REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 30, 2000

On motion of Councillor Vandal, Clauses 2 and 9 of the Report of the Standing Policy Committee on Property and Development, dated May 30, 2000, were considered.

Proposed City Hall Courtyard Renovations - Addition of Funding to 2001 Capital Budget
File FB-1.1 (Vol. 9)

300 - 2. ***Note: Inasmuch as the administrative report and concept plan of the entire Civic Centre Complex Courtyard has not been completed, the Executive Policy Committee recommends that the clause be referred back to the Standing Policy Committee on Property and Development for further consideration***.

Referred back to the Standing Policy Committee on Property and Development for further consideration

Riverbank Stability Characterization Study of City-owned Riverbanks
File E-5.1 (Vol. 19)

301 - 9. ***Note: The Executive Policy Committee recommends that the clause be referred back to the Standing Policy Committee on Property and Development.***

Referred back by the Executive Policy Committee to the Standing Policy Committee on Property and Development

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 6, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated February 6, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5 and 6, be adopted.

Carried.

Proposed Closing of the Public Lanes in the Block Bounded by William and Elgin Avenues and Princess and Adelaide Streets – City Centre and Lord Selkirk-West Kildonan Communities

File DAC 14/2000

302 - 1. In February 1999, the Standing Policy Committee on Property and Development instructed the Planning, Property, and Development Department to prepare a Request for Proposals for the preservation of the historical buildings on the west side of Princess Street between William and Elgin Avenues.

In September 1999, Council adopted the recommendation of its Standing Policy Committee on Property and Development and approved in principle a proposal from Red River College to incorporate the buildings into a downtown campus site, subject to purchase agreement terms and conditions acceptable to both parties.

On November 22, 2000, Council adopted the recommendation of its Executive Policy Committee which outlined, inter alia, that "…Council concur in principle with the requirements set out in the letter from the Province of Manitoba dated October 31, 2000, subject to the successful negotiations between the Province of Manitoba and the City of Winnipeg on specific terms and conditions…"

One of the requirements stated in the referenced letter from the Province of Manitoba was that the City of Winnipeg assemble all of the lands in the block bounded by William and Elgin Avenues and Princess and Adelaide Streets (for transfer to the College or its designate).

The subject public lanes must be legally closed before they may be incorporated into the Red River College Campus site. Title to all public rights-of-way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City's name. The City of Winnipeg is not entitled to dispose of the land until this has been done.

In order to expedite the acquisition of the private property within the Red River College Campus site, an expropriation process has been initiated. The proposed subject lane closing application is contingent upon that process. The by-law effecting the lane closure is anticipated to be submitted to Council in conjunction with the report recommending Council's confirmation of the expropriation by-law. The City Administration expect to be in a position to file documents in the Winnipeg Land Titles Office that will entitle the City to be the owner of all of the lands comprising the Red River College Campus site by March of 2001.

The proposal has been circulated to all affected City Departments and public utilities. There have been no administrative objections to the closing and sale of these lanes. Winnipeg Hydro and Centra Gas have plants within the lanes. If the plants are not to be abandoned or removed, easements for their maintenance will be required.

On January 9, 2001, a Public Hearing was held before the City Centre Community Committee to consider the proposed closing of the public lanes in the block bounded by William and Elgin Avenues, and Princess and Adelaide Streets. No one was heard in support of the application, and one person appeared in opposition thereto. The Community Committee recommended approval of the proposed lane closings as outlined below.

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

On January 9, 2001, a Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee to consider the proposed closing of the public lanes in the block bounded by William and Elgin Avenues, and Princess and Adelaide Streets. No one registered in support or opposition, however, one person registered for information thereon.

The Community Committee recommended approval of the proposed lane closings as outlined below, subject to the condition that the portions of the public lane which borders 315/321 William Avenue, both on the north and east sides, not be physically closed until such time as the City takes ownership of the property.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre and the Lord Selkirk-West Kildonan Communities, and recommends:

I. That the proposed closing of the public lanes in the block bounded by William and Elgin Avenues, and Princess and Adelaide Streets, be approved, subject to the following condition:

   A. The portions of the public lane which borders 315/321 William Avenue, both on the north and east sides, not be physically closed until such time as the City takes ownership of the property.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closings in accordance with Schedule "A", Misc. Plan No. 10729/9.

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

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 329 for attachment)

Proposed Closing of the Streets and Lanes west of Harrow Street between Taylor and Sparling Avenues – City Centre Community

File DAC 15/2000

303 - 2. The Standing Policy Committee on Property and Development has been advised that on October 22, 1997, Council adopted the recommendation of its former Committee on Finance and Administration and approved the sale of the lands identified as "City-owned property" as outlined on Schedule "A", Misc. Plan No. 10090/20. One of the stated conditions was that the sale be subject to the approval of an application to close the streets and lanes adjacent to the property.

In March of 1998, the Real Estate Division of the Planning, Property, and Development Department requested that the balance of the streets and lanes in the subject block be closed. This request encompassed all of the streets and lanes shown as "proposed closings" as outlined on Schedule "A", as well as the portions of Sparling Avenue, west of Harrow Street, and the lane to the south.

The proposed closings were submitted to the City Centre Community Committee under Files DAC 20/97 and DAC 1/98. File DAC 20/97 was approved by the Community Committee on April 7, 1998, by the Standing Policy Committee on Property and Development on May 4, 1998, and by Council on May 27, 1998. File DAC 1/98 was approved by the City Centre Community Committee on May 5, 1998, by the Standing Policy Committee on Property and Development on June 29, 1998, and by Council on July 22, 1998.

