Minute No. 410
Report - Standing Policy Committee on Property and Development - February 28, 2006

Item No. 15 Acquisition of 546 Sherburn Street for Green Space
File FI-2(32)

COUNCIL DECISION:

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

1. That the subject property, as illustrated on Misc. Plan No. 12785, be acquired from the Province of Manitoba for community green space at a purchase price of $1.00, subject to such additional terms and conditions that the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interest of the City and achieve the intent of the Standing Policy Committee on Property and Development.

2. That following completion of the acquisition, the subject property illustrated on Misc. Plan No. 12785 be placed under the jurisdiction of the Parks and Open Space Division, Public Works Department.

3. 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 - February 28, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 15, 2006, 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 February 28, 2006, the Standing Policy Committee on Property and Development concurred in the administrative recommendation, as amended, namely:

- That Recommendation No. 1 be deleted in its entirety and the following substituted therefore, namely:

  "1. That the subject property, as illustrated on Misc. Plan No. 12785, be acquired from the Province of Manitoba for community green space at a purchase price of $1.00, subject to such additional terms and conditions that the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interest of the City and to achieve the intent of the Standing Policy Committee on Property and Development."

- That the following new Recommendations be added as Nos. 2 and 3, namely:

  "2. That following completion of the acquisition, the subject property illustrated on Misc. Plan No. 12785 be placed under the jurisdiction of the Parks and Open Space Division, Public Works Department.

  3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing",

and submitted the matter to the Executive Policy Committee and Council.

Re: Proposed Acquisition of 546 Sherburn Street for Green Space

For submission to: **Standing Policy committee on Property and Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: February 21, 2006
Recommendation(s):

It is recommended that the subject property be acquired for community green space subject to:

- prior identification of a party or organization that can/will act on behalf of the neighbourhood;
- execution of a lease agreement between the City and identified community representatives who will assume all financial implications and on-going stewardship.

REPORT SUMMARY

Key Issues:

- On November 15, 2005, the Planning, Property and Development Department received a letter from the Minister of Family Services and Housing offering to convey the property known as 546 Sherburn, identified on Misc. Plan No. 12785, to the City for $1.00 for the purposes of green space.

- In August 2005 the MHRC submitted two development applications for 546 Sherburn, identified on Misc. Plan No. 12785, which are required to permit development of the property with infill housing under the Affordable Housing Initiative. These are being held in abeyance pending resolution of this park proposal.
- The Planning, Property and Development Department and the Public Works Department do not recommend the subject property be acquired for formal park space. However, the Departments would recommend the acquisition of 546 Sherburn, identified on Misc. Plan No. 12785, for community green space, subject to the prior identification of a party or organization that can/will act on behalf of the neighbourhood to execute the necessary lease agreement with the City and assume all financial implications and on-going stewardship.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

- The report recommendations have no financial impact. Any costs associated with the implementation of specific report recommendations would be the subject of a future report for Standing Policy Committee consideration.

REASON FOR THE REPORT:

Where there is no existing Council approval or previous authority, the Director of the Planning, Property and Development Department requires authorization from the Standing Policy Committee on Property and Development in order to negotiate the acquisition of property.

HISTORY:

The Building Communities Initiative for the Sargent Park-Minto neighbourhood included $100,000 for a "Community Open Space" project for the possible acquisition and development of land for green space.

In the summer of 2004 the MLA for these neighbourhoods and Councillor Smith received a local petition recommending the subject property be used for community green space.

Manitoba Housing Renewal Corporation (MHRC) currently owns the subject property, identified on Misc. Plan No. 12785. In October, 2004 the Province (Department of Family Services and Housing) indicated to the City's Building Communities Staff that the subject property was unavailable and intended for infill housing under the Affordable Housing Initiative.

The above information was forwarded to the Councillor and MLA in December 2004. The Provincial and City politicians were informed that the remaining funds, for a "Community Open Space", were to be reallocated.

On March 6, 2005, Community Open Space funds were re-allocated by the Building Community Initiative Policy Committee to several projects already underway in the Sargent Park-Minto area.

In August 2005 MHRC submitted a development application for 546 Sherburn, identified on Misc. Plan No. 12785, which is required to permit development of the property with infill housing under the Affordable Housing Initiative. This application is being held in abeyance pending resolution of this park proposal.

Councillor Smith negotiated an agreement with the Minister of Housing to transfer the subject property to the City for one dollar.

