REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED OCTOBER 4, 2001

The Executive Policy Committee has considered the following report, has concurred in the recommendations contained therein, and submits same to Council for approval and adoption.

The Standing Policy Committee on Property and Development submits Clause 1 as a consent item.

Proposed Acquisition of Lands for Lane Corner Cuts at 970 North Drive and 612 Stewart Street - Assiniboia Community

File FI-2(31) (Vol. 4)

1. The Standing Policy Committee on Property and Development has been advised that the City needs to legalize the use of the subject lane corner cuts to permit the continued safe and efficient movement of vehicular traffic through the lane, particularly refuse, recycling and snow clearing equipment. Pursuant to the direction from the Standing Policy Committee on Public Works, the Real Estate Division of the Planning, Property and Development Department has successfully negotiated two proposed property acquisitions. The proposed acquisitions are not part of a Council-approved program and, as such, the proposed terms and conditions as negotiated require consideration by Council.

The owner of 970 North Drive contacted the Public Works Department requesting that the need for the City to acquire the lane corner cut be investigated prior to the replacement of the existing fence which is currently set back approximately 4 meters from the lane intersection.

The owners of 612 Stewart Street contacted the Public Works Department with concerns of trucks cutting across the southwest corner of their property. Prior to the construction of a fuel station on the south side of the lane, large vehicles could use the former parking lot to negotiate the turn in the T-lane intersection. This is no longer possible and large vehicles, including refuse and recycling collection vehicles, now track across the corner of 612 Stewart Street.

The Public Works Department investigated and determined that it would be in the City's best interests to acquire the properties outlined as "Proposed Lane Opening" on Misc. Plan. Nos. 11161 and 11160, for public lane opening.

The particulars of the subject properties are as follows:

Property "A"

Location:	Southwest corner of 970 North Drive, and shown on Misc. Plan No. 11161
Legal Description:	Part Lot 11, Plan 23115
Certificate of Title:	1180109
Registered Owner:	Valter G. Rosa
Zoning:	"R1-5" Residential District
Realty Roll:	03090467000
Assessed Value (2001):	not apportioned
Current Taxes:	not apportioned
Total Site Area:	1278.39 square metres (13,761 square feet)
Proposed Acquisition Area:	17.0 square metres (183.2 square feet)
Property Description:	The proposed acquisition is in the rear yard area of an improved residential lot that is being trespassed on by the general public and public service vehicles trying to negotiate turns at the T-lane intersections.

Property "B"

Location:	Southwest corner of 612 Stewart Street, and outlined on Misc. Plan No. 11160
Legal Description:	Part Lot 47, Block 1, Plan 1687
Certificate of Title:	1218766
Registered Owner:	L.D. Rading and D.E. Desnoyers
Zoning:	"R1-5" Residential District
Realty Roll:	0702101640
Assessed Value (2001):	not apportioned
Current Taxes:	not apportioned
Total Site Area:	380.84 square metres (4099.46 square feet)
Proposed Acquisition Area:	4.37 square metres (47 square feet)
Property Description:	The proposed acquisition is in the rear yard area of an improved residential lot that is being trespassed on by the general public and public service vehicles trying to negotiate turns at the T-lane intersections.

The Director of Public Works forwarded a report dated April 11, 2001, to the Standing Policy Committee on Public Works requesting that Committee authorize the Director of Planning, Property and Development to negotiate the acquisition of the referenced lane corner cuts. On May 1, 2001, the Standing Policy Committee on Public Works adopted the recommendation thereby instructing the Director of Planning, Property and Development to negotiate the acquisition of the lands required for the proposed lane openings. Negotiations for the acquisition of the lands have resulted in proposed settlements.

The Public Works Department has determined that it would be in the City's best interests to acquire the properties in order to: facilitate the movement of vehicular traffic through the lane; minimize the hazards associated with negotiating turns at the T-lane intersections; and, minimize the number of claims against the City for property damages.

To date, the current owners have been accommodating as they have set back their fences from the legal limits of their property to allow vehicles easier access through the lane. The owners have requested that the City resolve the trespass issue in a proper legal manner by acquiring the referenced lands and legally opening them as public lane. In the future, the current and possibly future owners may not be as accommodating and could fence their property right to the limit of the property line, which would severely restrict the traffic flow of larger vehicles through the lanes.

The Real Estate Division of the Planning, Property and Development Department considers the price and terms and conditions as negotiated as fair, reasonable and consistent with other acquisitions of a similar nature.

In addition to the purchase prices of $750.00 (Property "A") and $500.00 (Property "B"), the cost for two Building Location Certificates has been estimated to be $1,000.00. The guard posts will be installed by the Public Works Department, i.e. in conjunction with works on site. The estimated cost to prepare and register two lane opening plans is $4,000.00. The total of identifiable costs is, thus, $6,250.00, plus reasonable legal costs and disbursements. Adequate funding for the proposed acquisitions has been identified in the Land Acquisition for Future Transportation Purposes Account.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the lands outlined as "Proposed Lane Opening" on Misc. Plan Nos. 11161 and 11160, be approved in accordance with the price, and terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

THIS PAGE LEFT BLANK INTENTIONALLY