Before these closing applications were submitted to the City Centre Community Committee, Manitoba Hydro was contacted and asked if they had any objections to the closing and sale of the lands. Manitoba Hydro's response was that it had no objections to the proposals. Prior to the conclusion of the negotiations for the sale of the land and the submission to Council of a by-law effecting the street and lane closings, Manitoba Hydro reversed its position and advised the City Administration that it now objected to the closings.

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

On October 28, 1999, the Standing Policy Committee on Property and Development recommended to Council that the City Solicitor/Manager of Legal Services be instructed to prepare a by-law effecting the closure of the streets and lanes, subject to the Purchaser agreeing that it shall hold harmless the City in respect of those lands which may be excluded by Council from the closing by-law and which form part of the agreement of purchase and sale; the Purchaser shall have no rights to acquire such extended lands/streets and lane.

On November 10, 1999, Executive Policy Committee recommended that Council approve one of the following two alternative closings: either the closing of all of the streets and lanes in the block (excepting Sparling Avenue) or closing only those streets and lanes that adjoined City property, and this recommendation was included with the Standing Policy Committee recommendation on this matter.

On November 17, 1999, Council did not adopt Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 28, 1999, and thus the closing application was terminated.

The applicant in this matter, 3177778 Manitoba Ltd., recently advised the Real Estate Division, Planning, Property and Development Department, that it has reached an agreement with Manitoba Hydro, and that Manitoba Hydro has withdrawn its objections to the street and lane closings. 3177778 Manitoba Ltd. requested that the City Administration to seek the approval of the subject street and lane closings.

The proposed closing has been circulated to all affected City Departments and public utilities. Winnipeg Hydro has advised that it objects to the sale of all of the lands, not just the streets and lanes, contained within the Slave Falls Transmission Line. Winnipeg Hydro's preference is to retain title to all of the lands contained within its transmission line. If these lands are sold, Winnipeg Hydro will require an easement over the full width of the transmission line.

Manitoba Hydro and MTS will require easements for their plants in the closed streets and lanes.

On January 9, 2001, the City Centre Community Committee considered the proposed closing of the streets and lanes west of Harrow Street, between Taylor and Sparling Avenues. Three persons appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed streets and lane closings as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 10090/20.

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

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 330 for attachment)

Proposed Opening and Closing of Part of Public Lane south of Portage Avenue, west of Spence Street – City Centre Community File DAOC 4/2000 [c/r DASZ 26/2000]

304 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from the Elim Chapel, 546 Portage Avenue, to divert the public lane at the rear of the church as outlined on Schedule "A", Misc. Plan No. 11003.

The proposed lane diversion has been circulated to all interested City Departments and public utilities. There were no objections to the proposal. The Water and Waste Department, Winnipeg Hydro, MTS, and Centra Gas will require relocation of their existing plants into the new lane or easements for the maintenance of their plants in the portion of the lane to be closed.

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

Elim Chapel owns all of the property adjacent to the existing lane. They propose to incorporate the closed portion of the lane into a planned expansion of their church, and will dedicate as public lane the property required for the lane relocation.

It will be necessary to subdivide and rezone the Elim Chapel property to effect the expansion of the church on the site. This subdivision and rezoning application is being processed under File DASZ 26/2000. The construction of the lane diversion and all related works is to be as determined by and to the satisfaction of the Director of Public Works and the Director of Water and Waste in accordance with the terms of the approval of that subdivision application, embodied in the Administrative Coordinating Group's report on DASZ 26/2000 dated December 13, 2000.

The area of the public lane to be opened is less than the area of the public lane to be closed. In accordance with City policy, the applicant will be required to pay to the City the difference in value of the lands.

The application to divert the lane is contingent upon the subdivision application. If the subdivision application is either rejected by Council or withdrawn by the applicant, the application for the lane opening and closing will be terminated.

On January 9, 2001, the City Centre Community Committee considered the proposed opening and closing of a portion of the public lane south of Portage Avenue, west of Spence Street. Three persons appeared in support of the application and no one was registered in opposition thereto. The Community Committee recommended approval of the proposed lane opening and closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Schedule "A", Misc. Plan No. 11003.

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

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 331 for attachment)

Proposed Subdivision and Rezoning – land located at 299 Young Street, 776 Spence Street and 546 Portage Avenue – City Centre Community
File DASZ 26/2000 [c/r DCU 301/2000D, DAV 942/2000D, DAOC 4/2000]

305 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Elim Chaprel c/o D.J. Cannell Architects (Doug Cannell), 200 – 435 Berry Street, Winnipeg, for the approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R2-T" Two-Family Transitional Residential District to a "C2" Commercial District and an "R2-T" Two-Family Transitional Residential District to allow for the construction of an addition to an existing church for accessory cultural uses and a Parish Hall (subject to approval by Conditional Use – DCU 301/2000D).

Site Area
Parcel "A": 16,009 square feet
Parcel "B": 11,855 square feet
Parcel "C": 19,311 square feet
Link: 1,004 square feet
Total Area: 1.11 acres

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

Existing Land Use and Zoning
Parcel "A" is vacant land, temporary used as parking, and is zoned "R2-T" Two-Family Transitional Residential District. Parcel "B" is a parking lot, and is zoned "R2-T" Two-Family Transitional Residential District. Parcel "C" is the site of the Elim Chapel. The "link" is a public lane.

