Minutes – Executive Policy Committee – December 9, 2020

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020

Item No. 6 Closing – Black Diamond Boulevard, East of Ray Marius Road (Transcona Ward)
File DAC 4/2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That subject to Recommendation 2, the proposed street closing shown on Misc. Plan No. 15351/6 (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. 15351/6.

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 – December 7, 2020

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On November 16, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter for 30 days.

COUNCIL DECISION:

On October 29, 2020, Council referred back Item 9 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated October 16, 2020, which recommended as follows:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

1. That subject to Recommendation 2, the proposed street closing shown on Misc. Plan No. 15351/6 (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. 15351/6.

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

Further, on October 29, 2020, Council referred the following amending motion to the Standing Policy Committee on Property and Development, Heritage and Downtown Development for consideration:

WHEREAS the area of Plessis Road from Dugald Road to Fermor Avenue has experienced a considerable increase in the conversion of agricultural lands to industrial uses;

AND WHEREAS the existing roadways at the eastern edge of this area are already overutilized and do not meet the needs of the area;

THEREFORE BE IT RESOLVED that Item 9 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated October 16, 2020 be amended by adding the following new Recommendation 3 and renumbering the remaining recommendation accordingly:

"3. That any development of the subject city property as identified in Appendix "B" shall be prohibited until significant upgrades have been made to the transportation roadways of Plessis Road from Dugald Road to Fermor Avenue."

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 7, 2020

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 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 October 16, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment:

- Delete Condition 1 in its entirety

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 2, 2020, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following new Condition:

    "1. That subdivision cannot occur along the proposed street closing without significant upgrades in transportation roadways of Plessis Road from Dugald Road to Fermor Avenue."

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

HEARING SUMMARY

File:	DAC 4/2020
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Browaty Councillor Nason
Public Hearing:	October 2, 2020 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)
Premises Affected:	Black Diamond Boulevard, East of Ray Marius Road
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	T. Pomanski, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	October 5, 2020

Community Committee Recommendation:

On October 2, 2020, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, 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. 15351/6 (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. 15351/6.

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

Subject to the following condition:

1. That subdivision cannot occur along the proposed street closing without significant upgrades in transportation roadways of Plessis Road from Dugald Road to Fermor Avenue.

Exhibits Filed:

1. Report from the Real Property Officer dated August 13, 2020
2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

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

Exhibit "1" referred to in File DAC 4/2020

ADMINISTRATIVE REPORT

Title: Proposed Closing of Black Diamond Boulevard, East of Ray Marius Road – File DAC 4/2020

Critical Path: East Kildonan-Transcona 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

The Real Estate Branch has applied to close Black Diamond Boulevard east of Ray Marius Road. Once closed, the roadway will be incorporated into a future development that the City will market.

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. 15351/6 (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. 15351/6.

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 Planning, Property and Development Department, are within the approved current and/or capital budget, and are considered to be immaterial in nature.

HISTORY/DISCUSSION

The Real Estate Branch has applied to close Black Diamond Boulevard east of Ray Marius Road. Once closed, the roadway will be incorporated into a future development that the City will market.

On September 28, 2016, Council passed By-law 101/2016 authorizing the opening of Mazenod Road, Ray Marius Road and Black Diamond Boulevard. The roads were legally opened by Plan No. 60068 registered in the Winnipeg Land Titles Office on October 24, 2016.

Before the street may be conveyed, it must be legally closed and declared surplus to the City's needs.

The street within the closing area is unimproved, exists in a legal context only, and serves no public transportation purpose.

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, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd.

Telus Communications, Rogers Communications, Imperial Oil, Canadian National Railway, Canadian Pacific 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: August 13, 2020
File No: DAC 4/2020

Attachments:
Appendix “A” - Administrative Approval
Appendix “B” - Miscellaneous Plan 15351/6
Appendix “C” - Aerial View of Proposed Closing

APPENDIX “A” – ADMINISTRATIVE APPROVAL

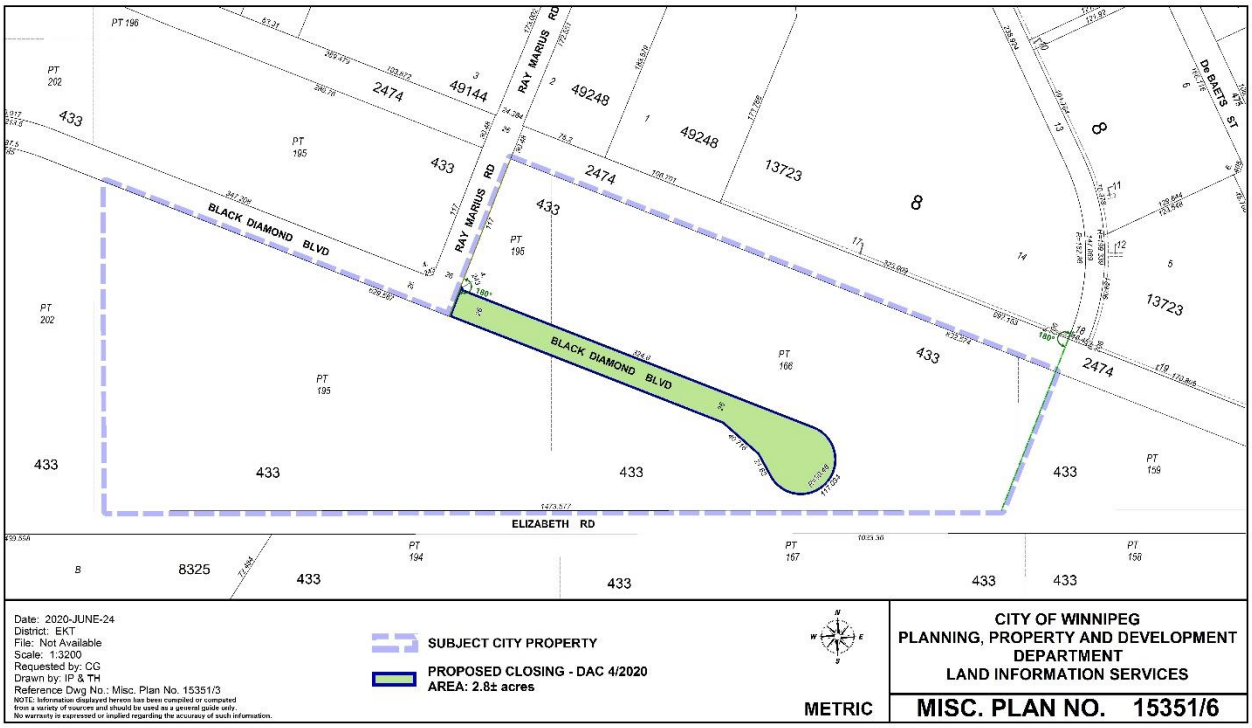
The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

Water and Waste Department

There is a stubbed 300mm water main, (and water valve), encroaching into the west side of the subject street closing area and ending in a plug.

Use of this 300mm water main stub as a water service connection point by any party other than the City as owner of the land, will require that both the water main stub and valve become privately owned.

APPENDIX “B” – MISC. PLAN NO. 15351/6



APPENDIX "C" – AERIAL VIEW OF PROPOSED CLOSING

