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

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

Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay
File DAC 8/00

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. 10967/2.

Attachment - "Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay"

Re: DAC 8/00 - Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay

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 lane closing.**

REPORT SUMMARY

KEY ISSUES:

- The lane is being closed for sale to the two adjacent property owners.
- The terms and conditions of the sale of the land were approved by the Standing Policy Committee on Property and Development on July 5, 2001 and by Council on July 18, 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

Attachment - "Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay"

Comment:

- The costs of registering the documents effecting the lane closing by-law will be assumed by the purchasers.

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. 10967/2.

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:

The Planning, Property, and Development Department has received requests from the owners of Nos. 1126 and 1132 Clarence Avenue regarding the purchase of the public lane adjacent to their properties.

The subject lane is unpaved. There is no public use of this land.

The proposal was approved by the Assiniboia Community Committee at a public meeting held on September 12, 2000. The terms and conditions of the sale of the land were approved by the Standing Policy Committee on Property and Development on July 5, 2001 and by Council on July 18, 2001.

DISCUSSION:

Transfer of Ownership of Lane from Province to City

The lane 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 lane 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.

Lane Approach from Marshall Bay

Attachment - "Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay"

The Transportation Division of the Public Works Department has advised that the owners of No. 1126 Clarence will be required to either remove the existing approach to the lane from Marshall Bay and restore the boulevard or obtain approval for the private use of the approach.

Easement

Manitoba Hydro will require an easement for the maintenance of an existing overhead line in the south portion of the lane.

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 the Public Lane South of Clarence Avenue, West of Marshall Bay"

Financial Impact Statement Date: 11-Mar-02

COMMENTS:

All costs involved in this proposal are to be paid by the applicants. There is no financial impact.

Gord Courage, Manager
Support Services Division

Attachment - "Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay"

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 #: 8181

Document name: o:\reports directive\development and inspections\geomatics\dac8_00.doc

Agenda - Executive Policy Committee - April 8, 2002

Attachment - "Proposed Closing of the Public Lane South of Clarence Avenue, West of Marshall Bay"

