Agenda - Executive Policy Committee - September 8, 2004

REPORTS

Item No. 5 **Opening and Closing - Public Lane South of Ness Avenue between Mandeville and Belvidere Streets**
File DAOC 6/2002

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 opening and closing in accordance with Misc. Plan No. 12258.

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

Re: DAOC 6/2002 – PROPOSED OPENING AND CLOSING OF THE PUBLIC LANE SOUTH OF NESS AVENUE BETWEEN MANDEVILLE AND BELVIDERE STREETS

For submission to: **Executive Policy Committee**

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

Report date: **July 30, 2004**

Recommendation(s):

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Misc. Plan No. 12258.

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

REPORT SUMMARY

Key Issues:

- The area proposed to be opened as public lane is a paved roadway serving that function that has never been legally dedicated as a public right-of-way. The area proposed to be closed has never been used as a public lane. In order to regularize the situation, it is necessary to pass a by-law to open the land that is used as the lane and close the land that is not.
- All of the lands involved in this proposal are owned by the City of Winnipeg.

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):

-

REASON FOR THE REPORT:

The opening and closing of these public lanes requires a by-law pursuant to Section 139 of the City of Winnipeg Charter.

HISTORY:

The area shown as "Proposed Opening" on Misc. Plan 12258 is a paved roadway serving as a public lane that has never been legally dedicated as a public right-of-way. The area shown as "Proposed Closing" on the drawing was designated as a public lane when the area was subdivided in 1910, but has never been used for that purpose.

In order to regularize the situation, it is necessary to pass a by-law to open the land that is used as the lane and close the land that is not.

The Assiniboia Community Committee approved the proposed opening and closing at its public meeting held on July 6, 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 Commttee.

The following criteria must be met before the authority given in the by-law may be exercised:

OPENINGS

1. The proposed opening and acquisition must have been approved by the Director of Public Works.
2. The proposed opening must have been submitted to all affected City Departments and public utilities with no objections having been received.
3. Any conditions regarding engineering aspects (i.e. relocation of facilities) must have been mutually agreed to.
4. The affected property owner(s) must have agreed to the terms and conditions of the acquisition of the land required for the proposed opening.
5. The terms and conditions of any agreements concerning the proposed opening and acquisition must have been approved by the Director of the department that requested the opening 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.

CLOSINGS

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.

References to property acquisition or agreements are irrelevant, as the City of Winnipeg owns or is entitled to own (in the case of the proposed closing) all of the lands involved. All other conditions have been met.

Financial Impact Statement Date: July 7, 2004

COMMENTS:

Funding for the cost of registering the documents required to effect the opening/closing by-law, estimated at $500, has been provided by the Public Works Department. These costs are considered to be imaterial.

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

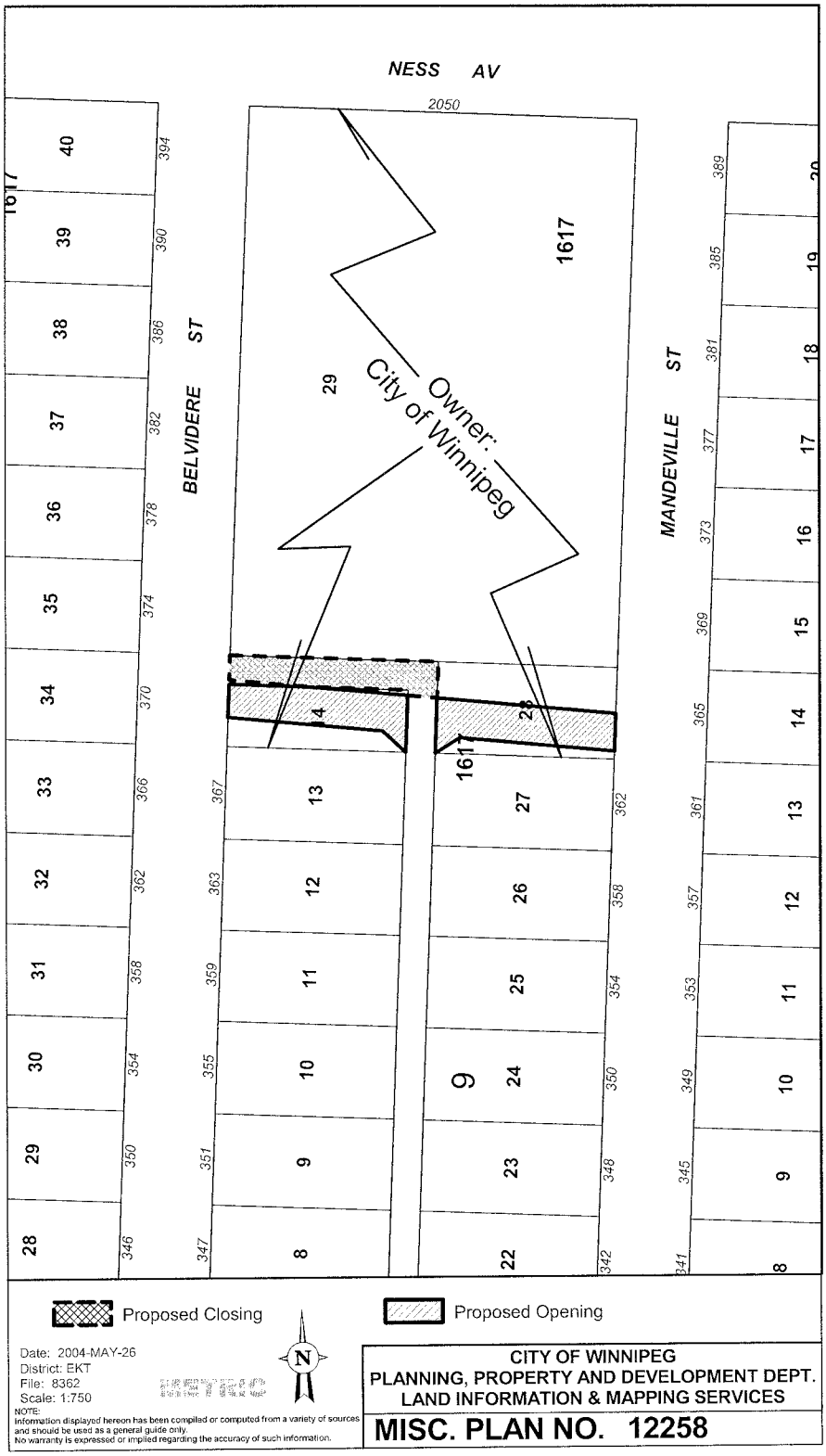
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, and Shaw Cable did not respond to requests for comments on this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division:Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 8362

Document name: o:\reports directive\development and inspections\geomatics\daoc6_02.doc


NESS AV
2050
1617
BELVIDERE ST
MANDEVILLE ST
29
Owner:
City of Winnipeg
4
28
1611
9
Proposed Closing
Proposed Opening
Date: 2004-MAY-26
District: EKT
File: 8362
Scale: 1:750
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12258