**Minute No. 507**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 25, 2018**

**Item No. 18 Closing – Public Lane in the Block Bounded by George and Galt Avenues, Duncan Street and Waterfront Drive (Point Douglas Ward) File DAC 2/2017**

COUNCIL DECISION:

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

1. Subject to approval of Recommendation 2, that the proposed lane closing as shown on Misc. Plan No. 15256 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 and bring directly to Council for enactment a by-law to facilitate the lane closing in accordance with Misc. Plan No. 15256 (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 Sale 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.

3. That in the event the subject closing 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.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 25, 2018**

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 July 11, 2018, 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 June 25, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAC 2/2017 |
| Before: | Standing Policy Committee on Property and Development, Heritage and Downtown Development<br>Councillor Orlikow, Chairperson<br>Councillor Allard<br>Councillor Dobson<br>Councillor Gerbasi |
| Public Hearing: | June 25, 2018<br>Council Building, 510 Main Street |
| Applicant: | CentreVenture Development Corporation |
| Premises Affected: | Public Lane in the Block Bounded by George and Galt Avenues, Duncan Street and Waterfront Drive |
| Exhibits Filed: | 1. Report from the Real Property Officer dated June 4, 2018<br>2. Inspection Report |

REPRESENTATIONS:

In Support:
Angela Mathieson, CentreVenture Development Corporation

In Opposition:
Bob Brown

For Information:
Nil

For the City:
J. Kiernan, Director, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2017

# ADMINISTRATIVE REPORT

**Title:** Proposed Closing of the Public Lane in the Block Bounded by George and Galt Avenues, Duncan Street and Waterfront Drive – File DAC 2/2017

**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 includes a request that Council approve the closing of the Public Lane in the block bounded by George and Galt Avenues, Duncan Street and Waterfront Drive.

Part of the subject lane closing, along with adjoining privately held and City-owned properties shown bordered on Misc. Plan No. 15256, included in Appendix "B", is required for a proposed development parcel that will be offered for sale in a Request for Proposal ("the RFP") that CentreVenture Development Corporation ("CentreVenture") will issue.

Council approval of the closing and declaration of the land as surplus to the City's needs is required in order for the lane to be included in the RFP.

## RECOMMENDATIONS

1. Subject to approval of Recommendation 2, that the proposed lane closing as shown on Misc. Plan No. 15256 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 and bring directly to Council for enactment a by-law to facilitate the lane closing in accordance with Misc. Plan No. 15256 (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 Sale 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.

3. That in the event the subject closing 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

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

At its meeting held on June 21, 2017, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development that CentreVenture be granted an option to purchase Parcel "K", Plan 43293 WLTO, Parcel "A", Plan 499 WLTO and SP Lot 55, Plan 32440 WLTO on the west side of Waterfront Drive, all of which are identified as "Owner: City of Winnipeg" on the attached copy of Misc. Plan No. 15256, for the price of $1.00.

At its meeting held on May 24, 2018, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development that CentreVenture be granted an option to purchase, at its sole cost, effort and expense, the subject property identified as "Proposed Closing – DAC 2/2017" on the attached copy of Misc. Plan No. 15256, for the price of $1.00.

Discussion

The Planning, Property and Development Department have received a request from CentreVenture to close the public lane so identified on the attached copy of Misc. Plan No. 15256.

CentreVenture has been collaborating with the property owners in the subject block and has reached an agreement with both owners south of the proposed closing (Lots 1 and 2, Plan 45365 WLTO) to jointly market their properties for a future development. These properties, along with parts of the City of Winnipeg holdings adjoining Waterfront Drive and Parcel "A" of the proposed lane closing will be offered for sale in an RFP that CentreVenture will issue. The RFP development parcel is identified and shown bordered in dashed line on the sketch.

