Minute No. 453
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Item No. 4 **Closing – Part of Firestone Drive, Englemann Court, Saddle Creek Cove and Eastfield Court for Incorporation into DASZ 4/2021 (Waverley West Ward)**
File DAC 9/2020 [c/r DASZ 4/2021 and DAV 230034/2020D]

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 streets closings shown on Miscellaneous Plan No. 15688 (attached hereto 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 closings in accordance with Miscellaneous Plan No. 15688 subject to:

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

    B. the Purchaser or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is 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 Winnipeg Land Titles Office 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.

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COUNCIL DECISION (continued):

4. That if the total area of streets being closed is greater than that of the streets being opened, the City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

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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 May 18, 2021, 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 11, 2021, 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 May 3, 2021, 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 9/2020
Before:	Assiniboia Community Committee Councillor Klein, Chairperson Councillor Gillingham Councillor Lukes
Public Hearing:	May 3, 2021 Council Building, 510 Main Street
Applicant:	Michael Carruthers (Ladco Company Limited)
Premises Affected:	part of Firestone Drive, Englemann Court, Saddle Creek Cove and Eastfield Court for Incorporation into DASZ 4/2021
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:	May 3, 2021

Community Committee Recommendation:

On May 3, 2021, 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 streets closings shown on Miscellaneous Plan No. 15688 (attached hereto 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 closings in accordance with Miscellaneous Plan No. 15688 subject to:

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

B. the Purchaser or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is 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 Winnipeg Land Titles Office 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 if the total area of streets being closed is greater than that of the streets being opened, the City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. 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 March 18, 2021
2. Inspection Report

REPRESENTATIONS:

In Support:

Michael Carruthers

In Opposition:

Nil

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 9/2020

ADMINISTRATIVE REPORT

Title: Proposed closing of part of Firestone Drive, Englemann Court, Saddle Creek Cove and Eastfield Court for incorporation into DASZ 4/2021 – DAC 9/2020

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
G. Chappell	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

Ladco Company Limited (the "Purchaser") has applied to the City to close and purchase part of Firestone Drive, Englemann Court, Saddle Creek Cove and Eastfield Court for incorporation into the planned area under development application DASZ 4/2021. The DASZ proposes to establish a residential single family, two-family, and multi-family development.

The Public Service recommends approval of the proposed closings. Before the streets can be sold and conveyed, they must be legally closed and declared surplus to the City's needs.

RECOMMENDATIONS

1. That subject to Recommendation 2, the proposed streets closings shown on Miscellaneous Plan No. 15688 (attached hereto 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 closings in accordance with Miscellaneous Plan No. 15688 subject to:

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

   B. the Purchaser or assignee fulfilling its obligations under the administrative conditions of approval outlined in Appendix "A" of this report.

3. That in the event the subject closing is 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 Winnipeg Land Titles Office 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 if the total area of streets being closed is greater than that of the streets being opened, the City enter into, execute and deliver a Purchase and Sale Agreement with the Purchaser or assignee and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. 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 12(1)(b) of Development Procedures By-law No. 104/2020, the relevant Community Committee is the hearing body for a combined hearing where a matter relates to a site located entirely within the geographical boundaries of one community and no part of the site is within the area to which the Downtown Winnipeg Zoning By-law applies.

Pursuant to section 12(2) of Development Procedures By-law No. 104/2020, a designated employee is authorized to determine that a public hearing in respect of a development application be combined with a development application for the legal closing of a street.

Council approval is required before a street can be legally closed.

As per Section 3(1)(i) of the City Organization By-law 7100/1997, only Council can declare City-owned property as surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the proposed closings are the responsibility of the Purchaser or assignee. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

Ladco Company Limited (the "Purchaser") has applied to the City to close and purchase part of Firestone Drive, Englemann Court, Saddle Creek Cove and Eastfield Court for incorporation into the planned area under development application DASZ 4/2021. The DASZ proposes to establish a residential single family, two-family, and multi-family development.
The streets proposed to be closed were legally opened by Plan 58256 registered in the Winnipeg Land Titles Office on November 5, 2015. They are unimproved and serve 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, Rogers Communications, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd.

Teraspan Networks, Telus Communications, and Imperial Oil 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: March 18, 2021
File No: DAC 9 /2020

Attachments:
Appendix “A”: Administrative Approval/Comments
Appendix “B”: Miscellaneous Plan No. 15688
Appendix “C”: Aerial View of Subject Closings

APPENDIX "A" – ADMINISTRATIVE APPROVAL

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

Administrative Comments

Geomatics Branch

Approval of this application is subject to the following conditions:

- The proposed closing is subject to approval of associated DASZ 4/2021.

