Report of the Executive Policy Committee dated June 5, 2002

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

2. The Executive Policy Committee has been advised that the street closure requires a by-law under Section 495 of The City of Winnipeg Act.

In November, 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, 1999, the Riel Community Committee approved the closing. In October, 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.

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.

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 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.

A Financial Impact Statement dated May 15, 2002, indicates that there will be no financial impact as all costs associated with the closing are the responsibility of the purchaser.

The Executive Policy Committee recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing as outlined on Attachment "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.

Attachment “A" referred to in Clause 2 of the Report of the Executive Policy Committee dated June 5, 2002

