Minute No. 386
Report - Executive Policy Committee - May 12, 2004

Item No. 7 **Closing - Public Lane and Cross Street (commonly known as Wolf Avenue) west of Mobile Street**
File DAC 7/2003

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. 11878.

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 12, 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 12, 2004, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

Re: DAC 7/2003 - PROPOSED CLOSING OF THE PUBLIC LANE AND CROSS STREET (COMMONLY KNOWN AS WOLF AVENUE) WEST OF MOBILE STREET

For submission to: **Executive Policy Committee**

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

Report date: **May 4, 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. 11878.

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:

- Fort Garry Industries Ltd., the owner of the property adjacent to the unused street and lane, has offered to purchase the property. The proposal has been approved by the Lord Selkirk-West Kildonan Community Committee and the terms of the sale of the land have been approved by the Standing Policy Committee on Property and Development.

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 proposal are to be borne by the purchaser of the land. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

The street closure requires a by-law pursuant to Section 139 of the City of Winnipeg Charter.

HISTORY:

The streets and lanes in the vicinity of Inkster Boulevard and Mobile Street were created in 1906 by a planned subdivision of the area. The lands to the west of Mobile Street have never been developed. The portions of Wolf Avenue and the public lane that are the subject of this report have never been constructed.

In March of 2003, the Planning, Property and Development Department received a request from Mr. Rocky Neufeld of Stevenson Advisors, representing Fort Garry Industries Ltd., to purchase portions of the street and lane identified as “Proposed Closing” on Schedule “A”. Fort Garry Industries intends to incorporate the closed street and lane into its adjacent holdings. The land will be used for storage purposes.

On June 10, 2003, the Lord Selkirk-West Kildonan Community Committee approved the closing application.

On February 5, 2004, the Standing Policy Committee on Property and Development declared the street and lane to be surplus to the City’s requirements and approved the terms of the sale of the land.

DISCUSSION:

This report is submitted in accordance with the provisions of By-law No. 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.

Street Name

All previous documentation on this proposal has referred to Wolf Avenue, as the street is commonly known. Recent research has found that the street was originally named Cross Street. There is no record of the street name being legally changed, and it is therefore appropriate to refer to the right-of-way as Cross Street in all legal documents, including the street closing by-law.

Transfer of Jurisdiction Over Public Rights-of-Way

The street and lane 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.

Financial Impact Statement Date: April 28, 2004

COMMENTS:

All costs associated with this proposal will be borne by the purchaser of the land. There are no financial implications.

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

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

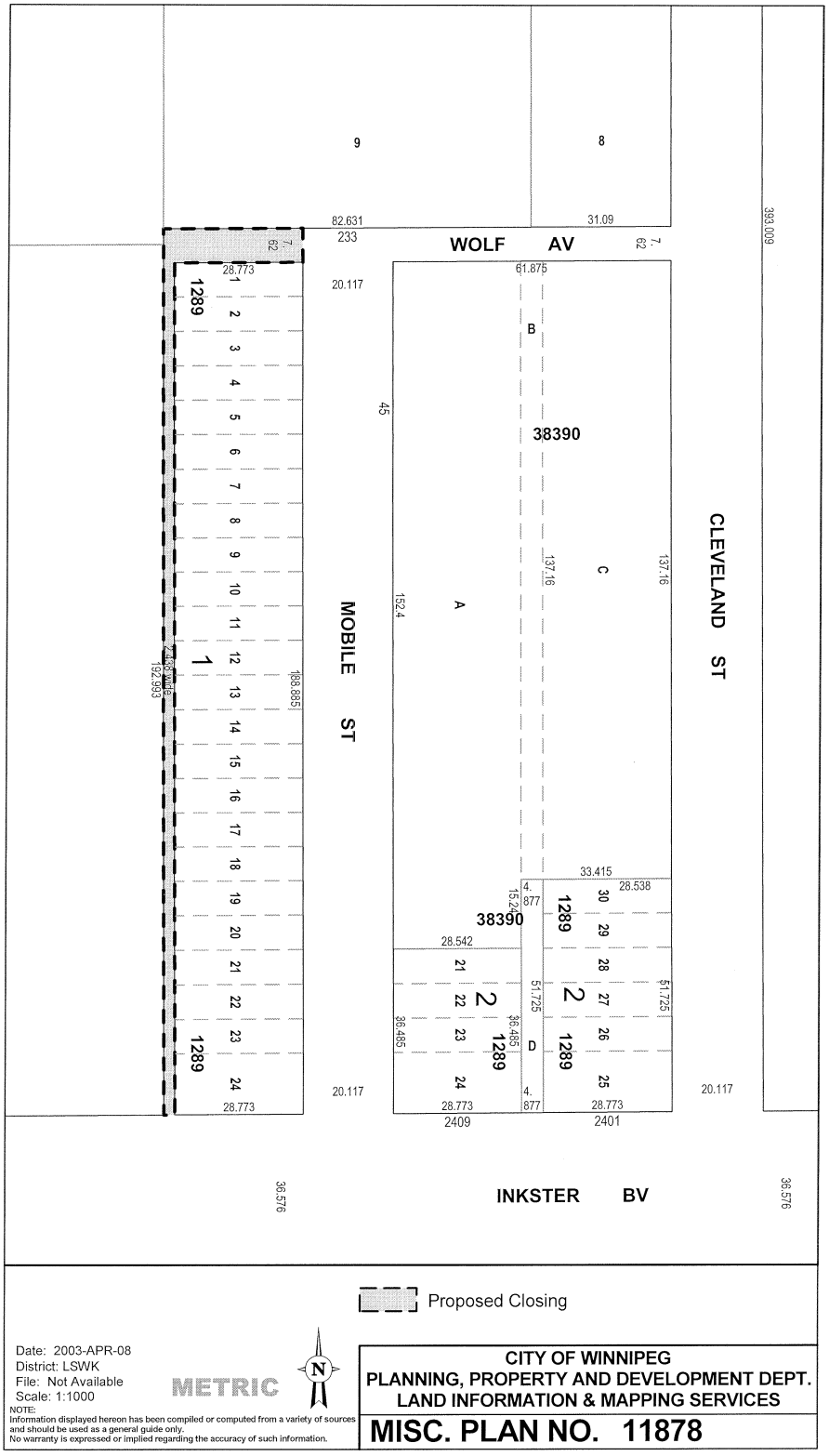
Centra Gas, Manitoba Hydro

MTS Communications and Shaw Cable did not respond to the request for their comments on the proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 8415

Document name: o:\reports directive\development and inspections\geomatics\dac7_03.doc


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1289
Proposed Closing
Date: 2003-APR-08
District: LSWK
File: Not Available
Scale: 1:1000
METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11878