Minute No. 461
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Item No. 12 **Closing – Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway**
(Point Douglas Ward)
File DAC 1/2021

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 Miscellaneous Plan No. 15695 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 15695 subject to the Owners or assignee fulfilling their 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 the City be authorized to enter into, execute and deliver a Purchase and Sale Agreement with the purchaser(s) or assignee(s) of the land identified as "A" on Misc. Plan No. 15695, and with the purchaser(s) or assignee(s) of the land identified as "B" on Misc. Plan No. 15695, 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").

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COUNCIL DECISION (continued):

5. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Purchase and Sale Agreements and the Ancillary Agreements referred to in item 4 above, 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2021, the Lord Selkirk-West Kildonan 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 1/2021
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Santos, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	May 5, 2021 Council Building, 510 Main Street
Applicant:	Phillips & Stevens (Wilson Phillips)
Premises Affected:	Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	P. Prinsloo, Senior Committee Clerk Lord Selkirk-West Kildonan Community Committee
Report date:	May 5, 2021

Community Committee Recommendation:

On May 5, 2021, the Lord Selkirk-West Kildonan 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 Miscellaneous Plan No. 15695 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 15695 subject to the Owners or assignee fulfilling their 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 the City be authorized to enter into, execute and deliver a Purchase and Sale Agreement with the purchaser(s) or assignee(s) of the land identified as "A" on Misc. Plan No. 15695, and with the purchaser(s) or assignee(s) of the land identified as "B" on Misc. Plan No. 15695, 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 Agreements and the Ancillary Agreements referred to in item 4 above, 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 5, 2021
2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "1" referred to in File DAC 1/2021

ADMINISTRATIVE REPORT

TITLE: Proposed Closing of Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway

Critical Path: Lord Selkirk-West Kildonan 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

The firm of Phillips & Stevens, on behalf of the executors of the estate of Paul Erik Albrechtsen (deceased), owners of 250 Oak Point Highway (the "Owners"), has applied to close a portion of Oak Point Highway immediately north of and adjoining 250 and 200 Oak Point Highway.

The Public Service recommends approval be given to the proposed closing. Before the street may be sold and 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 Miscellaneous Plan No. 15695 (attached as Appendix "B"), be approved and 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 Miscellaneous Plan No. 15695 subject to the Owners or assignee fulfilling their 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 the City be authorized to enter into, execute and deliver a Purchase and Sale Agreement with the purchaser(s) or assignee(s) of the land identified as "A" on Misc. Plan No. 15695, and with the purchaser(s) or assignee(s) of the land identified as "B" on Misc. Plan No. 15695, 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 Agreements and the Ancillary Agreements referred to in item 4 above, 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

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

As per Section 3(1)(i) of the City Organization By-law No. 7100/1997, only Council can declare City-owned property surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

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

HISTORY/DISCUSSION

The firm of Phillips & Stevens, on behalf of the executors of the estate of Paul Erik Albrechtsen (deceased), (the "Owners"), submitted Pre-Application No. PA 20-1110537 respecting a proposed development of 250 Oak Point Highway. In considering the application, the Public Service determined that the portion of Oak Point Highway opened by Plan 21937 WLTO, immediately north of and adjoining 200 and 250 Oak Point Highway, serves no public transportation purpose and requested that it be closed in conjunction with the requisite development application for 250 Oak Point Highway. The Owners, who have indicated they do not wish to purchase any portion of the proposed closing, have applied to close the road and will be responsible for the costs related to preparation and registration of a closing plan. The City will retain ownership of that portion of the proposed closing identified as "A" on Misc. Plan No. 15695, until such time as a sale can be negotiated with a future owner of 250 Oak Point Highway.

The owner of 200 Oak Point Highway has indicated interest in purchasing the portion of the proposed closing identified as "B" on Misc. Plan No. 15695. The Real Estate Branch will undertake negotiations in that regard.

The portion of Oak Point Highway proposed to be closed was opened by Plan No. 21937 registered in the Winnipeg Land Titles Office on February 11, 1988. It is unimproved 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, Bell Canada, BellMTS, Telus Communications, Rogers Communications, Shaw Cablesystems, TC Energy, Fibre.Ca Inc., and Crown Pipeline Ltd.

Imperial Oil, 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: March 5, 2021
File No: DAC 1/2021

Attachments:
Appendix "A" - Administrative Approval
Appendix "B" - Miscellaneous Plan 15695
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.

