Minute No. 470
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 13, 2020

Item No. 7 **Closing – Southpark Drive East of the CNR Tracks (Waverley West Ward) File DAC 1/2020**

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 closing shown on Misc. Plan No. 14725/4 (attached as Appendix "B") be approved and the land 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 street closing in accordance with Misc. Plan No. 14725/4, subject to:

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

   B. fulfillment of the administrative conditions of approval outlined in Appendix "A" of this report.

3. 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 – July 13, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 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 July 13, 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.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 22, 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.

HEARING SUMMARY

File:	DAC 1/2020
Before:	Assiniboia Community Committee Councillor Klein, Chairperson Councillor Gillingham Councillor Lukes
Public Hearing:	June 22, 2020 Council Building, 510 Main Street
Applicant:	City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Southpark Drive East of the CNR Tracks
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	Leah Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	June 22, 2020

Community Committee Recommendation:

On June 22, 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 closing shown on Misc. Plan No. 14725/4 (attached as Appendix "B") be approved and the land 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 street closing in accordance with Misc. Plan No. 14725/4, subject to:

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

B. fulfillment of the administrative conditions of approval outlined in Appendix "A" of this report.

3. 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 April 28, 2020
2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2020

ADMINISTRATIVE REPORT

Title: Proposed closing of Southpark Drive, east of the CNR tracks – DAC 1/2020

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
R. Robinson	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

This report requests Council's approval for the proposed closing and conveyance of a portion of Southpark Drive. The Planning, Property and Development Department is proceeding with Application DAC 1/2020 on behalf of Winnipeg Transit.

Portions of Southpark Drive were expropriated for the Southwest Transitway (Stage 2) and Pembina Highway Underpass Project. Winnipeg Transit has determined that that portion of the now opened street immediately adjacent to 88 Southpark Drive is no longer required for the Transitway and has applied to close the street and reconvey it to the adjoining property owner. The Real Estate Branch is currently negotiating the terms of the conveyance.

The Public Service recommends approval of the subject street being closed. Before the street may be conveyed, it must be legally closed and declared surplus to the City's needs.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed street closing shown on Misc. Plan No. 14725/4 (attached as Appendix "B") be approved and the land 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 street closing in accordance with Misc. Plan No. 14725/4, subject to:

(A) the approval of the conveyance of the land by Council or its delegated authority, and

(B) fulfilment of the administrative conditions of approval outlined in Appendix "A" of this report.

3. 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

Council approval is required for all closings of public rights-of-way.

As per Section 3.1(i) of the City Organization By-law 7100/1997, only Council can declare City-owned property 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 closing are the responsibility of Winnipeg Transit, are within the approved current and/or capital budget, and are considered to be immaterial in nature.

HISTORY/DISCUSSION

On February 25, 2015, Council adopted the recommendation of the Standing Policy Committee on Property and Development, authorizing expropriation proceedings to acquire lands required by the City for the Southwest Transitway (Stage 2) and Pembina Highway Underpass Project.

On March 25, 2015, Council passed By-law No. 33/2015 authorizing the acquisition of land for the purpose of construction of the Southwest Rapid Transit Bus Corridor including widening Markham Road, Southpark Drive, Seel Avenue, Chancellor Drive and Pembina Highway.

Southpark Drive was originally opened by Plan No. 10367 registered in the Winnipeg Land Titles Office on November 19, 1969, and was further legally opened pursuant to the expropriation proceedings, by Plan No. 58888 registered in the Winnipeg Land Titles Office on February 10, 2016.

Winnipeg Transit has determined that that portion of Southpark Drive shown on Misc. Plan No. 14725/4 (attached as Appendix "B") is no longer required for the Transitway and proposes that it be closed and reconveyed to the adjoining property owner. The Real Estate Branch is negotiating the terms and conditions of the conveyance. The portion of Southpark Drive proposed to be closed is a concrete roadway currently maintained by the City.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor

External Consultation:

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

Imperial Oil, Canadian National Railway, 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 closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns 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: April 28, 2020
File No: DAC 1/2020
Attachments:
Appendix “A”: Administrative Approval/Comments
Appendix “B”: Miscellaneous Plan No. 14725/4
Appendix “C”: Aerial View of proposed closing

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V:\Development Applications\DAOC\Dev Application2020\DAC1_2020\Report and Council Decision\DAC 1.2020 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 closing.

