Minute No. 61
Report - Standing Policy Committee on Infrastructure Renewal and Public Works - November 21, 2006

Item No. 9 **Local Improvement Projects to be funded and constructed in 2006 - Construction of a Granular Lane at the Rear of 130 and 132 King's Drive**
File SL(2006)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee (and did not concur in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works) and submits the following to Council:

1. That the following Local Improvement project be proceeded with, namely, a granular surface lane (gravel) - 12 feet wide on the first north-south lane east of King's Drive from Parkwood Place to the midpoint of the rear lot line of 132 King's Drive, subject to the following conditions:

    A That the Granular Surface Lane be constructed at an angle to ensure that a four (4) metre buffer is maintained around the existing Bur Oak in the Parkwood Place right-of-way.

    B. That, prior to construction, the proponents submit a drainage plan for the proposed Granular Surface Lane to the City of Winnipeg.

    C. That the front access at 132 King's Drive be closed and the boulevard be restored at the owner's expense, and forwarded to the Standing Policy Committee on Infrastructure Renewal and Public Works.

2. 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 Infrastructure Renewal and Public Works - November 21, 2006

DECISION MAKING HISTORY:

Moved by Councillor O'Shaughnessy,

That the recommendation of the Riel Community Committee be concurred in (and the recommendation the Standing Policy Committee on Infrastructure Renewal and Public Works not be concurred in) and forwarded to Council.

Carried

John Zonneveld submitted a presentation in support of the construction of a granular lane at the rear of 130 and 132 King's Drive as a local improvement project in 2006.

STANDING COMMITTEE RECOMMENDATION:

On November 21, 2006, the Standing Policy Committee on Infrastructure Renewal and Public Works did not concur in the recommendation of the Riel Community Committee and recommends that the local improvement project not be proceeded with, and submitted the matter to the Executive Policy Committee and Council.

Further on November 21, 2006, Dr. Jerry L. Gray submitted a presentation in opposition to the proposed construction of a Granular Lane at the Rear of 130 and 132 King's Drive.

On July 11, 2006, the Standing Policy Committee on Infrastructure Renewal and Public Works referred the recommendation of the Riel Community Committee to the administration for review and report back.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 26, 2006, the Riel Community Committee did not concur in the administrative recommendation and recommended that the following Local Improvement project be proceeded with, namely:

1. Granular Surface Lane (Gravel) - 12 feet wide on the first north-south lane east of King's Drive from Parkwood Place to the midpoint of the rear lot line of 132 King's Drive.

Report - Standing Policy Committee on Infrastructure Renewal and Public Works - November 21, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Subject to the following conditions:

A. That the Granular Surface Lane be constructed at an angle to ensure that a four (4) metre buffer is maintained around the existing Bur Oak in the Parkwood Place right-of-way.

B. That, prior to construction, the proponents submit a drainage plan for the proposed Granular Surface Lane to the City of Winnipeg.

C. That the front access at 132 King's Drive be closed and the boulevard be restored at the owner's expense, and forwarded to the Standing Policy Committee on Infrastructure Renewal and Public Works.

Further on June 26, 2006, the Riel Community Committee considered the following submissions:

- Dr. Ray Perry submitted supporting documentation and a petition purporting to contain the signatures of six (6) area residents submitted a petition and communication dated June 22, 2006, in opposition to the proposed Granular Surface Lane Local Improvement on the first north-south lane east of King's Drive from Parkwood Place to a point approximately 193 feet south of Parkwood Place.
- Penny Roadley submitted supporting documentation in support of the proposed Granular Surface Lane (Gravel) Local Improvement - 12 feet wide on the first north-south lane east of King's Drive from Parkwood Place to a point approximately 193 feet south of Parkwood Place.

On May 30, 2006, the Riel Community Committee laid over consideration of the matter to its meeting on June 26, 2006, to allow the area Councillor to meet with the City Forester and area residents. Further, the Riel Community Committee considered the following submissions:

- John Zonneveld submitted a communication in support of the proposed Granular Surface Lane Local Improvement on the first north-south lane east of King's Drive from Parkwood Place to a point approximately 193 feet south of Parkwood Place.
- Penny Roadley submitted a communication in support of the proposed Granular Surface Lane Local Improvement on the first north-south lane east of King's Drive from Parkwood Place to a point approximately 193 feet south of Parkwood Place from Craig and Jane Mackie of 130 Kings Drive.

