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

5. From the Director, Planning, Property and Development Department
Report 2002/03/11

Proposed Closing of Part of Marksbridge Drive

File DAC 24/01

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. 11383.

Attachment - "Proposed Closing of Part of Marksbridge Drive"

Re: DAC 24/01 - PROPOSED CLOSING OF PART OF MARKSBRIDGE DRIVE

For submission to: Executive Policy Committee

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

Report date: March 11, 2002

In camera item: **No**

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

REPORT SUMMARY

KEY ISSUES:

- The subject portion of Marksbridge Drive is surplus to City requirements.
- Council approved the inclusion of the closed portion of Marksbridge Drive into DASZ 19/01, an application to subdivide and rezone the adjacent lands, in November of 2001.

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: •

Financial implications

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

Comment: • The applicant, Genstar Development Corporation, is responsible for all costs associated with this closing.

Attachment - "Proposed Closing of Part of Marksbridge Drive"

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. 11383.

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:

In November of 2001, Council approved DASZ 19/01, an application to subdivide and rezone certain lands south of Marksbridge Drive and east of Lindenwood Drive West. This application included the portion of Marksbridge Drive shown as "Proposed Closing" on Schedule "A". The applicant, Genstar Development Corporation, neglected to apply for the subject street closing when it applied to subdivide and rezone the adjacent lands.
The Assiniboia Community Committee approved the street closure at a public meeting held on February 19, 2002.

DISCUSSION:

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 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.

Attachment - "Proposed Closing of Part of Marksbridge Drive"

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.

Transfer of Jurisdiction from Province to City

The street must be legally closed before it may be transferred. 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 street 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.

Closed Street to be Transferred for $1.00

The street will be incorporated into DASZ 19/01. The area of the streets being created by DASZ 19/01 exceeds the area of the street being closed. In accordance with City policy, the closed street will be transferred to the Developer for the nominal sum of $1.00.

Services Within Street

All requirements for the provision of easements or the relocation of any existing services in the portion of Marksbridge Drive proposed to be closed have been addressed by the subdivision application.

Attachment - "Proposed Closing of Part of Marksbridge Drive"

Financial Impact Statement **Date:** 11-Mar-02

COMMENTS:

All costs associated with this closing are the responsibility of the Applicant, Genstar Development Corporation. There is no financial impact.

Gord Courage, Manager
Support Services Division

Attachment - "Proposed Closing of Part of Marksbridge Drive"

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 #: 6340/24

Document name: o:\reports directive\development and inspections\geomatics\dac24_01.doc

Agenda - Executive Policy Committee - April 4, 2002

Attachment - “Proposed Closing of Part of Marksbridge Drive ”

