Agenda – Council – April 27, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

Item No. 4 Extension of Time – Closing of Oak Point Highway Immediately North of and Adjoining 200 and 250 Oak Point Highway (Point Douglas Ward) File DAC 1/2021

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That Recommendation 3 under File DAC 1/2021 approved by Council on May 27, 2021, be deleted and replaced with the following:

    3. That in the event By-law 4/2022 is not registered in The Winnipeg Land Titles Office no later than November 27, 2023, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to November 27, 2023, and Council approves the extension.

2. 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 – April 6, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 6, 2023, the Standing Policy Committee on Property and 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 March 20, 2023, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Closing of Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway – File DAC 1/2021

Critical Path: Lord Selkirk-West Kildonan Community Committee - Standing Policy Committee on Property and Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Chappell (Acting)			

EXECUTIVE SUMMARY

On May 27, 2021, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close a portion of Oak Point Highway immediately north of and adjoining 250 and 200 Oak Point Highway, and on January 27, 2022, enacted closing By-law 4/2022. A provision of the By-law stipulated that it would expire if not registered in the Winnipeg Land Titles Office no later than one year following enactment unless an extension of time was approved by Council. On January 25, 2023, the applicant submitted a letter requesting (attached as Appendix A), an extension of time citing delays for the planned subdivision of adjoining private holdings. The Public Service supports an extension of time until November 27, 2023.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 1/2021 approved by Council on May 27, 2021, be deleted and replaced with the following:

   3. That in the event By-law 4/2022 is not registered in The Winnipeg Land Titles Office no later than November 27, 2023, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to November 27, 2023, and Council approves the extension.

2. 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 an extension of time for a road closing.

IMPLICATIONS OF THE RECOMMENDATIONS

Should Council concur in the recommendation, the applicant will be permitted an extension of time to November 27, 2023 to complete the necessary registrations at the Winnipeg Land Titles Office to implement the intent of Council's May 27, 2021 decision

HISTORY/DISCUSSION

On May 27, 2021, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close a portion of Oak Point Highway immediately north of and adjoining 250 and 200 Oak Point Highway. Recommendation 3 of the administrative report required the closing by-law to be registered in The Winnipeg Land Titles Office no later than one year following the date of enactment failing which, the by-law would expire unless an application for an extension of time was approved by Council.

By-law 4/2022 was enacted by Council on January 27, 2022, however due to protracted negotiations related to development application DAPS 1/2021, the applicant determined that it would not be in a position to meet the expiration date of January 27, 2023. On January 25, 2023, the lawyer for the applicant submitted a letter (attached as Appendix A), requesting an extension of time within which to complete registrations required to give legal effect to the closing.

The Public Service supports an extension of time until November 27, 2023.

CONSULTATION

Because this report is made in connection with a request for extension of time only, neither the Public Service nor Public Utilities were consulted.

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: February 8, 2023
File No: DAC 3/2020
Attachments:

Appendix A - Extension of Time Request Letter dated January 25, 2023
Appendix B - Miscellaneous Plan 15695
Appendix C - Aerial View of Proposed Closing

APPENDIX A – EXTENSION OF TIME REQUEST LETTER DATED JANUARY 25, 2023

RONALD S. ADE
LAW CORPORATION



January 25, 2023

The City of Winnipeg
Planning, Property and Development Department
2nd Floor- 65 Garry Street
Winnipeg, MB R3C 4K4

Via courier

Attention: C. Gagnon/J. Pelletier

RE: Closing of Part – Oak Point Highway immediately North of 200 and 250 Oak Point Highway – By-Law No. 4/2021
DAC 1/2021 [c/r DAPS 1/2021]

With respect to the matter above, the City has passed a By-Law No. 4./2021 enacted by Council on January 27, 2022. As per 4(1), we understand that such By-Law is required to be registered at the Land Title prior to January 27, 2023. We foresee that the By-Law may not be submitted prior to January 27, 2023 due to the delay arising from the subdivision of 200 and 250 Oak Point Highway, Winnipeg, MB.

We anticipate that the road closing by-law would be registered upon completion of the subdivision which shall be done by early March, 2023. For the purpose of the extension request, enclosed please find our cheque in the amount of $830.00 for the extension request application fee in accordance with By-Law No. 66/2016.