RE: Local Improvement Projects to be Funded and Constructed in 2006 – Construction of a Granular Lane at the Rear of 130 and 132 King's Drive

FOR SUBMISSION TO: Standing Policy Committee Infrastructure Renewal and Public Works

ORIGINAL REPORT SIGNED BY: L.S.W. Larkin, P. Eng., Director of Public Works

REPORT DATE: November 7, 2006

RECOMMENDATION:

That this report be received as information.

REPORT SUMMARY

Key Issues:

- The proposed project has sufficient support from the assessable property owners, however, it has opposition from some of the non-assessable property owners adjacent to and near the proposed project.
- The proposed granular lane design as recommended by the Riel Community Committee on June 26th, 2006, does not include a turn around at the south end of the proposed lane which will make it more difficult for the Streets Maintenance Division to provide snow clearing on the proposed lane.
- The owner of 130 King's Drive will be required to remove their personal landscaping and outbuilding from the Parkwood Place right-of-way to facilitate the construction of the proposed granular lane.
- The alignment of the proposed lane will be shifted from the center of the existing right-of-way to the most westerly point on the right-of-way at the Parkwood Place end to avoid damage to the existing bur oak tree (80cm diameter) and its root system.

Implications of the Recommendation(s):

General Implications

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

Comment(s):

- The proposed project has sufficient support from the assessable property owners, however, does not have support from non-assessable property owners adjacent to and near the proposed project.
- The elimination of the turn around at the south end of the proposed lane will make it more difficult for the Streets Maintenance Division to provide snow clearing operations.

Policy Implications

X	No
	Yes

Comment(s):

Regulatory Implications

X	None
	Eliminates or reduces regulatory impact
	Proposes regulatory impact

Comment(s):

Environmental Implications

	No
X	Yes

Comment(s):

- The proposed granular lane will require the removal of approximately 6 mature spruce trees planted within the Parkwood Right-of-way by the resident at 130 King's Drive.

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):

REPORT

REASON FOR THE REPORT:

On June 26, 2006 the Riel Community Committee made the recommendation that the proposed local improvement - granular lane at the rear of 130 and 132 King's Drive proceed subject to a number of conditions. On July 11, 2006 the Standing Policy Committee on Infrastructure Renewal and Public Works referred the recommendation of the Riel Community Committee to the Administration for review and report back. This report is the response to the proposed conditions.

HISTORY:

- On January 24, 2006, the Office of the City Clerk received a "petition for" supporting a proposed granular lane on the first north-south lane east of King's Drive from Parkwood Place to approximately 58.8 metres (193 feet) south of Parkwood Place.
- On May 10, 2006 the Revenue and Taxation Branch provided to the Riel Community Committee the results of the "petition for" and advised that the necessary signatures in support of the project had been obtained in order for the project to proceed. Attached to the "petition for" results was a report from Public Works that recommended against the project, mainly due to the presence of a particularly old bur oak tree within the proposed alignment.
- On May 30, 2006 the Riel Community Committee laid over consideration of the matter to its meeting on June 26th, 2006 to allow the area Councillor to meet with the City Forester and area residents, to discuss options surrounding the bur oak tree.
- The Riel Community Committee did not concur with the administrative recommendation and on June 26, 2006, recommended to the Standing Policy Committee on Infrastructure Renewal and Public Works that the following Local Improvement project proceed:

    1. Granular Surface Lane (Gravel) – 3.66 metres (12 feet) wide on the first north-south lane east of King's Drive from Parkwood Place to the midpoint of the rear lot line of 132 King's Drive (see figure attached in Appendix B).

Subject to the following conditions:

1. That the granular surface lane be constructed at an angle (as shown in the attached figure – Appendix B) to ensure that a four (4) metre buffer is maintained around the existing Bur Oak tree in the Parkwood Place right-of-way.
2. That, prior to construction, the proponents submit a drainage plan for the proposed granular surface lane to the City of Winnipeg.

3. That the front access at 132 King's Drive be closed and the boulevard be restored at the owner's expense.

- On July 11, 2006 the Standing Policy Committee on Infrastructure Renewal and Public Works referred the recommendation of the Riel Community Committee to the Administration for review and report back.

DISCUSSION:

Local Improvement Process

- The local improvement by-law requires that in order for a project to proceed it must obtain supporting signatures on a "petition for" representing a minimum of 60% of the benefiting frontages.
- The originally proposed lane improvement at the rear of 130, 132 and 136 King's Drive received supporting signatures representing 100% of the *assessable* frontages.
- Under the Local Improvement by-law, a flankage property is not subject to assessment, nor is the property owner's signature necessary on the "petition for". The east side of the proposed lane is flankage (572 Parkwood Place) which represents approximately 50 % of the total frontage.

