Minutes – Council – April 25, 2024

Minute No. 258
Report – Standing Policy Committee on Property and Development – April 11, 2024

Item No. 11 Proposed Closing of a Portion of Cadboro Road East of Frontier Trail for Incorporation into DASZ 5/2024 (Waverley West Ward) File DAC 3/2023 [c/r DASZ 5/2024 and DAV 156518/2023D]

COUNCIL DECISION:

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

1. That the closing proposed under File No. DAC 3/2023 shown on Appendix B be approved and the affected land be declared surplus to the City's needs, subject to:

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

    B. SELC (or assignee), amongst other things, fulfilling all obligations and conditions of approval outlined in Appendix A to this report.

2. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing (the By-law).

3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

    A. SELC (or assignee) applies for an extension of time before the expiration of the 2-year period; and

    B. Council approves the extension of time.

4. 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 Titles within 1 year following the date on which it is enacted by Council, unless:

    A. SELC (or assignee) applies for an extension of time before the expiration of the 1-year period; and

    B. Council approves the extension of time.

5. 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 5, 2024, 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.

HEARING SUMMARY

File:	DAC 3/2023
Before:	Assiniboia Community Committee Councillor Dobson, Chairperson Councillor Duncan Councillor Lukes
Public Hearing:	April 5, 2024 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc.
Premises Affected:	Portion of Cadboro Road east of Frontier Trail
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	L. Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	April 5, 2024

Community Committee Recommendation:

On April 5, 2024, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development:

1. That the closing proposed under File No. DAC 3/2023 shown on Appendix B be approved and the affected land be declared surplus to the City's needs, subject to:

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

    B. SELC (or assignee), amongst other things, fulfilling all obligations and conditions of approval outlined in Appendix A to this report.

2. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing (the By-law).

3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

    A. SELC (or assignee) applies for an extension of time before the expiration of the 2-year period; and

B. Council approves the extension of time.

4. 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 Titles within 1 year following the date on which it is enacted by Council, unless:

   A. SELC (or assignee) applies for an extension of time before the expiration of the 1-year period; and

   B. Council approves the extension of time.

5. 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 16, 2024
2. Inspection Report
3. Presentation in support of the application, submitted by Brennan Johnson on April 1, 2024

REPRESENTATIONS:

In Support:

Veronica Eno
Brennan Johnson
Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
C. Gagnon, Real Property Officer, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2023

ADMINISTRATIVE REPORT

Title: Proposed Closing of a portion of Cadboro Road east of Frontier Trail for incorporation into DASZ 5/2024 - File DAC 3/2023

Critical Path: Assiniboia Community Committee - Standing Policy Committee on Property and Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet			

EXECUTIVE SUMMARY

Landmark Planning & Design Inc. has applied on behalf of Southeast Lands Corp. (SELC) to close the portion of Cadboro Road east of Frontier Trail shown as "Proposed Closing" on Misc. Plan No. 15945 (Appendix B). The road closing will be incorporated into the subdivision and rezoning under File No. DASZ 5/2024.

The Public Service recommends approval of the proposed closing. Before the road may be conveyed, it must be legally closed and declared surplus to the City's needs.

RECOMMENDATIONS

1. That the closing proposed under File No. DAC 3/2023 shown on Appendix B be approved and the affected land be declared surplus to the City's needs, subject to:

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

   B. SELC (or assignee), amongst other things, fulfilling all obligations and conditions of approval outlined in Appendix A to this report.

2. That, upon instruction from the Director, the City Solicitor prepare and bring directly to Council for enactment, a by-law to facilitate the closing (the By-law).

3. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the By-law is not enacted within 2 years following the date on which this report is approved by Council, unless:

   A. SELC (or assignee) applies for an extension of time before the expiration of the 2-year period; and

   B. Council approves the extension of time.

4. 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 Titles within 1 year following the date on which it is enacted by Council, unless:

    A. SELC (or assignee) applies for an extension of time before the expiration of the 1-year period; and

    B. Council approves the extension of time.

5. 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

All street and lane closings must be considered by the Community Committee.

