Minute No. 221
Report - Standing Policy Committee on Property and Development - February 1, 2005

Item No. 2 **Opening and Closing of public lanes at the Mount Carmel Clinic - 886 Main Street**
File DAOC 3/2004

COUNCIL DECISION:

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

1. That the lane opening and closing shown on Misc. Plan No. 12443/2 be approved and the lane to be closed 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 opening and closing in accordance with Misc. Plan No. 12443/2, 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 - February 1, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2005, 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 February 1, 2005, 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 January 11, 2005, 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:	DAOC 3/2004
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Public Hearing:	January 11, 2005 Council Chamber, Council Building 510 Main Street
Applicant:	Prairie Architects Inc. (Dudley Thompson)
Premises Affected:	886 Main Street
Exhibits Filed:	1. Report from the Real Property Officer dated December 20, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Dudley Thompson, Prairie Architects Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. D. Marsh, Planner, Planning, Property and Development Department

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

RE: DAOC 3/2004 – PROPOSED OPENING AND CLOSING OF PUBLIC LANES AT THE MOUNT CARMEL CLINIC – 886 MAIN STREET

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

Report date: **December 20, 2004**

Recommendations:

1. That the proposed lane opening and closing as shown on Misc. Plan No. 12443/2 be approved and that the lane to be closed 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 opening and closing in accordance with Misc. Plan No. 12443/2, 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 Mount Carmel Clinic at 886 Main Street plans to expand its facilities and has applied to purchase a part of the public lane in front of the clinic. An area will be opened to allow vehicles to turn around at the terminus of the closed lane.

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 opening and closings require the consideration of the Community Committee.

HISTORY:

The Planning, Property and Development Department has received a request from Prairie Architects Inc., representing the Mount Carmel Clinic, to purchase the portion of the public lane shown as "Proposed Closing" on the attached Misc. Plan No. 12443/2. Mount Carmel Clinic owns the properties on both sides of the lane and intends to incorporate it into a planned expansion of its facilities.

The applicant will be required to create a vehicle turnaround area, shown as "Proposed Opening" on the drawing, at the terminus of the closed lane.

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 Transportation Division of the Public Works Department will require the applicant to enter into a servicing agreement for the construction, in portland cement concrete, of the new lane turn-around, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro, Centra Gas, and MTS Allstream Inc. have plants in the portion of the lane to be closed. The applicant will be required to either relocate these plants or enter into easement agreements with the Utilities for their continued maintenance.

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:

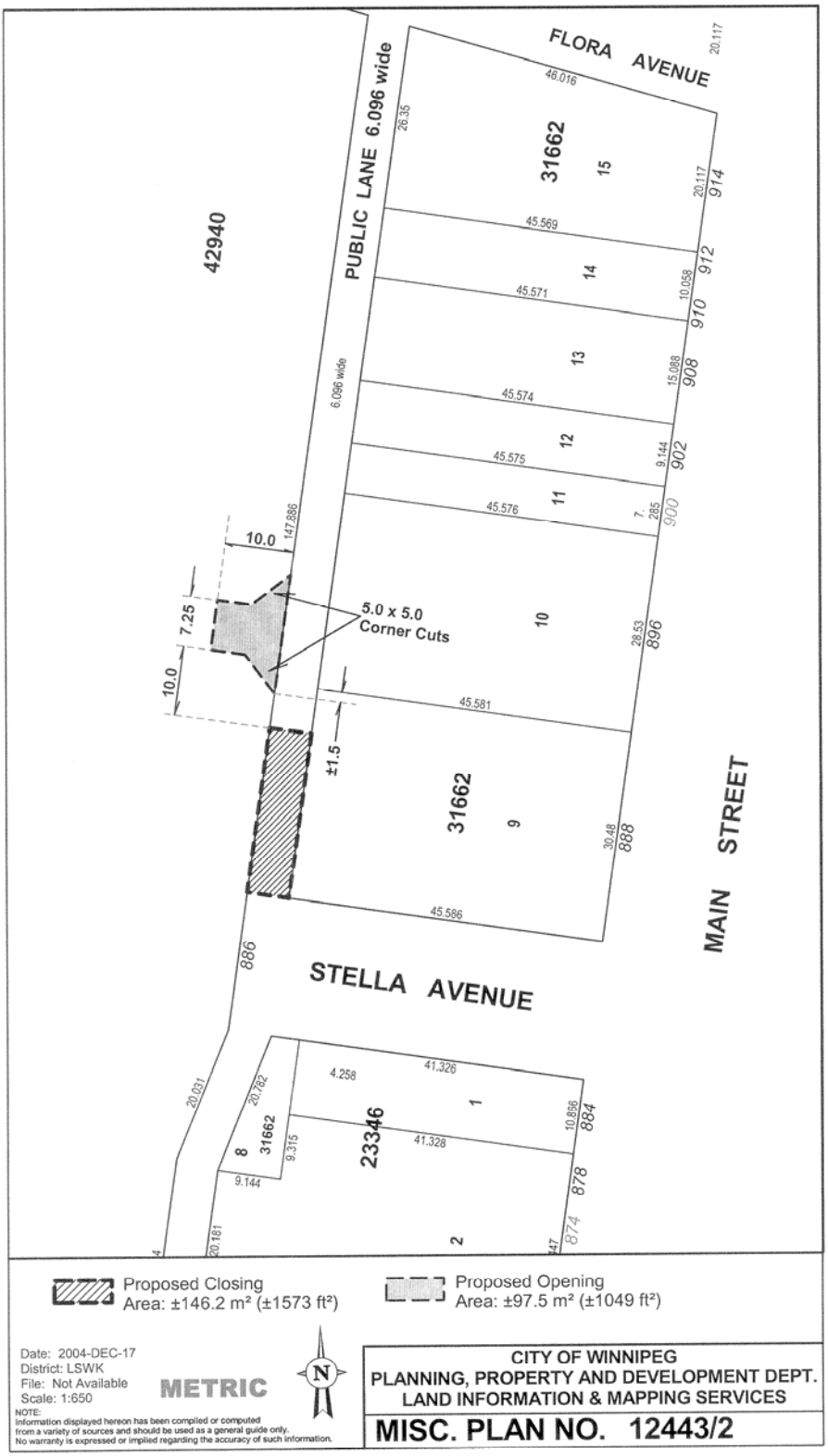
Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division, Traffic Signals
Water and Waste Department – Engineering Division
Centra Gas, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for information regarding easement and/or relocation requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAOC 3/04

Document name:V:\word\DAOC\daoc3_04RPT.doc


FLORA AVENUE
PUBLIC LANE 6.096 wide
42940
31662
15
14
13
12
11
10
9
8
1
2
23346
5.0 x 5.0
Corner Cuts
10.0
7.25
10.0
±1.5
MAIN STREET
STELLA AVENUE
Proposed Closing
Area: ±146.2 m² (±1573 ft²)
Proposed Opening
Area: ±97.5 m² (±1049 ft²)
Date: 2004-DEC-17
District: LSWK
File: Not Available
Scale: 1:650
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.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12443/2