Minutes – Council – October 24, 2024

Minute No. 509
Report – Standing Policy Committee on Property and Development – October 3, 2024

Item No. 3 **Proposed Closing of Portions of Madina Avenue, Lee Boulevard and Formby Avenue, East of Kenaston Boulevard for Incorporation into DASZ 35/2024**
(Waverley West Ward)
File DAC 3/2024 [c/r DASZ 35/2024 and DAV 175792/2024D]

COUNCIL DECISION:

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

1. That the closings proposed under File No. DAC 3/2024 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; and

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

    B. Council approves the extension of time.

Report – Standing Policy Committee on Property and Development – October 3, 2024

COUNCIL DECISION (continued):

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 – October 3, 2024

DECISION MAKING HISTORY:

Moved by Councillor Duncan,

That the recommendation of the Standing Policy Committee on Property and Development 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 27, 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 3/2024
Before:	Assiniboia Community Committee Councillor Dobson, Chairperson Councillor Duncan Councillor Lukes
Public Hearing:	September 27, 2024 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc. (Jeff Pratte)
Premises Affected:	Portions of Madina Avenue, Lee Boulevard and Formby Avenue, east of Kenaston Boulevard
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	L. Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	September 27, 2024

Community Committee Recommendation:

On September 27, 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 closings proposed under File No. DAC 3/2024 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; and

    B. the Purchaser (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. the Purchaser (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. the Purchaser (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 August 22, 2024
2. Inspection Report
3. Communication dated September 23, 2024 from Kate Moir with respect to the application
4. Communication dated September 27, 2024 from Jeff Pratte in support of the application
5. Communication dated September 26, 2024 from Timothy Cook in support of the application
6. Communication dated September 27, 2024, submitted by the Applicant at the public hearing
7. Communication titled “Revised Schedule D” submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Timothy Cook
Veronica Eno
Brennan Johnson
Kerra Mruss
Jeff Pratte
Bryan Ward

In Opposition:

Nil

For Information:

Kate Moir

For the City:

K. Kowalyk, Land Development Engineer, Planning, Property and Development Department
S. Nuttall, Urban Planner, Planning, Property and Development Department
S. Prociuk, Project Manager, Planning, Property and Development Department
M. Robinson, Principle Planner, Planning, Property and Development Department
S. Whitehouse, Senior Urban Designer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 3/2024

ADMINISTRATIVE REPORT

Title: Proposed Closing of portions of Madina Avenue, Lee Boulevard and Formby Avenue, east of Kenaston Boulevard for incorporation into DASZ 35/2024 - File DAC 3/2024

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	H. Borys		

EXECUTIVE SUMMARY

Landmark Planning & Design Inc. has applied on behalf of Southeast Lands Corp. (the Purchaser) to close portions of Madina Avenue, Lee Boulevard and Formby Avenue east of Kenaston Boulevard as shown on attached Misc. Plan No. 14554/11 (Appendix B) and aerial (Appendix C). The road closings are being incorporated into the subdivision and rezoning under File No. DASZ 35/2024.

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

RECOMMENDATIONS

1. That the closings proposed under File No. DAC 3/2024 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; and

    B. the Purchaser (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. the Purchaser (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. the Purchaser (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 the Purchaser. There are no financial implications for the City of Winnipeg. Sale proceeds will be credited to the Land Operating Reserve.

HISTORY/DISCUSSION

Landmark Planning & Design Inc. has applied on behalf of Southeast Lands Corp. (the Purchaser) to close portions of Madina Avenue, Lee Boulevard and Formby Avenue east of Kenaston Boulevard as shown on attached Misc. Plan No. 14554/11 and aerial diagram (see Appendices B and C). The road closings are being incorporated into the subdivision and rezoning under File No. DASZ 35/2024 which will establish “R1-S”, “R1-M” and “R1-E”, “RMF-S” and “RMF-M” residential districts, an “EI” educational and industrial district and a “PR1” parks and recreation 1 (neighbourhood) district. The Public Service recommends approval of the proposed closings.

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, and Flexnetworks have all indicated that they have no concerns or objections. Crown Pipeline Ltd., Fibre.Ca Inc., TC Energy, Teraspan Networks, Telus Communications, Canadian National Railway, Imperial Oil/Exxon Mobile 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.

Plan 1918 registered in the Winnipeg Land Titles Office on October 8, 1912 opened an unnamed 33-foot-wide public right-of-way, Lancaster Avenue and Warwick Avenue. By-Law No. 3664/1984 passed by Council on February 9, 1984, named the public right-of-way as Formby Avenue and renamed Lancaster Avenue to Lee Boulevard. By-law No. 141/2008 passed by Council on September 24, 2008, renamed Warwick Avenue to Madina Avenue.

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 35/2024.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Considerations as to the Winnipeg Climate Action Plan alignment will be addressed by DASZ 35/2024.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Considerations as to the Winnipeg Poverty Reduction Strategy alignment will be addressed by DASZ 35/2024.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: August 22, 2024
File No: DAC 3/2024

Attachments:
APPENDIX A - Administrative Comments
APPENDIX B - Miscellaneous Plan 14554/11
APPENDIX C - Aerial Diagram showing the proposed closings

APPENDIX A – ADMINISTRATIVE COMMENTS

Geomatics and Land Information Services

- The proposed closings are subject to approval of associated DASZ 35/2024.

- The closing plan mylars, closing by-law and any associated documents are to be released along with the plan of subdivision mylars for DASZ 35/2024 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

Drainage from the proposed road closing segment ditches must be maintained until it can be fully captured by the future drainage system within the new Subdivision area. Obstruction or impediment of the function of the ditches and culverts is prohibited.

Easements:

BellMTS has identified facilities within that portion of Lee Boulevard proposed to be closed.

Rogers Communications, Manitoba Hydro and Centra Gas have indicated that they will secure easements under DASZ 35/2024.

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, and all costs associated with securing easements as may be required will be at the expense of the Purchaser(s) or assignee(s).

APPENDIX B – MISC. PLAN NO. 14554/11



Date: 2024-JUL-24
District: ASBA
File: Not Available
Scale: 1:8,000
Requested by: CG
Drawn by: IP
Reference Dwg: Misc. Plan No. 14554/9
Sketch of proposed closings.pdf

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

PROPOSED ROAD CLOSING
AREA: 8.74± acres

N
W E
S

METRIC

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES

MISC. PLAN NO. 14554/11

APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

