Minute No. 429
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 22 **Transfer of Jurisdiction of Public Park Land at the Intersections of Fermor Avenue at Westmount and Autumnwood Drives to the Public Works Department for Legal Street Opening Purposes**
File FI-2.4.4.1

COUNCIL DECISION:

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

1. That the subject City properties, shown as "Proposed Street Opening" on Misc. Plans 11905, 11907 and 11919, currently under Parks jurisdiction, be declared surplus to parks needs.

2. That the subject properties be transferred to the jurisdiction of the Public Works Department for legal street-opening purposes.

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 - April 27, 2004

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, 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 April 27, 2004 the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: Proposed Transfer of Jurisdiction of Public Park land at the Intersections of Fermor Ave at Westmount and Autumnwood Drives to the Public Works Department for Legal Street Opening Purposes
Riel Community
St. Boniface Ward

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

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

Report date: **April 13, 2004**

Recommendation(s):

1. That the subject City properties currently under parks jurisdiction and shown as "PROPOSED STREET OPENING" on the attached Misc. Plans 11905,11907 and 11919 be declared surplus to parks needs.

2. That subject to recommendation No.1 being approved, the subject properties be transferred to the jurisdiction of the Public Works Department for legal street-opening purposes.

REPORT SUMMARY

Key Issues:

The subject City properties are currently under parks but have been used as street right- of-way since 1967.

In order to be legally opened as street right-of-way, the subject lands have to be declared surplus to parks needs and jurisdiction must be transferred to the Public Works Department.

The sale or transfer of property designated or acquired for park purposes is subject to The City of Winnipeg Charter Act, Statutes of Manitoba 2002, Chapter 39, Section 205(2) which states: "no land owned by the city and used for parks or cemetery purposes on the day that this Act came into force or acquired after that date by the city for parks or cemetery purposes may be disposed of without approval by a vote of 2/3 of all members of Council."

The Riel Community Committee at its meeting held October 7, 2003, considered the matter and advised that it had no objections to the proposed transfer of jurisdiction.

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):
These lands have been in use as public street and boulevard since 1967.

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):
This project is part of The Regional Street Renewals, Fermor Avenue-Archibald Street to Lagimodiere Boulevard (Eastbound), which was approved in the Preliminary 2003 Capital Estimates by Council on March 28, 2003.

REASON FOR THE REPORT:

The sale or transfer of property designated or acquired for parks purposes is subject to The City of Winnipeg Charter Act, Statutes of Manitoba 2002, Chapter 39, Section 205(2) requiring "approval of at least two-thirds of the members of Council".

HISTORY:

In 1967, the subject City properties were improved with right turn street cut-offs and have since then been used as public street right-of-way; however, they remained under parks jurisdiction and were never legally opened as street right of way.

City Council at its special meeting held on March 28, 2003, adopted the Preliminary 2003 Capital Estimates which included a provision for The Regional Street Renewals, Fermor Avenue-Archibald Street to Lagimodiere Boulevard (Eastbound) Project. The Renewals Program provides funding for the Fermor Avenue improvements, including the requisite preparation and registration of a legal street opening plan.

At its meeting held on October 7, 2003, the Riel Community Committee reviewed the matter and advised that it has no objections to declaring the subject City properties surplus to parks needs and transferring the jurisdiction to the Public Works Department for street opening purposes.

The Park Strategic Planner in the Planning and Land Use Division has advised that the Division has no objections to the proposed transfer of jurisdiction.

DISCUSSION:

The subject City parks properties form part of what is commonly referred to as the Fermor Avenue Trail, which is generally developed with landscaping and a pedestrian pathway. The subject portions, however, were developed in 1967 with right turn street cut-offs and as such should be transferred to the jurisdiction of the Public Works Department so that they can be legally opened as public street right-of-way. Given that other lands are being acquired in the area for street opening, it would be prudent from an economic and practical perspective to include the subject properties in the street opening plan.

There are no expenses associated with the transfer of jurisdiction.

The expenses for the street opening plan will be charged to the The Regional Street Renewals, Fermor Avenue-Archibald Street to Lagimodiere Boulevard Project, Fund 003, Account 181000, Department Id 180604, Project 1804000503, Activity property.

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

The Planning and Land Use Division and the Public Works Department.

