Minute No. 337
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 21, 2020

Item No. 13 Closing – Cadboro Road, Albright Road and Part of Formby Avenue for Incorporation Into DASZ 43/2019 – DAC 6/2019 (Waverley West Ward) File DAC 6/2019 [c/r DASZ 43/2019 & DAV 216033/2019D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That subject to Recommendation 2, the proposed street closings shown as Parcels "A", "B", "C", "D" and "E" on Miscellaneous Plan No. 15588/1 be approved and that Parcels "A", "B", "C" and "D" be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a By-law to facilitate the streets closings in accordance with Miscellaneous Plan No. 15588/1 (attached as Appendix "B"), subject to:

   A. the approval of the conveyance of the land by Council or its delegated authority; and

   B. the developer, among other things, fulfilling the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closings are not proceeded with expeditiously and the by-law:

   A. is not enacted within two (2) years following the date the subject report is approved by Council; and

   B. is not registered in The Property Registry within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to the expiry of the two (2) year period referred to in clause (A) above, and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 21, 2020

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

On April 20, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over for up to 30 days.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 24, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File:	DAC 6/2019
Before:	Assiniboia Community Committee Councillor Lukes, Chairperson Councillor Gillingham Councillor Klein
Public Hearing:	February 24, 2020 Council Building, 510 Main Street
Applicant:	Landmark Planning and Design Inc. (Jeff Pratte)
Premises Affected:	Cadboro Road, Albright Road and part of Formby Avenue
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	L. Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	February 28, 2020

Community Committee Recommendation:

On February 24, 2020, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That subject to Recommendation 2, the proposed street closings shown as Parcels "A", "B", "C", "D" and "E" on Miscellaneous Plan No. 15588/1 be approved and that Parcels "A", "B", "C" and "D" be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a By-law to facilitate the streets closings in accordance with Miscellaneous Plan No. 15588/1 (attached as Appendix "B"), subject to:

    A. the approval of the conveyance of the land by Council or its delegated authority; and

    B. the developer, among other things, fulfilling the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closings are not proceeded with expeditiously and the by-law:

   A. is not enacted within two (2) years following the date the subject report is approved by Council; and

   B. is not registered in The Property Registry within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to the expiry of the two (2) year period referred to in clause (A) above, and Council approves the extension.

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

Exhibits Filed:

1. Report from the Real Property Officer dated February 6, 2020
2. Inspection Report
3. Presentation dated February 24, 2020, in support of the application submitted by the Applicant at the hearing
4. Presentation in support of the application submitted by the Applicant at the hearing
5. Documentation in support of the application submitted by the Applicant at the hearing

REPRESENTATIONS:

In Support:

Kyle Devisser
Luis Escobar
Lyne Jones
Jeff Pratt
Bryan Ward

In Opposition:

Nil

For Information:

Max Liu
Bill Nanowski
Mark Stone
Steve Vincze
Lei Yan
Jenny Zhang

For the City:

D. Beaton, Senior Urban Designer, Planning, Property and Development Department
D. Clark, Urban Planner, Planning, Property and Development Department
M. Gajda, Engineer Services Development, Water and Waste Department
G. Jasper, Land Development Administrator, Planning, Property and Development
D. Patman, Manager Transportation Planning, Public Works Department

G. Patton, Manager of Engineering, Water and Waste Department
M. Pittet, Manager of Real Estate and Land Development, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2019

ADMINISTRATIVE REPORT

Title: Proposed Closing of Cadboro Road, Albright Road and part of Formby Avenue for Incorporation into DASZ 43/2019 – DAC 6/2019

Critical Path: Assiniboia Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

Landmark Planning & Design, representing the applicant/developer, has applied to the City to close portions of Cadboro Road, Albright Road and Formby Avenue for incorporation into DASZ 43/2019 being an application to subdivide and rezone the adjoining property for the establishment of mixed used residential, multi-family and commercial development.

At the request of the Public Service, the balance of Albright Road west of the proposed planned area for DASZ 43/2019 be included in the closing application. This land will be retained by the City.

Council has approved a land exchange between the Developer and the City which will accommodate conveyance to the Developer for incorporation into DASZ 43/2019, City owned properties located within the boundaries of the proposed planned area of DASZ 43/2019.

The Public Service recommends approval of the subject streets being closed. Before the streets may be sold and incorporated into the subdivision, they must be legally closed.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street closings shown as Parcels “A”, “B”, “C”, “D” and “E” on Miscellaneous Plan No. 15588/1 be approved and that Parcels “A”, “B”, “C” and “D” be declared surplus to the City’s needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare and bring directly to Council for enactment, a By-law to facilitate the streets closings in accordance with Miscellaneous Plan No. 15588/1 (attached as Appendix “B”), subject to:

   A. the approval of the conveyance of the land by Council or its delegated authority, and
   B. the developer, among other things, fulfilling the administrative conditions of approval outlined in Appendix “A” of this report.

