Minute No. 354
Report – Executive Policy Committee – April 20, 2005

Item No. 1 **Street Closing – public lane south of Einarson Avenue, west of Burnell Street - File DAC 11/2001**

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 Schedule "A", Misc. Plan No. 11189.

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 – April 20, 2005

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the City Centre Community Committee recommendation and the administrative recommendation and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 4, 2001, the City Centre Community Committee concurred in the administrative recommendation and recommended that the closing of the public lane south of Einarson Avenue, west of Burnell Street, be proceeded with.

Re: 11/01 - PROPOSED CLOSING OF THE PUBLIC LANE WEST OF BURNELL STREET, SOUTH OF EINARSON AVENUE

For submission to: Executive Policy Committee

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

Report date: April 12, 2005

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. 11189.

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 Winnipeg Construction Association has submitted an offer to purchase the public lane identified as "Proposed Closing" on the attached drawing. The Association owns the property on both sides of the lane and wishes to purchase the lane for their exclusive use.
- The closing was approved by the City Centre Community Committee in September of 2001.
- The terms of the sale of the lane were approved by the Standing Policy Committee on Property and Development in July 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):

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Environmental implications:

[X] **No**
[ ] **Yes**

Comment(s):

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Human resources implications:

[X] **No**
[ ] **Yes**

Comment(s):

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Financial implications:

[ ] **Within approved current and/or capital budget**
[ ] **Current and/or capital budget adjustment required**

Comment(s):

- All costs associated with the lane closing will be borne by the applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

The closing of this public lane requires a by-law under Section 139 of The City of Winnipeg Charter.

HISTORY:

In May of 2001, the Planning, Property and Development Department received a request from the Winnipeg Construction Association to purchase the public lane identified as "Proposed Closing" on the attached drawing.

The Association occupies the building on the south side of the lane at 290 Burnell Street. Their property on the north side of the lane is used as a parking lot. They are considering purchasing the lane for their exclusive use. They have advised that, upon acquiring the lane, they intend to remove the utility pole line and install some form of landscaping that would encourage visitors to enter the building at 290 Burnell through the doorway in the north wall of the building. The Association intends to leave the existing lane approach at Burnell Street open, and to erect a fence or some other kind of barricade to traffic at the west end of the lane.

On September 4, 2001, the City Centre Community Committee approved the application to close the lane.

On July 9, 2004, the Standing Policy Committee on Property and Development approved the terms of the sale of the lane.

DISCUSSION:

Administrative Approval

This proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The Transportation Division of the Public Works Department has advised that the Winnipeg Construction Association will be required to submit an application for private approach approval if it intends to continue to use the existing approach to the lane from Burnell Street.

The Water and Waste Department advises that the westerly portion of the lane contains a catch basin and lead. Their approval of the closing and sale of the lane is contingent on the Association assuming the responsibility for maintaining this service.

Winnipeg Hydro advised in 2001 that the utility pole line in the lane is the property of MTS.

Submission of Report in Accordance with By-Law 7325/98

This report is submitted in accordance with the provisions of By-Law 7325/98, a by-law to amend procedures to allow certain street and lane 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.

Financial Impact Statement Date: April 7, 2005

COMMENTS:

All costs associated with the closing will be borne by the applicant. 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 – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