Original Local Improvement Proposal

The Public Works Department received a local improvement request to construct a granular lane 3.66 metres (12 feet) wide extending along the rear of King's Drive from Parkwood Place to the north property line of King's Park. The originally proposed lane ran down the center of the existing lane right-of-way, and included a turn around at King's Park. The original proposal is shown in Appendix A.

Advantages:

- The proposed lane would provide both motorists and maintenance crews with a turn around at the end of the lane.
- The proposed lane would provide rear access for 130, 132 and 136 King's Drive.

Disadvantages:

- The proposed lane would require the removal of numerous existing trees and endanger an existing bur oak tree (80 cm diameter) at Parkwood Place.
- The owner of 572 Parkwood Place whose property flanks the proposed lane has provided his objection to the proposed project, its impact on his property and the overall appearance on the neighbourhood.

Riel Community Committee Proposal

The Riel Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Infrastructure Renewal and Public Works that the following Local Improvement project proceed:

1. Granular Surface Lane (Gravel) – 3.66 metres (12 feet) wide on the first north-south lane east of King's Drive from Parkwood Place to the midpoint of the rear lot line of 132 King's Drive (see figure attached in Appendix B).

Subject to the following conditions:

1. That the granular surface lane be constructed at an angle (as shown in the attached figure – Appendix B) to ensure that a four (4) metre buffer is maintained around the existing Bur Oak in the Parkwood Place right-of-way.
2. That, prior to construction, the proponents submit a drainage plan for the proposed granular surface lane to the City of Winnipeg.
3. That the front access at 132 King's Drive be closed and the boulevard be restored at the owner's expense.

Advantages:

- The revised lane proposal has little impact on the existing trees within the lane right-of-way.
- The lane provides access to 130 and 132 King's Drive.

Disadvantages:

- The proposed alignment, with a four (4) metre buffer around the existing bur oak tree at Parkwood Place, requires that the owner of 130 King's Drive remove a shed and approximately six (6) mature spruce trees that he has planted within the Parkwood Place right-of-way.
- The elimination of the turn around at the south end of the proposed lane will make it more difficult for the Streets Maintenance Division to provide snow clearing operations and will require that motorists who mistakenly enter the lane to back out.
- The revised lane alignment will have a bend introduced to allow for the 4m buffer, this will make winter navigation of the lane more difficult.
- The shorter limit does not allow for access to 136 King's Drive.
- The Community Committee requirement that the project proponent to remove his front approach will increase the vehicular use of the lane which may not be desired by the residents in opposition.
- The owner of 572 Parkwood Place has identified to Public Works staff that he opposes any lane installation at this location.

FINANCIAL IMPACT STATEMENT

Date: August 30, 2006

Project Name:

Local Improvement Projects to be Funded and Constructed in 2006 – Construction of a Granular Lane at the Rear of 130 and 132 King's Drive

As this report is for information only there is no financial impact.

"Original Signed by Darcy Stewart, CA"

Darcy Stewart, CA
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By: n/a

External Consultation With: n/a

THIS REPORT SUBMITTED BY:

Department	Public Works Department
Division:	Engineering Division
Prepared by:	M.N. Harms, P.Eng. 986-3615
Processed by:	

