Minute No. 276
Report - Standing Policy Committee on Property and Development - March 2, 2004

Item No. 2 Closing - Part of Assiniboine Crescent and Moray Street
File DAC 18/2003

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the closing as shown on Misc. Plan No. 9479/8 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 closing in accordance with Misc. Plan No. 9479/8.

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

Report - Standing Policy Committee on Property and Development - March 2, 2004

DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 17, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 10, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 18/2003
Before:	Assiniboia Community Committee Councillor Clement, Chairperson Councillor De Smedt Councillor Eadie
Public Hearing:	February 10, 2004 West Committee Room Council Building, 510 Main Street
Applicant:	Real Estate Division Planning, Property and Development Department
Premises Affected:	Part of Assiniboine Crescent and Moray Street
Exhibits Filed:	1. Report from the Real Property Officer dated January 26, 2004 2. Inspection Report

REPRESENTATIONS:

In Support:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

In Opposition:

Nil

For Information:

Nil

For the City:

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 18/2003

January 26, 2004

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

RE: FILE NO. DAC 18/2003 - PROPOSED CLOSING OF PART OF ASSINIBOINE CRESCENT AND MORAY STREET
SAINT JAMES-BROOKLANDS WARD

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

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. 9479/8.

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

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The Real Estate Division of the Planning, Property and Development Department has negotiated a settlement with Mr. R.W. Cunningham, the owner of No. 2584 Assiniboine Crescent, on a claim for damages filed as a result of the expropriation process for the Charleswood Bridge. The proposal, approved by the Chief Financial Officer on November 20, 2003, is subject to Council enactment of a road closing by-law for the part of Assiniboine Crescent shown as Parcel B on Schedule "A".

Parcel B is already separated by a security wall from the adjoining portion of the street that is in use today as a walkway/bicycle path/park area. The property owner is the sole user of this area and has been leasing it and the land shown as Parcel C on Schedule "A" from the City since the construction of the Charleswood Parkway. Parcels B and C will be conveyed to Mr. Cunningham.

The Planning, Property and Development Department is also seeking approval of the closure of the balance of Assiniboine Crescent, as well as a small portion of Moray Street. These lands are

located to the west of the noise attenuation wall as shown on the drawing. The portion of Assiniboine Crescent in which the park/walkway area is located will be retained for that purpose.

The portions of Assiniboine Crescent and Moray Street identified as Parcel A will be incorporated into the City-owned property at 2589 Assiniboine Crescent. Jurisdiction over Parcel A will pass from the Public Works Department to the Planning, Property and Development Department.

DISCUSSION:

Administrative Approval

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

Easement Requirements

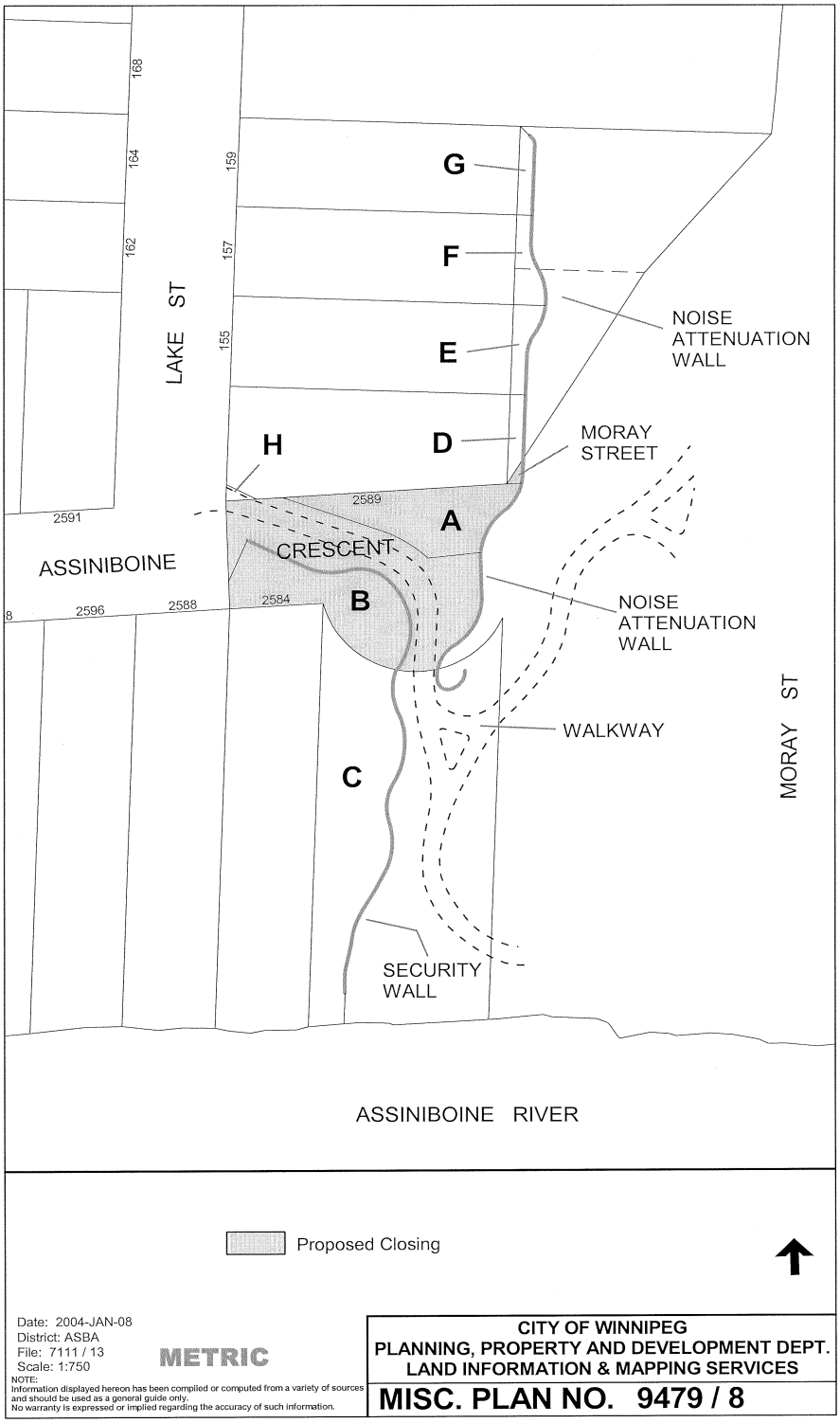
The City will retain easement rights within the closed streets for maintenance of the security wall and the noise attenuation wall shown on Schedule "A".

Centra Gas, Manitoba Hydro, and Shaw Cable have advised that easements for the maintenance of their plants in the area will also be required.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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 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.

This report submitted by:
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. DAC 18/2003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MORAY ST
WALKWAY
C
SECURITY WALL
ASSINIBOINE RIVER
Proposed Closing
Date: 2004-JAN-08
District: ASBA
File: 7111 / 13
Scale: 1:750
METRIC
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 9479 / 8