On November 15, 2005, the Planning, Property and Development Department received a letter from the Minister of Family Services and Housing, attached as Appendix B, offering to convey the property known as 546 Sherburn, identified on Misc. Plan No. 12785, to the City for $1.00 for the purposes of green space.

On January 3, 2006 the Planning, Property and Development Department received a letter from Councillor Smith, attached as Appendix C, indicating that the residents on Sherburn St. were not looking for the City to develop the subject property as a formal park. The residents were only expecting the City to cut the grass on the site as they were prepared to be responsible for picking up litter etc. on the site.

DISCUSSION:

Proposed Park

The Department reviewed and concluded that from a strategic parks planning perspective, this area is reasonably well served by three play structures located within the 400m radius used as a guideline (400m or 1/4 mile or 5 min walk). This distance is viewed as a reasonable distance for a parent and young child to walk to a playground. Minto Tot Lot, where $100,000 was invested in 2005 through the Building Community Initiative, presently serves the immediate area. The Minto park is less than 300 meters from the subject property. In addition, play structures at the Minto Athletic Grounds and Greenway School are within 400 meters of the property. See attached Appendix A.

The residents on Sherburn Street, who are interested in utilizing the subject property as green space, are not expecting the property to be developed as a formal park. As such normal park development costs, which are in the range of $100,000, are not applicable.

The Public Works Department has noted that there are more efficiencies associated with maintaining an inventory of comparatively larger parks (2-5 acres) than many smaller ones, particularly with regard to turf maintenance, garbage pick-up and play structure inspections. The Public Works Department estimates these costs, for the subject property, to be approximately $1,051 per annum. Considering the limited parks maintenance resources, the Public Works Department does not support the development of new Tot Lot sites. It should also be noted that experience has shown that such smaller neighbourhood park sites tend to be more susceptible to disruptive activity leading to complaints from the neighbourhood.

On the basis of the above, the Department recommends that the subject property not be acquired by the City for the development of a formal park.

Housing

Relevant City Departments have been canvassed with respect to any potential civic need for the subject property and no requirement has been identified. However, it is recognized that the property would be desirable for infill housing, if the park proposal does not proceed. It is estimated that the subject property could support the development of three infill homes. If these homes were assessed at $130,000 they would generate approximately $4,500 ($1,500 each) in municipal tax revenues per year.

MHRC currently has two development applications for the subject property, to permit development with infill housing under the Affordable Housing Initiative. These are being held in abeyance pending resolution of this park proposal.

Community Garden

It should be noted that the Community Services Department is currently preparing a policy on Community Gardens. The purpose of the policy is to address the following:

- To develop parameters for the provision of local community gardens and plots;
- To develop a uniform fees and charges schedule to be used for groups and individuals;
- To formulate a standard set of terms and conditions for community gardens and plot agreements; and,
- To implement an inter-departmental administrative model for the management, development and maintenance of community gardens and plots.

The Community Resource Coordinator (Inner City) of the Community Services Department has reviewed the subject matter and indicates that the subject property could be used for community greening and gardening purposes within the Minto Neighbourhood.

The Community Services Department is responsible for the issuance of annual licences involving the use of City land for garden plots. The Planning, Property and Development Department would, however, assume responsibility for leases extending beyond one year. In this context, the Department would be required to report to the Standing Policy Committee on Property and Development for approval of such leases.

Given that the Province (MHRC) has removed the subject property from the Affordable Housing Initiative (infill housing program) in favour of community green space, it is suggested that the City should purchase the subject property (for $1.00) for community green space, provided that a

lease agreement can be executed with either a private individual (acting on behalf of the community) or with a recognized community organization within the neighbourhood.

The proposed terms and conditions of an agreement could include the following:

Term:	Seasonal and/or to be determined on a site by site basis
Purpose:	Community greening and/or garden plot uses
Insurance:	Indemnification and Comprehensive Public Liability (to be determined)
Taxes:	Exempt
Garden Plot Permit/ Tenant Responsibilities:	To maintain the property in a safe and clean condition at all times, site preparation, aeration, weed control, debris removal, garbage removal, grass cutting, fall clean-up, plot administration where applicable, and to obtain any permits necessary to improve the land.
Cancellation:	To be cancellable by the City on 90 days notice

Acquisition of the property would be subject to Council approval.