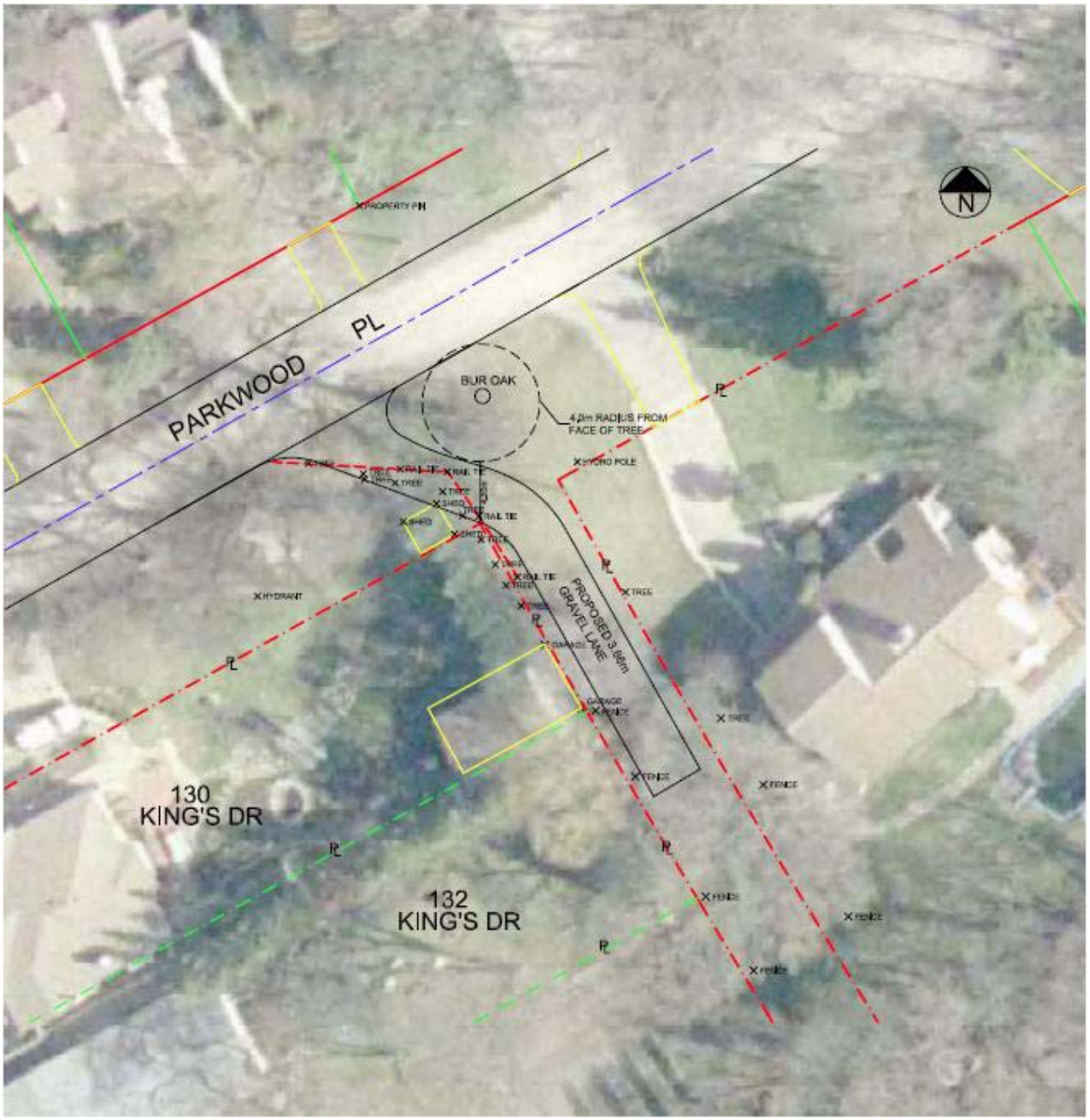
APPENDIX "A"

Original Local Improvement Proposal



APPENDIX "B"

Riel Community Committee Proposal



Parkwood Place Delegation Re. Opposition to Granular Surface Lane

Presented to:
The Standing Policy Committee on Infrastructure Renewal and Public Works
Tuesday, November 21, 2006

Presented by:
Parkwood Place resident Dr. Jerry L. Gray,
On behalf of Parkwood Place residents

Parkwood Place Opposition

- Parkwood Place is a unique community comprised of seven homes
- Of the 13 Parkwood Place property owners, 12 have signed a petition in opposition of the development *
- Rationale for opposition includes:
  - Traffic and Safety Concerns
  - Environmental Issues
  - Costs vs. Benefits
  - Development proposal is contrary to the City's development philosophy of the Kings Park area
  - Problems with lighting
  - City Department of Pubic Works is opposed to the development
  - Inherent unfairness of the by-law process

*(One owner was not approached due to health issues)

Traffic and Safety Issues

- Traffic Issues
  - Parkwood Place is a quiet, dead end street
  - Vehicular traffic will be increased – service and other
  - Adds an additional and unnecessary intersection
- Safety Concerns
  - Turnoff is on a down slope
  - Access will be difficult and will not have a turnaround
  - University foot traffic at Kings Drive will be impacted

Environmental Concerns

- The “country lane” setting of Parkwood Place will be negatively impacted by unnecessary development and decreased forestation.
- Area to be surfaced is currently green space and a natural habitat for wildlife.
- Many existing mature trees will be removed and an existing oak tree (80 cm diameter) would be endangered.
- Even with the revised plan to go around the tree, the City Forester says it likely would not survive because of damage to the roots.
- This development is inconsistent with recent decisions to eliminate other area laneways.
- Our unique community will be irreversibly altered.

