Agenda - Council - September 29, 2004

Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 4 Closing of Argyle Street North between Sutherland and Point Douglas Avenues
File DAC 8/2004

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the street closing outlined on Misc. Plan No. 11787/3 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. 11787/3, 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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan 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 8/2004
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Lazarenko Councillor O'Shaughnessy
Public Hearing:	July 6, 2004 Council Chamber, Council Building 510 Main Street
Applicant:	Greyhound Canada Transportation Group and Gateway Packers Ltd.
Premises Affected:	Argyle Street North between Sutherland and Point Douglas Avenues
Exhibits Filed:	1. Report from the Real Property Officer dated May 26, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Sheldon Blank
Mel Levandoski
John Stefaniuk

In Opposition:

Nil

For Information:

Saul Schachter

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 8/2004

Re: DAC 8/2004 – PROPOSED CLOSING OF ARGYLE STREET NORTH BETWEEN SUTHERLAND AND POINT DOUGLAS AVENUES

For submission to: The Lord Selkirk-West Kildonan Community Committee

Report date: May 26, 2004

Recommendations:

1. That the proposed street closing as shown on Misc. Plan No. 11787/3 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. 11787/3, 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:

The street closing application has been made in conjunction with an application by the Greyhound Canada Transportation Group to use the portion of the street adjacent to their property for parking purposes. The owner of the property adjoining on the other side of the street, Gateway Packers Ltd., originally objected to this use of the street. A compromise was negotiated and both Greyhound and Gateway have now agreed to each purchase the half of the street adjacent to their properties, subject to the conditions noted in the Lord Selkirk-West Kildonan Community Committee's March, 2004, approval of the interim use of the portion of the street adjacent to the Greyhound property as a parking area.

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 Applicants. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

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

HISTORY:

Argyle Street was created in 1876. The street is graveled and is used exclusively by the adjoining property owners, the Greyhound Canada Transportation Group at 110 Sutherland Avenue and Gateway Packers Ltd. at 105 Maple Street North. The roadway terminates at Point Douglas Avenue and serves no apparent public purpose.

In June of 2002, the Greyhound Canada Transportation Group applied to the City of Winnipeg to establish a parking area for its employees in the portion of Argyle Street North adjacent to their property. Gateway Packers objected to this application. The application for the use of the street as a parking area was considered by the Lord Selkirk-West Kildonan Community Committee in December of 2003. The Committee laid the matter over and instructed the administration to attempt to resolve the issues between Greyhound and Gateway Packers.

The Real Estate Division of the Planning, Property and Development Department initiated negotiations between the two parties, and Greyhound and Gateway Packers each agreed to purchase the half of the street adjacent to their properties. When advised of this in March of 2004, the Lord Selkirk-West Kildonan Community Committee approved the application for the parking area by way of an encroachment agreement, subject to the following conditions: Greyhound and Gateway Packers are to apply to close and purchase Argyle Street.

The encroachment agreement will expire on July 31, 2005 (by which time the sale of the closed street should have occurred)

A fence will not be allowed down the middle of the closed street.

Greyhound and Gateway Packers have now made a joint application to close and purchase the street.

DISCUSSION:

Administrative Approval

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

The Planning and Land Use Division advised that, while it is not opposed to the proposed closing, the consequent expansion of industrial use should be adequately buffered from the residential neighbourhood with attractive fencing and/or landscaping.

The Zoning and Permits Branch advised that zoning variances will be required for insufficient development standards, such as no fencing, landscaping and gravel surfacing in the parking areas. The Applicants will be required to apply for the variances, and the application will be heard by the Board of Adjustment.

Easements

The Water and Waste Department maintains a 300mm combined sewer and a 150mm watermain in the street. An easement for the maintenance of these services will be required. The easement area will be all of the closed street. No improvements, other than paving or fencing, will be allowed.
Manitoba Hydro, the Manitoba Telephone System, and Centra Gas maintain services in the street. It is unlikely that Centra Gas will allow the removal of its plant, and an easement will be required. The Manitoba Hydro and MTS services are located in the portion of the street proposed to be conveyed to Greyhound. If Greyhound wishes to remove the services, it will be at Greyhound's expense. If the Greyhound prefers to leave the services in place, an easement will be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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 – Planning and Land Use Division, Real Estate Division, Geomatics Branch and Zoning & Permits Branch
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division
Water and Waste Department – Engineering Division
Centra Gas, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for comments on this proposed closing.