CentreVenture will be exercising their option, granted to them by Council at its meeting held on June 21, 2017, to purchase the subject City property. Both property owners contiguous to the public lane have provided written support for its closing. The support from the owner of No. 80/82 George Avenue is subject to the provision of an easement agreement for access purposes to the loading dock at the rear of this property. Parcel "B" of the closing and a portion of SP Lot 55, Plan 32440 WLTO will also be transferred to them, providing a straight property line along the lot's southern limit.

CentreVenture has indicated that the lane's eventual legal closure is dependent on the successful outcome of the RFP and subsequent sale of the subject land for development. If a proposal is not accepted through the RFP process, CentreVenture may decide not to proceed with the closing and consolidation of land. In that event, the lane would remain a legally open public right of way.

The subject lane was opened by Plan No. 499 and registered in the Winnipeg Land Titles Office in August of 1896. The westerly portion is dirt surfaced and abuts a concrete approach from Duncan Street providing access to the loading dock adjoining the southwest corner of the building at No. 80/82 George Avenue. The balance of the lane consists of grass, overgrown weeds and accumulated garbage. It is neither maintained by the City nor the adjoining property owners and serves no public transportation purpose.

**FINANCIAL IMPACT**

## Financial Impact Statement Date: May 29, 2018

## Project Name:

**Proposed Closing of the Public Lane in the Block Bounded by George and Galt Avenues, Duncan Street and Waterfront Drive - File DAC 2/2017**

**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: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: June 4, 2018
File No: DAC 2/2017

**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 2.17 RPT_Lane E of Duncan

V:\development applications\daoc\dev application2017\dac2_2017\final_report\dac2.17rpt

**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 following conditions:

- The applicant is responsible for all costs for the preparation and registration of the necessary closing plan and any associated documents.

- That proposed Parcel B and a portion of SP Lot 55, Plan 32440 WLTO being sold to No. 80/82 George Avenue are consolidated with the adjoining property at No. 80/82 George Avenue through a Development Application (DASSF), creating a single Lot, as well as the preparation of the associated plan of subdivision, as a condition of sale.

- The closing plan mylars, closing by-law and any associated documents are registered in series with and prior to the plan of subdivision prepared in accordance with the required Development Application (DASSF). The closing plan mylars, closing by-law and any associated documents won't be released until the plan of subdivision mylars have been processed so they can all be released together. To avoid delays the required Development Application should be submitted as soon as possible.

Real Estate Division

Approval is subject to the following conditions:

- The applicant will be required to enter into a Purchase and Sales Agreement, at $1.00 for the land, and on terms and conditions acceptable to the City.

- Parcels "A" and "B" of the closing report will need to be consolidated with the respective adjacent properties.

- The Purchase and Sales Agreement shall include the provision that the applicant must notify the City no later than June 21, 2019, that it will be proceeding with the lane closing and consolidation, failing which the Purchase and Sales Agreement shall be cancelled. (that date coincides with the date that CentreVenture has to exercise its option on the 2 adjacent City parcels.)

Plan Examination Branch

It is uncertain if the building at 82 George Avenue would remain compliant if the property line was relocated adjacent to it as shown on the sketch. An architect should confirm this through a Spatial Separation Analysis according to Section 3.2.3 of the Manitoba Building Code.

