Agenda – Council – June 22, 2023

Report – Standing Policy Committee on Property and Development – June 1, 2023

Item No. 9 Proposed Closing of a Portion of Public Lane Between One St. John Ambulance Way and 1500 Portage Avenue, and Rededication of a Portion of the Public Lane as St. John Ambulance Way (St. James Ward) File DAOC 1/2023

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the closing proposed under File No. DAOC 1/2023 shown coloured green on Miscellaneous Plan No. 15885 attached to this report as Appendix B (the "closing") be approved and the affected land be declared surplus to the City's needs, subject to:

    A. the approval of the sale and conveyance of the land by Council or its delegated authority; and

    B. the Purchaser entering into an agreement with the City in respect of the land comprising the area to be closed, which includes all obligations and conditions of approval outlined in Appendix A attached to this report.

2. That the rededication of that portion of the public lane proposed under File No. DAOC 1/2023 shown coloured red on said Miscellaneous Plan No. 15885, to St. John Ambulance Way, be approved.

3. That the City enter into, execute and deliver with the Purchaser an agreement in accordance with Recommendation 1 along with any other agreements determined necessary by the City Solicitor/Director of Legal Services (the "City Solicitor") to implement the intent of the foregoing (collectively, the "Agreements").

4. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing and rededication (the "By-law").

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

Report – Standing Policy Committee on Property and Development – June 1, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

A. the Purchaser applies for an extension of time before the expiration of the 2-year period; and

B. Council approves the extension of time.

6. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land Titles within 1 year following the date on which it is enacted by Council, unless:

A. the Purchaser applies for an extension of time before the expiration of the 1-year period; and

B. Council approves the extension of time.

7. 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 1, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 12, 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 June 1, 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 May 19, 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 1/2023
Before:	Assiniboia Community Committee Councillor Duncan, Chairperson Councillor Dobson Councillor Lukes
Public Hearing:	May 19, 2023 Council Building, 510 Main Street
Applicant:	St. John Ambulance
Premises Affected:	The public lane between One St. John Ambulance Way and 1500 Portage Avenue
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	L. Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	May 19, 2023

Community Committee Recommendation:

On May 19, 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 the closing proposed under File No. DAOC 1/2023 shown coloured green on Miscellaneous Plan No. 15885 attached to this report as Appendix B (the "closing") be approved and the affected land be declared surplus to the City's needs, subject to:

    A. the approval of the sale and conveyance of the land by Council or its delegated authority; and

    B. the Purchaser entering into an agreement with the City in respect of the land comprising the area to be closed, which includes all obligations and conditions of approval outlined in Appendix A attached to this report.

2. That the rededication of that portion of the public lane proposed under File No. DAOC 1/2023 shown coloured red on said Miscellaneous Plan No. 15885, to St. John Ambulance Way, be approved.

3. That the City enter into, execute and deliver with the Purchaser an agreement in accordance with Recommendation 1 along with any other agreements determined necessary by the City Solicitor/Director of Legal Services (the "City Solicitor") to implement the intent of the foregoing (collectively, the "Agreements").

4. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing and rededication (the "By-law").

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

   A. the Purchaser applies for an extension of time before the expiration of the 2-year period; and

   B. Council approves the extension of time.

6. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land Titles within 1 year following the date on which it is enacted by Council, unless:

   A. the Purchaser applies for an extension of time before the expiration of the 1-year period; and

   B. Council approves the extension of time.

7. 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 20, 2023
2. Inspection Report
3. Communication dated May 18, 2023 from Diana King in support of the application

REPRESENTATIONS:

In Support:

Brent Fowler
Diana King

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 1/2023

ADMINISTRATIVE REPORT

Title: Proposed Closing of a portion of public lane between One St. John Ambulance Way and 1500 Portage Avenue, and Rededication of a portion of the public lane as St. John Ambulance Way – File No. DAOC 1/2023.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Chappell			

EXECUTIVE SUMMARY

St. John Ambulance (the "Purchaser") has applied to close the public lane between One St. John Ambulance Way and 1500 Portage Avenue to facilitate development of additional surface parking and signage for its existing business at One St. John Ambulance Way. To ensure consistent boundaries between the street right-of-way and private property, a portion of the lane will be rededicated as St. John Ambulance Way. The Public Service supports the closing and rededication. Council approval is required for all openings/rededications and closings of public rights-of-way. Before the lane can be sold, it must be declared surplus to the City's needs.

RECOMMENDATIONS

1. That the closing proposed under File No. DAOC 1/2023 shown coloured green on Miscellaneous Plan No. 15885 attached to this report as Appendix B (the "closing") be approved and the affected land be declared surplus to the City's needs, subject to:

   (a) the approval of the sale and conveyance of the land by Council or its delegated authority; and

   (b) the Purchaser entering into an agreement with the City in respect of the land comprising the area to be closed, which includes all obligations and conditions of approval outlined in Appendix A attached to this report.