- The closing plan mylars, closing By-law and any associated documents are to be released along with the plan of subdivision mylars for DASZ 4/2021 and any associated documents and subsequently registered in series with and prior to the associated plan of subdivision.

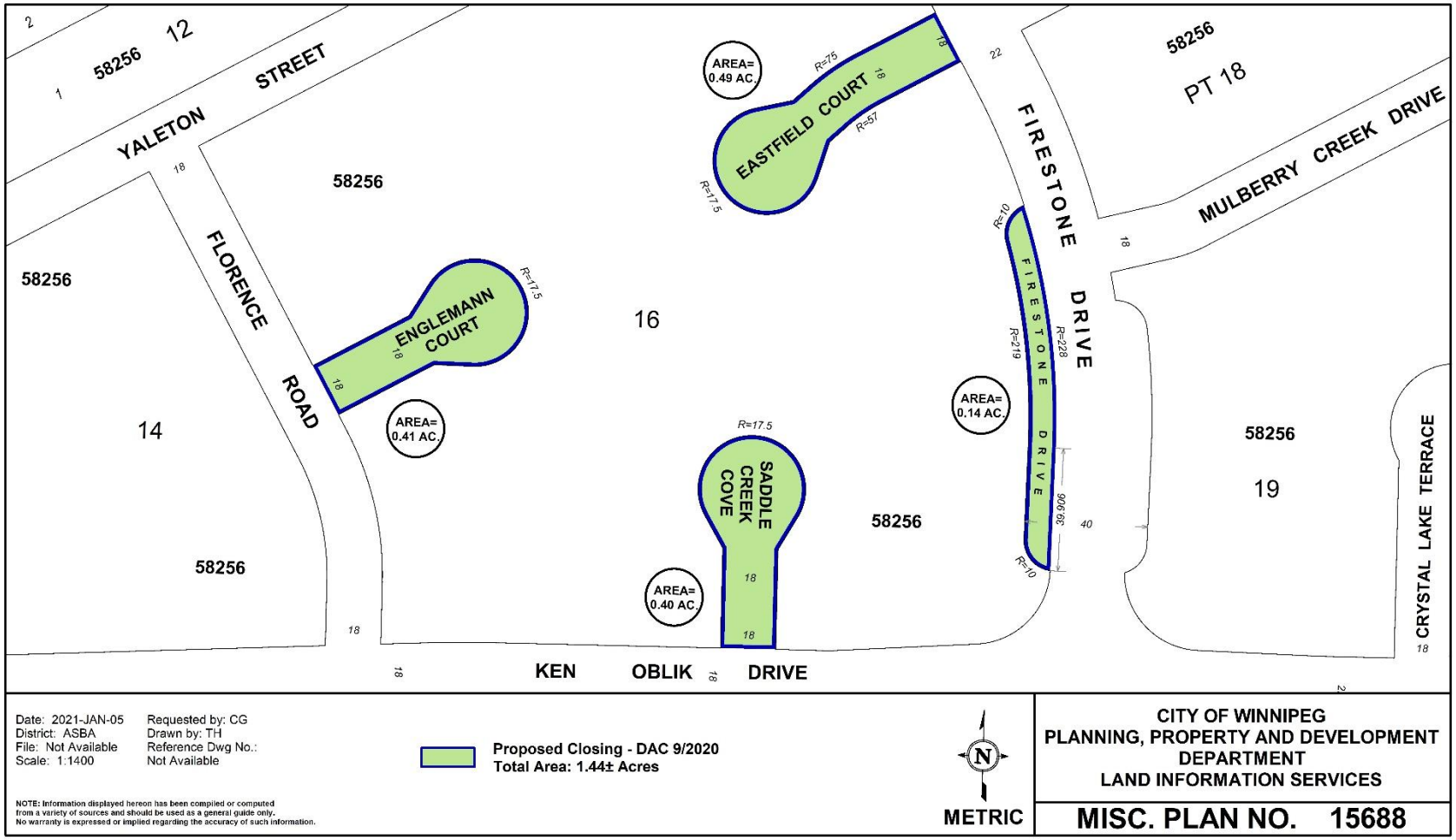
- The purchaser (or assignee) is responsible for all costs related to preparation of the necessary closing plan and any associated/necessary documents and registration of same at the Winnipeg Land Titles Office.

Easements

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

- Any removal or relocation of existing facilities as a result of the proposed closing will be at the expense of the developer and/or purchaser (or assignee).

APPENDIX "B" - MISCELLANEOUS PLAN NO. 15688



APPENDIX "C" - AERIAL VIEW OF SUBJECT CLOSINGS