Surrounding Land Use and Zoning

North:	Across Portage Avenue, commercial development (CBC Radio Canada), zoned "NRc" Non-Residential Use Group C
South:	Fronting Young and Spence Streets, residential development zoned "R2-T" Two-Family Transitional Residential District.
East:	Across St. Mary Avenue, commercial development (vacant Supreme Racquet Club), zoned "NRc" Non-Residential Use Group C
West:	Across Young Street, Junior's Restaurant, and commercial development (office building and Blockbuster Video), zoned"C2" Commercial District.

Elim Chapel is proposing to expand the church by constructing a two-storey, multi-purpose building on their Young Street property and connecting it to the existing church with a two-storey, glass front, triangular-shaped link.

The footprint of the new building is about 7,100 square feet. The balance of the Young Street lot will be used for paved parking, twenty-four (24) are stalls proposed. The Spence Street lot, south of the existing church and south of the lane, is currently paved for parking, to accommodate forty-four (44) stalls. It is proposed to relocate a portion of the public lane under File DAOC 4/2000 to accommodate the link between the existing church and proposed multi-purpose building. The relocation will reduce the amount of parking in the adjacent lot by about four stalls. Sub-standard parking on the existing church site is provided for seven cars. It is proposed to provide parking for a total of seventy-one (71) stalls.

The multi-purpose building is to be constructed on a lot previously occupied by a four-storey building called Elim Place, which was destroyed by fire in 1999. The proposed building has a maximum parapet height of 138 feet and contains about 14,422 square feet of floor area on two floors. The first floor contains offices, meeting, resource and fellowship rooms, library, classrooms, and washrooms. The second floor of the building contains a multi-purpose room (parish hall/gymnasium, storage, washrooms, cloakroom, and kitchen. The two-storey link contains a vestibule and additional fellowship space.

The proposed subdivision application would result in the consolidation of ten separate lots into Parcels A, B, and C. In addition, the closed portion of the lane is to be zoned "R2-T" Two-Family Transitional District. Currently, the two lots containing the church are zoned "C2" Commercial District, while the two lots on Spence Street and the five lots on Young Street are zoned "R2-T" Two-Family Transitional District. This zoning is to remain.

The application complies with Plan Winnipeg policy.

The Development Management Branch of the Planning, Property and Development Department, has reviewed the plans for the building addition and is generally supportive of the proposed development. Concerns were expressed concerning the blank north and west building facades. These are prominent elevations in relation to Portage Avenue and it would be preferable if window openings were provided on at least the first floor level. However, space programming requirements apparently prevent this. Budgetary constraints have also impacted the quality of exterior finishes, an issue that is beyond the scope of Planning Division's report.

The Development Management Branch supports the related Conditional Use application for a parish hall. The related zoning variances are being supported in part. The Branch will be looking for landscaping along Young and Spence Streets in order to screen the parking areas. The application does not require the payment of cash in lieu of park dedication, although the conditions of approval include the standard clause. The owner is a non-profit institution and the area of the land to be rezoned is insignificant.

The associated lane closing requires that the applicant relocate certain land drainage facilities and Hydro and MTS plant affected by the relocated lane. In addition, the applicant will construct a new concrete lane within the realigned right-of-way. These items are covered off in the servicing agreement.

On January 9, 2001, a public hearing was held by the City Centre Community Committee. Three persons appeared in support of the application, and no one registered in opposition thereto. The City Centre Community Committee recommended that the proposed subdivision and related zoning change be approved for the following reasons:

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

1. The application complies with Plan Winnipeg.

2. The Planning and Land Use Division of the Planning, Property and Development Department reviewed the plans for the building addition and is generally supportive of the proposed development albeit space programming requirements prevent window openings on the first floor level. Budgetary constraints have also impacted the quality of exterior finishes, an issue that is beyond the scope of the Division's report.

3. The Planning and Land Use Division supports the related Conditional Use application for a parish hall.

4. The related zoning variances are being partially supported and the Planning Division has recommended landscaping along Young and Spence Streets in order to screen the parking areas.

5. The application does not require the payment of cash in lieu of park dedication, although the conditions of approval include the standard clause. The owner is a non-profit institution and the area of the land to be rezoned is insignificant.

6. The associated lane closing requires that the applicant relocate certain land drainage facilities and Hydro and MTS plants affected by the relocated lane. The applicant will also be required to construct a new concrete lane within the realigned right-of-way, all of which are dealt with in the servicing agreement.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community and recommends:

I. That the plan of subdivision proposed under File DASZ 26/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2000 dated December 13, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29, 2000.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 26/2000, dated December 13, 2000, to an "R2-T" Two-Family Transitional District.

IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land, if applicable.

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

IX. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

X. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 332 for attachment)

Proposed Zoning Agreement Amendment – 19 Eagleridge Court – Assiniboia Community
File ZAA 7/2000 [c/r DASZ 36A/79]

306 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sunshade Products Ltd. (Gladys Sarens), 19 Eagleridge Court, Winnipeg, to amend the Zoning Agreement affecting the subject property to permit the construction of an addition to a single-family dwelling with a 64 foot rear yard instead of 85 feet as required by the Agreement.

Site Dimensions
The overall site is an irregular, pie-shaped lot, and approximately 177 feet deep.

Site Area
The subject site is approximately 15,095 square feet.

Existing Land Use and Zoning
This is a single-family dwelling, zoned"R1-5" Single-Family Residential District.

The proposal is to construct a three-season sunroom atop an existing deck, and to extend the deck to provide an open area. The existing deck measures about 12 feet deep by 36 feet wide (432 square feet). The deck addition will measure 7 feet deep by an average width of 28 feet (196 square feet). The sunroom will measure about 12 feet deep by 24 feet wide. The total deck area will be about 628 square feet, of which about 46% would be covered by the sunroom.