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

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the closing are the responsibility of SELC. There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

Landmark Planning & Design Inc. has applied on behalf of Southeast Lands Corp. (SELC), to close the portion of Cadboro Road east of Frontier Trail shown as “Proposed Closing” on attached Misc. Plan No. 15945 (Appendix B) and aerial diagram (Appendix C). The road closing will be incorporated into the planned area of subdivision and rezoning application under File No. DASZ 5/2024, to establish a “C2” Commercial Community district and create four commercial lots.

In 2020, a portion of Cadboro Road east of Bison Drive was approved for closure through DAC 6/2019, for incorporation into the planned area under DASZ 43/2019. Due to fractured property ownership in Waverley West Neighbourhood B, the boundaries of the DASZ were irregular. The northeast portion of Neighbourhood B was excluded from DASZ 43/2019 and Cadboro Road's future alignment was not established at the time of Council approval.

The proposed closure of part of Cadboro Road will eliminate its connection to Frontier Trail. The portion that will remain open is approximately 542 metres (1,778+/ ft.) long, exceeding the Transportation Standards of 105 metres for a dead-end residential street. To remedy this, SELC proposes a new public road extending east of Bracken Gate which connects to Cadboro Road under DASZ 5/2024.

Council policy requires closing area land to be purchased, without credit for road openings, unless the road was opened in the past 20 years, or extenuating circumstances exist. Cadboro Road was

opened by Plan No. 1631 registered in the Winnipeg Land Titles Office on May 4, 1911. The Public Service intends to credit the openings under DASZ 5/2024 against the road closing as an extenuating circumstance. Had the road alignments and future phases of development in this fractured neighbourhood been known in 2020, it's possible that SELC may have created and received credit for the openings under DASZ 43/2019 based on the City policy in place at that time. The Public Service does not intend to consider crediting any other road closures in Neighbourhood B at this time.

The abandoned residential and outbuilding at 145 Cadboro Road, comprising part of the planned area for DASZ 5/2024, will be demolished.

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Imperial Oil/Exxon Mobile, and Flexnetworks have all indicated that they have no concerns or objections. Crown Pipeline Ltd., Fibre.Ca Inc., TC Energy, Teraspan Networks, Shaw Cablesystems, Rogers Communications, Telus Communications, Canadian National Railway and Canadian Pacific Railway did not respond to the request for comment on this application. The Public Service comments and/or conditions for approval of the proposed closing are detailed on Appendix A attached.

CONSULTATION

This Report has been prepared in consultation with:
Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor

OURWINNIPEG POLICY ALIGNMENT

Considerations as to OurWinnipeg Policy alignment will be addressed by DASZ 5/2024.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Considerations as to the Winnipeg Climate Action Plan alignment will be addressed by DASZ 5/2024.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Considerations as to the Winnipeg Poverty Reduction Strategy alignment will be addressed by DASZ 5/2024.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: February 16, 2024
File No: DAC 3/2023

Attachments:

APPENDIX A - Administrative Comments
APPENDIX B - Miscellaneous Plan 15945
APPENDIX C - Aerial Diagram showing the proposed closing

APPENDIX A – ADMINISTRATIVE COMMENTS

Geomatics and Land Information Services

- The proposed closing is subject to approval of associated DASZ 5/2024.

- The closing plan mylars, closing by-law and any associated documents are to be released along with the plan of subdivision mylars for DASZ 5/2024 and any associated documents and subsequently registered in series with and prior to the associated plan of subdivision.

- The applicant 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.

Water and Waste Department

The ditches and culverts within the proposed closing area must remain for drainage purposes. Obstruction or impediment of the function of the ditches and culverts is prohibited.

Easements:

Manitoba Hydro/Centra Gas and BellMTS have identified facilities within Cadboro Road for which easements will be required.

No permanent structures will be allowed within the easement areas as noted above, and easement agreements may be required to protect respective parties' interests. Any removal or relocation of existing facilities required because of the proposed closing will be at the expense of the Purchaser(s) or assignee(s).

APPENDIX B – MISC. PLAN NO. 15945



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