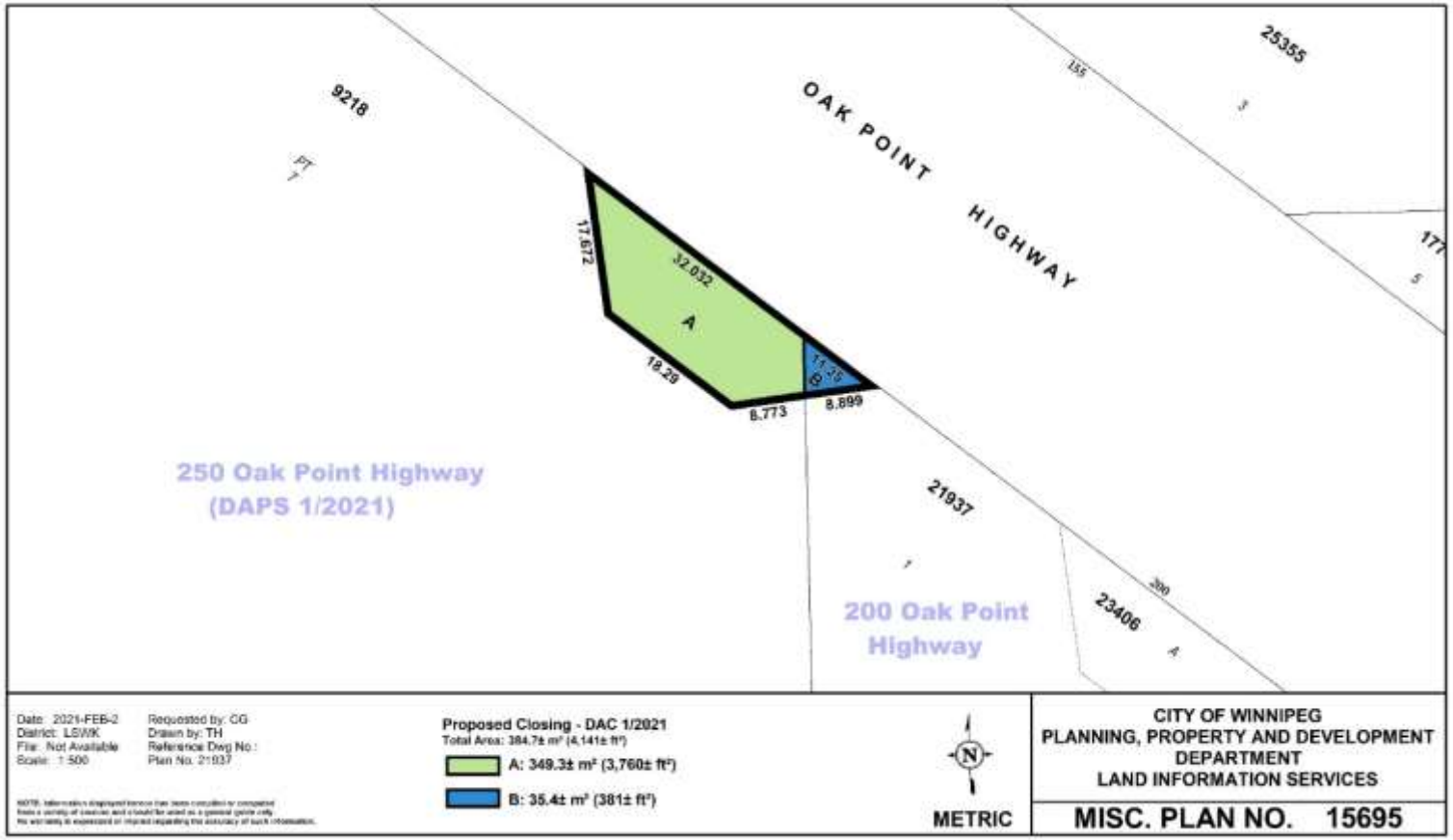
We thank you for your time and attention to this matter.

Yours truly,

RONALD S ADE LAW CORPORATION
Per:

MYONG LEE
ENCL.

APPENDIX B – MISCELLANEOUS PLAN 15695



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