The setback-to-principal-dwelling provision of the Zoning Agreement (85 feet) is to prevent houses from encroaching on the adjacent stormwater retention lake. This allows the lake to flood without posing an undue threat to lakeside houses. In this case, the addition consists of a deck and gazebo which are elements of the house that are not likely to be seriously damaged in a flood event in comparison to, for example, a winterized addition to the house, possibly involving basement construction. It is interesting to note that the adjacent house at 23 Eagleridge Court appears from the air photo to have a deck that encroaches upon the required setback to a similar degree (about 17 metres). It is also noteworthy that the applicant could construct the gazebo as a detached structure, providing a setback of 42 feet, in comparison to the requested deck setback of 64 feet.

A Public Hearing was held before the Assiniboia Community Committee on January 9, 2001. One person appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the zoning agreement amendment be approved inasmuch as there was no opposition to the application.

On February 6, 2001, the Standing Policy Committee on Property and Development considered the proposed zoning agreement amendment under File ZAA 7/2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

Amend Recommendation No. I. by adding the words "for 19 Eagleridge Court" following the phrase "Zoning Agreement DASZ 36A/79 (By-law No. 3994/85) dated July 8, 1995 be amended".

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, as amended, and recommends:

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

I. That Zoning Agreement DASZ 36A/79 (By-law No. 3994/85) dated July 8, 1985, be amended for 19 Eagleridge Court by adding to Clause 2 the following text:

"- Notwithstanding the above, the minimum rear yard to additions to principal dwellings, consisting of open decks and non-winterized sunrooms, gazebos or similar deck enclosures constructed without foundations or piles, shall be 20 metres (65.6 feet)."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 36A/79 (By-law No. 3994/85) dated July 8, 1985, as approved in Recommendation I.

III. That the Proper Officers of the City be authorized to execute said Amending Agreement.

IV. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

Proposed Street Name Change – Woodhaven Crescent to Woodhaven Boulevard – Assiniboia Community
File SC-3.14(31) (Vol. 3)

307 - 6. The Standing Policy Committee on Property and Development has been advised that it has recently been brought to the attention of the Planning, Property and Development Department that Plan No. 2151, the plan of subdivision that named a portion of Woodhaven Boulevard to Woodhaven Crescent, was registered in 1913. Subsequent to this, Special Plot Plan No. 21047, registered in 1987, continued this street type designation. However, visual inspection has indicated that the street is signed as Woodhaven "Boulevard" and further research has shown that the residents are addressed as Woodhaven "Boulevard". Therefore it is now necessary to name "Woodhaven Crescent" as outlined on Schedule "A" dated October 30, 2000, to "Woodhaven Boulevard".

On January 9, 2001, the Assiniboia Community Committee concurred in the recommendation contained in report dated October 30, 2000, from the Subdivision Officer, Planning, Property and Development Department, as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends:

That the currently registered street name "Woodhaven Crescent" as outlined on Schedule "A" dated October 30, 2000, be changed to "Woodhaven Boulevard" and that in doing so, Council authorize the following:

I. That the Director of Planning, Property and Development be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

III. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

IV. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and the report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

Report of the Standing Policy Committee on Property and Development dated February 6, 2001

V. 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.

Adopted by consent.

(See Minute No. 333 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 8, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated February 8, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5,6 and 7, be adopted.

308 - Pursuant to The Municipal Council Conflict of Interest Act, Councillor Timm-Rudolph advised that she would refrain from entering the discussion and from voting on Clause 3, due to her daughter's employment association with Manitoba Lotteries, and left the Chamber.

Councillor Smith requested that Clause 3 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,4,5,6 and 7, was put and declared carried.

Proposed Lease of Alexander Dock and Surrounding Lands to Paddlewheel Riverboats Ltd. – City Centre Community
File FI-2.3(32) (Vol. 7)

309 - 1. On May 4, 2000, the Standing Policy Committee on Property and Development terminated a lease agreement between the City of Winnipeg and the Paddlewheel Riverboats Ltd. for the use of City lands along the Red River adjacent to the Provencher Bridge in order to facilitate the reconstruction of the Provencher Bridge.

On August 31, 2000, the Standing Policy Committee on Property and Development considered a report regarding alternative riverboat sites along the Red River north of the former Molson's site and forwarded the report to the Riverbank Management Committee and to the Lord Selkirk-West Kildonan Community Committee for review and comment.

On September 28, 2000, the Standing Policy Committee on Property and Development received as information the comments received from both the Riverbank Management Committee and the Lord Selkirk-West Kildonan Community Committee.

During the period between September and November 2000, representatives of the Planning, Property and Development Department and Paddlewheel Riverboats Ltd. met to further discuss the sites located north of the Redwood Bridge and the recent Paddlewheel Riverboat Ltd. initiative to relocate onto the Forks property (south of their present location).

In late November 2000, Paddlewheel Riverboats Ltd. indicated a new preference to relocate to the Alexander Dock location.

On December 7, 2000, River Rouge Ltd. advised the City of its intention to enter into a long-term lease for the Alexander Dock. On December 8, 2000, Paddlewheel Riverboats Ltd. indicated general agreement with terms and conditions for a lease agreement at the Alexander Dock. On January 2, 2001, M.S. River Rouge advised that it was selling its interests to Paddlewheel Riverboats Ltd.

On January 5, 2001, the Planning, Property and Development Department delivered a copy of draft terms and conditions for a lease to the Paddlewheel Riverboat Ltd.

