REPORTS

319. From the Director of Planning, Property and Development
Report 2002/08/01

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

Recommending that Council approve the proposed widening and closing and recommend:

I. 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 Schedule "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.

Note: On September 4, 2002, the Executive Policy Committee laid over consideration of this matter to September 18, 2002, and requested that the Chief Administrative Officer provide background information for the meeting.

Moved by Councillor Gerbasi,
That the recommendations be concurred in and forwarded to Council.

Carried

Re: FILE NO. DAOC 2/02 – 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

For submission to: **Executive Policy Committee**

Original report signed by: **Director of Planning, Property and Development**

Report date: **August 1, 2002**

In camera item: **No**

Recommendation(s): **That a by-law be enacted authorizing the subject street widening and lane closing.**

REPORT SUMMARY

KEY ISSUES:

- The proposed opening and closing will effect an exchange of lands between the City and the Manitoba Centennial Centre in which the City receives the property it requires to create an additional traffic lane for improved access to the Disraeli Freeway. In exchange, the Manitoba Centennial Centre will receive the public lane for incorporation into its existing parking area.

IMPLICATIONS

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: •

Policy implications

X	No (*There are no policy implications if the report is asking for a one-time decision.)*
	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Comment: •

Financial implications

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
	No financial implications

Comment: •

REPORT

RECOMMENDATION(S):

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 the attached **Schedule "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.

REASON FOR THE REPORT:

The opening and closing requires a by-law pursuant to Section 495 of the City of Winnipeg Act.

HISTORY:

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 (identified as "Proposed Closing" on Schedule "A") for the Manitoba Centennial Centre Corporation lands required for the street widening (identified as "Proposed Opening" on Schedule "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.

DISCUSSION:

Administrative Approval

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

Transfer of Jurisdiction over Public Rights of Way

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.

Submission of Report Under By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 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 Commttee.

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 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 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.

Financial Impact Statement Date: 25-Jul-02

COMMENTS:

The costs of registering the documents required to effect the opening and closing will be charged to Capital Account No. 03-118117-7101010201. These costs are considered to be immaterial.

Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Real Estate Division and Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division and Traffic Signals Branch

Water and Waste Department – Engineering Division

Winnipeg Hydro – Distribution Division

Winnipeg Transit

Centra Gas, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn F. Halldorson, Real Property Officer
PPD File #: 8284

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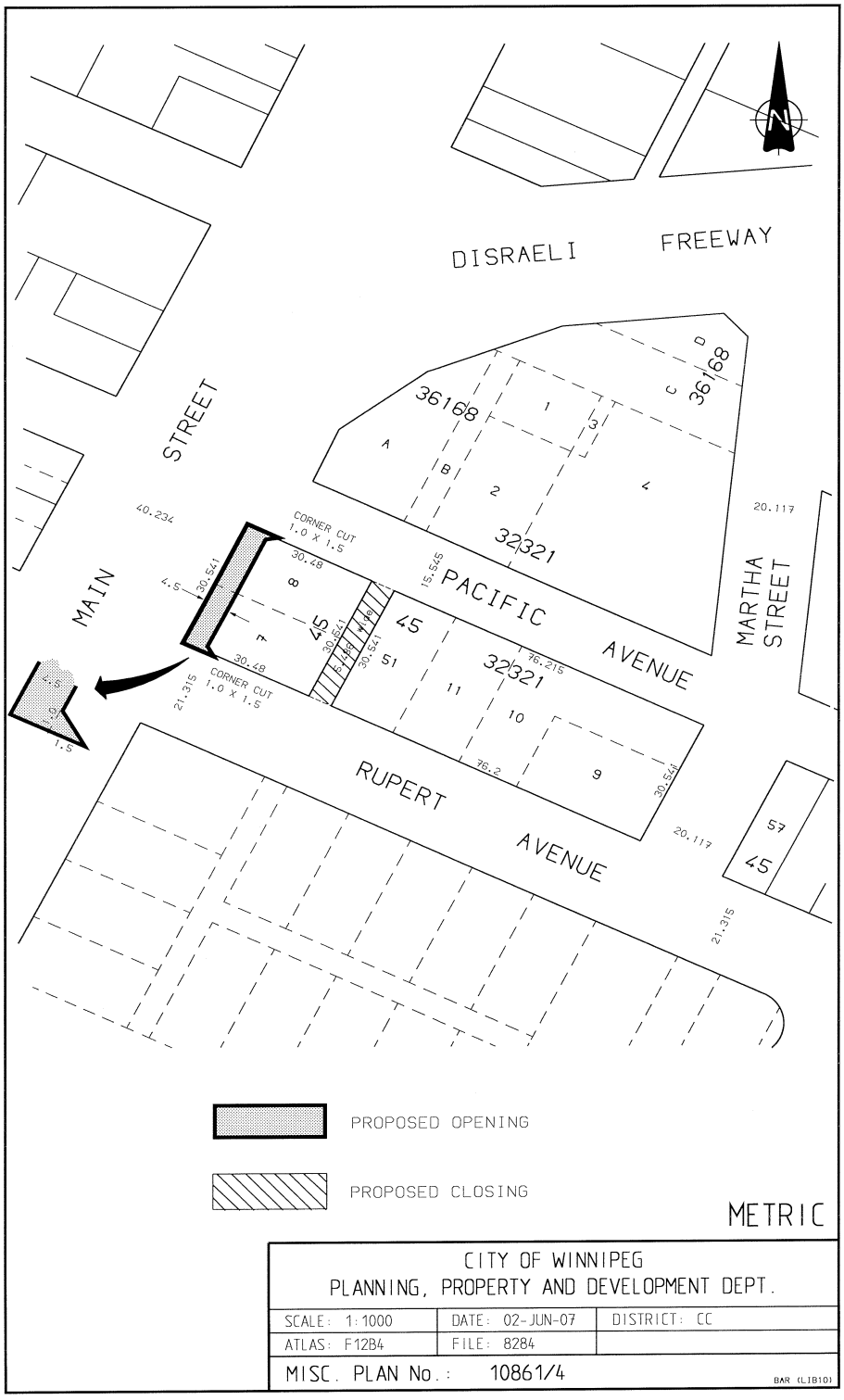

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TO THE REPORT TO THE EXECUTIVE POLICY COMMITTEE
FOR FILE NO. DAOC 2/02
DATED AUGUST 1, 2002