Report of the Executive Policy Committee dated September 18, 2002

Proposed Widening of the East Side of Main Street between Rupert and Pacific Avenues and Proposed Closing of the Public Lane East of Main Street between Rupert and Pacific Avenues

File DAOC 2/2002

1. In June of 2001, the Public Works Department advised the Planning, Property and Development Department that a widening of the east side of Main Street between Rupert and Pacific Avenues was required for the 2001 Main Street Reconstruction Project and instructed the Real Estate Division to initiate negotiations for an exchange of the public lane east of Main Street as identified as "Proposed Closing" on Attachment "A" for the Manitoba Centennial Centre Corporation lands required for the street widening as identified as "Proposed Opening" on Attachment"A".

The widening will provide an additional northbound lane to facilitate bus service from Main Street onto the Disraeli Freeway. The lane, which has been used as part of the parking area for the Manitoba Museum and Planetarium for a number of years, is not required for public purposes.

On May 9, 2002 the Manitoba Centennial Centre Corporation agreed to the land exchange.

On May 30, 2002, the Standing Policy Committee on Property and Development approved the terms of the exchange of lands.

On July 9, 2002, the City Centre Community Committee approved the opening and closing.

The additional traffic lane has been paved and is in use today.

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the opening and closing.

The lane must be legally closed before it may be exchanged. 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 lane until this has been done.

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 street 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.

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

OPENINGS

1. The proposed opening and acquisition must have been approved by the Director of Public Works.
2. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.
3. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
4. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the proposed opening.
5. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening 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.

CLOSINGS

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 and sale 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 and sale 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 and sale 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.

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The Executive Policy Committee recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Attachment “A”, Misc. Plan No. 10861/4.

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 1 of the Report of the Executive Policy Committee dated September 18, 2002