On January 8, 2001, the Standing Policy Committee on Property and Development approved in principle the proposal to lease the Alexander Dock and surrounding lands to Paddlewheel Riverboats Ltd. The Director of Planning, Property and Development was requested to finalize the details of the lease agreement and to report back to the next meeting of the Standing Policy Committee on Property and Development.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

Proposed Lease of Alexander Dock and Surrounding Lands

In accordance with the January 8, 2001, directive from the Standing Policy Committee, the Planning, Property and Development Department proceeded with the negotiation of the terms and conditions for a lease agreement and a leave and license agreement for the use of the Alexander Dock and surrounding City-owned lands and adjacent right-of-ways.

The proposed terms and conditions for a lease agreement and leave and license agreement have been developed and negotiated. On February 1, 2001, Paddlewheel Riverboats Ltd., agreed to the negotiated terms and conditions, subject to their lawyers approval. By telephone call on February 2, 2001, a representative of Paddlewheel Riverboats Ltd. indicated that their lawyer was not in agreement with the proposed terms. Notwithstanding the agreement between the City and Paddlewheel Riverboat Ltd., the proposed Lessee orally advised that its legal counsel was concerned regarding Clause 14 which requires Paddlewheel to make such repairs to the Dock as are required by the Director as a precondition to occupying the dock.

The particulars of the subject property for lease and leave and license agreement(s) are as follows:

Location:	All of the City-owned lands and all of the right of ways outlined as “proposed lease” on Misc. Plan. No.7806/8
Lessee/Licensee:	Paddlewheel Riverboats Ltd.
Description:	Alexander Dock, riverbank and street right-of-ways
Purpose:	Riverboat operations
Commencement:	April 1, 2001
Term:	Two (2) years
Rental:	$11,719.00 plus realty taxes (amount to increase with authorization to lease “additional lands” as requested by Paddlewheel Riverboats Ltd.)
Cancellation:	On default of covenants

In addition, there are a number of outstanding issues related to the subject proposal and proposed lease and leave and license terms and conditions which have arisen over the last several days.

Outstanding Issues:

Request for Additional City-owned lands

On January 30, 2001, the proponent requested the use of additional City-owned lands at this location. The request involves the subject lands: west of the 755 contour line adjacent to the proposed lease area; lands situated south of the proposed lease area in proximity of the River Patrol (formerly the Harbourmaster) building and a portion of the Galt Avenue right of way as outlined on Misc Plan No. 7806/8. The proponent has been advised that the Planning, Property and Development Department would review the request and provide a response to it. On a preliminary basis, the Department does not have an issue with including the lands located above the 755 contour line. The matter of using the River Patrol (formerly the Harbourmaster) lands and portion of Galt Avenue would need to be corporately investigated and determined.

The Planning, Property and Development Department observed that the City-owned land lying above the 755 contour line appears to be a flat gravel surfaced parking area. The continued use of this land for parking purposes would need to be given special consideration having regard for the concerns of the Riverbank Management Engineer relative to the stability of this section of riverbank. Furthermore, the Department has proposed, that if this land can be made available for lease to Paddlewheel Riverboats Ltd. the rental should be calculated on the basis of a commercial market value rate, estimated to be $14,000.00 per annum plus taxes. Paddlewheel does not agree with this proposed rental rate and has not suggested a counter proposal.

Structural Engineering Assessment of the Alexander Dock

The Planning, Property and Development Department has requested that a structural assessment of the Alexander Dock be completed and that any recommended repairs to the Dock as may be required by the Director be completed prior to allowing the Lessee to occupy the Dock. The cost of undertaking the Study is $9,100.00. In addition, the estimated cost of monitoring the riverbank for two years is estimated at $10,000.00.

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The Department is prepared to obtain the Engineering Study at its sole cost; however, the issue of current access to the Dock is under question. Currently, the Dock support structure is not accessible due to ice formation and an estimate of $33,750.00 has been provided to melt the ice to allow the engineering firm with immediate access to the structure. As such, it appears that the Study cannot be completed until after the ice melts and before the spring rains. Moreover, it appears that an opportunity will likely not be available until draw down in the fall to complete the study. As such, this creates a difficulty for the proposed Lessee and their plans to establish an operations base for Paddlewheel Riverboats Ltd.

This represents a major issue and a number of alternatives were provided to the Committee for its consideration as follows:

Alternative No. 1. Immediately Undertake the Study
By undertaking the Study, the additional cost of $33,750.00 would be incurred for melting the ice; however, the study would be completed and an understanding of required works would be understood not only for leasing purposes but also for long-term facility planning purposes.

Alternative No. 2. Restructure Terms of the Agreement to avoid liability
To disclose all information to the proposed Lessee and to require the Lessee to accept possession of the property in its "As Is" condition and to indemnify the City accordingly. The terms and conditions of the proposed agreements can be reworded to position the City to avoid any potential lawsuits with respect to the Lessee's use of Alexander Dock thus allowing the immediate use of the Dock. However, given that approximately 100,000 person trips would occur during a season over the Dock, the Department does not support this approach.

While Paddlewheel Riverboats Ltd. favours this alternative, the Administration believes that in the absence of more data respecting the dock it could be of high risk to the City from a public safety perspective.

Alternative No. 3 Request that Paddlewheel Riverboats Ltd. dock at either end of the Alexander Dock using direct land access

Potentially, the City could ask the proposed lessee to use the land area at each end of the Dock to moor the boats thereby providing direct land access to passengers until such time as the Engineering study is completed.

Alternative No. 4 Construct a Passenger Bridge over existing Dock and install Temporary Floating Docks
Allow the Lessee to construct a passenger bridge over the Alexander Dock and to install floating docks until such time as the Engineering study is completed.

