Agenda – Council – June 27, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

Item No. 8 **Extension of Time – Proposed Closing of part of Ross Avenue, east of McPhillips Street, south of Pacific Avenue**
File DAC 2/2021

STANDING COMMITTEE RECOMMENDATION:

On June 18, 2024, 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 2/2021 approved by Council on September 29, 2021, 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 December 15, 2024, unless:

      A. the Purchaser applies for an extension of time no later December 15, 2024; 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.

Agenda – Council – June 27, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 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 June 4, 2024, 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 May 28, 2024, 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 – Proposed Closing of part of Ross Avenue, east of McPhillips Street, south of Pacific Avenue – File DAC 2/2021

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
M. Pittet		N/A	N/A

EXECUTIVE SUMMARY

On September 29, 2021, Council approved the closing of a portion of Ross Avenue east of McPhillips Street, south of Pacific Avenue (see Appendices A and B). A condition of that approval required that Council pass a by-law within two years following the date of approval. In addition, the by-law had to be registered in the Winnipeg Land Titles Office no later than one year from the date it was passed.

Council passed closing By-law No. 161/2022 on December 15, 2022 (the By-law). The applicant was not able to complete the necessary registration at the Winnipeg Land Titles Office prior to expiry of the By-law and has requested an extension of time.

The Public Service supports an extension until December 15, 2024.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 2/2021 approved by Council on September 29, 2021, 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 December 15, 2024, unless:

      A. the Purchaser applies for an extension of time no later December 15, 2024; 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 December 15, 2024 to satisfy the intent of Council's September 29, 2021 decision.

There are no financial implications for the City of Winnipeg

HISTORY/DISCUSSION

On September 29, 2021, Council approved the closing of a portion of Ross Avenue east of McPhillips Street, south of Pacific Avenue to accommodate plans to use the land for vehicle ingress/egress, parking, and aesthetic improvements in relation to its adjoining property to the north. 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. 161/2022 on December 15, 2022.

On December 14, 2023, the law firm of Myers LLP, on behalf of Manitoba Building Trades Institute, submitted a request for an extension of time for one year (see Appendix C), citing delays at the Winnipeg Land Titles Office due to an ongoing labour dispute.

The Public Service did not immediately process the extension request as there was a possibility that the By-law could be registered at the Winnipeg Land Titles Office prior to the deadline. The Public Service has since confirmed that an extension is required and supports an extension until December 15, 2024 to ensure the applicant has enough time to fulfill its obligation.

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

Consideration was given as to whether this report connects to any of the goals, objectives or directions of OurWinnipeg Policy alignment. It was determined that the Policy is not applicable to this specific report.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan. It was determined that the Plan is not applicable to this specific report

