Minute No. 398
Report - Standing Policy Committee on Downtown Development - May 6, 2004

Item No. 1 **Street Closing - Lanes in the Block Bounded by Portage and Graham Avenues and Edmonton and Carlton Streets**
File DAC 3/2004

COUNCIL DECISION:

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

1. That the proposed lane closing as shown on Misc. Plan No. 12198 be approved and that the land be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12198, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

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DECISION MAKING HISTORY:

Moved by Deputy Mayor Eadie,

That the recommendation of the Standing Policy Committee on Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 6, 2004 the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

PUBLIC HEARING SUMMARY

File:	DAC 3/2004
Before:	Standing Policy Committee on Downtown Development His Worship Mayor Murray, Chairperson Councillor Pagtakhan Councillor Steeves Councillor Vandal
Public Hearing:	May 6, 2004 Council Building, 510 Main Street
Applicant:	Martin Eva, Flanders Real Estate Ltd., representing Manitoba Hydro
Premises Affected:	Lanes in the block bounded by Portage and Graham Avenues and Edmonton and Carlton Streets
Exhibits Filed:	1. Report from the Director of Planning, Property and Development dated April 21, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:
Martin Eva, Flanders Real Estate Ltd., representing Manitoba Hydro
Parker Fillmore, Fillmore Riley, Barristers and Solicitors
Don Bowes, Fillmore Riley, Barristers and Solicitors

In Opposition:
Nil

For Information:
Nil

Exhibit "1" referred to in File DAC 3/2004

RE: DAC 3/2004 – PROPOSED CLOSING OF THE LANES IN THE BLOCK BOUNDED BY PORTAGE AND GRAHAM AVENUES AND EDMONTON AND CARLTON STREETS

For submission to: **The Standing Policy Committee on Downtown Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: **April 21, 2004**

Recommendation(s):

1. That the proposed lane closing as shown on Misc. Plan No. 12198 be approved and that the land be declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12198, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

REPORT SUMMARY

Key Issues:

- Manitoba Hydro has selected the block bounded by Portage and Graham Avenues and Edmonton and Carlton Streets for its new downtown office site, and has requested that the lanes identified as "Proposed Closing" on the attached Misc. Plan No. 12198 be closed for incorporation into the property.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

Policy implications:

X	**No**
	Yes

Comment(s):

Environmental implications:

X	**No**
	Yes

Comment(s):

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

- All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:
All street and lane closings within the boundaries of the Downtown Winnipeg area, as defined by By-Law 4800/88, require the consideration of the Standing Policy Committee on Downtown Development.

HISTORY:
Manitoba Hydro has selected the block bounded by Portage and Graham Avenues and Edmonton and Carlton Streets for its new downtown office site, and has requested that the lanes identified as "Proposed Closing" on the attached Misc. Plan No. 12198 be closed for incorporation into the property.

DISCUSSION:
Manitoba Hydro will own all of the lands in this block when construction of the office building begins. The lanes will no longer serve any public purpose at that time.

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The Transportation Division of the Public Works Department has advised that private approach approval will be required if Manitoba Hydro wishes to retain any of the lane approaches. If Manitoba Hydro does not wish to retain the approaches, the curb, sidewalk and boulevard are to be restored at Manitoba Hydro's expense and the works are to be determined by and to the satisfaction of the Director of Public Works.

There are no City services within the lanes that will require either relocation or future maintenance.

Transfer of Jurisdiction Over Public Rights-of-Way

The lanes must be legally closed before they 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.

Financial Impact Statement Date: April 6, 2004

COMMENTS:

All costs associated with this application will be borne by Manitoba Hydro. There is no financial impact.

