Minute No. 293
Report – Executive Policy Committee – April 19, 2017

Item No. 3 **Proposed Lane Closing, Rededication and Street Opening – Northwest Corner of Memorial Boulevard and St. Mary Avenue (Fort Rouge-East Fort Garry Ward)**
File DAOC 1/2017

COUNCIL DECISION:

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

1. That subject to Recommendation 3, that the proposed lane closing as shown on Misc. Plan No. 15139/1 be approved and that the land be declared surplus to the City's needs.

2. That the proposed street opening and lane rededication as shown on Misc. Plan No. 15139/1 be approved.

3. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the lane closing, the street opening and the lane rededication/street opening in accordance with Misc. Plan No. 15139/1 (attached as Appendix "B"), 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, which agreement shall include, among other things, a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

4. 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 – April 19, 2017

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 April 19, 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 April 11, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File:	DAOC 1/2017
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Dobson Councillor Gerbasi Councillor Schreyer
Public Hearing:	April 11, 2017 Council Building, 510 Main Street
Applicant:	Rick Chopp, Project Manager, Inuit Art Centre
Premises Affected:	Northwest Corner of Memorial Boulevard and St. Mary Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated March 13, 2017 2. Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

Rick Chopp

In Opposition:

Nil

For Information:

Nil

For the City:

J. Kiernan, Director of Planning, Property and Development

Exhibit "1" referred to in File DAOC 1/2017

ADMINISTRATIVE REPORT

Title: **NORTHWEST CORNER OF MEMORIAL BOULEVARD AND ST. MARY AVENUE: PROPOSED LANE CLOSING, REDEDICATION AND STREET OPENING – FILE DAOC 1/2017**

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

EXECUTIVE SUMMARY

This report requests a proposed lane closure at the Northwest Corner of Memorial Boulevard and St. Mary Avenue.

The subject lane closing is to form an addition to the Winnipeg Art Gallery's adjoining property in order to accommodate the construction of the new Inuit Art Centre at this location. In order for this to occur, the lane must be legally closed and declared surplus to the City's needs prior to its sale. The report also proposes a rededication of a portion of the subject lane remaining legally open. The opening component is a condition of approval to the closing from the Public Works Department.

RECOMMENDATIONS

1. Subject to Recommendation 3, that the proposed lane closing as shown on Misc. Plan No. 15139/1 be approved and that the land be declared surplus to the City's needs.

2. That the proposed street opening and lane rededication as shown on Misc. Plan No. 15139/1 be approved.

3. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to facilitate the lane closing, the street opening and the lane rededication/street opening in accordance with Misc. Plan No. 15139/1 (attached as Appendix "B"), 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, which agreement shall include, among other things, a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

4. That the proper officers of the City be authorized to do all things necessary to implement 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 the Downtown Winnipeg Zoning By-Law No. 100/2004, must be considered by 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.

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/DISCUSSION

The Planning, Property and Development Department has received a request from the Winnipeg Art Gallery to close the public lane so identified on the attached copy of Misc. Plan No. 15139.

The Winnipeg Art Gallery is the owner of the adjoining property as shown on the sketch. It is their intention to acquire the lane, once closed, as an addition to their existing holdings in order to facilitate the construction of the new Inuit Art Centre at this location.

The subject lane is an asphalt surfaced right of way used exclusively by the Winnipeg Art Gallery. It provides access to loading and entry doors for the Gallery and Annex buildings as well as parking areas for Gallery visitors and staff. The lane serves no public transportation purpose.

The subject lane was originally opened in accordance with By-law No. 16123 in March of 1947 and subsequently delineated on a plan of survey registered in the Winnipeg Land Titles Office as Plan No. 6974 in March of 1959. It provided public access northerly from St. Mary Avenue connecting westerly to Colony Street. In January of 1970, Plan No. 10444 WLTO closed the portion of the lane connecting to Colony Street and opened the present configuration of the bulb turnaround area.