<u>Long Term Development and Application to the Infra-Structure Program</u>

On January 31, 2001, Paddlewheel Riverboats Ltd. provided a copy of their application to the InfraStructure program for a capital grant to undertake a renovation of Alexander Dock, riverbank stabilization and to construct a new riverboat operations facility. It can be anticipated that should the subject lease and leave and license agreement(s) be finalized, that the subject proponent and the Infra-Structure Program will request the City to endorse the project and to consider approving a long-term lease as the subject application is being processed. As such, a future report would likely be provided with respect to the long-term development of this facility and current planning initiatives including Waterfront Drive.

The Planning, Property and Development Department advised that the financial implications can not yet be determined. The foregoing was intended to provide the Standing Policy Committee on Property and Development with an update regarding this matter, and the terms and conditions of the lease agreement have yet to be fully negotiated.

Pursuant to Section 156(2) of The City of Winnipeg Act, all leases of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That the terms and conditions negotiated as at January 30, 2001, for a two-year agreement with the Paddlewheel Riverboats Ltd. to lease the Alexander Dock and the surrounding lands, be approved in accordance with the following:

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A. The City obtain a Structural Assessment of the Alexander Dock, at the approximate cost of $9,100.00.

B. Inasmuch as the Alexander Dock support structure is not accessible due to ice formation at this time, that the Paddlewheel Riverboats Ltd. be requested to undertake the estimated cost of $33,750.00 to melt the ice to allow the engineering firm immediate access to the Dock structure.

C. If Paddlewheel Riverboats Ltd. agrees to undertake the costs associated with melting the ice to allow the engineering firm immediate access to the Dock structure, the Director of Planning, Property and Development adjust the lease (calculated at fair market value) to $1.00 per annum, until such time as these costs incurred by Paddlewheel Riverboats Ltd. have been recovered.

D. Should Paddlewheel Riverboats Ltd. refuse to undertake the costs associated with melting the ice to allow the engineering firm immediate access to the Dock structure, then Paddlewheel Riverboats Ltd. select and proceed with one of the two following options at their expense, namely:

1. Paddlewheel Riverboats dock at either end of the Alexander Dock using direct land access; or

2. Paddlewheel Riverboats Ltd. to construct a passenger bridge over the existing Alexander Dock and install temporary floating docks.

II. That the request from Paddlewheel Riverboats Ltd. to lease additional lands surrounding the Alexander Dock outlined as “request for additional lands” and “land above 755 foot contour” on Misc. Plan No. 7806/8 be approved, subject to the proposal being circulated to the various City Departments, and verification being received that the subject lands can be made available for the next two years. The premises to be used for riverboat and tour operations including parking and loading purposes.

III. That the Director of Planning, Property and Development be authorized to determine the amount of the rental for the subject lease in accordance with the foregoing.

IV. 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.

Adopted by consent.

Proposed Sale of City lands located on the east side of St. Mary’s Road, north of Britannica Road to YM-YWCA of Winnipeg – Riel Community
File FI-2.4(35) (Vol. 9)

310 - 2. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received an expression of interest from the YM-YWCA of Winnipeg to purchase the City property located on the east side of St. Mary’s Road, north of Britannica Road, as outlined on Misc. Plan No. 8116/4.

The City of Winnipeg inherited jurisdiction over the subject City property upon the amalgamation of the City of St. Vital with the other cities and municipalities upon unification in 1972. Prior to unification the site was used as a borrow-pit. The property has remained vacant since the early 1970s.

In April of 1994 the former Parks and Recreation Department indicated that the subject City property was surplus to its requirements. At that time, the Riel Community Committee reviewed the needs assessment and concurred with the former Department’s position.

This property was circulated to all civic departments for comments with no adverse reaction to the possible disposition. Details of the subject City property are as follows:

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Location:	East side of St. Mary's Road north of Britannica Road	
Legal Description:	Parcel A Plan 14435	
	Parcel B Plan 21579	
Size:	Developable Lands	5.717 acres
Lands to be retained for easement		1.6934 acres
Total subject City site		7.4104 acres
Zoning:	"PR-1" Park District	
Roll No.:	8-0-56360	
Assessed Value:	$841,000.00 (2000 Assessment)	

Environmental Issues

When under the jurisdiction of the City of St. Vital the subject lands were used as a borrow-pit for clay soils to construct sub-bases for roads, lanes and other uses. In time the water-filled excavations in the borrow-pit were filled with street sweepings, construction debris, fallen trees and in rare instances with heavy appliances such as ranges, refrigerators and even abandoned car bodies. Some of these landfill sites were used to dump frost damaged vegetables from local market gardens.

Although not as critical as sanitary landfill sites, these generally "dry" landfill sites do have the potential to generate methane gases and leachate fluids, albeit to a much lesser degree.

The subject City property has been monitored on a fairly regular basis, since initial concerns were raised in 1976. An intensive study by UMA Engineering Ltd. in 1979 involved extensive drilling and testing of the soils and gas emissions at the subject site. This testing confirmed the nature of this type of landfill site, namely, fill materials of soft, wet clay with organic mixtures similar to organic top soils. These mixed clay fill soils had minor inclusions of top soil materials including roots, organic clays, peat and minor wood debris. Methane gas generation had been non-detectable to very low. Continued monitoring and testing in 1980, 1981, 1982, 1983 and 1984 confirmed prior test results. The installation of a land drainage sewer along the northern boundary of the site in 1990 did not reveal any new or additional negative results.