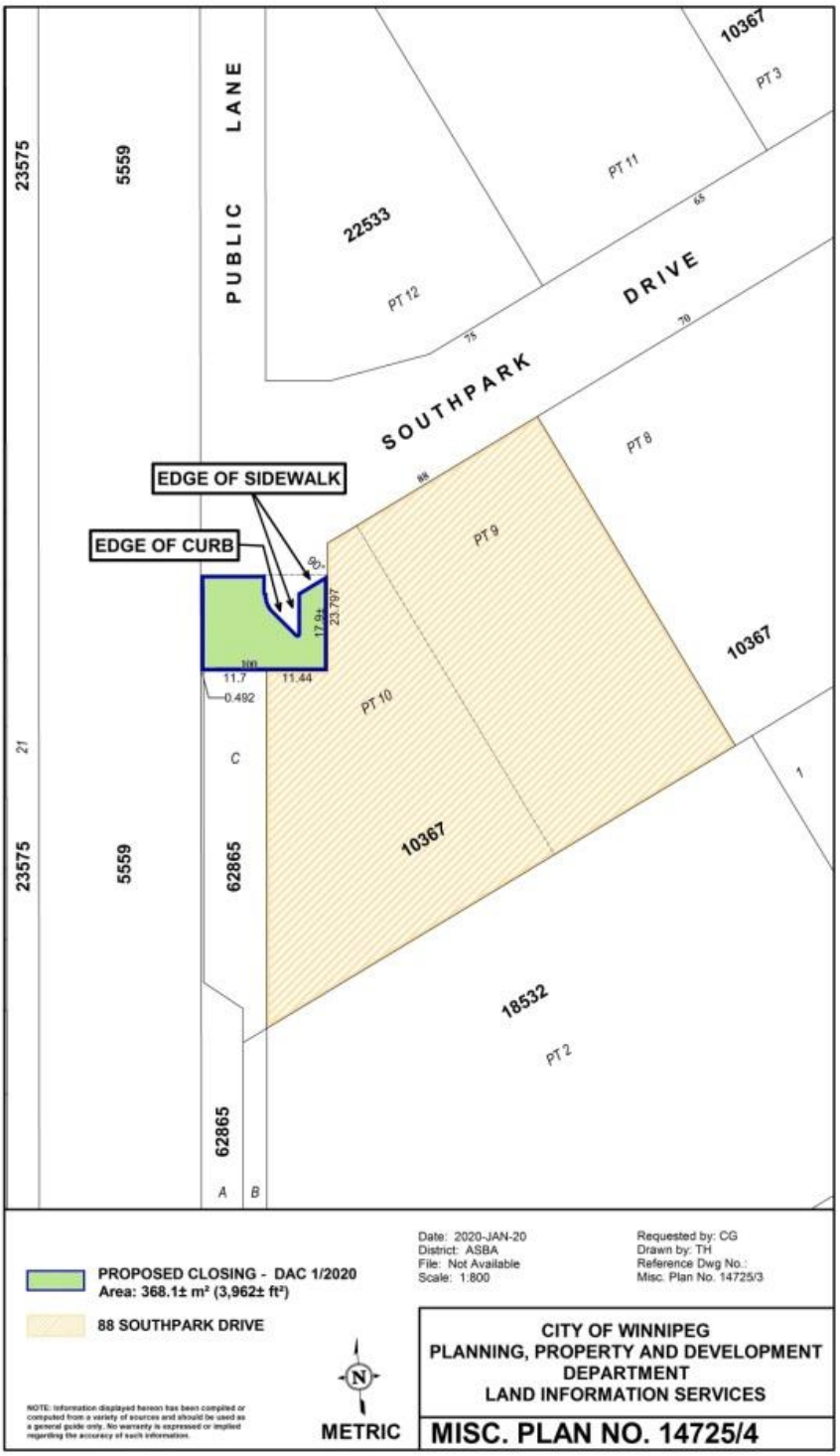
Easements

- Manitoba Hydro 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.

APPENDIX "B" – MISCELLANEOUS PLAN NO. 14725/4



APPENDIX "C" – AERIAL VIEW OF PROPOSED CLOSING

