City Of Winnipeg Charter Provisions For Park Property

PART 5 POWERS OF THE CITY

DIVISION 5 CORPORATE POWERS

GENERAL POWERS

Rights and liabilities of a corporation

202 Subject to this Act, the city has all the rights and is subject to all the liabilities of a corporation.

Ancillary powers

203 Where a power is expressly given under this Act to the city or council to do, or enforce the doing of, any act or thing,

(a) all powers that are necessary or convenient to enable the city or council to do, or enforce the doing of, the act or thing are deemed also to have been given to the city or council, as the case may be; and

(b) if the doing by the city or council of any act or thing expressly authorized is dependent on the doing of any other act or thing not expressly authorized, the city or council, as the case may be, has the power to do that other act or thing.

PROPERTY

General powers

204 Without limiting the generality of any other provision of this Act, the city may, for its purposes,

(a) acquire, hold, encumber, mortgage, lease, dispose of, and otherwise deal with, land, improvements and personal property, or interests in land, improvements and personal property, whether within or outside the city; and

(b) lease or otherwise authorize the use of space or air rights above or below the established grade level of a street.

Dealing with property

205(1) Without limiting the generality of clause 204(a), the city may, for its purposes

(a) acquire property by lease, purchase, exchange or gift, and on terms and conditions acceptable to the city;

(b) expropriate land and improvements in accordance with The Expropriation Act;

(c) acquire and grant options to purchase, lease or sell property;

(d) dispose of, by sale, assignment, lease, exchange or gift, and on terms and conditions acceptable to council, property of the city, or any interest in or right to property, that council considers no longer necessary for the purposes of the city, or in the case of leasing the property, not needed immediately for the purposes of the city;

(e) accept a mortgage or other encumbrance as security for the sale price of property disposed of by the city; and

(f) acquire property offered or transferred to it in partial or full settlement or payment of, or as security for, any indebtedness owing to the city, or any lien or charge on property or any right to such a lien or charge.

Restriction on disposal of park land

205(2) Despite clause (1)(d), no land owned by the city and used for park or cemetery purposes on the day this Act came into force or acquired after that date by the city for park or cemetery purposes may be disposed of without approval by a vote of 2/3 of all members of council.

Lease of land held for street

205(3) Where title to land is vested in the Crown or in the name of the city for the purpose of a street and the possession and control of the land are vested in the city and it is not expedient to construct a street on the land immediately, the city may lease or use the land until it is required for the construction of the street.

Acquiring and assembling land

205(4) The powers referred to in section 204 and subsections (1) and (3) may be exercised by the city for the purpose of

(a) assembling or assisting in the assembly of land for residential, recreational, commercial or industrial development or redevelopment and for rights-of-way for future streets and land abutting them; and

(b) acquiring additional land as part of a lease, purchase, exchange, gift or expropriation, if for any reason the city considers it advantageous to do so.

Dealing with assembled or acquired land

205(5) The power to assemble or acquire land under subsection (4) includes the power to hold, lease, sell, exchange or otherwise dispose of the land, or any part of it, on such terms and conditions as the city considers advisable.

Entry for expropriation purposes

206(1) Council may, for the purposes of determining whether to expropriate land, authorize an employee or other person to enter upon the land to conduct surveys, appraisals and tests, and a person so authorized may enter upon the land for that purpose.

Entry for locating works

206(2) A designated employee may enter upon land at a reasonable time for the purpose of making surveys, examinations and tests for locating and setting out the site of proposed works.

Liability for damages

206(3) The city is liable for any damage arising from the entry under authority of subsection (2) by a designated employee upon land.

Related Winnipeg Zoning By-law Provisions

Winnipeg Zoning By-law Definition Of PR3:

Parks and Recreation 3 (PR3) (Regional)

(5) The Parks and Recreation 3 (PR3) district is intended for sites that include major recreation facilities and parks that are a regional destination. These sites may include major recreation facilities, aquatic leisure centres, regional parks, sport multi-plexes and athletic field developments. Parking facilities ranging from 100 to 300+ stalls may be associated with these uses. These facilities are typically found along major arterials.

The Old Exhibition Grounds and facilities has McPhillips Street on the west side and Sinclair Street on the east side – north and south sides have private properties and a backlane adjacent.

Winnipeg Zoning By-law Definition Of Protection & Emergency and C3:

"protection and emergency services" means a development that is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of equipment and vehicles. Typical uses include police stations, fire stations, ambulance services, and ancillary training facilities.

Commercial Corridor (C3)

(4) The Commercial Corridor (C3) district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located in Community or Regional mixed use corridors or along Community or Regional mixed use corridors.

Legal title and Short History of Exhibition Grounds

Legal Titles

(Part of original river lot 35 in the St. John's Parish.)

The short legal description of the property of 80 Sinclair St, roll # 14002985600 is:

Part of Lot, Parish Lot & Lot Type= PT 35 ST J RL

The long legal description is:

PT RL 35 ST J

LYING TO N OF N LIMIT PL 6691 & ITS STR PROD

ELY & WLY & TO E OF E LIMIT PL 4791 & LYING

S OF S LIMIT LANE PL 7847 & TO W OF W LIMIT

SINCLAIR ST

EXC PLS 15449 & 15182

EXHIBITION GROUNDS

Short History

The original Winnipeg Industrial Exhibition Grounds lot was all the land between McPhillips, Sinclair, Jarvis and Selkirk. As far back as 1892 street cars took Winnipeggers and visitors from then city hall to the Exhibition Grounds. So far, it is unclear if the City of Winnipeg owned the lot until the Parks Department took over a 36.5 acre portion of the Exhibition Grounds in 1907. More research is being undertaken.