Report of the Executive Policy Committee dated January 9, 2002

Proposed Closing of the Public Lane South of Murray Avenue East of Durban Place

File DAC 10/2001

1. The Executive Policy Committee has been advised that the closing of the lane requires a by-law pursuant to Section 495 of The City of Winnipeg Act.

In April 2001, City Council approved DASZ 20/98, an application to subdivide and rezone the lands south of Murray Avenue and west of Main Street. The subject lane will be incorporated into one of the lots in this subdivision. The existing east/west lane will be extended to connect with the street being created south of Donan Street.

The proposal has been considered by all affected City Departments and public utilities. No objections have been raised. Any requirements for easements or the relocation of any services in the lane have been addressed through the processing of DASZ 20/98.
City policy provides that when the area of the streets and lanes being opened in a subdivision exceeds the area of the streets and lanes being closed for incorporation into that subdivision, the streets and lanes being closed will be transferred to the Developer at no cost. In this case, the area of the lane is less than the area of the streets and lanes being opened in the subdivision, and the land will be transferred to the Developer for the nominal sum of One ($1.00) Dollar.

This report is submitted in accordance with the provisions of By-Law No. 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 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 Planning, Property and Development Services, as is appropriate.

All of these conditions have been met.

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A Financial Impact Statement dated December 4, 2001, indicates that there will be no financial impact as all costs associated with the closing are the responsibility of the Developer, Novamet Development Corporation.

The Executive Policy Committee recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing as outlined on Schedule "A", Misc. Plan No. 11187.

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