Easements

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

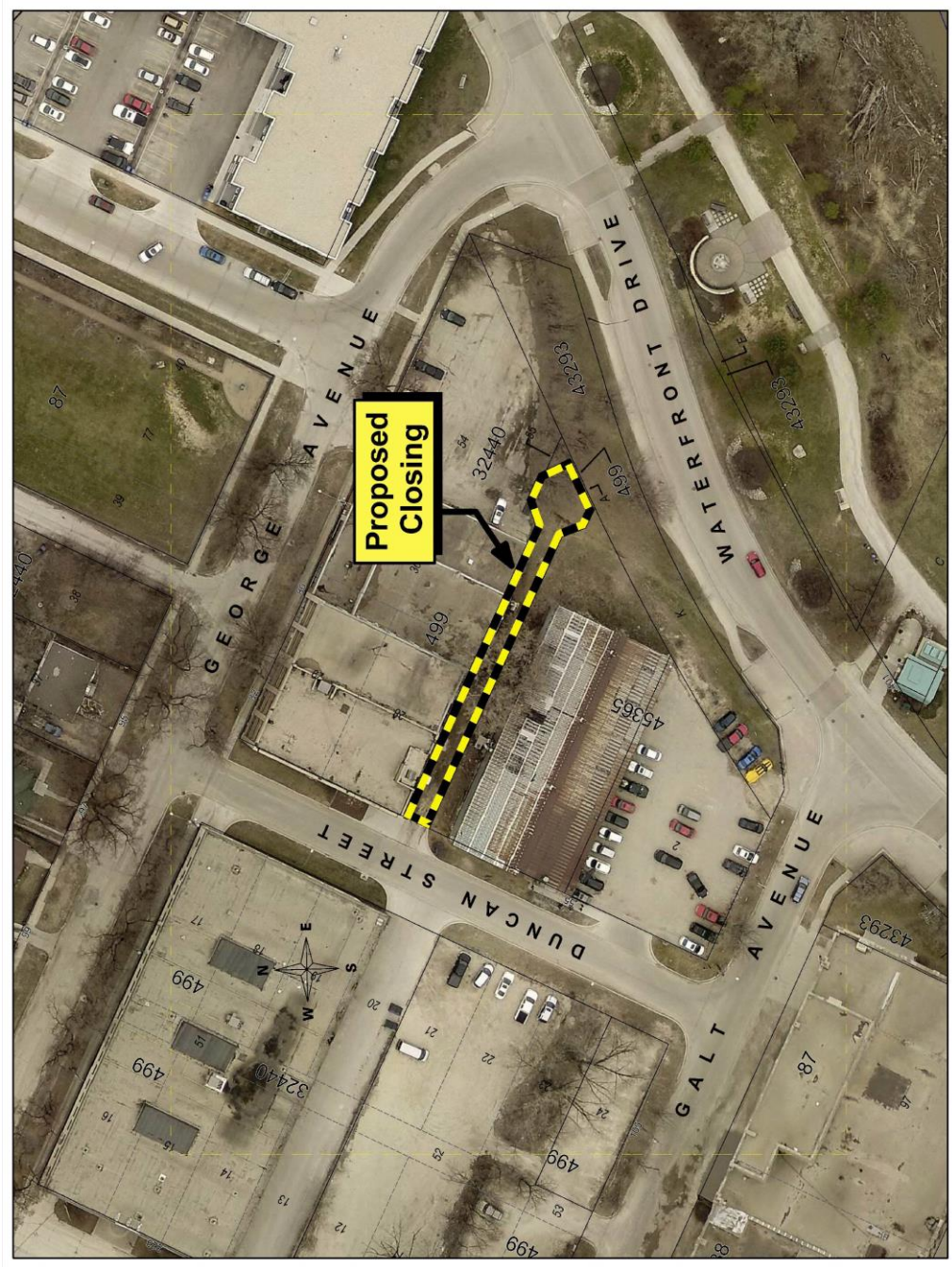
Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

