Minute No. 239
Report – Standing Policy Committee on Property and Development – February 2, 2023

Item No. 8 **Rescission of Council Decision – Proposed Opening and Closing of the Public Lane between Kensington Street and Madison Street (St. James Ward) File DAOC 2/2017**

COUNCIL DECISION:

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

1. That the Council Decision of April 26, 2017, in respect of DAOC 2/2017, be rescinded.

2. 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 Councillor Rollins,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 24, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

HEARING SUMMARY

File:	DAOC 2/2017
Before:	Assiniboia Community Committee Councillor Lukes, Chairperson Councillor Dobson Councillor Duncan
Public Hearing:	January 24, 2023 Council Building, 510 Main Street
Applicant:	James Kacki On behalf of Long Plain First Nation
Premises Affected:	Between Kensington Street and Madison Street, north of Silver Avenue
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	Leah Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	January 24, 2023

Community Committee Recommendation:

On January 24, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development:

1. That Council rescind its decision of April 26, 2017 in respect of DAOC 2/2017.

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

Exhibits Filed:

1. Report from the Real Property Officer dated April 6, 2017
2. Inspection Report
3. Council Decision dated April 27, 2017
4. Report from the Real Property Officer dated December 21, 2022
5. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Terry Myran

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department

Exhibit "4" referred to in File DAOC 2/2017

ADMINISTRATIVE REPORT

Title: Rescission of Council Decision - Proposed opening and closing of the public lane between Kensington Street and Madison Street, north of Silver Avenue – File DAOC 2/2017

Critical Path: Assiniboia Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	A/Department Head	CFO	CAO
G. Chappell	M. Pittet		

EXECUTIVE SUMMARY

On April 26, 2017, Council adopted the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and approved the public lanes opening and closing between Kensington Street and Madison Street, north of Silver Avenue, proposed under DAOC 2/2017, as shown on Appendix A attached hereto, and declared the land affected by the closing as surplus to the City's needs. By email sent December 16, 2020 to Michael Jack, the then Deputy Chief Administrative Officer, the Applicant advised that they no longer wished to proceed with DAOC 2/2017. As such, the Public Service recommends that Council rescind its decision of April 26, 2017 in respect of DAOC 2/2017.

RECOMMENDATIONS

1. That Council rescind its decision of April 26, 2017 in respect of DAOC 2/2017.
2. 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

Only Council can rescind its previous decision respecting DAOC 2/2017, and its declaration of the affected land as surplus to the needs of the City.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, the entirety of Council's decision of April 26, 2017 in respect of DAOC 2/2017 will be rescinded and the matter will be deemed concluded and may not be proceeded with.
All costs associated with the proposed public lane opening and closing were the responsibility of the applicant. There are no financial implications for the City of Winnipeg with respect to rescinding the April 26, 2017 decision.

HISTORY/DISCUSSION

LPFNT Landholding Inc, the owner of property immediately adjoining the public land between Kensington Street and Madison Street, north of Silver Avenue, intended to develop a conference centre/commercial enterprise on its land. Initial planning for the development determined that the existing lane extension to Madison Street encroached onto the building site and drop-off access driveway. In order to rectify this, it was proposed that the lane diversion be shifted southerly to maintain continued lane access to the properties along Kensington Street and that the existing lane be closed to allow for the development of the conference centre/commercial enterprise and in 2017, LPFNT Landholding Inc. submitted an application to close the existing lane and to open a new lane to facilitate its intended development.

On April 26, 2017, Council adopted the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and approved the public lanes opening and closing between Kensington Street and Madison Street, north of Silver Avenue, and declared the closing as surplus to the City's needs.

By email sent December 16, 2020 to Michael Jack, Deputy Chief Administrative Officer, the Applicant advised that they no longer wished to proceed with DAOC 2/2017. Council must rescind its decision respecting DAOC 2/2017, and its previous declaration of the closing land as being surplus to the needs of the City to ensure the matter is deemed concluded and cannot not be proceeded with.

CONSULTATION

Legal Services, as to legal issues.