This report submitted by:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:8318

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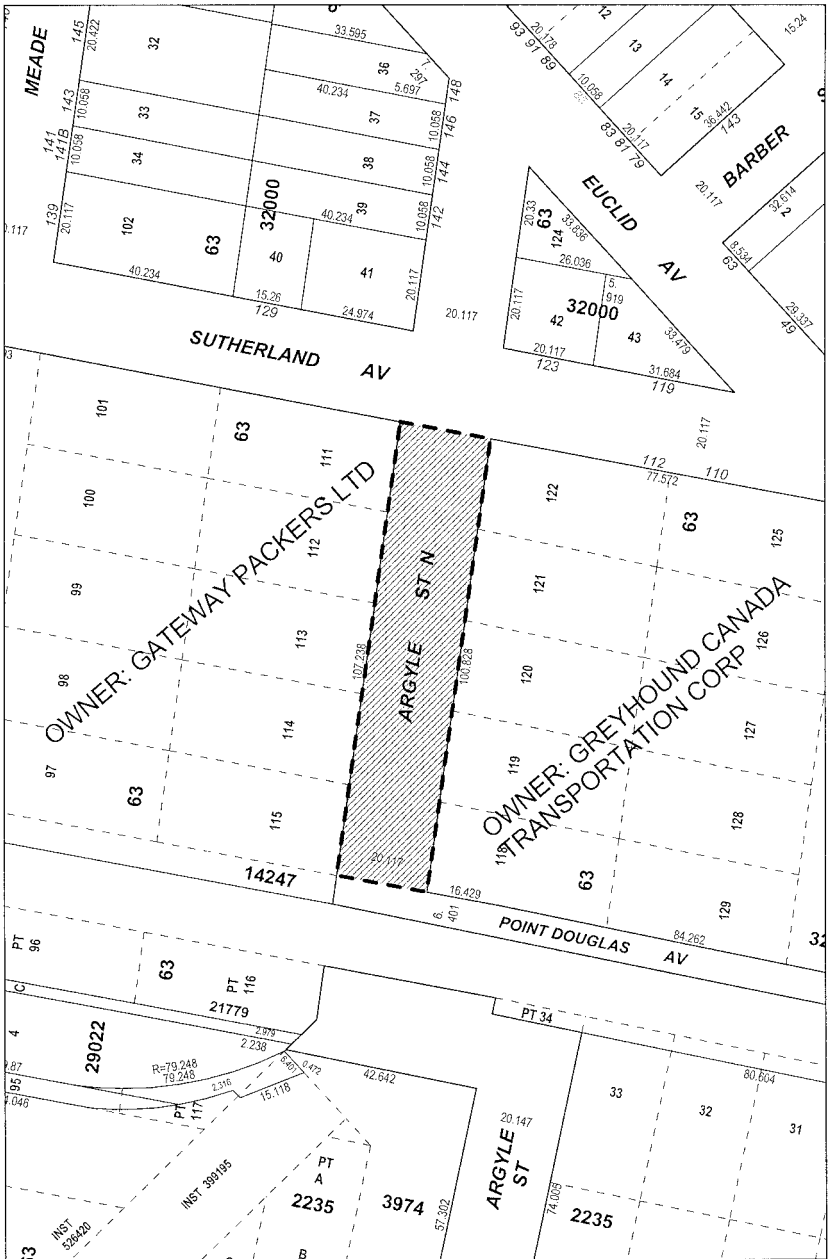

Proposed Closing

METRIC

Date: 2004-APRIL-26
District: LSWK
File: 8318
Scale: 1:1000

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

MISC. PLAN NO. 11787/3