Minute No. 467
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 19 **Closing - Parts of McGregor Street and Rugby Avenue at Templeton Avenue**
File DAC 1/2003

COUNCIL DECISION:

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

1. That the street closing shown on Misc. Plan No.11813 be approved and the land 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 closing in accordance with Misc. Plan No. 11813.

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 - April 4, 2006

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 April 19, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: DAC 1/2003 - PROPOSED CLOSING OF PARTS OF MCGREGOR STREET AND RUGBY AVENUE AT TEMPLETON AVENUE

For submission to: **Standing Policy Committee on Property and Development**

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

Report date: **March 28, 2006**

Recommendation(s):

1. That the proposed street closing as shown on Misc. Plan No.11813 be approved and that the land 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 closing in accordance with Misc. Plan No. 11813.
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 streets, once closed, will be incorporated into the adjoining City property, which will then be offered for sale.

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:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:

The closing of public rights-of-way requires a by-law under Section 139 of The City of Winnipeg Charter.

HISTORY:

In July of 2002, the Real Estate Division of the Planning, Property and Development Department received a request from the Progressive Accessibility Re-Form Associates (PARA) and 1010 Sinclair Inc. to reserve the lands shown as "Subject City Property" on the attached Misc. Plan No. 9300/1. PARA and 1010 Sinclair Inc. indicated that they were interested in acquiring the property for a housing project.

These lands were acquired by the City for the future extension of McGregor Street. The Public Works Department has advised that they are no longer required for that purpose and are surplus to its needs.

The Real Estate Division recommended to the Standing Policy Committee on Property and Development that the request to reserve the land for PARA and 1010 Sinclair Inc. not be approved, stating that there had been previous offers on the land and that the property could generate positive revenue through competition if exposed to the market. The Division further recommended that the property be declared to be surplus to the City's needs, subject to the enactment of a street closing by-law, and subject to the retention of the lands required for the "Proposed Street Opening" shown on Misc. Plan No. 9300/1. These recommendations were concurred in by Committee on November 21, 2002 and by Council on December 11, 2002.

The portion of Rugby Avenue west of McGregor Street – which was not addressed in the direction given by Council – has been included in the closing application.

On March 11, 2003, the Lord Selkirk-West Kildonan Community Committee approved the subject street closing.

Documents have been prepared to the effect the street closing and the consolidation of the closed streets into the adjoining property (under Subdivision Application No. DASSF 571/2005). It is now appropriate to enact the by-law formally closing the streets.

DISCUSSION:

Administrative Approval

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

Easements

MTS has requested an easement for future underground telephone services in the portion of McGregor Street proposed to be closed.

Street Corner Widening as per 12/11/02 Council Direction

The land required for the street opening will be dedicated for that purpose by the registration of the plan of subdivision processed under Application No. DASSF 571/2005. No further approvals are required.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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.

Financial Impact Statement **Date:** March 20, 2006

COMMENTS:

Funding for the costs of the preparation and registration of the documents required to effect the closing has been provided by the Real Estate Division. These costs are considered to be immaterial.