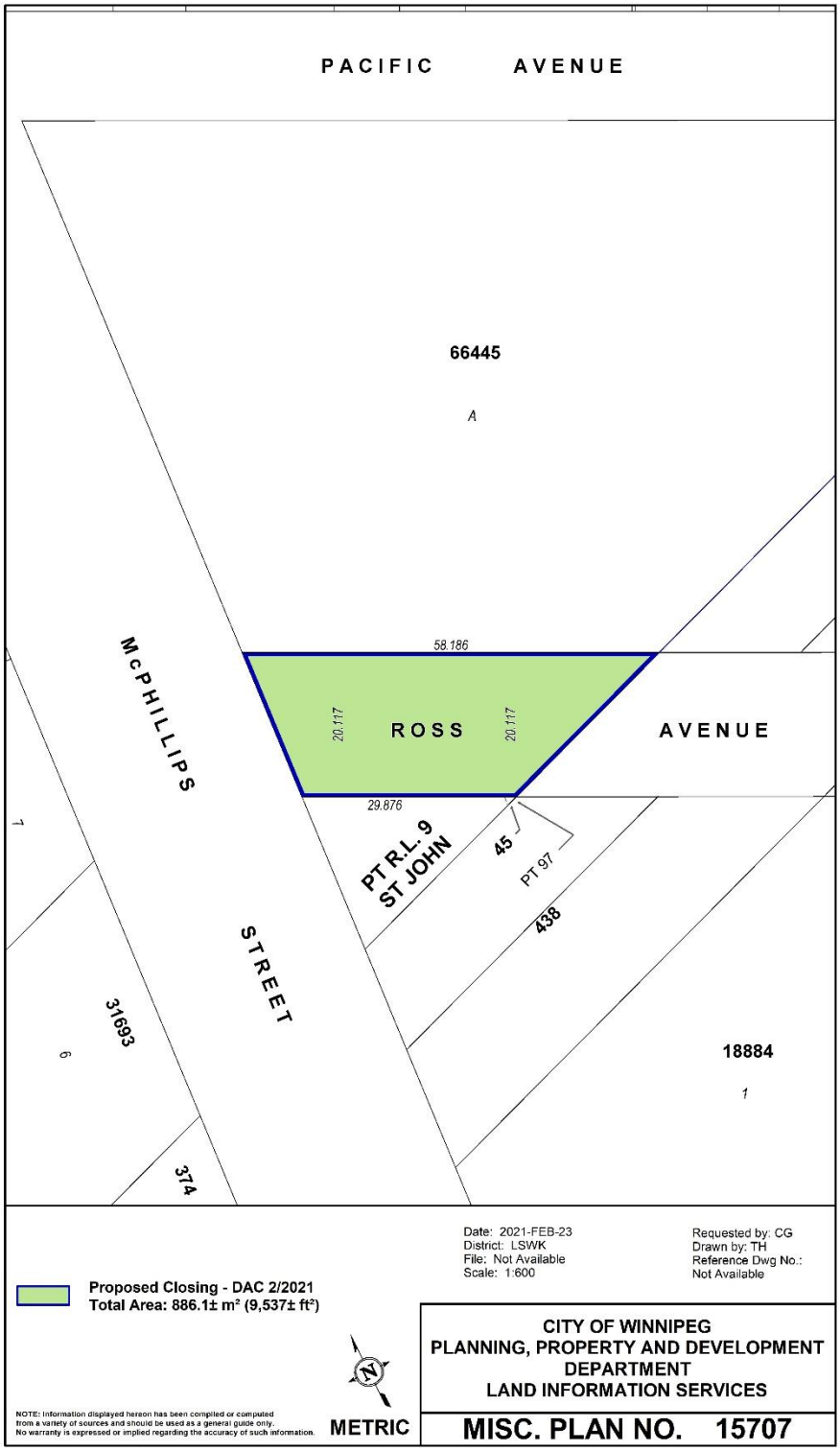
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan. It was determined that the Strategy is not applicable to this specific report.