The rededication of a portion of the subject lane remaining legally open is being done as a "housekeeping" matter. It will provide a uniform designation to St. Mary Avenue between Memorial Boulevard and Colony Street as shown on the sketch. The street opening component forms part of the condition of approval from the Public Works Department. It will regularize the location of the existing sidewalk at this location within the newly created public street limit.

FINANCIAL IMPACT

Financial Impact Statement Date: March 10, 2017

Project Name:

Northwest Corner of Memorial Boulevard and St. Mary Avenue: Proposed Lane Closing, Rededication and Street Opening - File DAOC 1/2017

COMMENTS:

All costs associated with the public 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

This Report has been prepared in 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, Crown Utilities and TeraSpan.

Imperial Oil, Norscan, Rogers Communications 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: March 13, 2017
File No: DAOC 1/2017

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 public lane closing.

Administrative Comments

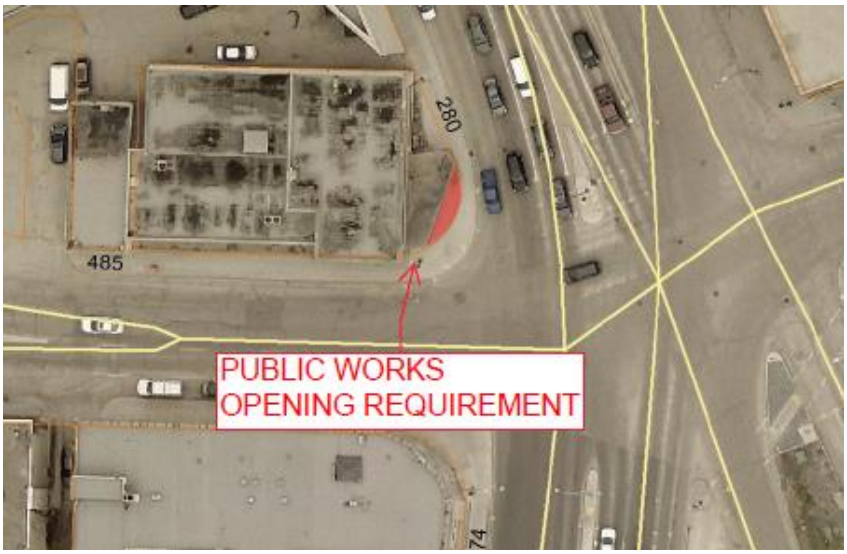
Geomatics Branch

Approval is subject to the applicant making a Development Application (DAPS) for the preparation of a plan of survey to facilitate consolidation of their adjoining property with the closed lane.

Plan Mylars and land Transfer(s) associated with the subject opening/closing will not be released until Plan of Survey mylars associated with the required Development Application have been processed to allow their release to occur concurrently. The developer/applicant is responsible for the preparation and registration, or cause thereof, of all necessary plan and title documents required to facilitate registration of the foregoing at the Winnipeg Land Titles Office. Registration of the opening/closing plan and associated By-law, Transfer and Request are to proceed concurrently and in series with the plan of survey and any associated documents for same.

Public Works Department

The southeast portion of the applicant's property at 280 Memorial Boulevard (approximated on the sketch below) is within the sidewalk at this location. Approval is subject to the applicant providing this portion of their land for public right of way purposes.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PUBLIC WORKS
OPENING REQUIREMENT
74

Water and Waste Department

The Engineering Division of the Water and Waste Department has identified an existing City owned 250mm combined sewer and manhole located within the closing area. The Wastewater Planning and Projects Delivery Branch has indicated that they have no issues with the closing of the lane provided that either the ownership of this existing sewer pipe and manhole is taken over by the applicant or this infrastructure is properly abandoned by the applicant at their own cost.