"Original signed by"
Mike McGinn, CA
Manager of Finance

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

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

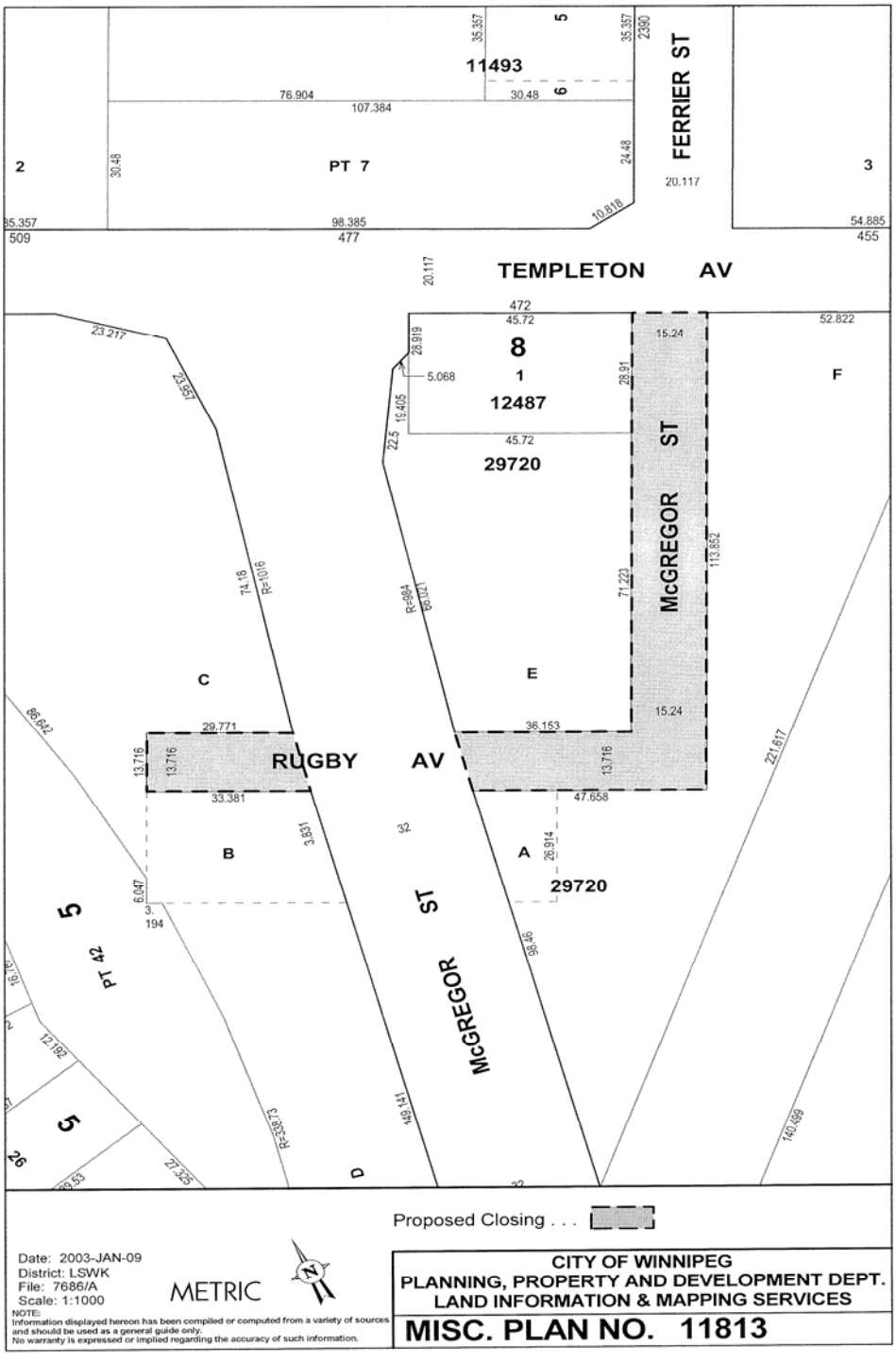
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 7686/A

Document name: o:\reports directive\development and inspections\geomatics\dac1_03.doc


