Minutes – Council – October 24, 2024

Minute No. 498
Report – Executive Policy Committee – October 16, 2024

Item No. 9 Proposed Closing of Part of Waterfront Drive at Heaton Avenue (Point Douglas Ward)
File DAC 2/2024

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the closing proposed under File No. DAC 2/2024 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;

    B. the Purchaser (or assignee) fulfills 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 two years following the date on which this report is approved by Council, unless:

    A. The Purchaser (or assignee) applies for an extension of time before the expiration of the two-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 one year following the date on which it is enacted by Council, unless:

    A. The Purchaser (or assignee) applies for an extension of time before the expiration of the one-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 – Executive Policy Committee – October 16, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 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 October 3, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Executive Policy Committee.

HEARING SUMMARY

File:	DAC 2/2024
Before:	Standing Policy Committee on Property and Development Councillor Rollins, Chairperson Councillor Allard Councillor Dobson Councillor Duncan
Public Hearing:	October 3, 2024 Council Building, 510 Main Street
Applicant:	CentreVenture Development Corporation
Premises Affected:	Part of Waterfront Drive at Heaton Avenue
For submission to:	Executive Policy Committee and Council
Prepared by:	L. Cowan, Senior Committee Clerk Standing Policy Committee on Property and Development
Report date:	October 3, 2024

Community Committee Recommendation:

On October 3, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, and recommended to Council:

1. That the closing proposed under File No. DAC 2/2024 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;

    B. the Purchaser (or assignee) fulfills 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 two years following the date on which this report is approved by Council, unless:

    A. The Purchaser (or assignee) applies for an extension of time before the expiration of the two-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 one year following the date on which it is enacted by Council, unless:

   A. The Purchaser (or assignee) applies for an extension of time before the expiration of the one-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 August 9, 2024
2. Inspection Report

REPRESENTATIONS:

In Support:

Loretta Martin

In Opposition:

Nil

For Information:

Nil

For the City:

H. Borys, Director, Planning, Property and Development Department
C. Gagnon, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2024

ADMINISTRATIVE REPORT

Title: Proposed closing of part of Waterfront Drive at Heaton Avenue – File DAC 2/2024

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Chappell (Acting)	H. Borys	T. Graham	S. Armbruster Interim CAO

EXECUTIVE SUMMARY

CentreVenture Development Corporation ("CentreVenture") has applied to close the portion of Waterfront Drive at Heaton Avenue shown on Misc. Plan No. 15978 and aerial view. (See Appendices B and C). The closing land will be consolidated with the neighbouring property to create a 21-unit residential development.

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 2/2024 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;
   B. the Purchaser (or assignee) fulfills 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 two years following the date on which this report is approved by Council, unless:

   A. The Purchaser (or assignee) applies for an extension of time before the expiration of the two-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 one year following the date on which it is enacted by Council, unless:

   A. The Purchaser (or assignee) applies for an extension of time before the expiration of the one-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

The proposed closing is in the Downtown Area as defined by Downtown Winnipeg Zoning By-law 100/2004. Part 8, Clause 39 (b) of Development Procedures By-law No. 104/2020 requires the Standing Policy Committee on Property and Development to conduct a public hearing for all street and lane closings within the Downtown Area.

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 the Purchaser (or assignee). There are no financial implications for the City of Winnipeg. If sold, sale proceeds will be credited to the Land Operating Reserve.

HISTORY/DISCUSSION

CentreVenture Development Corporation has applied to close the portion of Waterfront Drive at Heaton Avenue located within the Downtown Area as defined by By-Law 100/2004 (see Appendices B and C). The closed street will be consolidated with the neighbouring property to facilitate development of a three story, 24-unit townhouse style residential property. Six (or 25 percent) of the units will be affordable at 30 percent below median market value.

The proposed closing area land will be conveyed to the Purchaser (or assignee) in accordance with this report and the provisions of the City's Declaration as Surplus and Sale of Property Policy PD-026 adopted by Council September 29, 2021.

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Rogers Communications, Canadian National Railway, Flexnetworks, and Imperial Oil/Exxon Mobil, have all indicated they have no concerns or objections. Fibre.Ca Inc., Crown Pipeline Ltd., Telus Communications, TC Energy, the Canadian Pacific Railway Company, and Teraspan Networks did not respond to the request for comment on this application.

Waterfront Drive was opened by Plan No. 43293 registered in the Winnipeg Land Titles Office November 23, 2004. The portion proposed to be closed is landscaped with sod, trees and bushes.

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.

FINANCIAL IMPACT

Financial Impact Statement **Date:** July 22, 2024

Project Name:

Proposed Closing of part of Waterfront Drive at Heaton Avenue

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn July 22, 2024
Mike McGinn, CPA, CA
Manager of Finance

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

OURWINNIPEG POLICY ALIGNMENT

Goal: City Building
6.19 Downtown Economic Investment
Facilitate the intensification of Downtown residential development that supports the diversity of housing needs, and builds on the character of existing Downtown districts and destinations.

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, and it was determined that the proposed closing is inconsequential insofar as the opportunities and directions of the Plan are concerned.