Easements

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

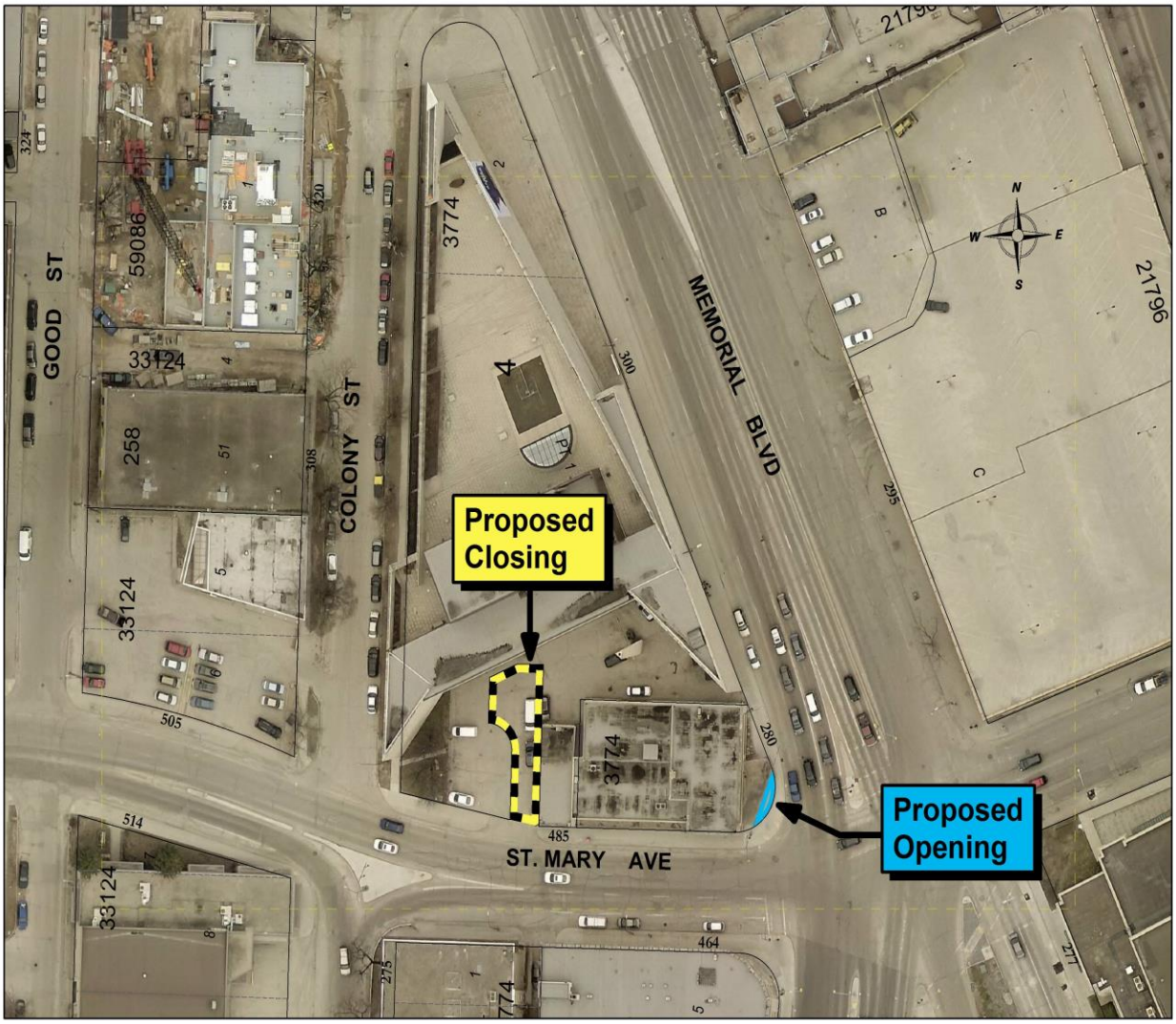
Any removal or relocation of any existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

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"

Aerial View of Subject Opening/Closing



Miscellaneous Plan