Costs vs. Benefits

- Costs
  - Environmental
  - Community
  - Construction costs –A professional contractor has estimated the cost at approximately $9,000 including removing 12 trees, excavation, culvert installation, geothermal materials, and granular fill
  - Ongoing Operating – maintenance and services
- Benefits
  - Only one Kings Drive resident benefits at the expense of **all** Parkwood Place residents *and that resident's property has room for access to a rear garage from Kings Drive.*
  - The two other Kings Drive homes have existing access to rear garages
    - 130 Kings Drive from both Parkwood and Kings Drive
    - 134 Kings Drive from Kings Drive

Other Issues to Consider

- City has cancelled the original development plan of **The Drive** to preserve the pristine area
- Likely reduction in property values of properties close by.
- Lighting issues – an unlighted lane will encourage foot traffic through the area and increase the risk of vandalism
- The proposed lane will not be seen by the Kings Drive residents, but 3 Parkwood Place residents will have direct visual exposure.
- Opposition of the City Department of Public Works
- Inherent unfairness of the by-law process – of the 15 properties affected by the proposed development, a minority can negatively impact the quality of the residential area for the other 12 owners.

Parkwood Place residents strongly oppose this proposal and request that you vote against it proceeding.

Thank You

TO: Mr. Marc Pittet, Riel Community Committee Clerk

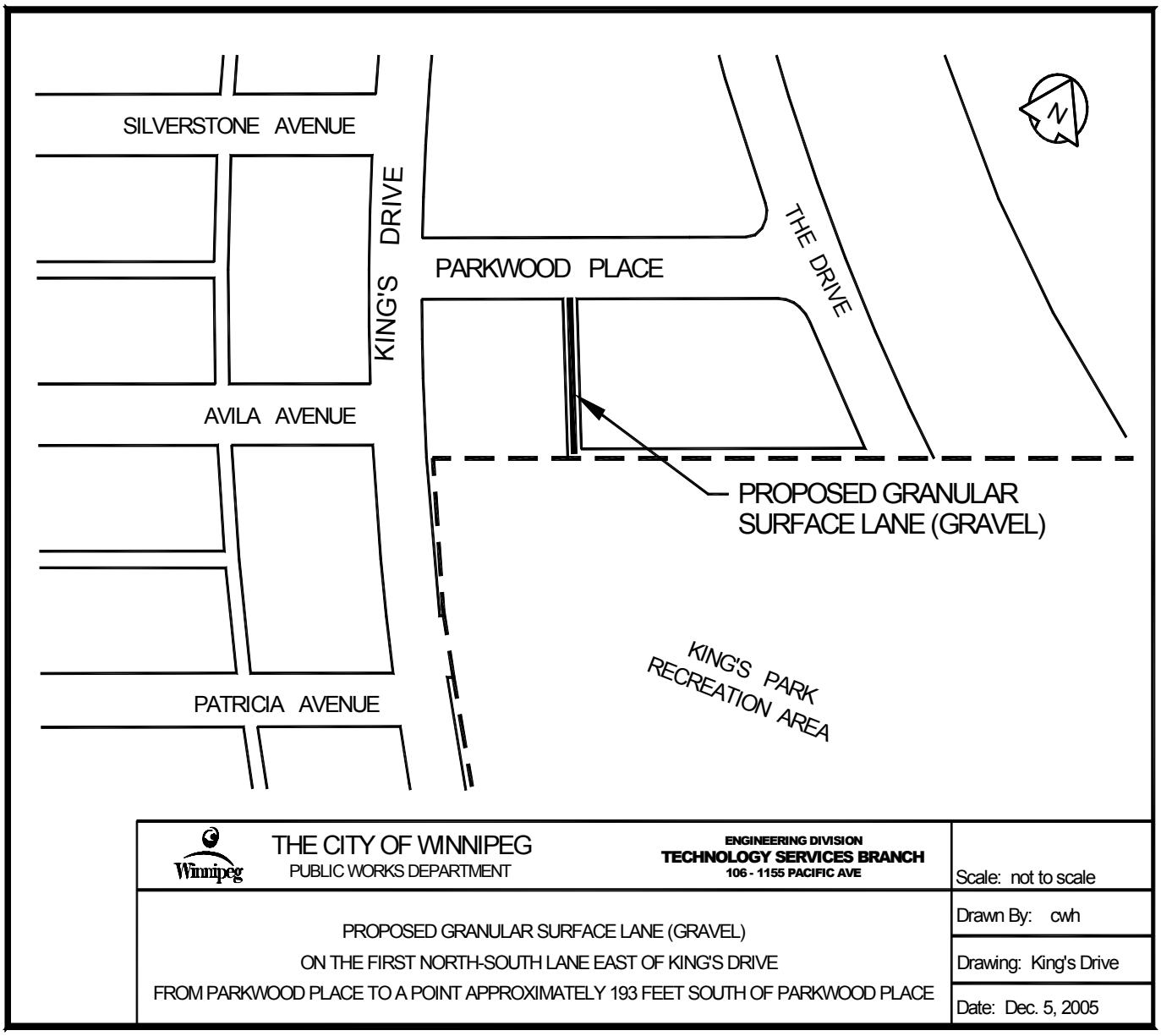
FROM: Mr. Norm Dobson, Co-ordinator of Tax Accounting & Administration

