Report of the Executive Policy Committee dated September 4, 2002

Proposed Closing of Inglewood Street and the Public Lane West of Inglewood Street, North of Silver Avenue

File DAC 12/2000

5. Council, at its meeting of June 21, 2000, approved the expenditure of $50,000.00 for the development of the East Field in Legion Memorial Park. This development includes the closure of the subject portion Inglewood Street and of the public lane to the west as illustrated on Attachment "A".

On October 17, 2000, the Assiniboia Community Committee approved the closing application.

The documents required to effect the closing have now been prepared and it is appropriate to enact the closing by-law at this time.

The proposal has been circulated to all affected City departments and public utilities. There are no objections to the project.

The Transportation Division of the Public Works Department has advised that a portion of the Inglewood Street and public lane right-of-way is required for the Silver Avenue Corridor Project and that the planning of the Legion Memorial Park expansion should allow for the future corridor. The Design and Project Implementation Branch has confirmed that the Silver Avenue Corridor Project will not affect the park expansion.

The Zoning and Permits Branch has advised that upon being closed, the street and lane will assume the "PR" zoning of the adjoining lands, as is appropriate for their intended use.

Centra Gas, Manitoba Hydro, and MTS will require easements for existing facilities in the street and lane.

This report is submitted in accordance with the provisions of By-law No. 7325/98, a by-law to amend current procedures to allow certain opening and closing applications to be submitted to the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee (in this case, the Standing Policy Committee on Property and Development).

The following criteria must be met before the authority given in the by-law may be exercised:

1. The proposed closing must have been addressed at a public meeting and received approval from the Committee before which the public meeting took place.
2. The proposed closing must have been approved by the Director of Public Works.

3. The proposed closing must have been submitted to all affected City Departments and public utilities with no objections having been received.
4. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
5. The terms and conditions of any easement agreements created by the proposed closing must have been addressed.
6. The proposed closing must have been approved by the affected property owner(s).
7. The terms and conditions of any agreements concerning the proposed closing must have been approved by the Director of the department that requested the closing and either the Standing Committee on Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of the Planning, Property and Development Department, as is appropriate.

All of these criteria have been met.

The street and lane must be legally closed before they may be incorporated into the park. 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.

The Executive Policy Committee recommends:

I. 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 the Attachment "A", Misc. Plan No. 11010.

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

Attachment "A" referred to in Clause 5 of the Report of the Executive Policy Committee dated September 4, 2002

