Moved by Councillor

That Rule 9.3 of the Procedure By-law be suspended in order that the following items, which were received too late to be placed on the regular agenda, be considered by Committee.

ADDENDUM REPORTS

4. From the Director, Planning, Property and Development Department
Report 2002/03/13

Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close

File DAC 13/01

Recommending that the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached Schedule “A”, Misc. Plan No. 11212.

Agenda - Executive Policy Committee - April 4, 2002

Attachment - "Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close"

Re: DAC 13/01 - Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close

For submission to: Executive Policy Committee

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

Report date: March 12, 2002

In camera item: No

Recommendation(s): That a by-law be enacted authorizing the subject street closings.

REPORT SUMMARY

KEY ISSUES:

- On November 21, 2001, Council approved DASZ 17/01, an application to subdivide and rezone the lands adjacent to the proposed street closings. The new streets created by the subdivision have rendered the portions of the existing streets obsolete.
- The Standing Policy Committee on Property and Development has approved the transfer of the closed streets to Qualico Developments (Winnipeg) Ltd. for $1.00.

IMPLICATIONS

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: •

Policy implications

X	No (*There are no policy implications if the report is asking for a one-time decision.)*
	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Comment: •

Attachment - “Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close”

Financial implications

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
X	No financial implications

Comment:

- All costs associated with this closing are to be borne by the applicant, Qualico Developments (Winnipeg) Ltd.

Attachment - "Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close"

REPORT

RECOMMENDATION(S):

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule "A"** , Misc. Plan No. 11212.

II. 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 street closure requires a by-law pursuant to Section 495 of the City of Winnipeg Act.

HISTORY:

On November 21, 2001, Council approved an application from Qualico Developments (Winnipeg) Ltd. to subdivide and rezone the lands identified as "Proposed Subdivision DASZ 17/01" on Schedule "A". The new streets being created by the subdivision will render the portions of the existing streets identified as "Proposed Closings" on Schedule "A" obsolete.

The proposal has been considered by all affected City departments and public utilities. There are no objections or conditions to the closings. These streets do not physically exist. There is no public use of the property.

The Assiniboia Community Committee approved the street closings at a public meeting held on September 18, 2001.

DISCUSSION:

Transfer of Ownership of Streets from Province to City
The streets must be legally closed before they may be transferred to the applicant. 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 enter into any transactions concerning the land until this has been done.
Transfer of Streets for $1.00
Whyte Ridge Residential Developments Ltd. was the owner of the lands before they were dedicated as public streets. Whyte Ridge Residential Developments Ltd. was purchased by Qualico Developments (Winnipeg) Ltd. a number of years ago. Qualico has submitted an application to have the portions of the streets which are obsolete returned to them. On April 4,

Attachment - "Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close"

2002, the Standing Policy Committee on Property and Development approved the transfer of the closed streets to Qualico for the nominal sum of $1.00.

Submission of Report under By-Law 7325/98

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

Attachment - "Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close"

Financial Impact Statement **Date:** 12-Mar-02

COMMENTS:

All costs associated with this closing are to be paid by Qualico Developments (Winnipeg) Ltd. There are no financial implications.

Gord Courage, Manager
Support Services Division

Attachment - "Proposed Closing of Parts of St. Albans Road, Setterington Bay and Breckenridge Close"

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

No consultation was required in the preparation of this report

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn F. Halldorson, Real Property Officer
PPD File #: 8268

Document name: o:\reports directive\development and inspections\geomatics\dac13_01.doc

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