11493
FERRIER ST
TEMPLETON AV
12487
29720
McGREGOR ST
RUGBY AV
McGREGOR ST
PT 42
Proposed Closing . . .
Date: 2003-JAN-09
District: LSWK
File: 7686/A
Scale: 1:1000
METRIC
NOTE:
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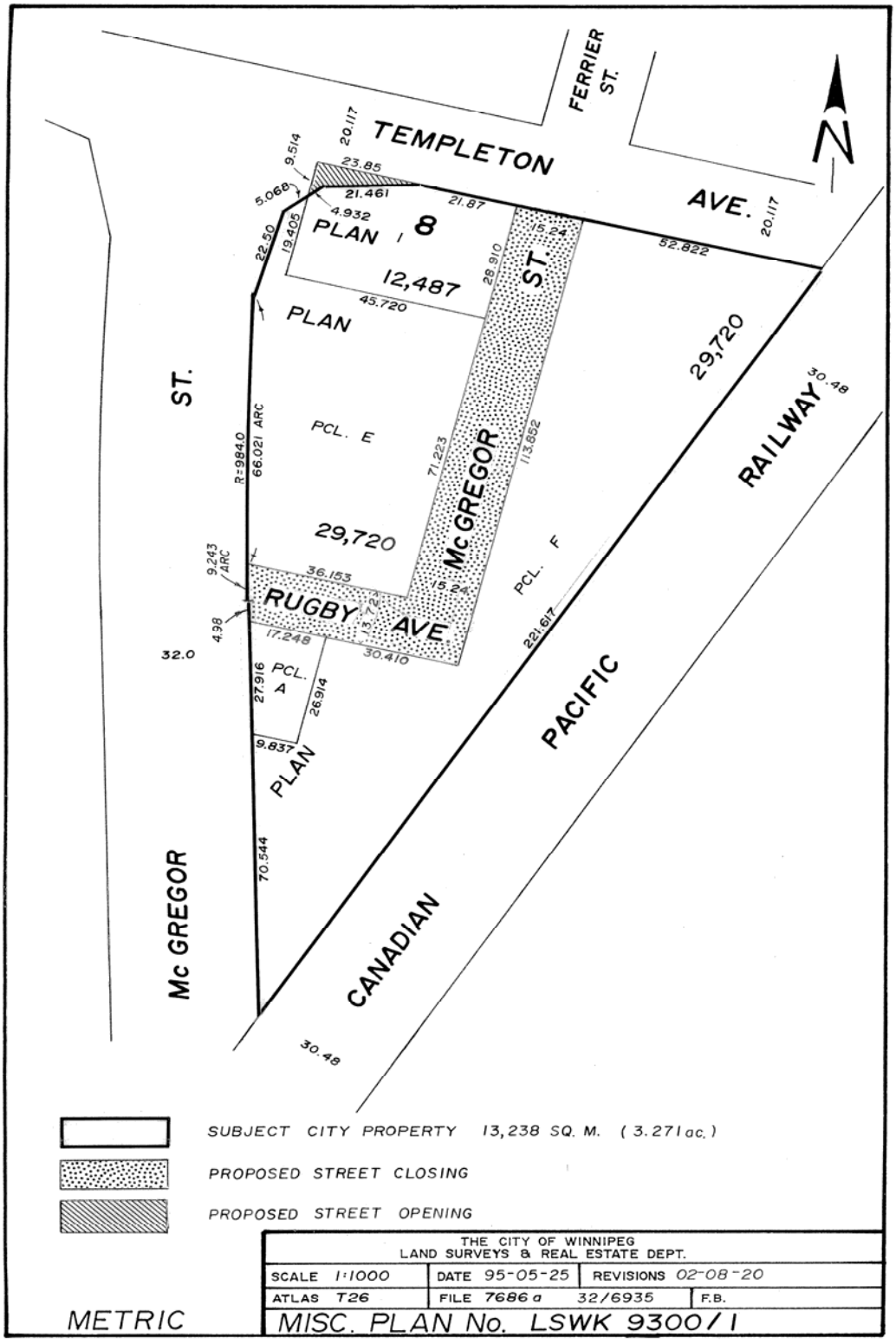
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11813


TEMPLETON
AVE.
FERRIER ST.
N
PLAN 8
12,487
PLAN
PCL. E
29,720
Mc GREGOR ST.
RUGBY AVE.
PCL. A
PLAN
PCL. F
29,720
RAILWAY
PACIFIC
CANADIAN
Mc GREGOR ST.
R=984.0
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9.243 ARC
9.514
5.068
4.932
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21.461
21.87
20.117
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45.720
28.910
15.24
52.822
71.223
113.852
36.153
13.72
17.248
30.410
4.98
32.0
27.916
26.914
9.837
70.544
221.617
30.48
SUBJECT CITY PROPERTY 13,238 SQ. M. (3.271 ac.)
PROPOSED STREET CLOSING
PROPOSED STREET OPENING
THE CITY OF WINNIPEG
LAND SURVEYS & REAL ESTATE DEPT.
SCALE 1:1000
DATE 95-05-25
REVISIONS 02-08-20
ATLAS T26
FILE 7686 a 32/6935
F.B.
METRIC
MISC. PLAN No. LSWK 9300/1