Minutes – Council – April 25, 2024

Minute No. 255
Report – Standing Policy Committee on Property and Development – April 11, 2024

Item No. 8 **Extension of Time – Proposed Closing of part of Public Lane east of 1022 Pembina Highway, west of 968 Merriam Boulevard for incorporation into DASZ 53/2021**
(Fort Rouge-East Fort Garry Ward)
File DAC 8/2021

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Recommendation 3 under File DAC 8/2021 approved by Council on April 28, 2022, be deleted and replaced with the following:

   "3. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land by February 23, 2025, unless:

      a) the Purchaser applies for an extension of time no later February 23, 2025; and

      b) Council approves the extension of time."

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 11, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2024, 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 11, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2024, the City Centre 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 – Proposed Closing of part of Public Lane east of 1022 Pembina Highway, west of 968 Merriam Boulevard for incorporation into DASZ 53/2021- File No. DAC 8/2021

Critical Path: City Centre Community Committee - Standing Policy Committee on Property and Development - Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	H. Borys	N/A	N/A

EXECUTIVE SUMMARY

On April 28, 2022, Council approved the closing of part of the public lane east of 1022 Pembina Highway, west of 968 Merriam Boulevard for incorporation into DASZ 53/2021 (Appendix A and Appendix B). Conditions of that approval required that Council pass a by-law within two years following the date of approval. In addition, the by-law required registration in the Winnipeg Land Titles Office no later than one year from the date it was passed.

Council passed closing By-law No. 22/2023 on February 23, 2023.

On February 20, 2024, the firm of Thompson Dorfman Sweatman LLP, on behalf of 1022 Pembina Highway and Cambridge Hospitality Corp., submitted a request for an extension of time to February 23, 2025, (Appendix C). They require the extension in order to meet the requirements of Council's approval. The Public Service supports an extension to February 23, 2025.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 8/2021 approved by Council on April 28, 2022, be deleted and replaced with the following:

   "3. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land by February 23, 2025, unless:

      a) the Purchaser applies for an extension of time no later February 23, 2025; and

      b) Council approves the extension of time."

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 February 23, 2025 to satisfy the intent of Council's April 28, 2022 decision.

HISTORY/DISCUSSION

On April 28, 2022, Council approved the closing of part of the public lane east of 1022 Pembina Highway, west of 968 Merriam Boulevard for incorporation into DASZ 53/2021 (Appendix A and Appendix B). Conditions of that approval required that Council pass a by-law within two years following the date of approval. In addition, the by-law required registration in the Winnipeg Land Titles Office no later than one year from the date it was passed.

Council passed closing By-law No. 22/2023 on February 23, 2023.

On February 20, 2024, the firm of Thompson Dorfman Sweatman LLP, on behalf of 1022 Pembina Highway and Cambridge Hospitality Corp., submitted a request for an extension of time to February 23, 2025, (Appendix C). The applicant advised that during the two years since Council's approval, its clients were diligently carrying out studies and working with services providers in an effort to determine the cost and feasibility of the project and that only recently, with the necessary information compiled, the decision to forge ahead was made, which left not enough time to comply with conditions of Council's approval for DAC 8/2021. The Public Service supports an extension to February 23, 2025.

CONSULTATION

Because this report is made in connection with a request for extension of time only, consultation was with Legal Services Department (as to legal issues) only. Public Utilities were not consulted.

