Agenda – Executive Policy Committee – January 17, 2007

REPORTS

Item No. 8 Closing of part of Mission Street at Dugald Road
File DAC 17/2002

ADMINISTRATIVE RECOMMENDATION:

1. That the proposed street closing as shown on Misc. Plan No. 10175/2 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. 10175/2.

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

RE: DAC 17/2002 – PROPOSED CLOSING OF PART OF MISSION STREET AT DUGALD ROAD

FOR SUBMISSION TO: The Executive Policy Committee

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

REPORT DATE: January 11, 2007

RECOMMENDATION:

1. That the proposed street closing as shown on Misc. Plan No. 10175/2 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. 10175/2.

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 City of Winnipeg is selling a parcel of land which contains property dedicated as Mission Street. The street does not physically exist and serves no public purpose. The terms of the sale of the land have been approved by the Standing Policy Committee on Property and Development.

The majority of Mission Street is contained within the Riel Community. A small portion of the street is in the East Kildonan-Transcona Community. In December of 2002, both Community Committees approved the street closing. The closing of the street in the Riel Community has been approved by Council. The closing of the street in the EKT Community has not been approved by Council.

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):

Report

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 2002, Council approved the realignment of the proposed Transcona North-South Route. The lands shown as “Subject City Property” on the attached Misc. Plan No. 10175/2 had been previously acquired by the City of Winnipeg and reserved for the North-South Route. As a result of the realignment of the Route, these lands were no longer required. The Real Estate Division of the Planning, Property and Development Department has completed negotiations for the sale of the property. In September of 2006, the Standing Policy Committee on Property and Development approved the terms of the sale.

The portion of Mission Street shown as “Proposed Closing” on Misc. Plan 10175/2 has been incorporated into the lands being sold. The area dedicated for Mission Street is unpaved, vacant land that serves no public purpose.

The majority of Mission Street is contained within the Riel Community. A small portion of the street is in the East Kildonan-Transcona Community. In December of 2002, both Community Committees approved the street closing. The Riel Community Committee forwarded its recommendation that the street be closed to the Standing Policy Committee on Property and Development, who concurred (02/06/03) and forwarded its recommendation to Council. Council approved the closing in the Riel Community on February 26, 2003.

The East Kildonan-Transcona Community did not forward its recommendation that the street be closed. The closing of the portion of the street within the EKT Community has not received Council approval.

DISCUSSION:

Submission of Report Under By-Law 7325/1998

The terms of the sale of the portion of Mission Street within the EKT Community have been approved by the Standing Policy Committee on Property and Development. The closing of the street is being submitted under the authority of By-Law 7325/1998, which states that reports recommending these “previously approved” openings and closings may be submitted directly to the Executive Policy Committee without being reviewed by a Standing Committee.

The following criteria must be met before the authority given in By-Law 7325/98 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 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 Policy 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.

Easements

Manitoba Hydro has advised that it will require an easement for the maintenance of a utility pole in the area.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it 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: January 11, 2007

Project Name:

DAC 17/2002 – PROPOSED CLOSING OF PART OF MISSION STREET AT DUGALD ROAD

COMMENTS:

The recommendations in this report include that the proposed street closing as shown on Misc. Plan No. 10175/2 be approved and that the land be declared surplus to the City's needs, and 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. 10175/2. There are no financial implications associated with these recommendations.

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

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

There was no internal consultation involved in the preparation of this report.

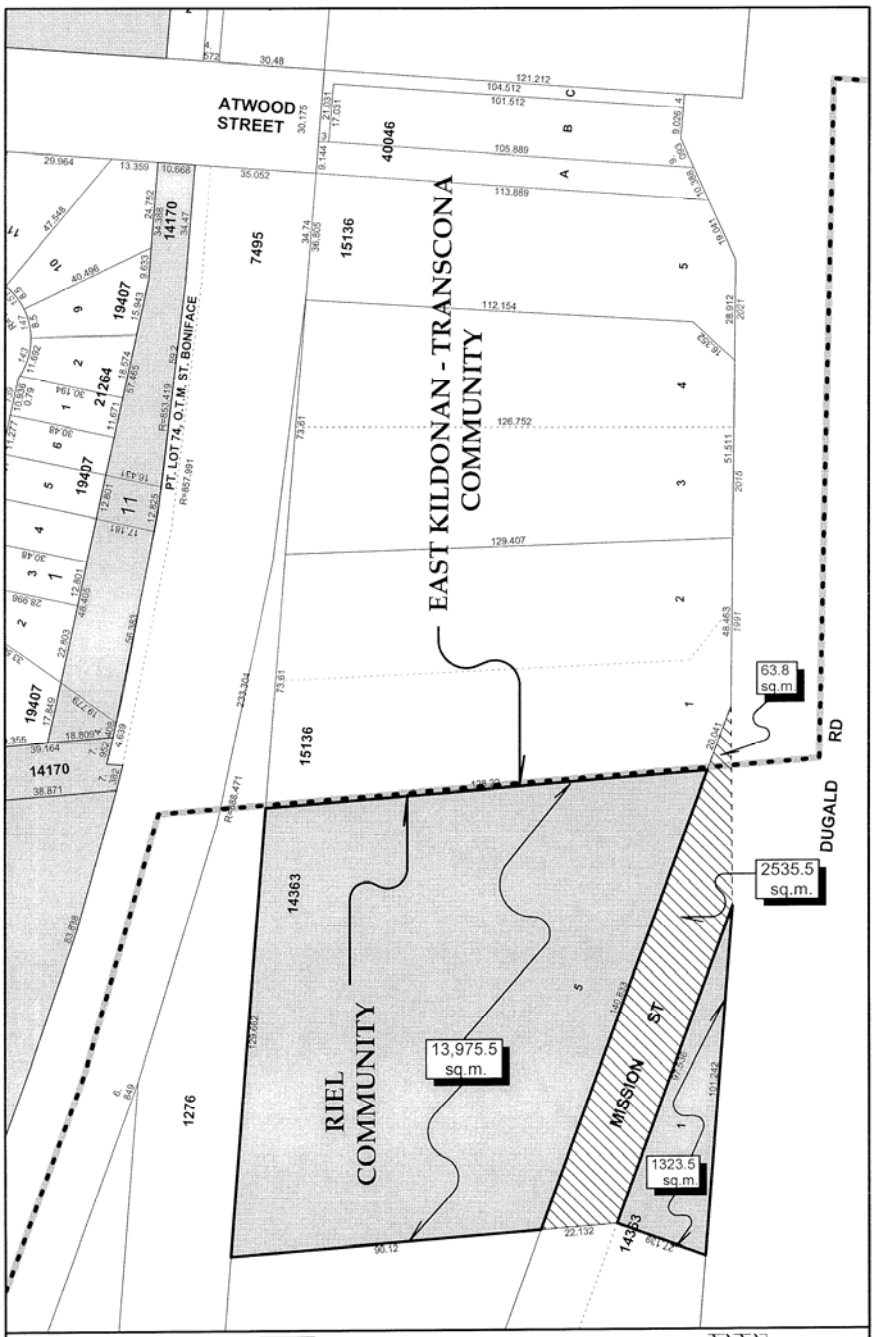
External Consultation With:

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
PPD File No. 5894/5

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