Geomatics Branch

- The closing plan mylars, closing By-law, and any associated documents are to be released for registration at The Winnipeg Land Titles Office.

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

EASEMENTS

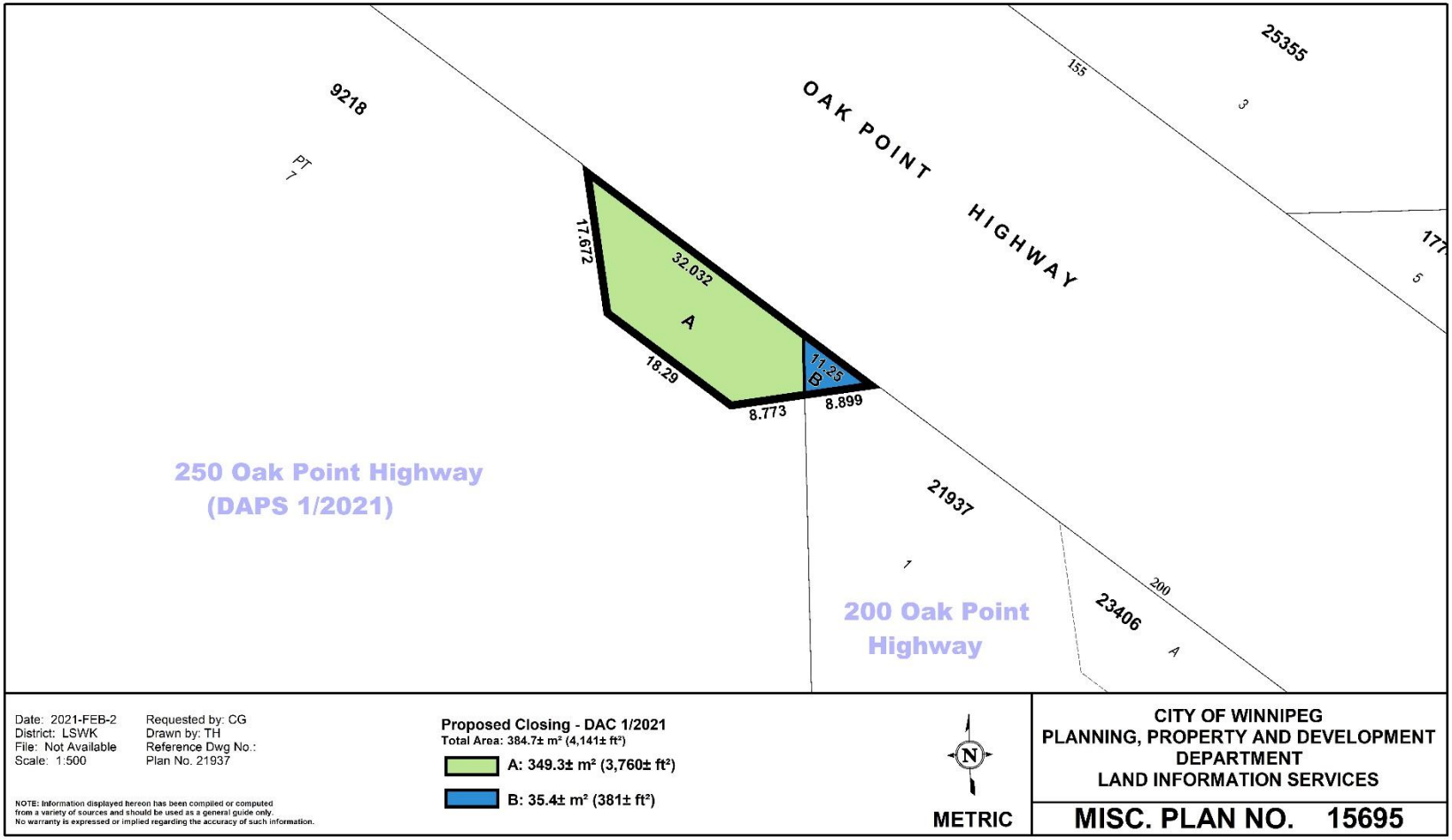
BellMTS identified services within that portion of the proposed closing identified as "A" on Misc. Plan No. 15695.

Easements for any and all facilities as noted above (the "facilities") will be required.

No permanent structures will be allowed within the easement areas.

Any removal or relocation of the facilities required as a result of the proposed closing will be at the expense of the City.

APPENDIX "B" – MISC. PLAN NO. 15365



APPENDIX "C" – AERIAL VIEW OF PROPOSED CLOSING