3. That in the event the subject closings are not proceeded with expeditiously and the by-law:

   A. is not enacted within two (2) years following the date the subject report is approved by Council; and

   B. is not registered in The Property Registry within one (1) year following the date it is enacted by Council,

   the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to the expiry of the two (2) year period referred to in clause (A) above, and Council approves the extension.

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

REASON FOR THE REPORT

Pursuant to Section 7.B(v) of the Development Procedures By-law, where a matter relates to real property located entirely or primarily in the area covered by one Community Committee, the Community Committee shall consider in a combined hearing all applications for a proposed development which proposes a plan of subdivision and closing of a street right-of-way.

As per Section 3.1(i) of the City Organization By-law, only Council can declare City-owned property as surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant/developer. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

The Public Service has received a request from Landmark Planning & Design representing the developer, to close portions of Cadboro Road, Albright Road, and Formby Avenue as shown on the attached copy of Miscellaneous Plan No. 15588/1.

The streets, if closed, are to be incorporated into DASZ 43/2019, an application to subdivide and rezone the adjoining property to accommodate mixed used residential, multi-family and commercial development.
While the developer is the owner of most of the adjoining properties to the north and south of the closing areas, the City also owns land which the developer will need to acquire for incorporation into the planned area for DASZ 43/2019. The City's Real Estate Branch has negotiated the terms and conditions for a land exchange to accommodate the developer's acquisition of the City owned land, which terms and conditions were approved by Council on December 12, 2019.

Cadboro Road is a graveled roadway with drainage ditches on either side and is maintained by the City. Albright Road and Formby Avenue are unimproved, are not maintained by the City and serve no public transportation purpose.

Plan No. 1631 registered in the Winnipeg Land Titles Office on May 4, 1911, opened a portion of Cadboro Road and Sommerville Road, which was later renamed to Albright Road by By-law No. 571/74 passed by Council on January 23, 1974. Plan No. 1679 registered in the Winnipeg Land Titles Office on August 28, 1911, opened Albright Road, and Plan 1918 registered in the Winnipeg Land Titles Office on October 8, 1912, opened Formby Avenue.

FINANCIAL IMPACT

Financial Impact Statement Date:

Project Name: **First Year of Program**

Proposed closing of Cadboro Road, Albright Road and part of Formby Avenue for Incorporation into DASZ 43/2019 - DAC 6/2019

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: All costs associated with the proposed closings are the responsibility of the Applicant/Developer. There are no financial implications for the City of Winnipeg.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services Department (as to legal issues)
Public Works Department
Water and Waste Department
Transit Department
Winnipeg Fire Paramedic Services
CAO-Office of Sustainability
Ward Councillor

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, Telus Communications, Fibre.Ca Inc., and Crown Pipeline Ltd.

Imperial Oil, TC Energy, and Teraspan Networks did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closings do not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally align with their overall vision and key directions

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: February 6, 2020
File No: DAC 6/2019

Attachments:

Appendix “A”: Administrative Approval/Comments
Appendix “B”: Miscellaneous Plan No. 15588/1
Appendix “C”: Aerial View of Subject Closings

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 6/19 RPT_Cadboro
V:\Development Applications\DAOC\Dev Application2019\DAC6_2019\Report and Council Decision\DAC 6.19 DRAFT REPORT

APPENDIX "A"

Administrative Approval

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

Administrative Comments

Geomatics Branch

Approval of this application is subject to the following conditions:

- The proposed closing is subject to approval of associated subdivision and rezoning application DASZ 43/2019.

- The closing plan mylars, closing By-Law, Transfers of Land and any other associated documents will be released together, and must be registered in series with, and prior to, the associated plan of subdivision for DASZ 43/2019.

- The applicant/developer is responsible for all costs related to the preparation of the necessary closing plan and any associated documents and registration of same at The Property Registry.

Water and Waste Department

- The applicant/developer shall arrange for disposal of all storm water in, from and through the DASZ 43/2019 development, which may be cut off from its existing drainage course.

Easements

- Manitoba Hydro and Centra Gas Manitoba have identified underground services within the closing areas, but will acquire their easements under subdivision and rezoning application DASZ 43/2019.

- BellMTS has identified services within the closing area. Easements for those existing facilities will be required.

- No permanent structures will be allowed within the easement areas.

- Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

- In the event that subdivision and rezoning DASZ 43/2019 does not move forward but the public rights-of-way are closed, easements for these existing facilities will be required under this application DAC 6/2019.

