Agenda – Council – July 22, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 6, 2021

Item No. 10 Closing – Southeast Corner of Gunn Road and Redonda Street (Transcona Ward)
File DAC 5/2020 [c/r SPA 4/2020 and DASZ 19/2020]

STANDING COMMITTEE RECOMMENDATION:

On July 14, 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 following to Council:

1. That subject to Recommendation 2, the proposed closing of the streets shown on Miscellaneous Plan No. 15563 (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. 15563 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 6, 2021

STANDING COMMITTEE RECOMMENDATION (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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 6, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 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 July 6, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 28, 2021, the East Kildonan-Transcona 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 5/2020
Before:	East Kildonan-Transcona Community Committee Councillor Nason, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	June 28, 2021 Council Building, 510 Main Street
Applicant:	Genstar Development Company (Brock Feenstra)
Premises Affected:	Southeast Corner of Gunn Road and Redonda Street
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:	June 28, 2021

Community Committee Recommendation:

On June 28, 2021, the East Kildonan-Transcona 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 closing of the streets shown on Miscellaneous Plan No. 15563 (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. 15563 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 February 8, 2021
2. Inspection Report
3. Revised Schedule "C" in support of the application submitted by the Winnipeg Public Service at the public hearing
4. Documentation/Submission with respect to the application submitted by Russ Wyatt at the public hearing

REPRESENTATIONS:

In Support:

David Boles
Marc Brown
Brock Feenstra
Michael Mark

In Opposition:

Nil

For Information:

David Haines
Wilson Parasiuk
Russ Wyatt

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
G. Doney, Senior Planner, Planning, Property and Development
M. Lennon, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 5/2020

ADMINISTRATIVE REPORT

Title: Proposed closing of streets east of Redonda Street, south of Gunn Road, for incorporation into DASZ 19/2020 – DAC 5/2020

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		N/A	N/A

EXECUTIVE SUMMARY

Genstar Development Company (the "Purchaser") has applied to the City to close streets located east of Redonda Street and South of Gunn Road for incorporation into the planned area under development application no. DASZ 19/2020. The DASZ proposes to establish a residential single family, multi-family, commercial, and parks and recreation development.

The Public Service recommends approval of the proposed closings. Before the streets may 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 closing of the streets shown on Miscellaneous Plan No. 15563 (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. 15563 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 the 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 the 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.

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

Genstar Development Company (the "Purchaser") has applied to the City to close streets located east of Redonda Street and South of Gunn Road for incorporation into the planned area under development application no. DASZ 19/2020. The DASZ proposes to establish a residential single family, multi-family, commercial, and parks and recreation development.

The streets proposed to be closed were opened by Plan 65931 registered in the Winnipeg Land Titles Office on January 6, 2020. The streets 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

External Consultation:

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Telus Communications, Rogers Communications, 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: February 8, 2021
File No: DAC 5/2020

Attachments:
Appendix “A”: Administrative Approval/Comments
Appendix “B”: Miscellaneous Plan No. 15563
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 19/2020.

- The closing plan mylars, closing By-law and any associated documents are to be released along with the plan of subdivision mylars for DASZ 19/2020 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

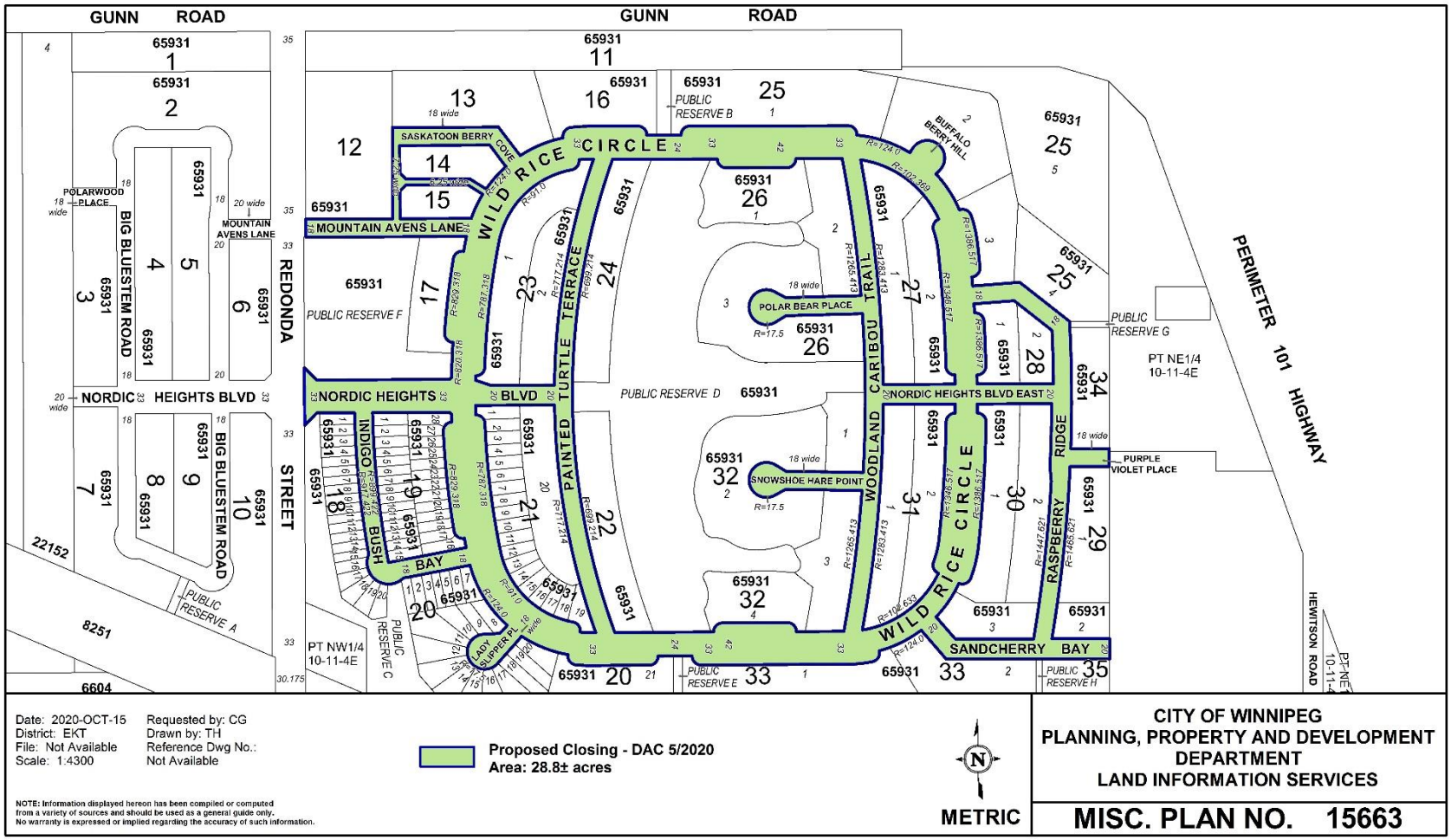
- Manitoba Hydro identified services within the closing area but has advised it will acquire them through DASZ 19/2020.

- BellMTS 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 closing will be at the expense of the developer and/or Purchaser or assignee.

APPENDIX "B" - MISCELLANEOUS PLAN NO. 15563



APPENDIX "C" - AERIAL VIEW OF SUBJECT CLOSINGS



CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

October 15, 2020
SCALE 1:4200