Minute No. 266
Report "A" – Executive Policy Committee – March 19, 2009

Item No. 2 **Closing of the Public Lane in the block bounded by Wilkes Avenue and Paget, Stovel and Griffith Streets (River Heights-Fort Garry Ward) File DAC 2/2009**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed lane closing as shown on Misc. Plan No. 13498/4 be approved.

2. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13498/4.

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

Report "A" – Executive Policy Committee – March 19, 2009

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

RE: DAC 2/2009 – PROPOSED CLOSING OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY WILKES AVENUE AND PAGET, STOVEL AND GRIFFIN STREETS

FOR SUBMISSION TO THE EXECUTIVE POLICY COMMITTEE

REPORT DATE: MARCH 5, 2009

AUTHORIZATION

Author	Department Head	CAO
Bohdan Buyachok Real Property Officer	Deepak Joshi Director of Planning, Property and Development	Phil Sheegl, Deputy Chief Administrative Officer

RECOMMENDATION

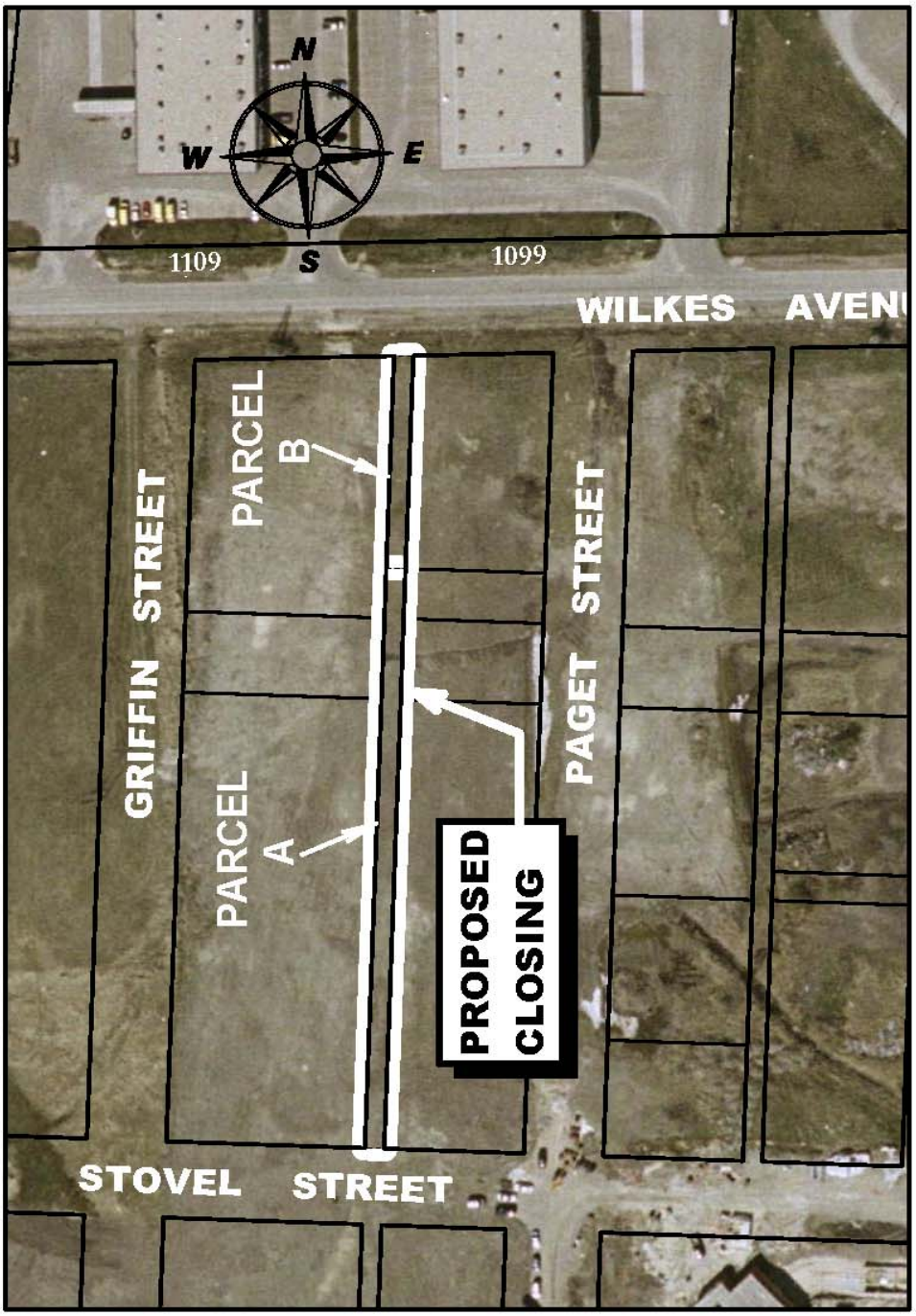
1. That the proposed lane closing as shown on Misc. Plan No. 13498/4 be approved.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13498/4.