This report submitted by:

Planning, Property and Development Department
Division: Real Estate
Prepared by: M. Sousa
PPD File #: 8401, 8404, and 8409

Document name: o:\reports directive\real estate\acquisition\(ms)transfer of jurisdiction parks to public works.doc

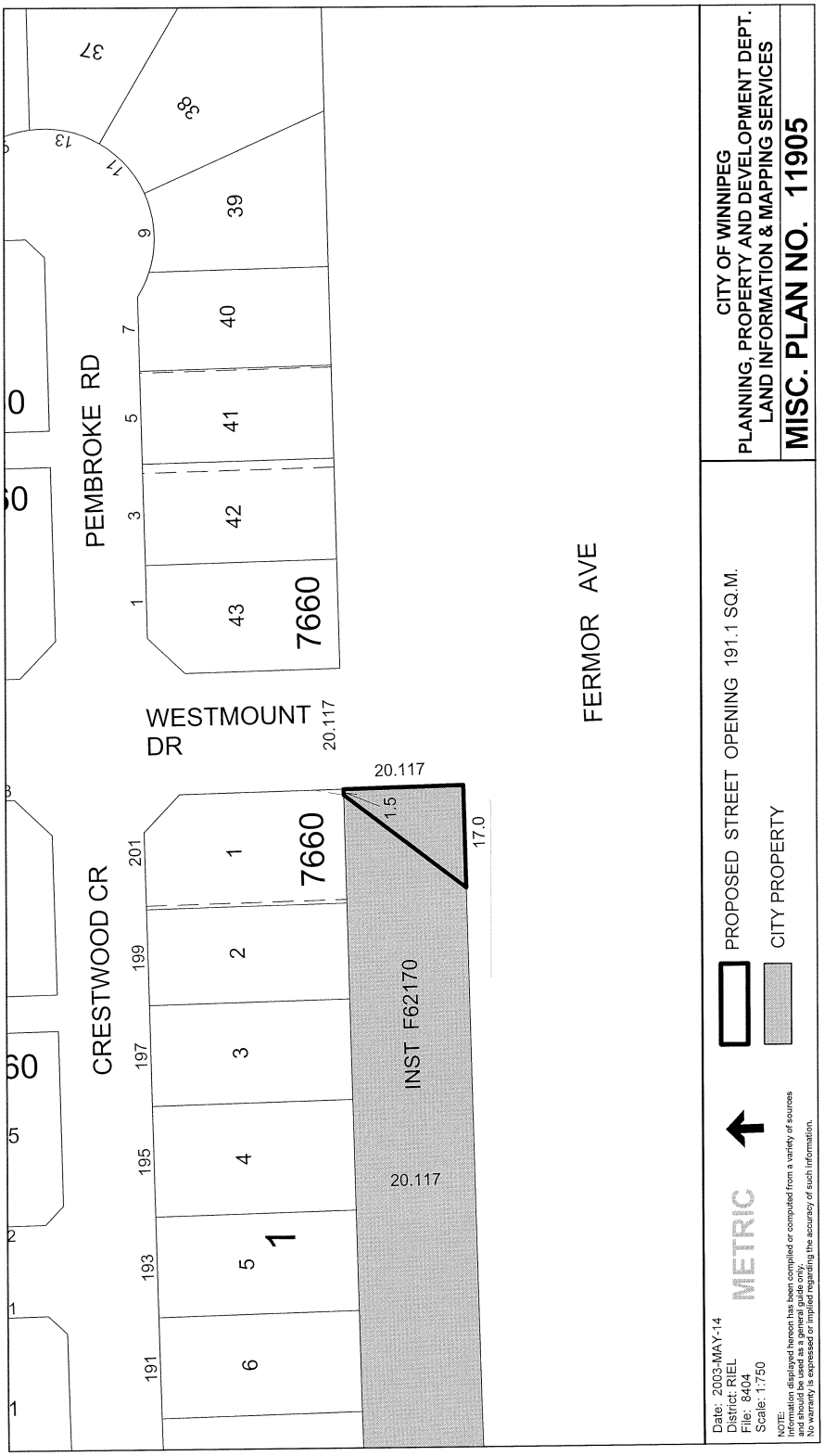
Financial Impact Statement

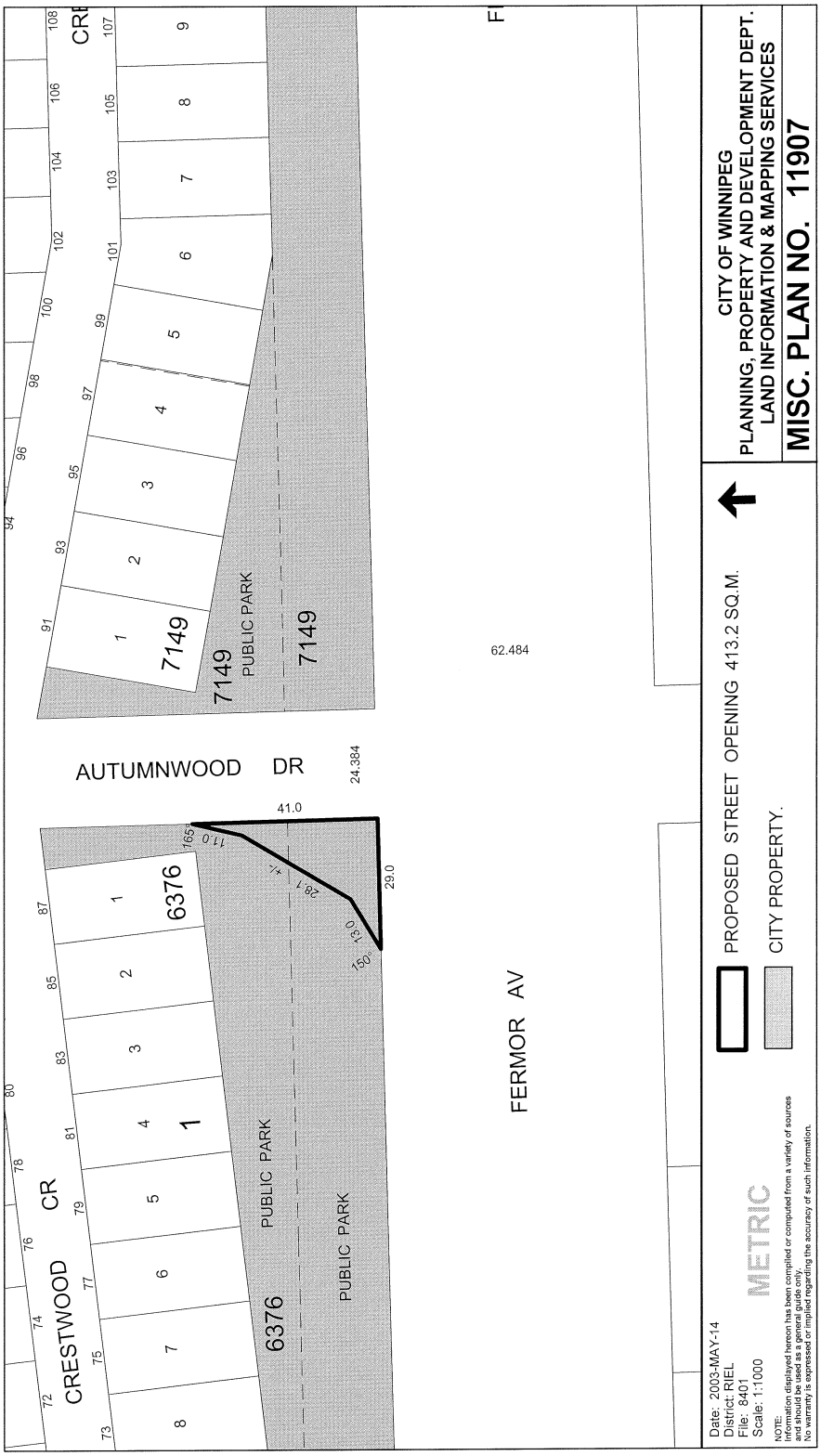
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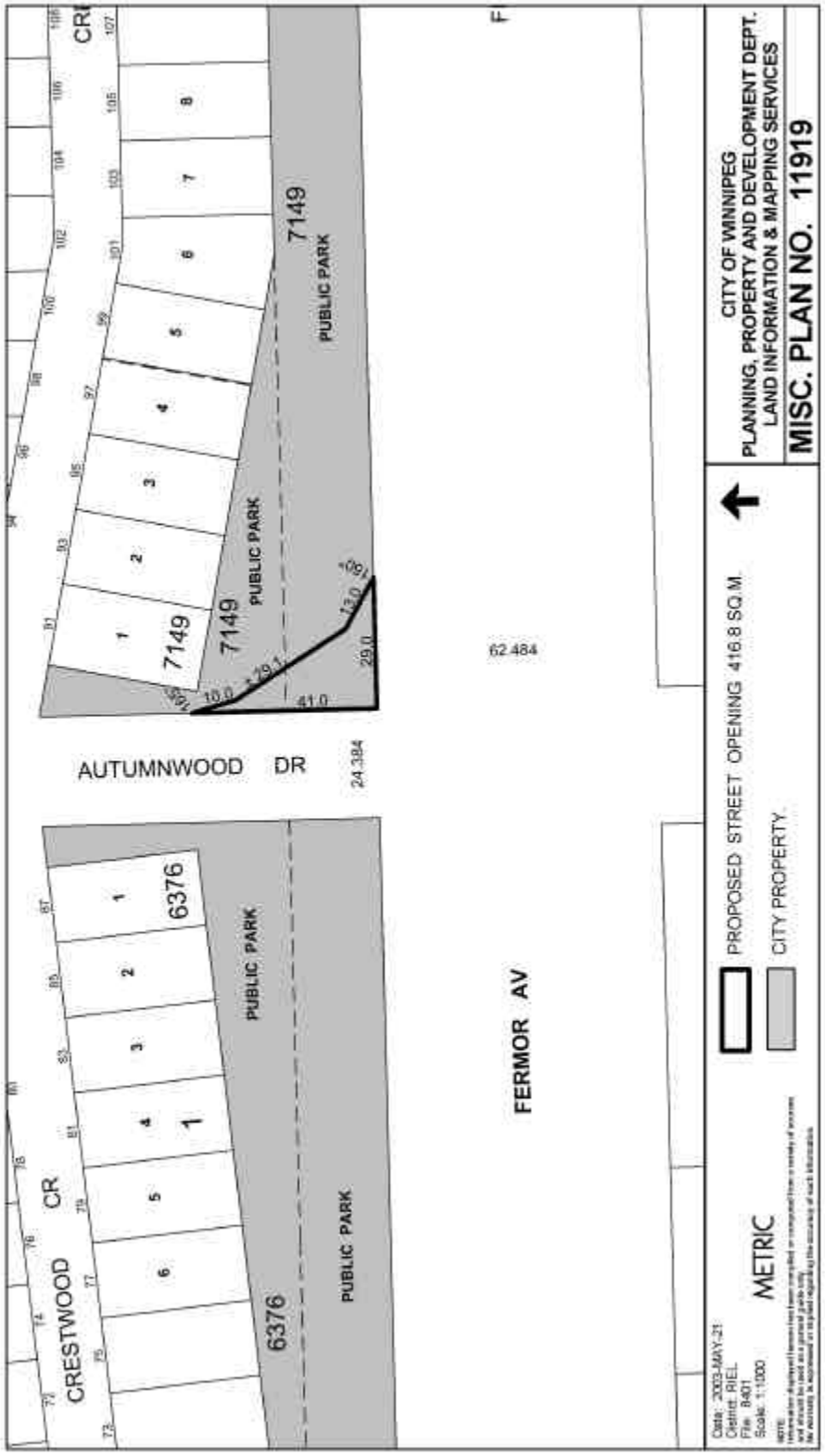
COMMENTS:

There are no financial implications associated with this report's recommendations.

Karen Ayotte, Acting
Manager of Finance


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11905
PROPOSED STREET OPENING 191.1 SQ.M.
CITY PROPERTY
METRIC
Date: 2003-MAY-14
District: RIEL
File: 8404
Scale: 1:750
NOTE:
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No warranty is expressed or implied regarding the accuracy of such information.
PEMBROKE RD
WESTMOUNT DR
CRESTWOOD CR
FERMOR AVE
INST F62170
7660
20.117
1.5
17.0


CRESTWOOD CR
AUTUMNWOOD DR
FERMOR AV
PUBLIC PARK
PUBLIC PARK
PUBLIC PARK
7149
7149
7149
6376
6376
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41.0
29.0
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11907
PROPOSED STREET OPENING 413.2 SQ.M.
CITY PROPERTY.
Date: 2003-MAY-14
District: RIEL
File: 8401
Scale: 1:1000
METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11919
PROPOSED STREET OPENING 416.8 SQ.M.
CITY PROPERTY
METRIC
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FERMOR AV
CRESTWOOD CR
PUBLIC PARK
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