists of open field and exists in a legal context only. It appears to serve no public transportation purpose.

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, Fiber and Bell Canada.

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

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: January 12, 2017
File No. DAC 5/2015

Attachments

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 5.15 RPT_Maginot Lane

V:\development applications\daoc\dev application2015\dac5_2015\final_report\dac5.15rpt

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 closing.

Administrative Comments

The Geomatics Branch has provided the following comments:

- Registration of the opening plan prepared in accordance with application DAO 4/2016 must occur before or in series with and prior to the proposed public lane closing.
- Approval of this application is subject to the applicant making a subdivision development application that incorporates the proposed closing and the City property being acquired by the applicant. Registration of the closing plan, closing by-law and transfer of City land is to proceed concurrently and in series with the subdivision plan.

Easements

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

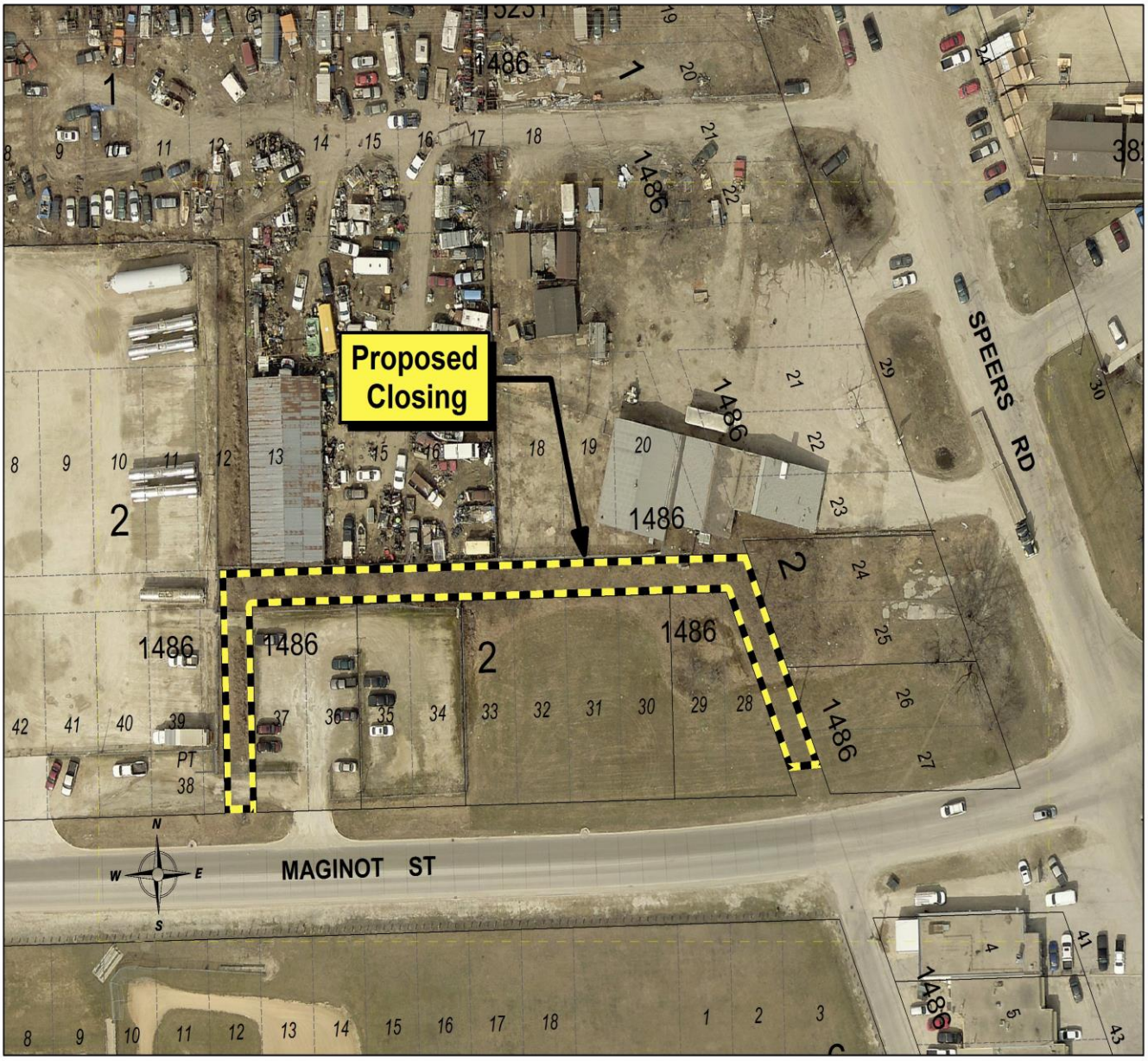
Any removal or relocation of existing facilities as a result of the proposed public lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public 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"

Aerial View of Subject Closing



Miscellaneous Plan