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

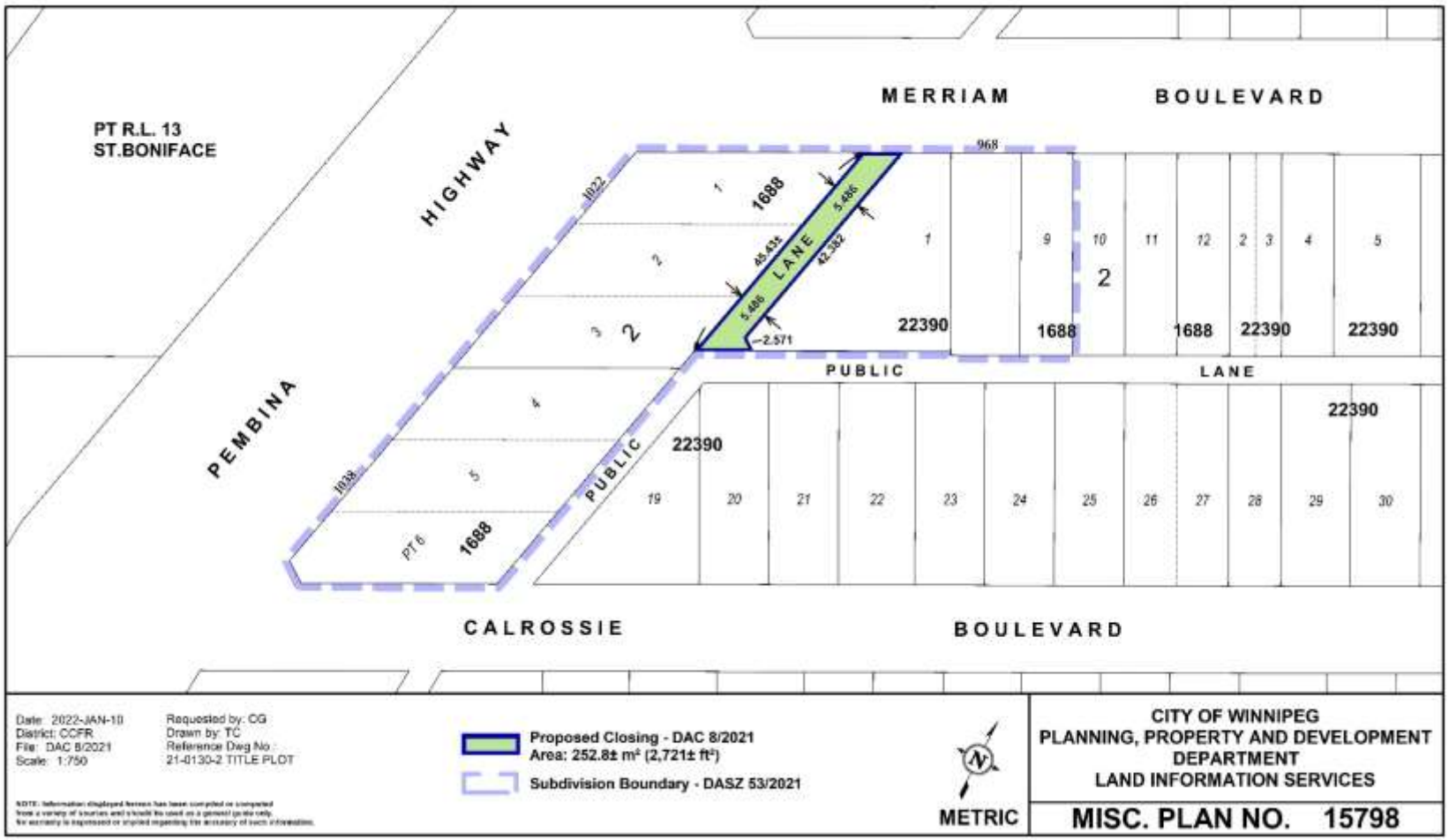
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: February 20, 2024
File No: DAC 8/2021
Attachments:
Appendix A - Miscellaneous Plan 15798
Appendix B - Aerial View of Subject Closing
Appendix C - Extension of Time Request Letter dated February 20, 2024

APPENDIX A – MISCELLANEOUS PLAN 15798



APPENDIX B – AERIAL VIEW OF SUBJECT CLOSING



APPENDIX C – EXTENSION OF TIME REQUEST LETTER DATED February 20, 2024

THOMPSON DORFMAN SWEATMAN

Writer's Name Nicholas E. Woelcke
Direct Telephone 204-934-2301
E-mail Address new@tdslaw.com
Direct Fax 204-934-1205

February 20, 2024

EMAILED AND DELIVERED

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

Attention: C. Gagnon / J. Pelletier

Dear Sirs / Mesdames:

Re: **Closing of part of public lane east of 1022 Pembina Highway and west of 968 Merriam Boulevard for incorporation into DASZ 53/2021**
DAC 8/2021
Our Matter No. 0193013 BDK

We confirm we represent Cambridge Hospitality Corp. ("**Cambridge**") and 1022 Pembina Ltd. ("**1022**"), and we have been working with Pre-Con Builders Ltd. ("**Pre-Con**") with respect to plans for development of lands which will include the closing area under DAC 8/2021 (the "**Project**").

Over the past two years, our clients have been working with their contractors and professional services providers to carry out studies, prepare estimates, cost the labour and materials, and arrange the financing required for the Project. For most of that period of time, it seemed that the Project would not be feasible. Given the uncertainty, our clients were not in a position to satisfy some of the conditions of Council's approval of DAC 8/2021, until very recently. They are now ready to move forward with steps necessary to allow them to do so but will need more time.

Accordingly, we request an Extension of Time until February 23, 2025.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

Nicholas E. Woelcke