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


N
W
E
S
1109
1099
WILKES AVEN
GRIFFIN STREET
PARCEL B
PARCEL A
PAGET STREET
PROPOSED CLOSING
STOVEL STREET

History

The Real Estate Division of the Planning, Property and Development Department has made an application to close the lane identified as "Proposed Closing" on the attached copy of Miscellaneous Plan No. 13498/4. The City will be consolidating Parcel "A" with its existing holdings identified as "City Property" on the sketch. Once closed, Parcel "A" will form part of a prospective sale along with the adjoining City land to Canada Post Corporation for the development of a new regional post distribution centre.

Parcel "B" will be conveyed to Canada Post pending their successful negotiation for the purchase of the property on the southwest corner of Wilkes Avenue and Paget Street, being Lot 1, Block 2, Plan 34440 WLTO.

At its meeting held on February 18, 2009, Council approved the Report of the Standing Policy Committee on Property and Development dated February 2, 2009 which concurred in the Winnipeg Public Service's recommendation that the City land comprising the prospective sale, including the proposed closing, be declared surplus to the City's needs. The Committee further approved the terms and conditions of the sale of this land to Canada Post.

At its public meeting held on March 3, 2009, the City Centre Community Committee concurred in the Winnipeg Public Service's recommendation that the proposed lane closing be approved. There was no opposition to the proposal.

The subject lane was opened by Plan of Subdivision No. 1252, registered in the Winnipeg Land Titles Office in 1907. The right of way is not physically in use and presently serves no public purpose.

KEY ISSUES

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The Local Improvement Section of the Assessment and Taxation Department has provided the following condition to its approval of this application:

> The cost of local improvements in the amount of $1,952.00 is to be recovered from the transfer of Parcel "B" to Canada Post as follows:
>
> Local Improvement Type: Wastewater Sewer $608.00 (16 feet x $38.00)
> By-law No. 6104/93
>
> Local Improvement Type: Watermain $576.00 (16 feet x $36.00)
> By-law No. 5851/92

Local Improvement Type: Land Drainage Sewer, Laterals and Trunks
$768.00 (16 feet x $48.00)
By-law No. 6107/93

These local improvements were installed in the Wilkes Avenue right-of-way and were assessed against Lot 7, Block 2, Plan 34440 that borders Parcel "B". There are also outstanding local improvements on the tax rolls for this property.

The Planning, Property and Development Department (Real Estate Division) will pay all local improvement costs, including those associated with the potential transfer of Parcel "B", upon completion of the sale of the subject City property to Canada Post Corporation.

Easements

Manitoba Hydro has identified an easement requirement over the northerly 6m of Parcel "B". No permanent structures will be allowed within the easement area.

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 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 Policy Committee on Finance, 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.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**x**	
Regulatory		**x**	
Environmental		**x**	
Human Resources		**x**	
Financial		**x**	All costs associated with the lane closing are the responsibility of the applicant.
Legal (Contracts)		**x**	
Communications		**x**	
Council Priorities Direction		**x**	
Other, e.g. Organizational, community, etc. (Specify)		**x**	

FINANCIAL IMPACT

Financial Impact Statement Date: March 5, 2009

Project Name:

DAC 2/2009 - PROPOSED CLOSING OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY WILKES AVENUE AND PAGET, STOVEL AND GRIFFIN STREETS

COMMENTS:

The recommendations contained in this report include that the proposed lane closing as shown on Misc. Plan No. 13498/4 be approved and that the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 13498/4.

All costs associated with this proposed lane closing are to be borne by the applicant; in this case, the Planning, Property and Development Department (Real Estate Division) of the City of Winnipeg. These costs, which are immaterial in nature, will be charged to the Land Operating Reserve Fund.

