Report – Executive Policy Committee – September 21, 2006

Item No. 3 **Street Opening - rue Messager, rue St Joseph, and a Public Lane east of avenue Taché**
File DAO 7/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street and lane opening in accordance with Misc. Plan No. 12873.

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

Report – Executive Policy Committee – September 21, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to the Council.

RE: DAO 7/2006 – PROPOSED OPENING OF RUE MESSAGER, RUE ST JOSEPH, AND A PUBLIC LANE EAST OF AVENUE TACHE

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: Director, Planning, Property and Development

REPORT DATE: August 23, 2006

RECOMMENDATION(S):

1. **That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street and lane opening in accordance with the attached Misc. Plan No. 12873.**
2. **That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.**

Report Summary

Key Issues:

- The Planning, Property and Development Department intends to offer the City lands on the south side of the proposed opening of Rue Messager for sale. As the lots have no market value without frontage on a street, the Real Estate Division of the Department has applied to open the streets and lane as identified on the attached Misc. Plan No. 12873.

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

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No

( ) Yes

Comment(s):

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

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): All costs involved with the street and lane opening will be charged to the Building Communities Initiatives Fund. There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

The dedication of these properties as public streets and lane requires a by-law pursuant to Section 139 of The City of Winnipeg Charter.

HISTORY:

The portions of Rues Messager and St. Joseph proposed to be opened were originally dedicated as public streets in 1876. They were closed in 1987 by By-Law No. 4688/87 as part of a proposal to develop the lands adjoining to the south. This proposal was subsequently abandoned.

On July 10, 2002, Council directed the Administration, in accordance with Plan Winnipeg Policy and the stated objectives of the St. Boniface Area Action Plan, to proceed with the redevelopment of the lands north of the Highline in North St. Boniface for mixed-use residential development.

In accordance with that directive, the Planning, Property and Development Department has pursued development of the lands south of Rue Messager; rezoning the area under By-Law No. 148/2003 (DAZ 228/2003) and applying to subdivide the City property south of Rue Messager and west of Rue St. Joseph under DAS 19/2004.

The subdivision proposed under DAS 19/2004 and approved by Council in December of 2004 has been abandoned. The revenue from the sale of the lots to be created by the subdivision was to have offset the City's costs of upgrading the paving of the streets in the area. These costs have escalated beyond the revenues to be obtained from the sale of the lots.

The Department intends to offer the City lands on the south side of the proposed opening of Rue Messager for sale. As the lots have no market value without frontage on a street, the Real Estate Division has applied to open the streets and lane as identified on the attached Misc. Plan No. 12873.

Council approval of the re-opening of these portions of Rues Messager and St. Joseph was implicit in its approval of DAS 19/2004, as the subdivision proposal dedicated lands for these streets. While the lane opening was not addressed in DAS 19/2004, it has been added to this application in response to the favourable public response received by resident groups and support of the ward Councillor in its review of a conceptual drawing prepared by McGowan, Russel and Associates at the request of the ward Councillor.

DISCUSSION:

Administrative Approval

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

Submission of Report in accordance with By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street and lane 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.

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

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 upon.
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.

All of these criteria have been met.

Financial Impact Statement Date: August 14, 2006

Project Name:

DAO 7/2006 - PROPOSED OPENING OF RUE MESSAGER, RUE ST JOSEPH, AND A PUBLIC LANE EAST OF AVENUE TACHE

COMMENTS:

The costs of preparing and registering the documents required to dedicate the lands as public streets and lane will be charged to the Building Communities Initiatives Fund. These amounts are considered to be immaterial.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Corporate Finance Department

Public Works Department

Water and Waste Department

External Consultation With:

Centra Gas, Manitoba Hydro

MTS Communications and Shaw Cable did not respond to the request for their comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
PPD File No. 5413/A-A Vol 4