2. That the rededication of that portion of the public lane proposed under File No. DAOC 1/2023 shown coloured red on said Miscellaneous Plan No. 15885, to St. John Ambulance Way, be approved.

3. That the City enter into, execute and deliver with the Purchaser an agreement in accordance with Recommendation 1 along with any other agreements determined necessary by the City Solicitor/Director of Legal Services (the "City Solicitor") to implement the intent of the foregoing (collectively, the "Agreements").

4. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing and rededication (the "By-law").

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

   (a) the Purchaser applies for an extension of time before the expiration of the 2-year period; and

   (b) Council approves the extension of time.

6. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land Titles within 1 year following the date on which it is enacted by Council, unless:

   (a) the Purchaser applies for an extension of time before the expiration of the 1-year period; and

   (b) Council approves the extension of time.

7. 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 must be considered by the Community Committee, as do openings not previously approved by Council or a Standing Committee of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the closing and rededication are the responsibility of the Purchaser or assignee(s). There are no financial implications for the City.

HISTORY/DISCUSSION

St. John Ambulance Way owns the property at One St. John Ambulance Way and has entered into an agreement to purchase the property at 1500 Portage Avenue effective June 30, 2023. St. John Ambulance (the "Purchaser") has applied to close the public lane between One St. John Ambulance Way and 1500 Portage Avenue to facilitate development of additional surface parking and signage for its existing business at One St. John Ambulance Way.

To ensure consistent boundaries between the street right-of-way and private property, that portion of the lane shown coloured red on Miscellaneous Plan 15885 attached as Appendix B to this report, will be rededicated as St. John Ambulance Way. The Public Service supports the closing and rededication. Council approval is required for all openings/rededications and closings of public rights-of-way. Before the lane can be sold, it must be declared surplus to the City's needs.

The public lane was opened by Plan No. 2268 registered in the Winnipeg Land Titles Office on May 13, 1914. A portion of that lane was closed by Plan No. 66505 registered March 11, 2020. The balance proposed to be closed under File DAOC 1/2023 remain open.

FINANCIAL IMPACT

All costs associated with the closing are the responsibility of the Purchaser or assignee(s). There are no financial implications for the City of Winnipeg.

CONSULTATION

This Report has been prepared in consultation with:

Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor

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 Development
Prepared by: Catherine P. Gagnon
Date: April 20, 2023
File No: DAOC 1/2023

Attachments:

APPENDIX A - Administrative Approval/Comments
APPENDIX B - Miscellaneous Plan 15885 with aerial diagram illustrating the proposed closing area and the proposed rededication area

APPENDIX A – ADMINISTRATIVE APPROVAL/COMMENTS

Geomatics Branch

Approval of this application is subject to the following conditions:

- The applicant or developer and/or purchaser (or assignee) submitting or causing to have submitted an appropriate Development Application (DAS, DASZ or DASSF) which incorporates the subject public lane into a plan of subdivision that creates a single lot to facilitate consolidation of the adjacent holdings to the north and south with the closed public lane.

- Obtaining approval and meeting any necessary conditions in respect to the above-noted Development Application.

- The applicant or developer and/or purchaser (or assignee) is responsible for all costs associated with the Development Application, preparation of the closing plan, subdivision plan, any associated documents and the registration of all necessary documents at The Winnipeg Land Titles Office to facilitate the legal closing of the public lane and its conveyance.

- The closing plan mylars, closing by-law, land Transfer and any associated documents will be released together with the plan of subdivision mylars and associated documents for registration in series at The Winnipeg Land Titles Office.

EASEMENTS:

- The Water and Waste Department has identified an existing catch basin and catch basin lead ("facilities") within the proposed closing area, for which the City will require 24/7 unobstructed access; and

- Manitoba Hydro/BellMTS have each identified services ("facilities") within the closing area.

    - The Purchaser or assignee will need to provide easements for the facilities.

    - No permanent structures will be allowed within the easement area.

    - Any removal or relocation of the facilities required as a result of the proposed closing will be at the expense of the Purchaser or assignee.

- The owner of the property to the east, being 1476 Portage Avenue has advised that they have no objection to the closing, and no interest in purchasing any part. However, the Owner has advised of a requirement for an easement to access improvements on their property. The applicant has confirmed that in anticipation of the closing, they have successfully negotiated an easement agreement with the owner of 1476 Portage Avenue for this purpose.

APPENDIX B – MISCELLANEOUS PLAN 15885