Financial Impact Statement

Date: February 14, 2006

COMMENTS:

The report recommendations have no financial impact. Any costs associated with the implementation of specific report recommendations would be the subject of a future report for Standing Policy Committee consideration.

"Original signed by"
Mike McGinn, CA
Manager of Finance

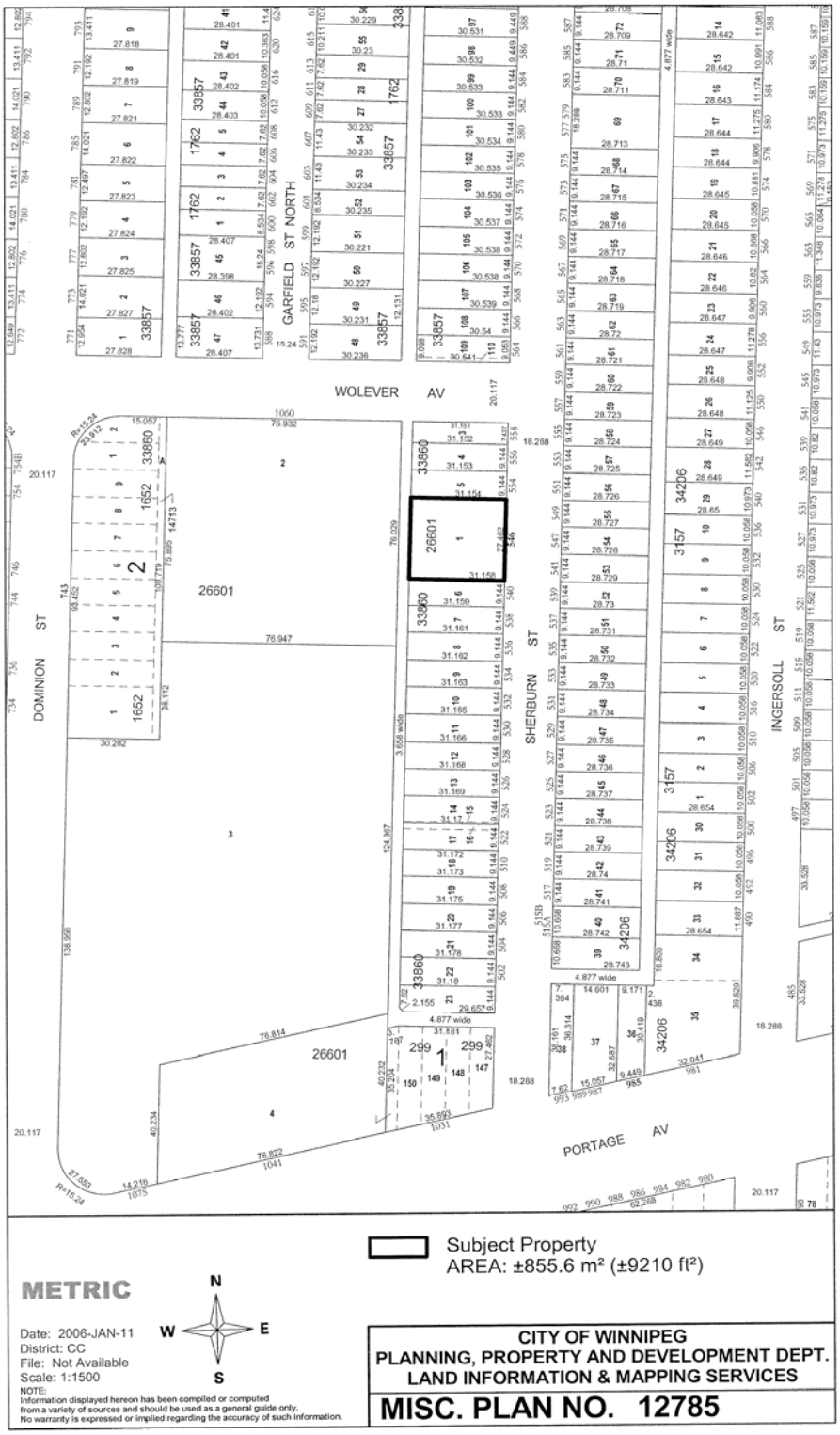
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Parks and Open Space Division of the Public Works Department
Community Resource, Protection & Safety Services Division of the Community Services Department

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: Kevin Nixon, Park Strategic Planner
PPD File #:

