**Agenda – Council – July 19, 2018**

**Report – Executive Policy Committee – July 4, 2018**

**Item No. 2 Opening – Public Lane between Bell and River Avenues, east of Clarke Street (Fort Rouge-East Fort Garry Ward) File DAO 3/2018**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 4, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the proposed lane opening as shown on Misc. Plan No. 15330 be approved.

2. 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 opening in accordance with Misc. Plan No. 15330 (attached as Appendix "B").

3. That in the event the subject opening is not proceeded with expeditiously and the by-law:

   (a) is not enacted within two (2) years following the date the subject report is approved by Council, and

   (b) is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

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

**Agenda – Council – July 19, 2018**

**Report – Executive Policy Committee – July 4, 2018**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 4, 2018, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

# ADMINISTRATIVE REPORT

**Title:** Proposed Opening of the Public Lane between Bell and River Avenues, East of Clarke Street – File DAO 3/2018

**Critical Path:** Executive Policy Committee - Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | J. Kiernan | N/A | D. McNeil |

## EXECUTIVE SUMMARY

This report includes a request that Council approve the opening of the Public Lane between Bell and River Avenues, east of Clarke Street. The lane opening is a condition of approval for rezoning application DAZ 200/2016.

Streetside Development Corporation is the owner of the subject property.

Council approval is required before the property can be legally opened as public right of way.

## RECOMMENDATIONS

1. That the proposed lane opening as shown on Misc. Plan No. 15330 be approved.

2. 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 opening in accordance with Misc. Plan No. 15330 (attached as Appendix “B”).

3. That in the event the subject opening is not proceeded with expeditiously and the by-law:

   (a) is not enacted within two (2) years following the date the subject report is approved by Council, and

   (b) is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to the expiry of the two (2) year period referred to in clause (a) above and Council approves the extension.

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

The dedication of this property as a public lane requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

## 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 opening are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

## HISTORY/DISCUSSION

On April 27, 2016, Council concurred in the recommendation of the Report of the Executive Policy Committee dated April 20, 2016, and approved rezoning application DAZ 200/2016 for 249 - 263 Bell Avenue.

One of the recommendations required the Developer to address all of the conditions outlined in Schedule "B" of the report of the Administrative Coordinating Group dated April 5, 2016. Conditions pertinent to this application are as follows:

1) The Developer to transfer to the City and legally open property required for a 0.687m widening to the existing east/west public lane right of way, along the full length of the existing east/west public lane abutting the north limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer filing a street opening (DAO) application with the City that will result in:

a) Council approving the subject widening;
b) Council passing a by-law to legally open the subject property as public lane, and
c) The Developer subsequently registering the by-law in series with an opening plan in the Winnipeg Land Titles Office to effect the intent of the foregoing.

Discussion

The Planning, Property and Development Department is proceeding with an application submitted by Streetside Development Corporation to open the public lane between Bell and River Avenues, east of Clarke Street so identified on the attached copy of Misc. Plan No. 15330. Opening this portion of the lane will provide the City with half of the property required for a total lane right of way width of 6.25m. The subject DAO application will fulfill the Administrative Coordinating Group's conditions of approval contained in rezoning application DAZ 200/2016.

Property required for the opening (Parcel “A”, Plan 58373 WLTO) is owned by Streetside Development Corporation, and comprises part of the gravel surfaced lot adjoining the existing concrete public lane.

**FINANCIAL IMPACT**

## Financial Impact Statement

**Date:** May 29, 2018

## Project Name:

**Proposed Opening of the Public Lane between Bell and River Avenues, East of Clarke Street – File DAO 3/2018**

**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, BellMTS and Shaw Cablesystems

## 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 opening 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: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: June 4, 2018
File No: DAO 3/2018

**Attachments:**

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAO 3.18RPT_Lane E of Clarke

V:\development applications\daoc\dev application2018\dao3.18_2018\final_report\dao3.18rpt

**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 opening.

Administrative Comments

*Geomatics Branch*

Approval is subject to the following conditions:

- The applicant is required to provide Discharges for any registered Instruments that affect the subject opening area, other than those in favour of the City of Winnipeg or a Utility.
- The applicant/purchaser is responsible for all costs associated with the preparation of the necessary opening plan and any associated documents and registration of same at The Property Registry.

*Zoning and Permits*

The City has a by-law provision for public land acquisition which permits a lesser yard than required for the building on site, but this does not apply to the applicant's outdoor parking area. Removal of this portion of the property does create an issue with the surface parking (parking directly off the lane) and meeting the by-law stall depth requirement of 23 feet. Streetside Development Corporation has applied for a variance for the insufficient stall depth which is currently under review.

By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

**APPENDIX "B"**

Aerial View of Subject Opening



Miscellaneous Plan