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

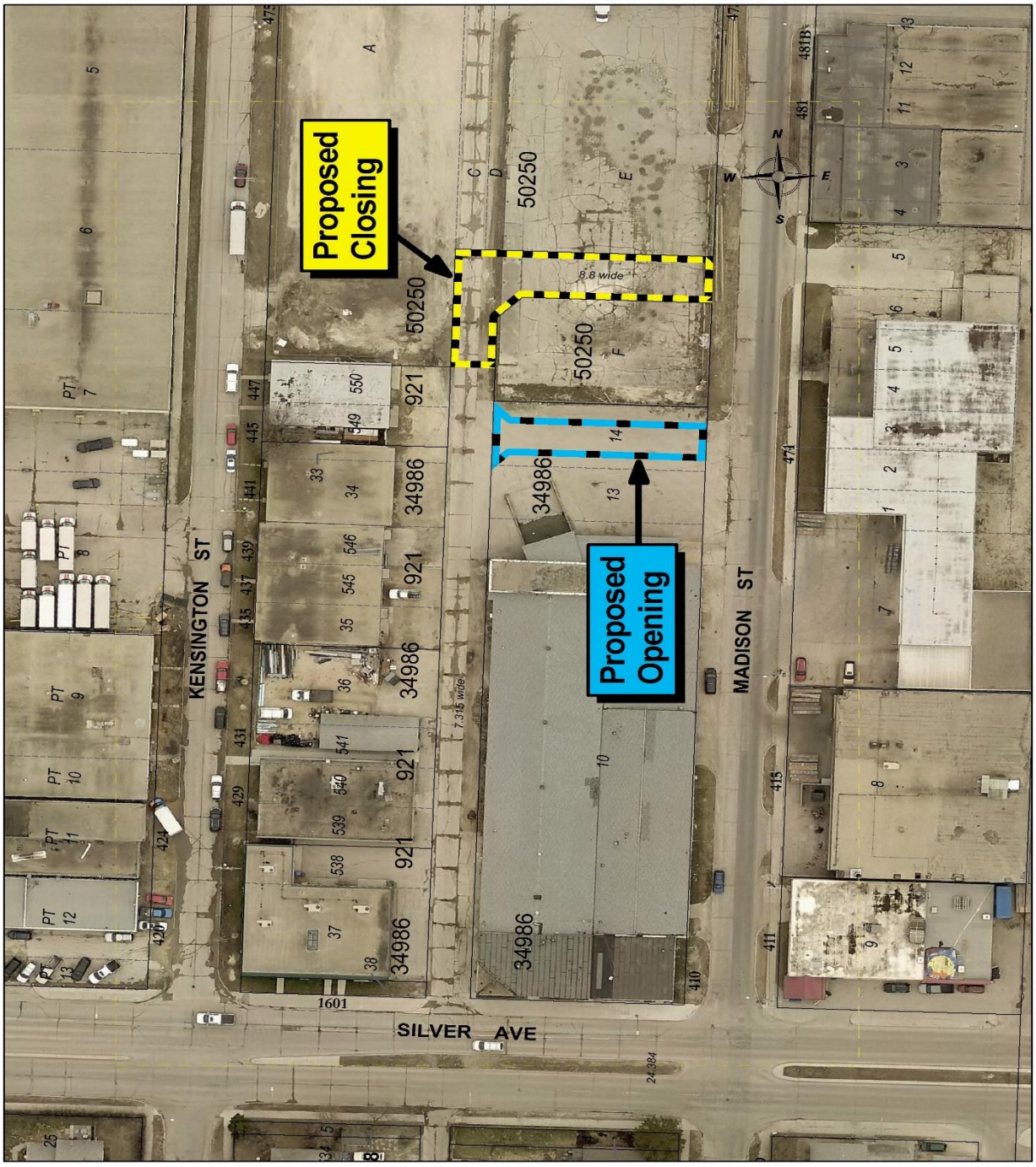
N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Information
Prepared by: Catherine P. Gagnon, Real Property Officer
Date: December 21, 2022
File No: DAOC 2/2017

ATTACHMENTS
Appendix A: Aerial diagram of the proposed lane opening and closing areas

APPENDIX A


Proposed Closing
Proposed Opening
8.8 wide
7.315 wide
KENSINGTON ST
MADISON ST
SILVER AVE
1601
50250
34986
921
N
S
E
W