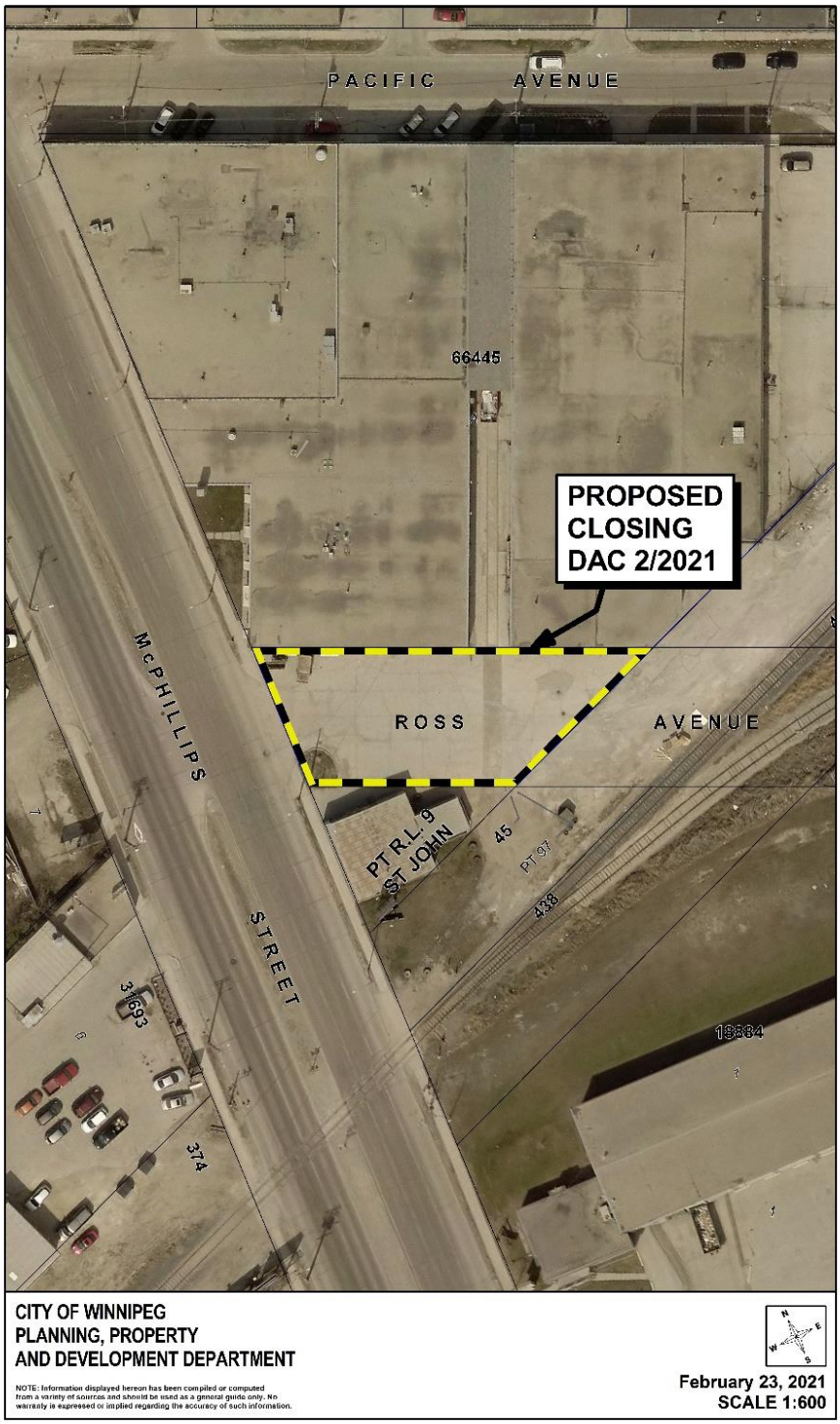
SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: May 9, 2024
File No: DAC 2/2021
Attachments:
Appendix A - Miscellaneous Plan 15707
Appendix B - Aerial View of Subject Closing
Appendix C - Extension of Time Request Letter dated December 13, 2023

APPENDIX A – MISCELLANEOUS PLAN 15707



APPENDIX B – AERIAL VIEW OF SUBJECT CLOSING



APPENDIX C – EXTENSION OF TIME REQUEST LETTER DATED December 13, 2023

Myers LLP
Barristers & Solicitors

REPLY TO: KARA L BJORNSON
File No.: 42048-008
EMAIL: kbjornson@myersfirm.com
WRITER'S DIRECT LINE: 204-926-1511

December 14, 2023

BY COURIER

The City of Winnipeg
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Cathy Gagnon

Dear Madame:

Re: Closing of part – Ross Avenue for incorporation
Into planned area under DASZ 28/2022
DAC 2/2021

Please be advised that our office represents the purchaser in this matter.

We are requesting an extension of time to fulfill the Purchaser's obligations as detailed in the Council Decision for the proposed closing and to comply with the Closing By-law No. 161,2022.

The parties have worked diligently this past year to complete the proposed closing, including negotiating a right of way access agreement with a neighboring property. The parties are now ready to proceed – all required documents have been prepared and signed, and our office is ready to file the closing material with the Winnipeg Land Titles Office. However, we understand the land titles office is experiencing delays because of the strike action in the summer and early fall of 2023. We anticipate that the filing and registration of the documents with land titles will take longer than usual, and we are requesting an extension of **one (1) year** to complete the closing and comply with the Closing By-law No. 161,2022.

Thank you for your consideration.

Yours truly,

Myers LLP
Per:

Kara L. Bjornson
/kb:encls.

Suite 724-240 Graham Avenue, Winnipeg, Manitoba R3C 0J7 info@myersfirm.com T 204 942 0501 F 204 956 0625
myersfirm.com