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, and it was determined that they are not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: August 9, 2024
File No.: DAC 2/2024

Attachments:
Appendix A: Administrative Comments
Appendix B: Miscellaneous Plan 15978
Appendix C: Aerial View of Proposed Opening

APPENDIX A – ADMINISTRATIVE COMMENTS

Geomatics Branch:

Approval is subject to the following:

- The Purchaser(s) or assignee(s) must submit or cause to have submitted a Development Application (DASSF) proposing a plan of subdivision that creates a single lot to facilitate consolidation of their adjacent holding with the portions of the right-of-way being closed.

- The Purchaser(s) or assignee(s) is responsible for obtaining approval and meeting any necessary conditions in respect of the above noted Development Application.

- The Purchaser(s) or assignee(s) is responsible for all costs associated with the above-noted Development Application, the preparation of the closing plan, subdivision plan, any associated documents, and the registration of all necessary documents at the Winnipeg Land Titles Office to facilitate the legal closing and conveyance of the public right-of-way.

- The closing plan mylars, closing by-law, land Transfer and any associated documents will be released together with the plan of subdivision and associated documents for registration in series at The Winnipeg Land Titles Office.

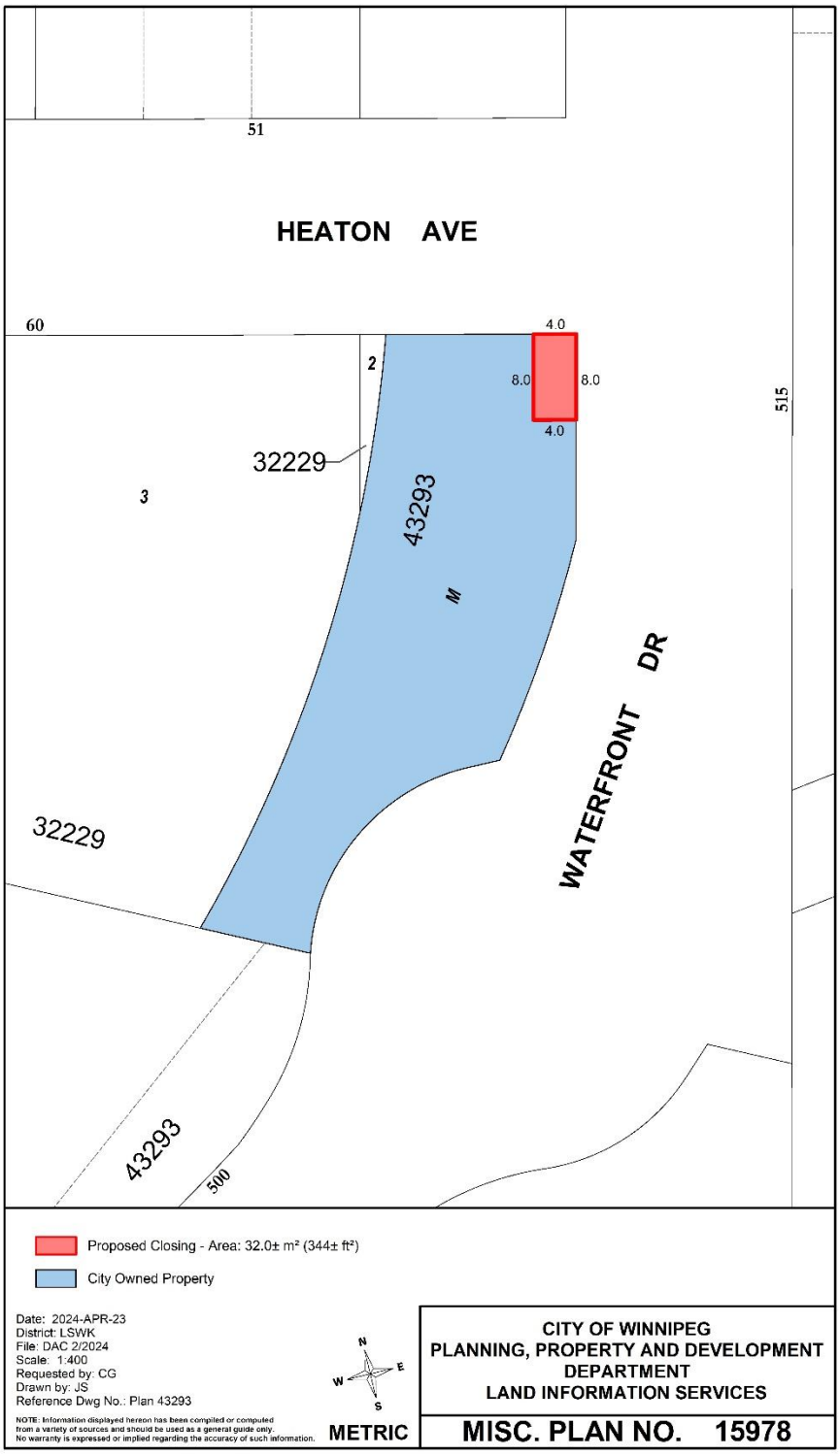
Easements

Manitoba Hydro/Centra Gas and BellMTS have identified facilities within Waterfront Drive 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 the facilities required as a result of the proposed closing will be at the expense of the Purchaser(s) or assignee(s).

APPENDIX B – MISCELLANEOUS PLAN 15978



APPENDIX C - AERIAL VIEW OF PROPOSED OPENING

