Agenda - Council - June 23, 2004

Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 5 Closing - Public Lane in the Block bounded by Melrose and Pandora Avenues west of Bond and Winona Streets
File DAC 19/2003

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the proposed lane closing as shown on Misc. Plan No. 12044 be approved and the land 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. 12044, 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 - Standing Policy Committee on Property and Development - June 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2004, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 19/2003
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	May 4, 2004 Community Committee Chamber 755 Henderson Highway
Applicant:	Bob Downs Shindico Realty Inc.
Premises Affected:	Closing of the public lane in the block bounded by Melrose and Pandora Avenues West of Bond and Winona Street
Exhibits Filed:	1. Report from the Real Property Officer dated October 30, 2003 2. Inspection Report 3. Communication dated November 13, 2003 from Bob Downs, Development Manager, Shindico, requesting the application be adjourned to January 2004 4. Communication dated November 17, 2003, from Wendy Baxter, Group Chair, and Rachelle Thacker, Group Co-Chair, Scouts Canada, with respect to the application 5. Communication dated December 19, 2003 from Bob Downs, Development Manager, Shindico, requesting the application be adjourned to March 2004 6. Communication dated March 3, 2004 from Bob Downs, Development Manager, Shindico, requesting the application be adjourned to May 4, 2004 7. Revised report from the Real Property Officer dated April 1, 2004

REPRESENTATIONS:

In Support:

Rob Lee

In Opposition:

Wendy Baxter
Deborah Thiesen-Derksen

For Information:

Joe Fedoruk

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "7" referred to in File DAC 19/2003

RE: DAC 19/2003 - PROPOSED CLOSING OF THE PUBLIC LANE BOUNDED BY MELROSE AND PANDORA AVENUES WEST AND BOND AND WINONA STREETS

For submission to: The East Kildonan-Transcona Community Committee

Report date: April 1, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12044 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. 12044, 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:

Shindico Realty, representing 0100986 Manitoba Ltd., has made an offer to purchase the subject lane. The applicant proposes to incorporate the lane into an office building site.
The Pandora Inn and the City of Winnipeg own properties adjacent to the lane closing. The applicant will be required to enter into easement agreements with the Pandora Inn and the City to allow for continued access to these properties.

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):

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The Planning, Property and Development Department has received a request from Shindico Realty, representing 0100986 Manitoba Ltd., to purchase the subject lane. The applicant proposes to construct a two story, 34,125 sq. ft. office building along Pandora Avenue for a facility for the Winnipeg Regional Health Authority. The applicant's property on Melrose Avenue will be used for parking. Approval of the required zoning variance was given by the Board of Adjustment under Application No. DAV 03-309328/C on June 4th, 2003.

DISCUSSION:

Administrative Approval

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

Access Agreements

City assessment records indicate the ownership of the lands in this block to be as follows:

the Scouts Park lands at 110 Winona Street (City of Winnipeg – leased to the 1st Transcona Boy Scouts and Cub Pack) the Pandora Inn lands at 103 Bond Street (79846 Manitoba Inc.)
the balance of the lands (0100986 Manitoba Ltd.)

The applicant proposes to purchase the entire lane. It will be necessary for the applicant to enter into easement agreements with the Pandora Inn and the City to allow for continued access to these properties.

Private Approach Permits

The applicant will be required to obtain private approach permits for the lane approaches at Winona and Bond Streets.

Consolidation of Title

The applicant will be required to consolidate title to the closed lane with the title to the applicant's adjoining lands.

Utility Requirements

Centra Gas maintains a line in the lane. An easement to allow for access to maintain this line will be required. No improvements other than paving or fencing will be allowed in the easement area.

Manitoba Hydro and MTS maintain an overhead line in the lane. The applicant is discussing the relocation of this line with the utilities.

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.

