Minutes - Executive Policy Committee - July 7, 2004

REPORTS

Minute No. 440 Street Closing - Part of Cottonwood Road adjacent to 45 Cypress Bay File DAC 19/2001

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the administrative recommendation and recommends to Council:

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. 11241/1.

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

DECISION MAKING HISTORY:

Moved by Deputy Mayor Eadie,

That the administrative recommendation be concurred in and forwarded to Council.

Carried

Re: DAC 19/01 - PROPOSED CLOSING OF PART OF COTTONWOOD ROAD ADJACENT TO NO. 45 CYPRESS BAY

For submission to: Executive Policy Committee

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

Report date: June 25, 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. 11241/1.

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 portion of the street proposed to be closed is located between the Applicants' property and the public sidewalk. Public use of the street/sidewalk/boulevard will not be affected by the closure and sale of this land.
- The sale of the street was approved by Council in January of 2004.

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 to be assumed by the purchasers 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:

In July of 2001, the Planning, Property and Development Department received a request from the owners of No. 45 Cypress Bay to purchase the portion of Cottonwood Road identified as "Proposed Closing" on Misc. Plan No. 11241/1. The applicants wanted to purchase the property to allow the construction of a garage.

On October 10, 2001, the Riel Community Committee approved the application to close the street.

On January 28, 2004, Council approved the recommendation of the Standing Policy Committee on Property and Development dated January 16, 2004, that the terms of the sale of the property be approved and that the lands be declared surplus.

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 Director of Public Works must have approved the proposed closing and sale.
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 upon.
5. The terms and conditions of any easement agreements created by the proposed closing and sale must have been addressed.
6. The affected property owner(s) must have approved the proposed closing.
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.

Financial Impact Statement

Date: June 15, 2004

COMMENTS:

All costs associated with the registration of the documents required to effect the street closing will be borne by the Applicants. There is no financial impact for the City of Winnipeg.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

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

Planning, Property and Development Department – 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

The Community Planner and Shaw Cable did not respond to requests for comments.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division:Development and Inspections
Prepared by:Glenn Halldorson, Real Property Officer
PPD File #:8270

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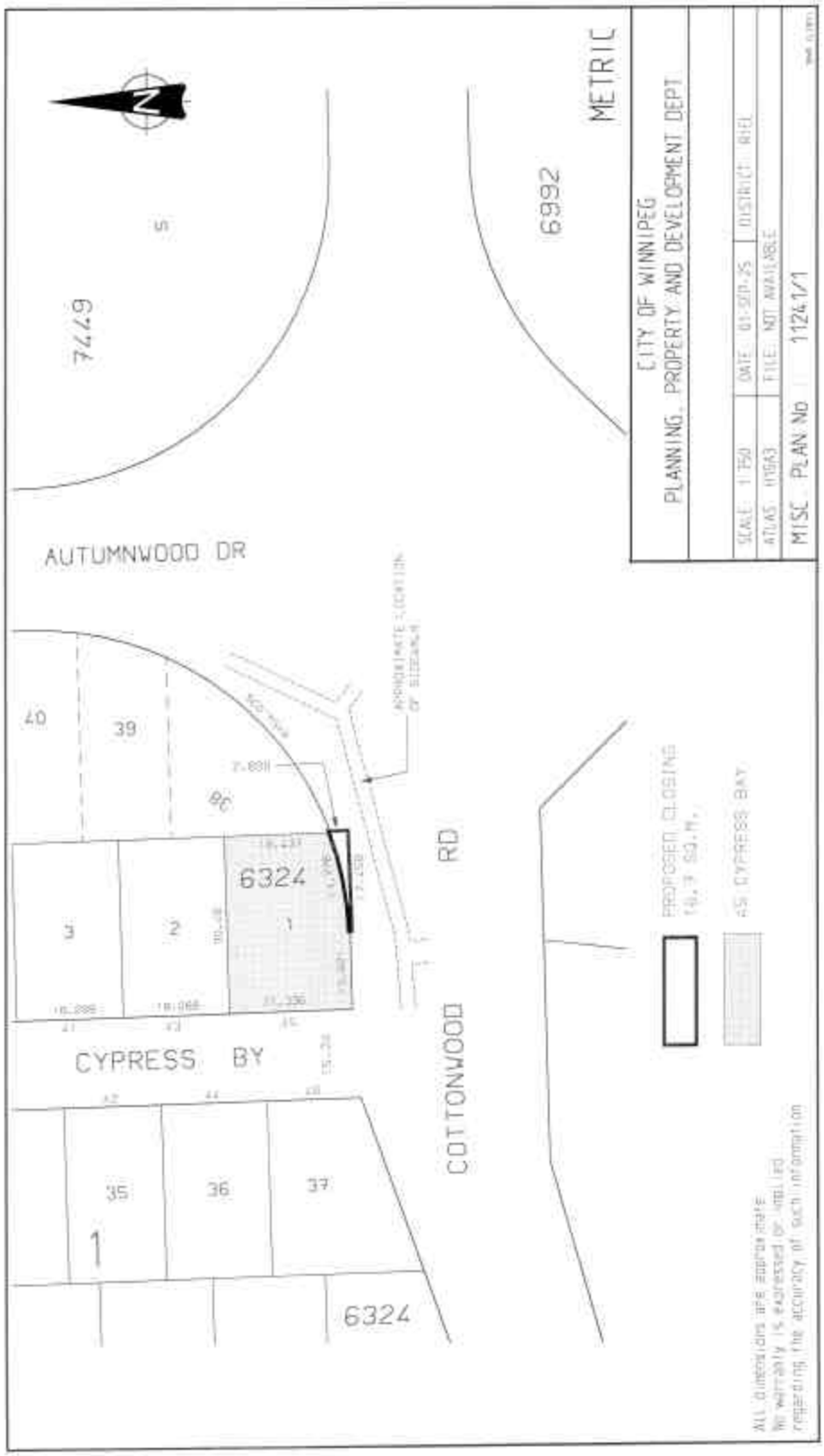
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT
SCALE 1:750
DATE 01-SEP-25
DISTRICT RIEL
ATLAS H19A3
FILE NOT AVAILABLE
MISC PLAN No 11241/1
7449
6992
AUTUMNWOOD DR
40
39
38
6324
3
2
1
CYPRESS BY
35
36
37
1
6324
COTTONWOOD RD
PROPOSED CLOSING
16.7 SQ.M.
45 CYPRESS BAY
All dimensions are approximate
No warranty is expressed or implied
regarding the accuracy of such information