

Kiniski Gardens South Municipal Reserve Removal

Recommendation

1. That the removal of the municipal reserve designation from the lands legally described as Lot 91MR, Block 33, Plan 9221509, as shown in Attachment 1, be approved.
2. That a designated officer within the Administration notify the Registrar of the Northern Alberta Land Titles Office that the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26 have been complied with and request the Registrar to remove the designation of municipal reserve from lands legally described as Lot 91MR, Block 33, Plan 9221509, as shown in Attachment 1.

Purpose

The parcel of land, a portion of Lot 91MR, Block 33, Plan 9221509 as shown in Attachments 1 and 2, was originally planned for a future Edmonton Public Elementary School. The school board determined it was surplus to their needs and the Minister of Alberta Education approved the surplus declaration in 2009. Removing the municipal reserve designation from this parcel will support the sale of this surplus school site through a public offering.

Upon removal of the municipal reserve designation from Lot 91MR, Block 33, Plan 9221509, the City will proceed with registration of an approved subdivision (see Attachment 2), which will re-designate the residual lot as municipal reserve.

Advertising and Signage

As per requirements of the Municipal Government Act, Section 674, regarding the removal of reserve land designations, the municipal reserve designation removal notice was advertised in the Edmonton Journal on November 20, 2020 and on November 28, 2020, and a sign was posted on the building site.

Position of Administration

Administration supports this resolution.

Report

In 1980, City Council approved the Burnewood Neighbourhood Area Structure Plan, which included a future public school building site located at 38 Avenue NW and 38 Street NW. In 1992, the assembly of the land for this school site was completed.

In 2009, the local School Boards declared 20 vacant school building sites surplus to their needs. Following an administrative review of these surplus lands, 17 sites were declared surplus to City needs. Included among these sites was the vacant surplus school site located at 38 Avenue and 38 Street in Kiniski Gardens (Attachment 1).

The removal of this municipal reserve designation is being brought forward with an associated proposed amendment to the Burnewood Neighbourhood Area Structure Plan under proposed Bylaw 19507 and rezoning under Bylaw 19508. The proposed removal of the municipal reserve designation and the plan amendment are required for the proposed rezoning of the site.

As a municipal use of the land had not been identified, Administration has proceeded to publicly offer the surplus site for sale. A subdivision land development application was submitted to create a separate lot. The plan of subdivision (Attachment 2) was conditionally approved on March 5, 2020. Removal of the municipal reserve designation must occur before sale. The residual lot will be re-designated as municipal reserve upon registration of the subdivision.

Budget/Financial Implications

In accordance with City Policy C468A - Policy to Govern the Use of Funds from this Sale of Surplus School Sites, the net proceeds from the sale of the surplus school site will be credited to the Funds in Lieu Reserve Account to be disbursed accordingly.

Legal Implications

Upon removal of the municipal reserve designation, the lands may be sold and the proceeds from such sale must be used for municipal reserve purposes as per the requirements of the *Municipal Government Act*.

Public Engagement

Online public engagement provided the opportunity for feedback on the Burnewood Neighbourhood Area Structure Plan amendment and the rezoning between October 19, 2020 and November 6, 2020. Information on the municipal reserve removal was also provided alongside the public engagement. Results of this engagement are included in the "What We Heard" report for Bylaws 19507 and 19508.

At this time, Administration is only proposing to subdivide the portion of the site which has been declared surplus. There are no intentions to change the land use for the remnant parcel.

Attachments

1. Map of Kiniski Gardens South Municipal Reserve Removal Map
2. Subdivision Survey Plan

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement
- G. Cebryk, Deputy City Manager, City Operations
- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- B. Andriachuk, City Solicitor