Minutes - Executive Policy Committee – March 16, 2005

Minute No. 231
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 3 **Lane Opening and Closing - south of River Avenue between Bryce and Scott Streets**
File DAOC 2/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the lane opening and closing shown on Misc. Plan No. 12433/1 be approved and the land declared surplus to the City's needs, subject to the applicant acquiring and dedicating as public lane the three (3) metre by three (3) metre corner cut at the northwest corner of 111 Scott Street.

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. 12433/1, 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.

Minutes - Executive Policy Committee – March 16, 2005

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 4, 2005, the City Centre Community Committee adjourned the public hearing to its meeting on February 1, 2005.

PUBLIC HEARING SUMMARY

File:	DAOC 2/2004
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Benham Councillor Gerbasi
Public Hearing:	January 4, 2005 February 1, 2005 West Committee Room, Council Building, 510 Main Street
Applicant:	NYD Associates Inc. (Joe Nocita)
Premises Affected:	south of River Avenue between Bryce and Scott Streets
Exhibits Filed:	1. Report from the Real Property Officer dated December 15, 2004 2. Inspection Report 3. Communication dated December 8, 2004, from Joe Nocita, in support of the application. 4. Communication dated January 5, 2005, from Donald Wilson and Stockney Cornford in opposition to the application 5. Communication dated January 5, 2005, from Sylvia Blackburn, Don Wilson, Dan Norton, Donna Purves and Steve Gilroy in opposition to the application 6. Communication dated January 5, 2005, from Donna Purves in opposition to the application 7. Communication dated January 24, 2005, from Joe Nocita to area residents addressing concerns with respect to the application. 8. Communication, undated, from E. Blackburn, authorizing Dan Worton to speak on behalf. 9. Communication dated February 1, 2005, from Donna Purvis, in opposition to the application.

REPRESENTATIONS:

In Support:

Joe Nocita

In Opposition:

E. Blackburn
Sylvia Blackburn
Dan Norton
Donna Purves
Donald Wilson

For Information:

Stockney Cornford
Steven Gilroy

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAOC 2/2004

RE: DAOC 2/2004 – PROPOSED LANE OPENING AND CLOSING SOUTH OF RIVER AVENUE BETWEEN BRYCE AND SCOTT STREETS

For submission to:	**The City Centre Community Committee**
Report date:	**December 14, 2004**
Recommendations:	**1. That the proposed lane opening closing as shown on Misc. Plan No. 12433/1 be approved and that the land be declared surplus to the City's needs, subject to the applicant acquiring and dedicating as public lane the 3 metre by 3 metre corner cut at the north west corner of No. 111 Scott Street.** **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. 12433/1, 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 applicant intends to construct a condominium on the lands adjacent on either side of the proposed lane closing. The lane, once closed, will be incorporated into the condominium site. The lane opening will allow the area residents access to and from the remaining public lane.
- The Public Works Department has made its approval of the application conditional on the applicant acquiring and dedicating the land required for a 3 metre by 3 metre corner cut. The applicant has been unable to acquire the land from the present property owners and wishes to proceed with his project without this requirement.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- If the corner cut is not dedicated as public lane, traffic in the lane – particularly large vehicles such as refuse trucks and snow plows – may tend to trespass on the adjoining private property when turning.

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 closings require the consideration of the Community Committee.

HISTORY:

The Planning, Property and Development Department has received a request from Mr. Joe Nocita of NYD Associates Inc. to purchase the public lane identified as "Proposed Closing"on the attached Misc. Plan No. 12433/1. NYD owns the lands at 100 Bryce and 101 Scott and intends to construct a condominium on the site. They are prepared to dedicate the portion of their land required for an alternate public lane in the area shown as "Proposed Opening" on the drawing. They have been unable, however, to acquire the land required for the 3 metre by 3 metre corner cut and have requested that this condition of the approval of the opening be waived.

DISCUSSION:

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing. The Transportation Division of the Public Works Department has the following conditions regarding the lane to be opened:

- The width of the lane to be opened is to be 7.25 metres
- The applicant is to acquire and dedicate as public lane the 3 metre by 3 metre corner cut
- The applicant is to enter into a servicing agreement with the City of Winnipeg, which agreement will state the standards to which the new lane and a land drainage sewer to be located within the limits of the new lane are to be constructed.

Corner Cut

As noted, the applicant has requested that the corner cut requirement be eliminated. Mr. Nocita has approached the owners of the property and has received no indication that they wish to sell the land. He feels that his project should not be stopped by circumstances out of his control.

The Transportation Division of the Public Works Department has stated that the corner cut is an integral part of the new lane. Large vehicles such as refuse trucks and snowplows tend to drive over the adjoining private property when turning at a "T" lane intersection. The corner cut is intended to accommodate this factor.

Hydro Pole Relocation

Manitoba Hydro maintains a pole line in the portion of the lane proposed to be closed. The relocation of these poles will be at the applicant's expense.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be transferred to the applicant. 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 Allstream Inc. and Shaw Cable did not respond to requests for information regarding easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAOC 2/04

Document name: V:\word\DAOC\daoc2_04RPT.doc



Proposed Closing

Proposed Opening

Date: 2004-DEC-14
District: CC
File: Not Available
Scale: 1:750

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. 12433/1