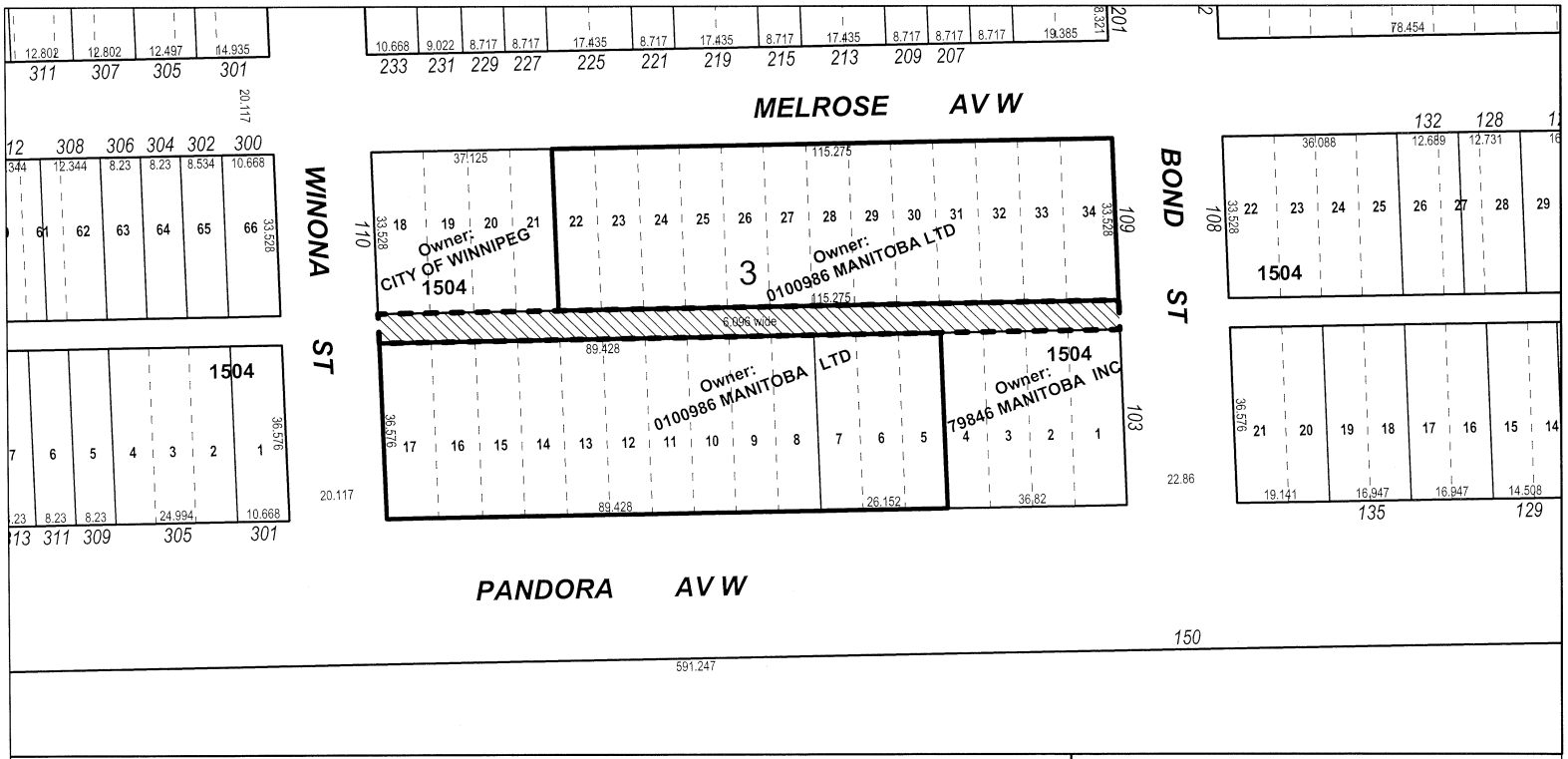
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division
Water and Waste Department – Engineering Division
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 #:6681

Document name: V:\word\DAOC\dac19_03RPT.doc



Date: 2003-OCT-16
District: EKT
File: Not Available
Scale: 1:1000

METRIC

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.

