REPORTS

235. From the Director of Planning, Property and Development
Report 2002/05/15

Proposed Closing of Part of rue Lacombe West of Poulin Street
File DAC 1/99

Recommending that Council approve the proposed closing and recommend:

I. 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. 8129/1.

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

Moved by Councillor Vandal,
That the recommendations be concurred in and forwarded to Council.

Carried

Re: DAC 1/99 – PROPOSED CLOSING OF PART OF RUE LACOMBE WEST OF POULIN STREET

For submission to: Executive Policy Committee

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

Report date: May 15, 2002

In camera item: **No**

Recommendation(s): **That a by-law be enacted authorizing the subject street closing.**

REPORT SUMMARY

KEY ISSUES:

- The owner of the property to the north of the subject portion of Rue Lacombe has offered to purchase it from the City. The street must be closed before it may be sold. The Riel Community Committee has approved the closing. The terms and conditions of the sale of the street have been approved by the Committee on Property and Development.

IMPLICATIONS

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: •

Policy implications

X	No (*There are no policy implications if the report is asking for a one-time decision.)*
	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Comment: •

Financial implications

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

[X] No financial implications

Comment:

- All costs related to this matter are being borne by the purchaser of the land.

REPORT

RECOMMENDATION(S):

That Council approve the proposed closing and recommend:

I. 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. 8129/1.

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

REASON FOR THE REPORT:

The street closure requires a by-law under Section 495 of the City of Winnipeg Act.

HISTORY:

In November of 1998, the Real Estate Division of the Planning, Property and Development Department received a request from Mr. Phillip Sexton to purchase the portion of Rue Lacombe at the rear of his property.

In February of 1999, the Riel Community Committee approved the closing.

In October of 2000, the Standing Policy Committee on Property and Development approved the terms of the sale of the land.

Mr. Sexton has recently provided all of the documentation required to effect the transfer of the land, and it is now appropriate to close the street.

DISCUSSION:

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.

Submission of Report Under By-Law 7325/98

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:

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 Committee on Fiscal Issues, the Standing 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: 15-May-02

COMMENTS:

All costs associated with this matter are the responsibilty of the Purchaser. There is no financial impact.

Gord Courage, Manager
Support Services Division

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

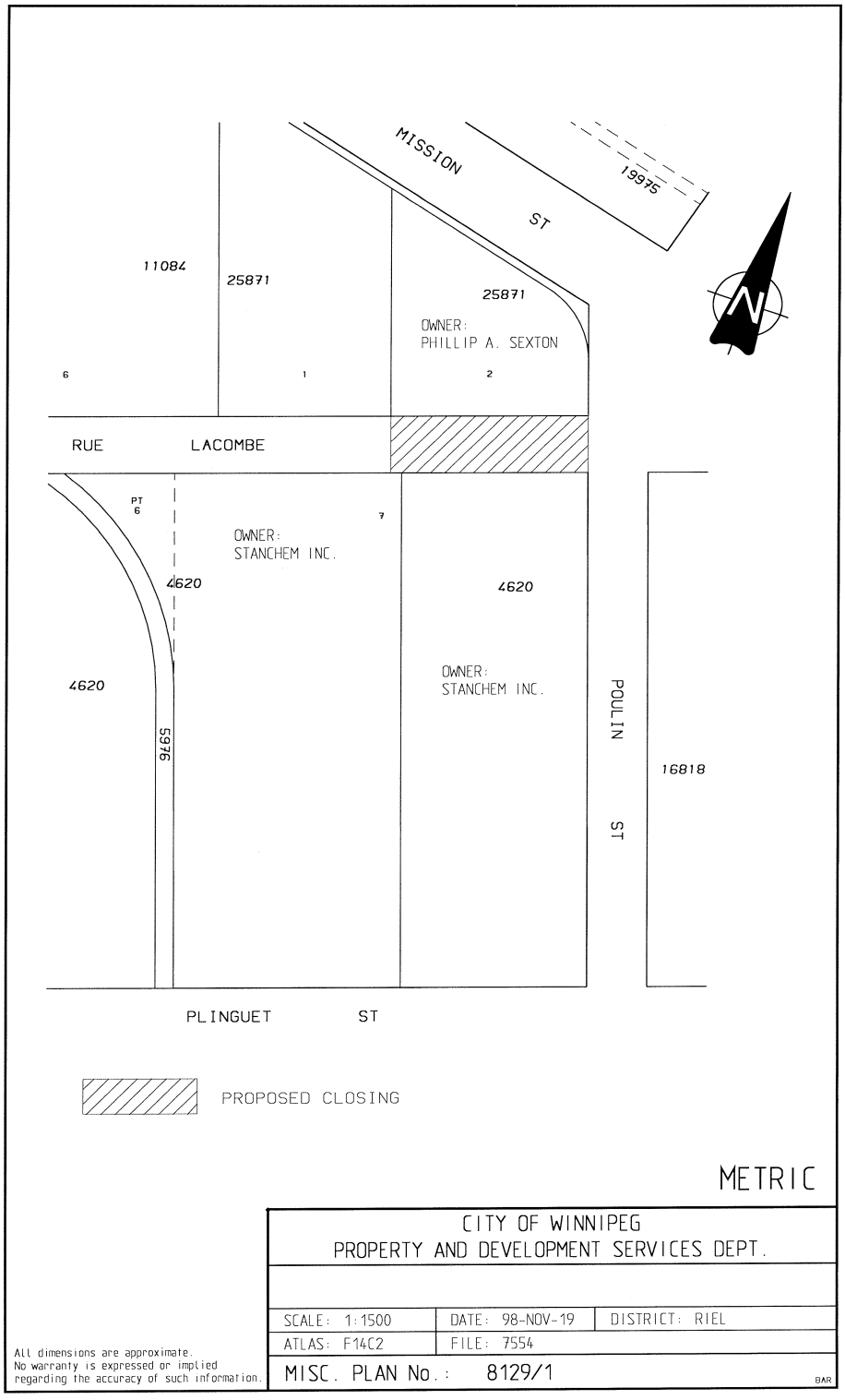
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division:Development and Inspections
Prepared by: Glenn F. Halldorson, Real Property Officer
PPD File #: 7554

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SCHEDULE "A"
TO THE REPORT OF THE EXECUTIVE POLICY COMMITTEE
FOR FILE NO. DAC 1/99
DATED MAY 15, 2002