SUBJECT: RESULTS OF A PETITION FOR A PROPOSED LOCAL IMPROVEMENT

DATE: May 10, 2006

On January 19, 2006, a Petition "For" was issued to Mr. John Zonneveld of 132 King's Drive for a proposed local improvement within your Community and Ward boundary. The Office of the City Clerk's had received this Petition "For" on January 24, 2006. The Riel Community Committee is, therefore, requested to specifically review and recommend to the Standing Policy Committee on Public Works on the Local Improvement project as follows:

Work Order No.	***Local Improvement***	***Location***
1220240106	Granular Surface Lane (Gravel)	12 feet wide on the first north-south lane east of King's Drive from Parkwood Place to a point approximately 193 feet south of Parkwood Place.



THE CITY OF WINNIPEG PUBLIC WORKS DEPARTMENT	ENGINEERING DIVISION **TECHNOLOGY SERVICES BRANCH** 106 - 1155 PACIFIC AVE	Scale: not to scale
PROPOSED GRANULAR SURFACE LANE (GRAVEL) ON THE FIRST NORTH-SOUTH LANE EAST OF KING'S DRIVE FROM PARKWOOD PLACE TO A POINT APPROXIMATELY 193 FEET SOUTH OF PARKWOOD PLACE		Drawn By: cwh Drawing: King's Drive Date: Dec. 5, 2005

It has been ascertained that the signatures obtained from the benefiting property owners represented 51.33*%* of the total assessable frontage as indicated below:

Total Assessable Frontage (includes "flankage")	377.0 feet
Petitioners For Represent	193.5 feet
Percentage Signed	***51.33%***

However, in accordance with Section 410(2) of *The City of Winnipeg Charter*, it states:

> **"Where real property benefited is exempt**
> ***410(2)*** *If real property that is to be benefited by a proposed local improvement is exempt from taxation, the city is deemed to be the registered owner of the real property for the purpose of any petition for, or objection to, the local improvement."*

Therefore, by ***excluding*** the "flankage" property from the total assessable frontage, the signatures obtained from the benefiting property owners would then represent ***100%*** of the total assessable frontage as indicated below:

Total Assessable Frontage (includes "flankage")	377.0 feet
Less: Flankage	(183.5) feet
Total Assessable Frontage (excluding "flankage")	193.5 feet
Petitioners For Represent	193.5 feet
Percentage Signed	***100.00%***

Also, in accordance with Section 409(4) of *The City of Winnipeg Charter*, it states:

> **"When notice and hearing not required**
> ***409(4)*** *Subsections (1) to (3) do not apply to a local improvement proposed by a petition signed by all of the registered owners, other than the city, of the total real property to be benefited by it."*

Therefore, it will ***not*** be necessary to advertise this proposed local improvement in 2006.

It is estimated that the total cost of the project is $3,000 of which 32.25% is to be recovered from the registered property owners' share.

City's Administration Recommendation: The undertaking of this Local Improvement project may proceed as part of the 2006 Local Improvement Capital Budget.

Furthermore, a Report prepared by the Public Works Department ***recommending against the approval of this project*** is attached as well.

[Original Signed By Norm Dobson]

Co-ordinator of Tax Accounting & Administration

ATTACHMENT

TO:	George Wladyka Revenue and Taxation Division Corporate Finance	**FROM:**	Mr. S. Payne, C.E.T., P.M.P. Capital Estimates Officer Technology Services
FILE NO.			
REF:		**DATE:**	2006 03 20

RE: Construction of Granular Roadway in lane at rear of 130, 132, 136 King's Drive

With reference to the local improvement application Work Order No. 1220240106 for the installation of a gravel lane at the rear of 130, 132, 136 Kings Drive, the Public Works Department has circulated the proposed plan for the installation of a lane at this location and has received comments back.
Based on the information provided, the Public Works Department **recommends against the approval of this project.**

The following support information needs to be included in the Revenue and Taxation "petition for" report when submitted to the Community Committee for approval:

Project Scope

The proposed granular lane would be approx. 171 metres long from Parkwood Drive to the north fence line of King's Park. Additional construction works will include t-intersection/hammerhead, which would be required in the existing lane right-of-way that resides in King's Park. The construction methods would include the removal of approx. 15 centimetres of topsoil and placement of approx. 30 centimetres of limestone/granular material. The depths of excavation would vary according to the existing ground elevations.