"Original Approved By"
Chief Financial Officer

CONSULTATION

In preparing this Report there was:

Internal Consultation With and Concurrence By:

N/A

External Consultation With:

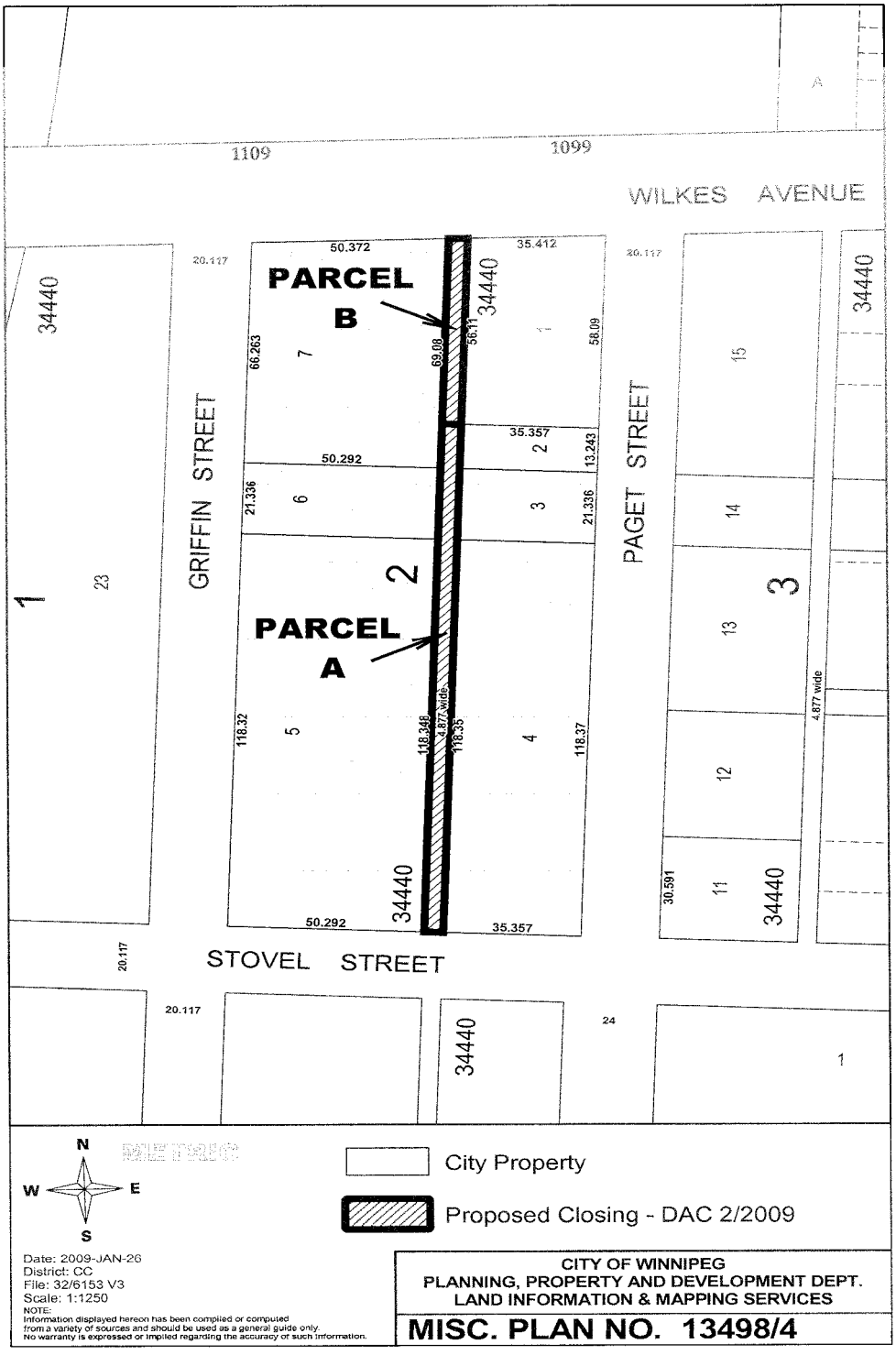
Manitoba Hydro and MTS Allstream.

Centra Gas and Shaw Cablesystems did not respond to the request for comments on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
File No.: 32/6153(3)

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WILKES AVENUE
1109
1099
PARCEL B
PARCEL A
GRIFFIN STREET
PAGET STREET
STOVEL STREET
34440
50.372
35.412
66.263
69.08
56.11
58.09
35.357
50.292
13.243
21.336
118.32
118.348
118.35
118.37
4.877 wide
30.591
20.117
24
City Property
Proposed Closing - DAC 2/2009
Date: 2009-JAN-26
District: CC
File: 32/6153 V3
Scale: 1:1250
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13498/4