Karen Ayotte, Acting
Manager of Finance Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division, Traffic Signals

Water and Waste Department – Engineering Division

Fire Paramedic Service Department

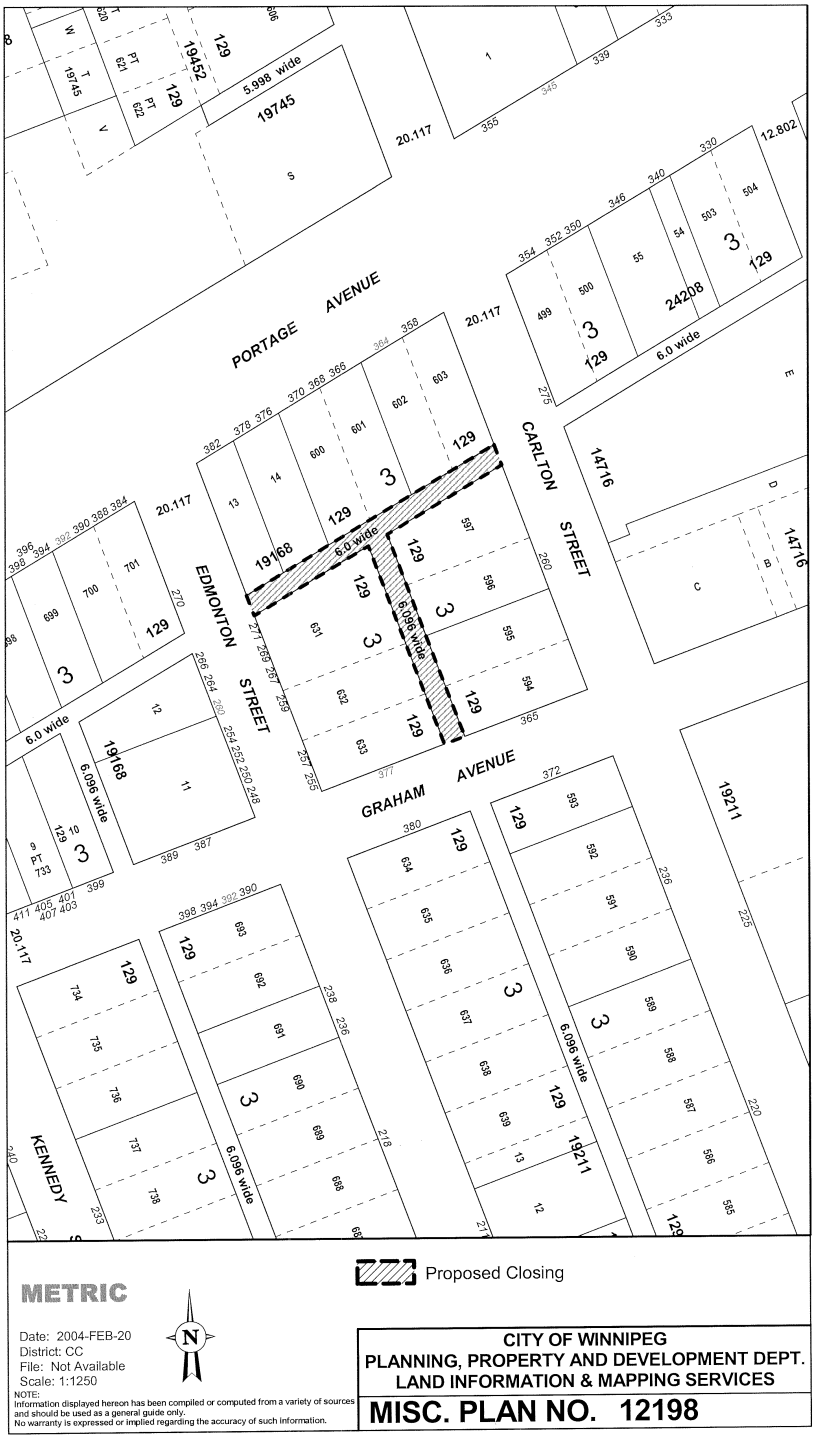
Police Services Department

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 3/2004

Document name: o:\reports directive\development and inspections\geomatics\dac3_04.doc


PORTAGE AVENUE
CARLTON STREET
EDMONTON STREET
GRAHAM AVENUE
KENNEDY
6.0 wide
6.096 wide
5.998 wide
20.117
12.802
19168
19452
19745
24208
14716
19211
Proposed Closing
METRIC
Date: 2004-FEB-20
District: CC
File: Not Available
Scale: 1:1250
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12198