Document name: O:\Reports Directive\Planning and Land Use\Parks, Riverbanks and Community Initiatives\Kevin Nixon\546 Sherburn.doc


WOLEVER AV
GARFIELD ST NORTH
DOMINION ST
SHERBURN ST
INGERSOLL ST
PORTAGE AV
26601
33857
33860
34206
Subject Property
AREA: ±855.6 m² (±9210 ft²)
METRIC
N
W
E
S
Date: 2006-JAN-11
District: CC
File: Not Available
Scale: 1:1500
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.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12785

Appendix A


General Wolfe School
Danie
Orioles Community Cer
St Matthews AVE
Greenway School
Minto Athletic Grounds
Garfield ST N
Sherburn ST
Wolever AVE
Minto Tot Lot
Minto ST
Dominion ST
Portage AVE
Parks < 10 Acres
Playstructure
400 m Buffer
Parks => 10 Acres
Playstructure
1200 m Buffer
Passive Park
400 m Buffer
Athletic Field
1200 m Buffer
School Playstructure
1200 m Buffer
School Boundary
Park

Appendix B

11/16/2005 13:42 FAX 204 949 1174 CAO SECRETARIAT → HARRY FINNIGAN 001

RECEIVED
NOV 16 2005
OFFICE OF THE DIRECTOR

Post-it™ Fax Note 7671E	Date	# of pages ▸ 1
To Harry Finnigan	From Angela	
Co./Dept.	Co. Chubzla	
Phone #	Phone # 8281	
Fax #	Fax #	

MINISTER
FAMILY SERVICES AND HOUSING

Room 357
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

October 31, 2005

Post-it™ Fax Note 7671E	Date	# of pages ▸
To Angela	From Councillor Smith	
Co./Dept.	Co.	
Phone # 986-8281	Phone # 986-5937	
Fax # 949-1174	Fax # 986-7000	

Mr. Harvey Smith
Ms. Annitta Stenning
Mr. Harry Finnigan
c/o City of Winnipeg
510 Main Street
Winnipeg MB R3B 1B9

Dear Mr. Smith, Ms. Stenning and Mr. Finnigan:

I am writing with respect to Mr. Harvey Smith's request that the Manitoba Housing and Renewal Corporation (MHRC) property located on 546 Sherburn Street be sold to the City of Winnipeg. I am pleased to respond to this matter.

It is my understanding that the community would like to convert the MHRC owned vacant lot on 546 Sherburn Street into green space. I am pleased to advise that my department is prepared to transfer the property to the City of Winnipeg for the purpose of establishing City maintained green space for $1.00.

To further discuss this matter, please contact Mr. Dwayne Rewniak, Coordinator of Strategic Initiatives with Housing Services. Mr. Rewniak can be reached at 945-0455.

Thank you for bringing this matter to the attention of my department. I trust that this information is of assistance.

Yours sincerely,

Christine Melnick

cc. Mr. Dwayne Rewniak

Appendix C



HARVEY SMITH
COUNCILLOR
Daniel McIntyre

CITY OF WINNIPEG
CITY HALL
510 MAIN STREET
Winnipeg, Manitoba
R3B 1B9
(204) 986-5951
FAX: (204) 986-7000

VILLE DE WINNIPEG
510 RUE MAIN
Winnipeg, Manitoba
R3B 1B9
(204) 986-5951
TELEC: (204)986-7000

CITY COUNCIL
JAN 04 2006

Mr. Ray Klassen
Manager of Real Estate
2nd Floor, 65 Garry St
Winnipeg, Manitoba
R3C 4K4

January 3, 2006

Mr. Harry Finnigan
Director of Planning, Property and Development
3rd Floor, 65 Garry St
Winnipeg, Manitoba
R3C 4K4

Dear Harry,

After reading the briefing notes regarding 546 Sherburn - City Purchased of MHRC Property, I would like to make it clear that the residents on Sherburn are not looking for the city to develop this green space as a formal park.

They have been using this for years and years as green space and would like their children to continue to use it as green space.

According to your briefing notes, the Public works Department has advised that the cutting of the grass of the proposed green space would cost the city $1051 annually. This is the only cost that the city would have to bear as the residents would look after the maintenance of the green space (picking up litters, etc), so the total cost for the city would be $ 1 for the lot and $1051 annual grass cutting.

I would like your department support for the maintenance of this green space.

Yours truly,

Harvey Smith

www.winnipegcity.com • hsmith@winnipeg.ca