Urban Forestry Comments

The Urban Forestry Branch of Public Works has inspected the proposed site and noted the installation of a granular surface lane at the rear of numbers 130, 132 and 136 King's Drive will require the removal of numerous trees and/or the removal of the root systems.

The trees affected are:

- A Bur oak, approx. 16 metres in height and 79 centimetres in diameter in the Parkwood Place right-of-way,
- A Green ash located on the east side of the lane, approx. 5-10 metres high and approx. 30 centimetres in diameter, located 9 metres south of the Parkwood Drive right-of-way,
- Numerous Spruce trees located at the rear of 130 & 132 King's Drive and at the rear side lot line of 572 Parkwood Drive,
- Up to 30 trees, of varying diameter, in the adjacent King's Park would require removal to facilitate the installation of a t-intersection.

The Urban Forestry Branch has noted the planned use of heavy equipment to excavate and remove the excess earth, place grade and compact the granular material would damage the tree root system. The roots of an oak are considered to extend underground to a radius equal to or greater than the height of the tree. Most of the roots (90%) for an oak are located within 30 centimetres of the ground surface. The roots of the oak are susceptible to compaction, the "squeezing out" of moisture, from the weight of both the gravel and vehicles.

In addition to the tree root damage from the excavation process, a localized depression at the rear of 136 King's Drive would require filling in and the installation of a drainage culvert to the Parkwood Drive south side ditch. This would require trenching through the oak and ash tree roots.

The use of white crushed limestone material is preferred as this material is easily compactable and results in a very tight surface. Limestone is alkaline in origin and the leaching out of the alkaline reduces the ability of tree roots to absorb iron from the surrounding soil; thereby, slowly killing the tree.

The installation of a Geotextile to reduce the need for compaction and reduce alkaline leaching would be of limited value as the leaching would be concentrated in the area just beyond the edge of the Geotextile.

Finally, the removal of up to 30 trees for the proposed t-intersection on King's Park property is also not acceptable.

As a result of the proposed tree removals and related tree damage, the City Forester has recommended against the approval of this project.

Lane Alignment

An existing 79cm diameter oak tree is in direct alignment with the east edge of the proposed lane. Public Works has considered relocating the proposed lane to the furthest point possible, west of the tree; however, this realignment will not reduce any potential damage to the tree roots.

Opposition Against

The Public Works Department has been contacted by Dr. Ray Perry of #572 Parkwood Drive to express his opposition to this project and to advise that he would like the opportunity to attend

the Community Committee meeting when the report is tabled.

Please advise our office when this Local Improvement report will be tabled at the Community Committee meeting so we can forward this information on to Dr Ray Perry.

If you require any further information at this time, please contact me at 986-3227.

Original Signed By - Scott Payne

K I N G ' S D R I V E

Properties 130, 132, 136

GRANULAR LANE PROPOSAL



RENDITION OF PROPOSED LANE

Submission from John Zonneveld

Riel Community Committee Presentation

Description of Project:

To construct a granular roadway in lane at rear of 130, 132, and 136 King's Drive.

Rationale

This granular lane would provide access to the rear yards of all three properties. It would also provide access to the current garage at 130 King's Drive, as well as service a future garage at 132 King's Drive. A garage located off the lane is the only possible location for garages at 130 and 132 King's Drive.

The lane currently endures sporadic use by light traffic and occasional heavy equipment (i.e. removal of pool at 572 Parkwood Place). Currently the roots are unprotected. Constructing a lane would also direct traffic to drive only on the developed granular surface, therefore protecting the trees from vehicular damage.

Concerns

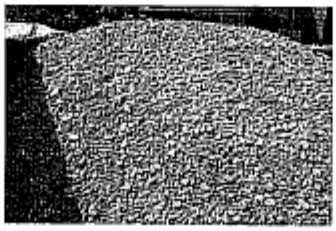
Minimizing the damage to the large Bur Oak that is located on the eastern edge of the public lane access and the surrounding ecology.