The most recent investigation by the KGS Group Consulting Engineers ordered by the Planning, Property and Development Department in late 1998 concluded that "methane gas generation has been non-detectable to very low, and below concentrations that would require any action if found in enclosed structures." KGS Group further recommended that the lands should be de-listed from the City of Winnipeg Landfill Program.

Upon review of the KGS study, the Solid Waste Division of the Water and Waste Department de-listed the site from the City of Winnipeg Landfill Program, clearing the way for development based on existing building codes.

Previous Expressions of Interest

On March 24, 2000, the Planning, Property and Development Department received an Offer to Purchase from Red River Cooperative Ltd. for a portion of the subject City property. The offer was for approximately two (2) acres fronting St. Mary's Road. Red River Cooperative Ltd. was going to install a gas bar/convenience store on the site. The offer from Red River Cooperative was for $300,000.00 ($3.33 per square foot). The Department also received a letter of interest from Cedarcrest Construction (1988) Ltd. dated May 10, 2000. Cedarcrest Construction (1988) Ltd. was interested in developing a multi-family Condominium project on the back portion of the site fronting Sandrington Drive.

On June 29, 2000, a report was submitted to the Standing Policy Committee on Property and Development on the preparation of properties for market and marketing by direct sale versus public offering. The report dealt with a number of properties on which the Planning, Property and Development Department received unsolicited offers to purchase. The Department was instructed to return all unsolicited offers, where in the opinion of the Director of Property Planning and Development or his designate, the property is generally marketable as a stand alone site.

The Planning, Property and Development Department was advised by the South YM-YWCA that it has outgrown its current facilities at the northwest corner of St. Mary's Road and Fermor Avenue. The YM-YWCA is currently leasing the Fermor Avenue site from the City for $1.00 per annum until December 31, 2052. The YM-YWCA currently has 4,000 members at that location and that this is the third busiest recreational facility in the City. The YM-YWCA advised that it has outgrown this facility and site and that it accordingly has decided to relocate to a

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larger facility. Therefore the City should anticipate receipt of notification from the YM-YWCA requesting the City to allow the early termination of the lease agreement. The YM-YWCA would demolish, at its cost, the existing structure upon the termination of its lease agreement.

The goal of the YM-YWCA is to locate and secure a suitable site with construction slated for 2003. The YM-YWCA has completed a number of preliminary studies in developing a business plan for the new facility. The YM-YWCA is in the process of reviewing the following studies/reports that were completed with respect to the new facility:

1. Capital Readiness Study
2. Marketing Study
3. Architectural Review Study
4. Financial Review

The Board of Directors for the YM-YWCA has toured the subject City property, as outlined on Misc. Plan No. 8116/4, and gave their initial approval of the City site as a potential relocation alternative. The YM-YWCA currently has one other potential site that they have short-listed: a privately owned site at the southwest corner of Bishop Grandin Boulevard and River Road. The YM-YWCA has indicated that the site on River Road is their preferred site over the subject City property on St.Mary's Road. The attraction for the YM-YWCA to the River Road site is the exposure along Bishop Grandin. The River Road site poses a number of challenges as the site is long and narrow, and access to the property will be difficult given its close proximity to a busy intersection. In addition, the property would need to be re-zoned from its residential zoning.

The Planning Branch of the Planning, Property and Development Department has stated that the sale of the subject property to the YM-YWCA could pose an excellent opportunity, as the YM-YWCA would add important recreational facilities to the residents in the area. The Planning Branch met with the Community Services Department and Dakota Community Centre to discuss the potential sale to the YM-YWCA. The Community Services Department and Dakota Community Centre are both opposed to the unconditional declaration of the subject property as surplus to the needs of the community. If the property is sold for residential development, the land would be taken out of the open space inventory, and the new residents would add to the demand for leisure amenities. Similarly, if the lands were sold for commercial development, the land would be lost for future recreational development. They have indicated that there is currently a shortage of open space and recreation amenities to serve a fast-growing community. It is recognized, however, that the sale of the subject property to the YM-YWCA could be a positive development for the Dakota Community Centre and its neighbourhood. Dakota Community Centre expects the development of a YM-YWCA to generally be an enhancement of the area's leisure services and do not necessarily consider it as direct competition.

The Community Services Department would like to see some sort of community partnership agreement, as a condition of the sale, which would commit both parties to program consultation and joint program planning. The Planning, Property and Development Department spoke to the YM-YWCA on this issue and they indicated that in their opinion they would not be competing for users. The YM-YWCA referred to the marketing study that was completed on its behalf. The study confirmed the need for additional recreational facilities in the area. The YM-YWCA has indicated that it feels it would not be competing, therefore, would not support the potential requirement for joint program planning.

The Naturalist Services Branch of the Community Services Department has also requested that the City retain a 100 foot strip along the north side of the property to be set aside for purposes of a wildlife corridor, as outlined on Misc. Plan No. 8116/4. The Naturalist Services Branch has indicated that wildlife or green corridors are important to the various species of wildlife (i.e. skunks, rabbits, deer, mice, etc.) to flow from greenspace to greenspace. The Planning and Land Use Division of the Planning, Property and Development Department indicated that this could take the form of a passive/natural park that the YM-YWCA could include in their design. Both the Planning and Land Use Division and the Naturalist Services Branch have indicated they strongly believe in the requirements for the wildlife corridor. The Planning, Property and Development Department discussed with the YM-YWCA the potential of the wildlife corridor, and they indicated that they do not believe this will impact their proposed development of the site.