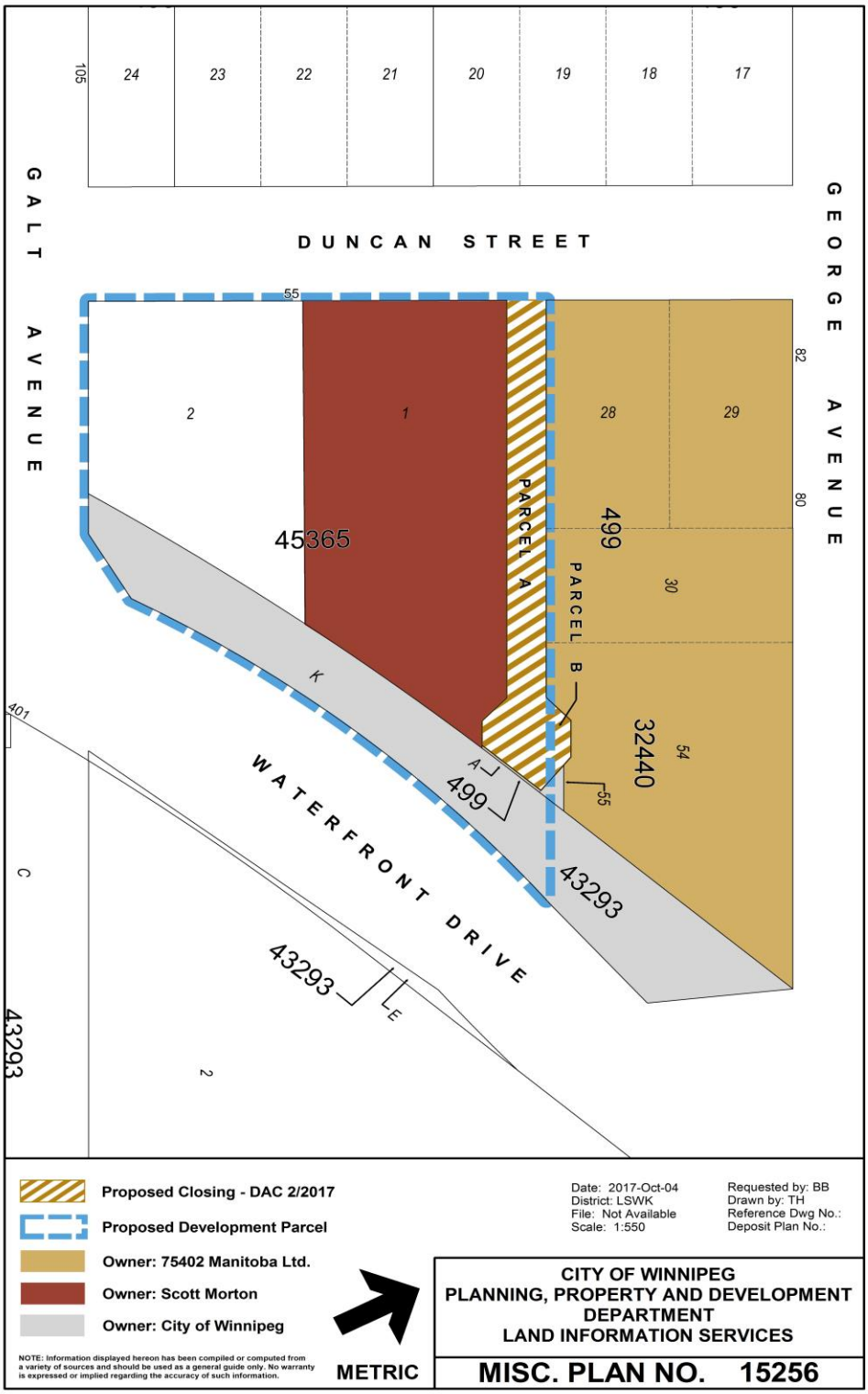
The lane must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

**APPENDIX "B"**

Aerial View of Subject Closing



Miscellaneous Plan


105
24
23
22
21
20
19
18
17
DUNCAN STREET
GALT AVENUE
GEORGE AVENUE
55
82
80
2
1
28
29
45365
499
PARCEL A
PARCEL B
30
54
32440
K
401
A
499
55
43293
WATERFRONT DRIVE
43293
LE
C
43293
2
Proposed Closing - DAC 2/2017
Proposed Development Parcel
Owner: 75402 Manitoba Ltd.
Owner: Scott Morton
Owner: City of Winnipeg
NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
METRIC
Date: 2017-Oct-04
District: LSWK
File: Not Available
Scale: 1:550
Requested by: BB
Drawn by: TH
Reference Dwg No.:
Deposit Plan No.:
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT
DEPARTMENT
LAND INFORMATION SERVICES
MISC. PLAN NO. 15256