This damage could be minimized by:

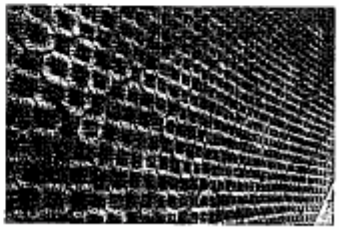
1. Moving the centre line of the lane west for the first 20 metres.
2. Having the entrance to the lane off the right-away of Parkwood (see illustration on page 3). Traffic will be entering the lane traveling east, and exiting west which allows for the access to curve, allowing a wider berth around the tree.
3. Using crushed, washed gravel instead of limestone to prevent leaching and to mitigate pH concerns.
4. Using a small loader such as a Posi-Track All Surface Loader (exerts only 2.5 psi ground pressure) to construct the lane to prevent damage to root systems that could occur by large equipment.
5. Allowing the gravel to compact slowly with the residential traffic (which will be minimal as it only will service three properties).
6. Using an alternative surface such as Turfstone or bridging to prevent loading of the tree roots.



Garage at 130 Kings Drive, off Public Lane



Crushed and washed gravel



Turfstone

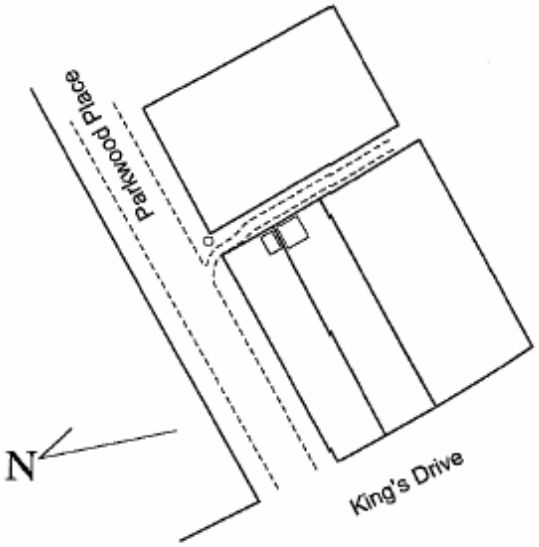
Concessions

1. Constructing a lane of only 130' to eliminate the t-intersection/hammerhead. This would end the lane at the southeast corner of 132 King's Drive which is prior to the Spruce trees at the rear side lot line of 572 Parkwood Place. This also eliminates the need for the installation of a drainage culvert to the Parkwood Place south side ditch. Therefore eliminating the need to trench through the oak and ash tree roots.

2. Narrowing the lane for the first 20 metres south off Parkwood Place to allow for maximum buffer zone around the Bur Oak.

3. Posting a load restriction for the lane.

Proposed Lane Plan - 132 King's Drive



Notes

• The lane, was designed within the last 50 years. The Bur Oak was already a mature tree when City Planning designed the lane.

• There is a discrepancy from the initial petitioned lane of 193.5 feet to the Forestry Report which states 171 metres or 561 feet (this is a discrepancy of 367.5 feet).

Closing Statement

We are aware that this project will negatively impact a few trees within the public lane. We would like to minimize the adverse effects by working with the City Departments, such as Public Works and Forestry, while developing and executing this local improvement project.

To be read on behalf of Craig & Jane Mackie

May 30th 2006

To whom it may concern,

My wife Jane and I are celebrating our twentieth year at our residence at and we have shared many fond memories of our tenure in Winnipeg's green-space "jewel"; the King's Park area. As a standing member of The Manitoba Woodlot Association, we take an enormous sense of respect and pride in the area's natural state. All the White Spruce growing at the east end of our yard were planted by our family, as transplants from our acreage in the south Interlake, and Jane is known as the lady to reference, when a question regarding perennials pops up by an inquiring neighbor.

The proposed improvement to our existing laneway makes practical sense for a more reliable access to the rear of all properties emptying eastward. For those same twenty years, my neighbors and I have driven on the present grass right of way, usually with some difficulty, and often creating ruts due to the poorly drained basin. The project need not be unnecessarily intrusive, as we could look at creating an earlier turn approach to avoid encroaching the large oak's buffer zone. The Mackies want to go on record that the protection of the large oak tree at the north-east face of the lane is paramount. We lost an Elm tree of similar distinction in 1988, to Dutch Elm Disease, and would not want to compromise the health of this wonderful tree.

I have spoken to all concerned neighbors, and have indicated that the aesthetics of any proposed upgrade will be enhanced with shrubs and hedges of mutual choice. The protection of the oak tree can be achieved by looking at all alternatives:

- A proper buffer and protective barrier provided
- Root protection by bridging over, or around the area
- Creating an earlier approach design to broaden the span and distance from the oak tree.

In summation, we know the laneway, as it exists today remains inadequate access to the east end of our properties. I know a mutually agreed upon strategy can meet the requirements of all vested interest groups. Improved property access, with proper drainage can be accomplished, while respecting the park-like beauty, that remains the King's Park area of Fort Richmond.

Craig & Jane Mackie