Proposed Lane Closing

Applicant's Property - 0100986 Manitoba Ltd

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 12044

Exhibit "1" referred to in File DAC 19/2003

October 30, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE EAST KILDONAN-TRANSCONA COMMUNITY COMMITTEE

RE: File No. DAC 19/2003 - Proposed Closing of the public lane bounded by Melrose and Pandora Avenues West and Bond and Winona Streets
Transcona Ward

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 12044.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

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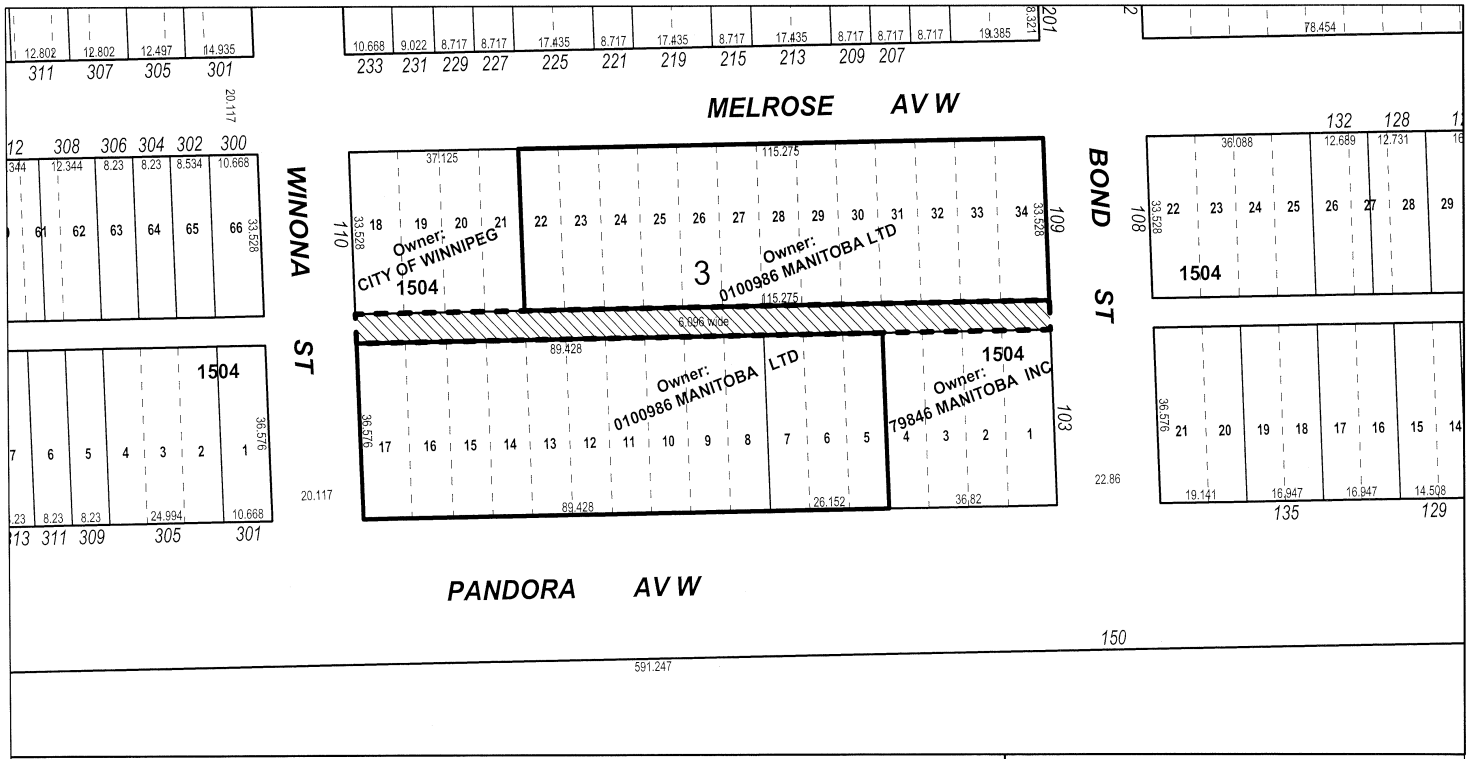
This report submitted by:
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. DAC 19/2003


MELROSE AV W
PANDORA AV W
WINONA ST
BOND ST
Owner: CITY OF WINNIPEG
1504
Owner: 0100986 MANITOBA LTD
Owner: 0100986 MANITOBA LTD
Owner: 79846 MANITOBA INC
6.096 wide
591.247
Date: 2003-OCT-16
District: EKT
File: Not Available
Scale: 1:1000
METRIC
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Proposed Lane Closing
Applicant's Property - 0100986 Manitoba Ltd
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PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12044