Agenda - Executive Policy Committee - February 18, 2004

REPORTS

Item No. 7 Closing of part of Fairfield Avenue between Pembina Highway and the CNR Letellier Subdivision
File DAC 3/99

ADMINISTRATIVE RECOMMENDATION:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 7453/6.

2. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing

Re: **DAC 3/99 – PROPOSED CLOSING OF PART OF FAIRFIELD AVENUE BETWEEN PEMBINA HIGHWAY AND THE CNR LETELLIER SUBDIVISION**

For submission to: **Executive Policy Committee**

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

Report date: February 16, 2004

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. 7453/6.

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

REPORT SUMMARY

Key Issues:

- It is necessary to close the street to facilitate its sale to the adjoining property owners in accordance with the direction given by the Standing Policy Committee on Property and Development on September 4, 2003 and Council on September 23, 2003.

Implications of the Recommendation(s):

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(s):

Policy implications:

X	**No**
	Yes

Comment(s):

Environmental implications:

X	**No**
	Yes

Comment(s):

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

All costs associated with this proposal are the responsibility of the purchasers of the property. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

The closing of this public street requires a by-law under Section 139 of the City of Winnipeg Charter.

HISTORY:

In February of 1999, the Riel Community Committee approved the closing of portion of Fairfield Avenue identified as "Subject City Property" on Schedule "A" for sale to the Megill-Stephenson Company. Negotiations for the sale of the land were unsuccessful and the matter was placed in abeyance.
The owners of the properties adjacent to the street have offered to purchase the property. The Standing Policy Committee on Property and Development, on September 4, 2003, and Council, on September 23, 2003, approved the terms and conditions of the sale of the land, subject to the enactment of the street closing by-law.

DISCUSSION:

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.
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 Fiscal Issues, the Standing Policy Committee on Property and Development, or the Director of the Planning, Property and Development Department, as is appropriate.

All of these conditions have been met.

Financial Impact Statement **Date:** Feb 12 2003

COMMENTS:

All costs associated with the street closing are to be borne by the puchasers. There is no financial impact.

Gord Courage, Manager
Support Services Division

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

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division, Traffic Signals

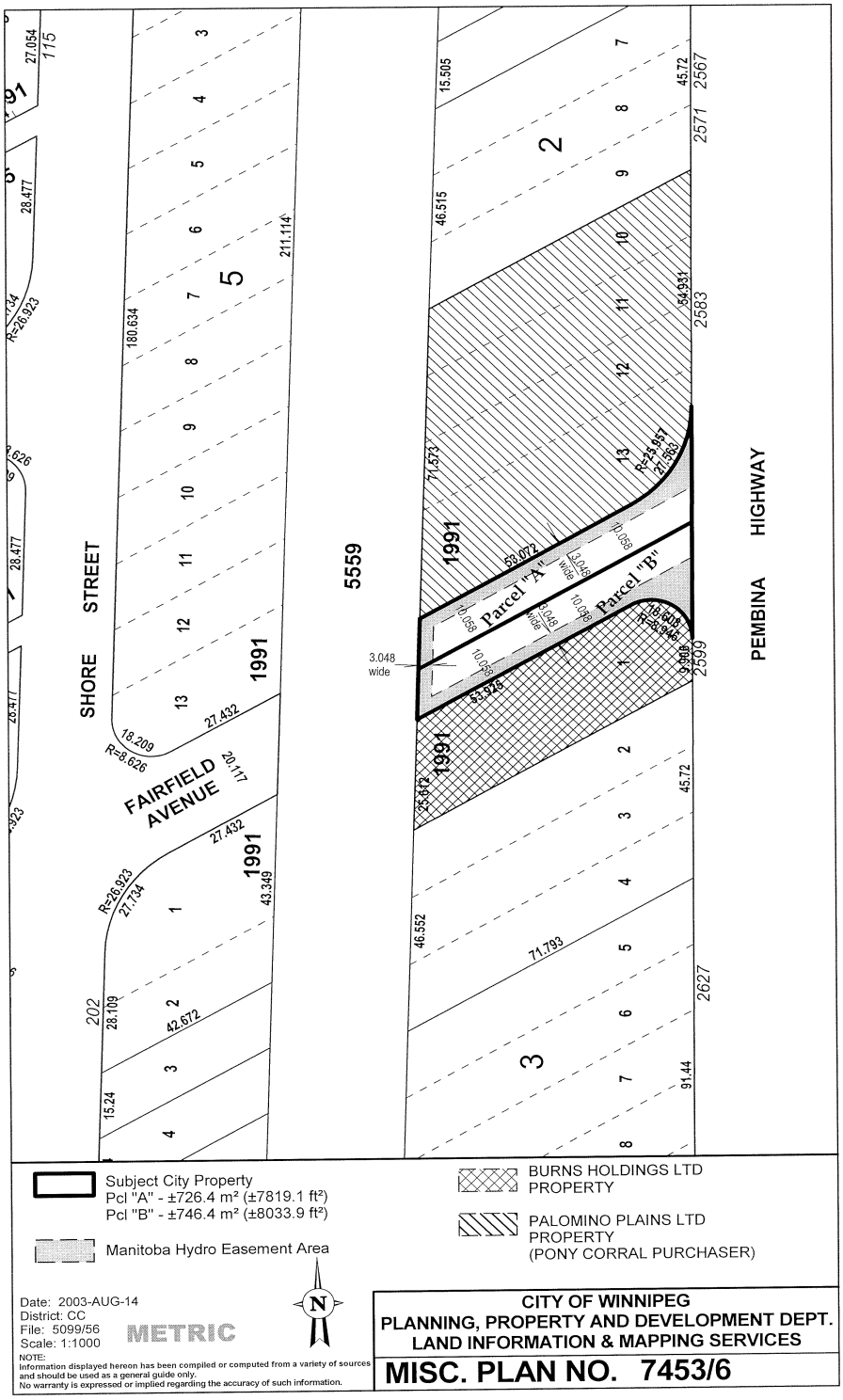
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 5099/56

Document name: o:\reports directive\development and inspections\geomatics\dac3_99.doc


SHORE STREET
FAIRFIELD AVENUE
PEMBINA HIGHWAY
5559
1991
Parcel "A"
Parcel "B"
3.048 wide
Subject City Property
Pcl "A" - ±726.4 m² (±7819.1 ft²)
Pcl "B" - ±746.4 m² (±8033.9 ft²)
Manitoba Hydro Easement Area
BURNS HOLDINGS LTD PROPERTY
PALOMINO PLAINS LTD PROPERTY (PONY CORRAL PURCHASER)
Date: 2003-AUG-14
District: CC
File: 5099/56
Scale: 1:1000
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 7453/6