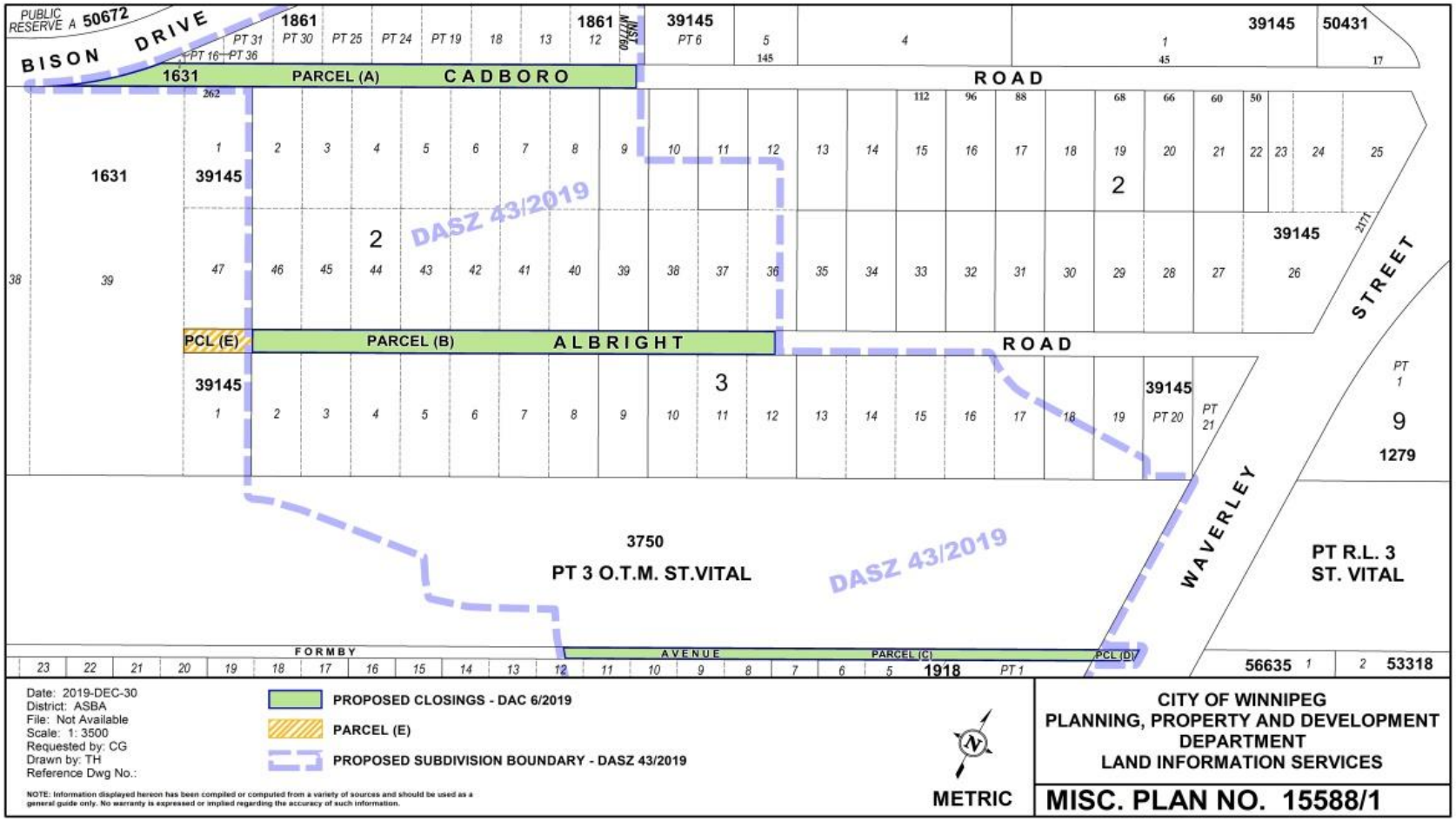
Conveyance of Streets for $1.00

The area of the streets being created by subdivision and rezoning DASZ 43/2019 exceeds the area of the streets being closed. In accordance with City policy, Parcels “A”, “B”, “C” and “D” as shown illustrated and identified on Miscellaneous Plan 15588/1 will be conveyed to the Developer for the nominal sum of $1.00.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they can be conveyed for incorporation into DASZ 43/2019. Title to all public rights-of-way in Manitoba is vested with the Province. Registration in The Property Registry of a closing By-law removes the public right-of-way status from the streets and vests ownership with the City. The City is not entitled to dispose of the streets until this has been done.

APPENDIX "B" - MISCELLANEOUS PLAN NO. 15588/1



APPENDIX "C" - AERIAL VIEW OF SUBJECT CLOSINGS