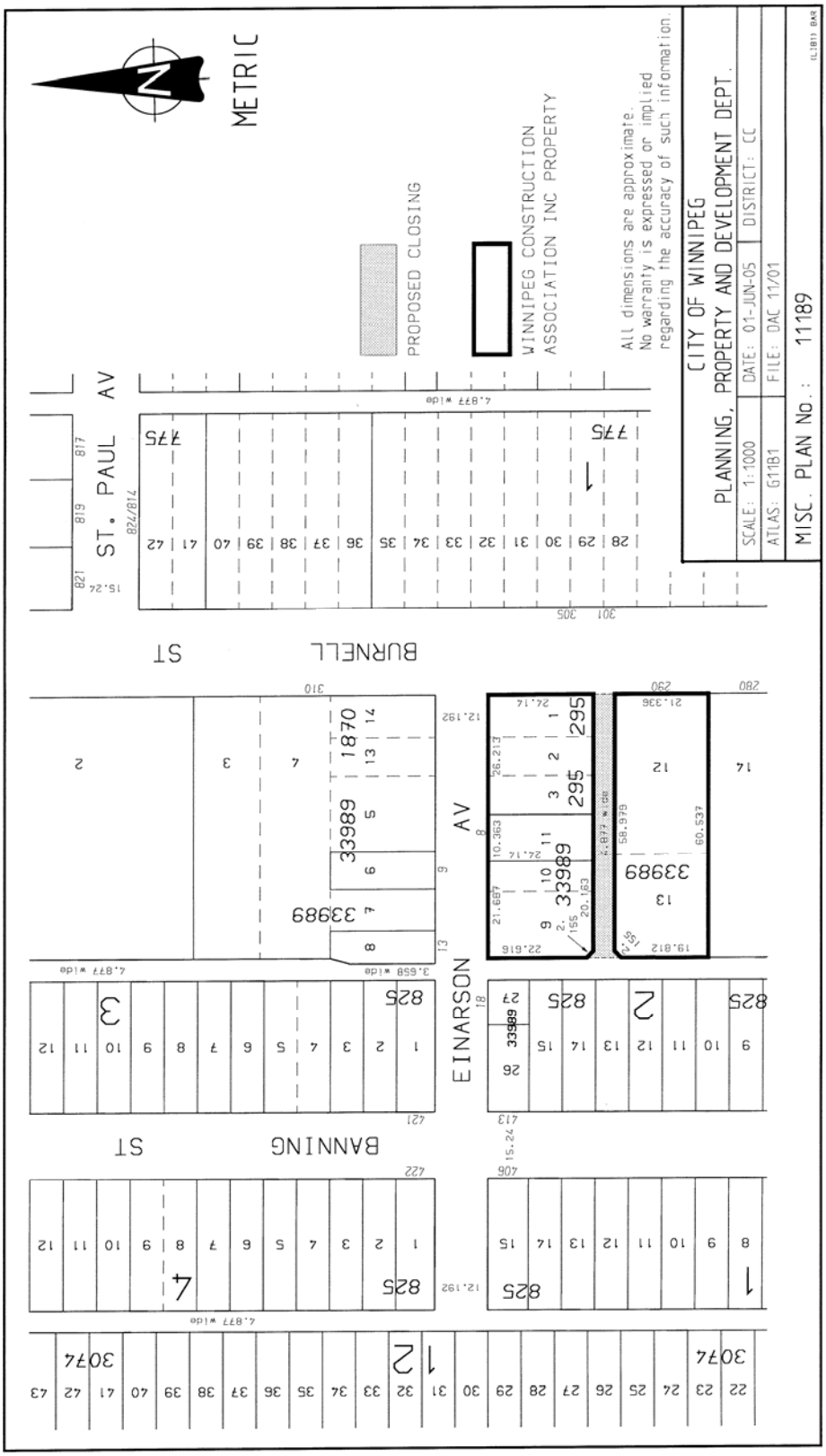
Centra Gas, Manitoba Hydro

MTS Communications and Shaw Cable did not respond to the request for easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division:Development and Inspections
Prepared by:Glenn Halldorson, Real Property Officer
PPD File #:8258

Document name: o:\reports directive\development and inspections\geomatics\dac11_01.doc


METRIC
PROPOSED CLOSING
WINNIPEG CONSTRUCTION ASSOCIATION INC PROPERTY
All dimensions are approximate.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1000
DATE: 01-JUN-05
DISTRICT: CC
ATLAS: G11B1
FILE: DAC 11/01
MISC. PLAN No.: 11189
ST. PAUL AV
BURNELL ST
EINARSON AV
BANNING ST
4.877 wide
3.658 wide
12.192
15.24