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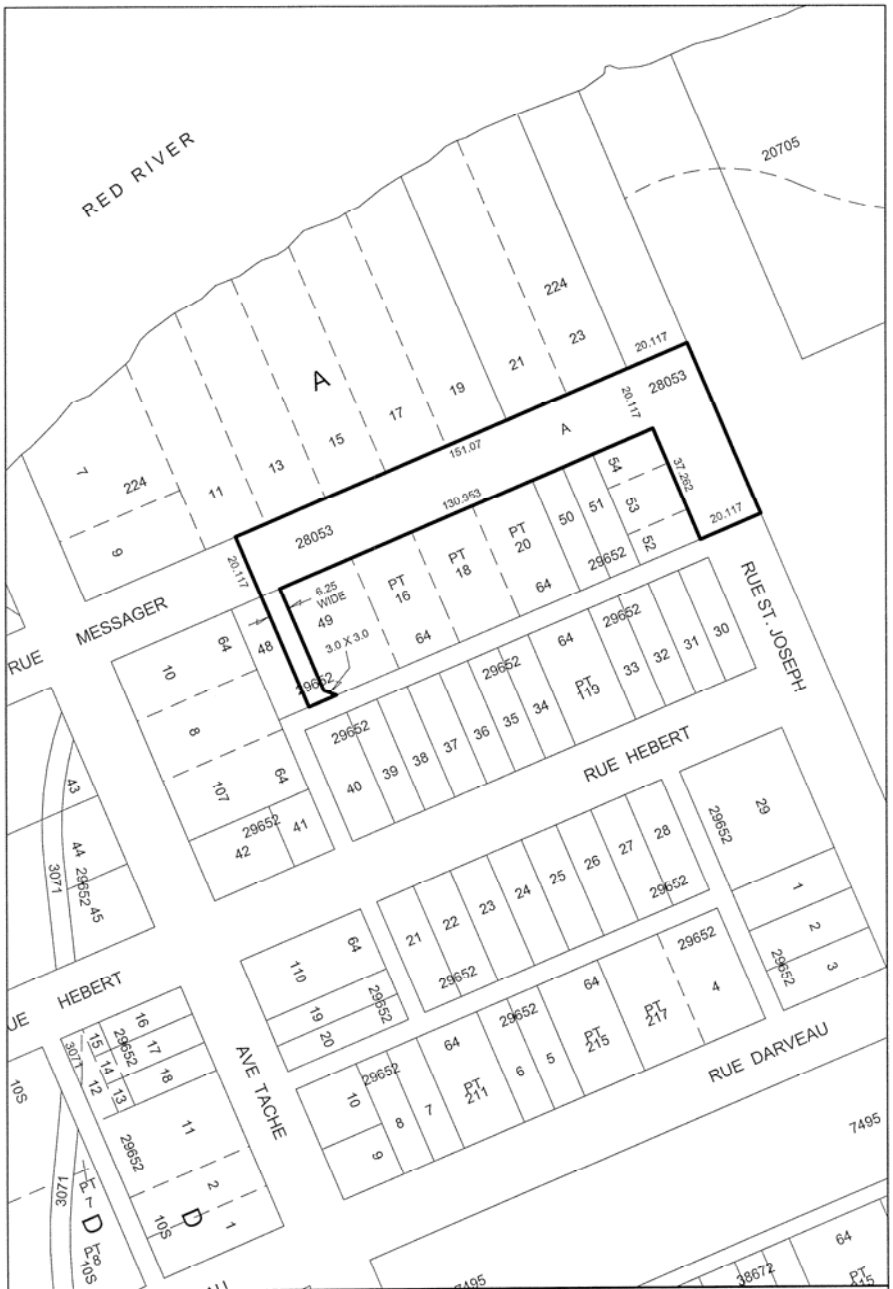

Proposed Opening 4026 sq.m. +/-

METRIC

Date: 2006-MAY-8
District: RIEL
File:
Scale: 1:1500

NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES

MISC. PLAN NO. 12873