Report of the Standing Policy Committee on Property and Development dated June 27, 2002

Declare as Surplus and Convey Title of City-owned land to the Fort Garry School Division No. 5, Vincent Massey Collegiate - 975 Dowker Street
File FI-2.4(31) (Vol. 9)

17. The Standing Policy Committee on Property and Development has been advised that title to a portion of the lands upon which the Vincent Massey Collegiate is situated is still vested in the name of the former Rural Municipality of Fort Garry. Conveyance of title to the Fort Garry School Division No. 5 will satisfy the outstanding requirements of the original former R.M. of Fort Garry intent, and resolve the land ownership issues for the School Division. In order to facilitate the conveyance within the scope of today's City Policy, Council must first declare these lands as surplus to the City's requirements.

On September 26, 2001, the Planning, Property and Development Department received a letter from Monk Goodwin, Solicitors acting on behalf of the Fort Garry School Division No. 5, identifying a problem regarding land ownership of certain parcels of land upon which the Vincent Massey Collegiate is built. Title to a portion of the lands upon which Vincent Massey Collegiate is situated, still stands in the name of the former Rural Municipality of Fort Garry. Based upon the Department's investigation and review of this matter, By-law No. 4397 dated April 11, 1961 and By-law No. 4916 dated September 14, 1965 of the former Rural Municipality of Fort Garry indicate that the subject lots, as well as a portion of a public lane closed by Plan No. 7218, had been approved for transfer to the Fort Garry School Division No. 5, subject to conditions.

By-law No. 4397 states that the said Municipality agreed to transfer part Lot 1, Plan 4966 to the Fort Garry School Division No. 5 in accordance with the terms of a Joint User Agreement.

Schedule A contains terms and conditions of a 1960 Joint User Agreement entered into between the former Rural Municipality of Fort Garry, the said School Division and the Parks Board of the former Rural Municipality of Fort Garry.

A copy of the Joint User Agreement was forwarded to the Agreements Coordinator in the Community Services Department (former Parks Board) for comment. He advised as follows:

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Community recreation programming has long since been relocated, and it is rare that the School Gymnasium, as provided for in the 1960 agreement, Article 7, is available for any use other than high school athletics. The School Shops Room is available for the occasional furniture class, and some classrooms are used for crafts, but it has been at least seven (7) years since the last documented use of the gym, and that was briefly for a summer seniors program.

The Agreements Coordinator indicated that there are problems with parking and grounds maintenance in and around the area of Vincent Massey Collegiate, however, the Administration's understanding is that the these issues do not effect the intended conveyance of the title as discussed.

The Property Assessment Department confirmed that Fort Garry School Division No. 5 is shown as the owner of 975 Dowker Avenue (Vincent Massey Collegiate). The legal descriptions of their records include the subject lots, Part Lot 1 and Lot 7 Plan 4966 and Part of Plan 7218 (closed lane). The School Division is provided with a bill every year, which include a sewer and water renewal fee.

The Real Estate Division of the Planning, Property and Development Department advised of the following:

1. There are no encumbrances or charges of any kind currently on the titles to the subject property.

2. The Geomatics Branch of the Planning, Property and Development Department indicated that the title fabric is such that it could be readily transferable to the Fort Garry School Division No. 5.

3. On May 16, 2002, Monk Goodwin confirmed that the Fort Garry School Division No. 5 would be responsible for the costs associated with registration expenses at the Winnipeg Land Titles Office.

Considering the evidence that was researched at Archives by the Planning, Property and Development Department, and the fact that the Community Services Department no longer follows the 1960 Joint User Agreement, it would appear appropriate to transfer Part Lot 1, and Lot 7, Plan 4966 and a portion of a Public Lane closed by Plan No. 7218 to Fort Garry School Division No. 5, subject to this property being declared surplus by Council. In so doing the intent of the original agreement will be satisfied and all matters concluded.

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The Standing Policy Committee on Property and Development recommends:

I. That Council declare the subject City property shown on Misc. Plan No. 11521 as surplus to the City's requirements.

II. That the Director of Planning, Property and Development be authorized to transfer title to Part Lot 1, and Lot 7, Plan 4966 and a portion of a Public Lane Closed by Plan No. 7218, from the Name of The City of Winnipeg (former Rural Municipality of Fort Garry) to the Name of the Fort Garry School Division No. 5 for consideration in the amount of $1.00 which is hereby acknowledged.

III. 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.