Minute No. 377
Report - Executive Policy Committee - May 5, 2004

Item No. 3 **Street Closing - Brock Street at Wilkes Avenue**
File DAC 11/2003

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

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 Misc. Plan No. 11929.

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

Report - Executive Policy Committee - May 5, 2004

DECISION MAKING HISTORY:

Moved by Deputy Mayor Eadie,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 5, 2004, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

Re: FILE NO. DAC 11/2003 - PROPOSED CLOSING OF BROCK STREET AT WILKES AVENUE

For submission to: **Executive Policy Committee**

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

Report date: **April 21, 2004**

Recommendation(s):

1. 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. 11929.

2. 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:

- The City of Winnipeg has received an offer to purchase the subject portion of Brock Street. The street closing has been approved by the City Centre Community Committee. The terms of the sale of the land have been approved by the Standing Policy Committee on Property and Development and by City Council.

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:

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

Comment(s):

- All costs associated with this closing will be borne by the Purchaser. There are no financial implications.

REASON FOR THE REPORT:
The street closure requires a by-law pursuant to Section 139 of the City of Winnipeg Charter.

HISTORY:
The subject street was created by a plan of subdivision in 1907. The street has never been paved or used for traffic, and it appears to have no public purpose.

In June of 2003, the Planning, Property and Development Department received a request from 4612591 Manitoba Ltd. to purchase the subject portion of Brock Street. The Purchaser owns the property to the east of the street and intends to construct an office building on the site. The Purchaser intends to incorporate Brock Street into the development to serve as a parking area for this building.

The proposal was submitted to all affected City departments and public utilities. There were no administrative objections to the closing.

At a public hearing held on July 8, 2003, the City Centre Community Committee approved the subject street closing.

The terms of the sale of the land were approved by the Standing Policy Committee on Property and Development on January 16, 2004, and by Council on January 28, 2004.

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 criteria have been met.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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 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.

Financial Impact Statement Date: April 14, 2004

COMMENTS:

All costs associated with the registration of the documents required to effect the closing by-law and the transfer of the land are to be borne by the Purchaser. There are no financial implications for the City of Winnipeg.

Mike McGinn, 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

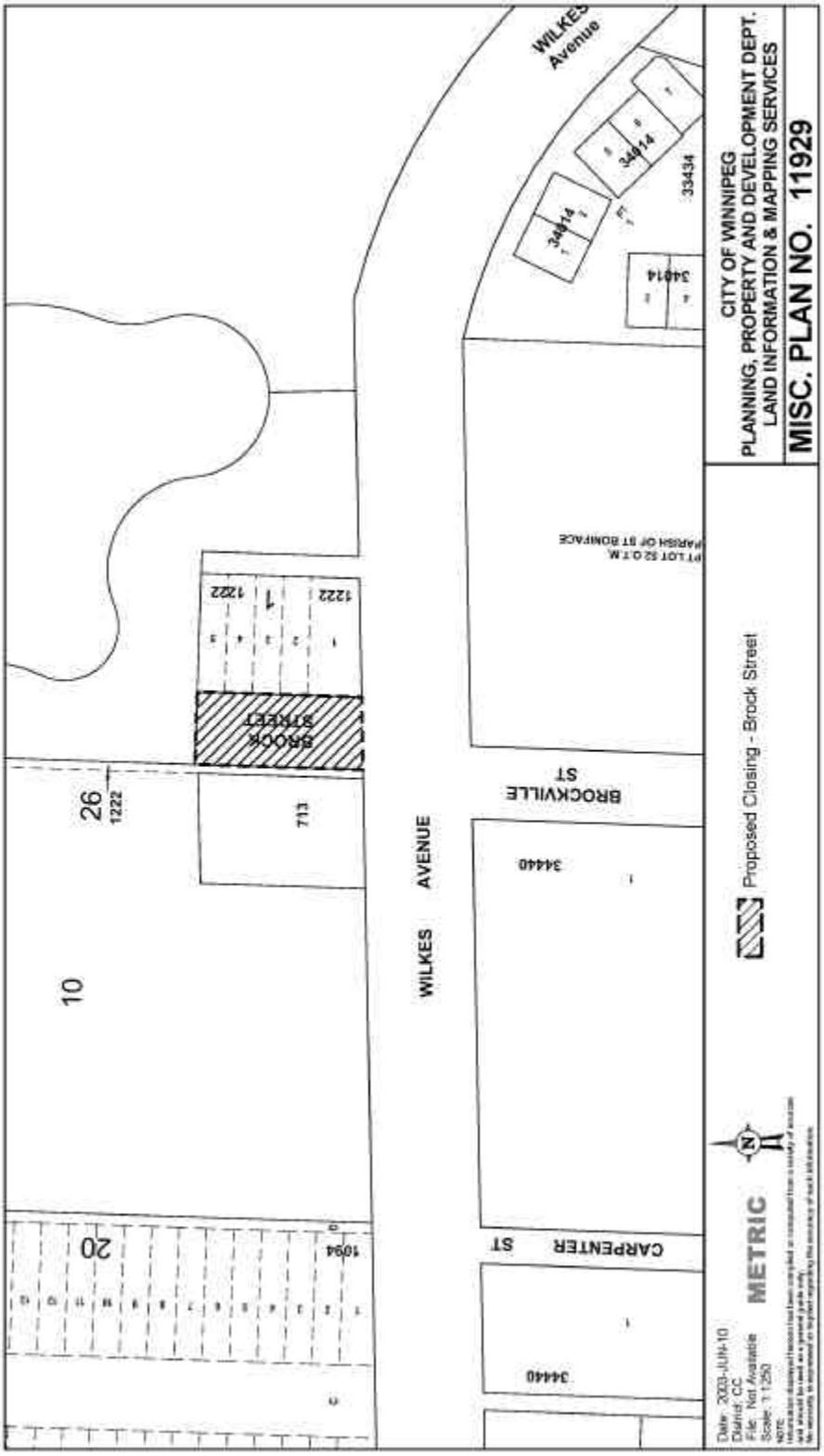
Water and Waste Department – Engineering Division

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 #: 7523

Document name: o:\reports directive\development and inspections\geomatics\dac11_03.doc


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11929
Proposed Closing - Brock Street
METRIC
WILKES AVENUE
BROCKVILLE ST
CARPENTER ST
BROCK STREET
WILKES Avenue
PARISH OF ST BONIFACE
PT LOT 52 O T M
26
10
20
1222
713
1094
34414
33434
34440