In addition to the wildlife corridor, the Water and Waste Department has indicated that there is an existing 1500 mm land drainage sewer within the property located 7.8 metres south of the north property line. The Water and Waste Department have indicated that they will require a 10 metre easement for the land drainage sewer. The City

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will enter into an easement agreement with the YM-YWCA to prevent development on the lands to be set aside for the wildlife corridor and the land drainage sewer line. The easement area required for the Water and Waste Department is within the easement area for the wildlife corridor.

On January 16, 2001, the Riel Community Committee considered the potential sale of this property, and supported declaring the subject City property as surplus and reserved for sale for a period of one year for the YM-YWCA of Winnipeg on the following conditions:

1. If at the end of the one year period, the YM-YWCA of Winnipeg does not exercise its option to purchase, that the subject land revert to non-surplus land.

2. The proceeds derived from the sale of the subject land to the YM-YWCA of Winnipeg be earmarked and utilized for the development of athletic fields for the Dakota Community Centre.

3. Plans showing the location and design of a wildlife corridor between the proposed YM-YWCA facility and the residential homes be submitted for the approval of the Riel Community Committee prior to the issuance of a building permit.

The Real Estate Division of the Planning, Property and Development Department is currently appraising the City-owned property and recommended that any sale to the YM-YWCA be on the basis of market value as if the site was available for redevelopment purposes. The YM-YWCA specifically indicated that they are not looking to the City to gift or discount the lands.

The Urban Planning Branch of the Planning, Property and Development Department supports the sale of subject City property to the YM-YWCA for the following reasons:

1. There has been a shortage of recreational facilities reported in the area. Some of the net proceeds of the sale could be used to upgrade or add to the recreational facilities in the area.
2. A portion of the net proceeds of sale could be used to purchase part of the 80 acre tree stand on the east bank of the Seine River in the proposed Royalwood Phase II development.

Given that the YM-YWCA is a community based organization and that there is conditional support by the Community Services Department and the Urban Planning Branch for the sale of the lands to the YM-YWCA, the Planning, Property and Development Department is recommending that subject to Council's approval of the recommendation to declare the subject lands as surplus, and provided that the lands are sold to the YM-YWCA, that the City commence negotiations with the YM-YWCA for the sale of the subject site and report back to the Standing Policy Committee on Property and Development.

Pursuant to Section 156(2) of The City of Winnipeg Act, all sales of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City property" as outlined on Misc. Plan No. 8116/4 be declared surplus to the City's requirements, provided the lands are ultimately sold to the YM-YWCA of Winnipeg on the following conditions:

   A. If at the end of the one-year period, the YM-YWCA of Winnipeg does not exercise its option to purchase, that the subject land revert to non-surplus land.

   B. The sale is subject to the requirements of the City Naturalist for a wildlife corridor and subject to the requirements of the Water and Waste Department for a 10 metre wide easement to protect an existing 1,500 mm land drainage sewer.

   C. The proceeds derived from the sale of the subject land to the YM-YWCA of Winnipeg be utilized for the development of athletic fields for the Dakota Community Centre.

II. That the Planning, Property and Development Department be instructed to negotiate the terms of sale with the YM-YWCA of Winnipeg and report back to the Standing Policy Committee on Property and Development.

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III. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposal to Declare City land as Surplus and for Sale – Old Exhibition Park Site – Manitoba Lotteries Corporation – Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 7)

311 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a Letter of Interest from the Manitoba Lotteries Corporation for the purchase of the subject City property located on the most westerly portion of the Old Exhibition Grounds, east of McPhillips Street, north of Jarvis Avenue, as outlined on Misc. Plan No. 11063/1.

The particulars of the subject property are as follows:

Location:	Located on the most westerly portion of the Old Exhibition Grounds, east of McPhillips Street, north of Jarvis Avenue.
Legal Description:	Part of River Lot 35 Parish of St. Johns lying to north of north limit of Plan 6691 and its straight production easterly and westerly and to east of east limit Plan 4791 and lying south of south limit lane Plan 7847 and to west of west limit Sinclair Street excluding Plans 15449 and 15182
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	371375
Realty Roll No.:	12-3-29855
1999/2000 Assessment:	Not available
Zoning:	"PR-1" Park District
Subject Site Size/Area:	23,635 square metres (5.84 acres)
Property Description:	The subject City property is improved with a baseball pitch and football field. The football field is currently utilized by the Nomads Football Club Inc. Adjacent to the football field is a clubhouse that was originally constructed by the Winnipeg Amateur Football Club. The City took title to the clubhouse building in 2000. The baseball pitch is leased to Manitoba Softball.

The Old Exhibition Park site, as identified on Misc. Plan No. 11063/1, is located south of Flora Place, east of Sinclair Street, north of Dufferin Avenue, and east of McPhillips Street. The site is a long standing regional sports site and is approximately 36.86 acres in size.

An indoor swimming pool, hockey arena, and seniors centre are located on the far east portion of the site. The remainder portion of the site has been developed for active recreational sports purposes. Located north of the indoor swimming pool are tennis courts, which are used in the wintertime for an outdoor sponge hockey league. The sponge hockey league is operating on the site under a facility use agreement. Four of the baseball diamonds were upgraded in 1995 with funding from the City and Manitoba Lotteries. The remaining baseball diamonds and soccer field located on the eastern portion of the Old Exhibition grounds have not been upgraded. Manitoba Softball currently leases the Charlie Krupp Baseball Stadium.

Recent Council Initiatives and Potential Old Exhibition Park Site Initiatives

Flora Place Housing Development
The Flora Place Housing Development is located along the most northerly boundary of the Old Exhibition Park site, as outlined on Misc. Plan No. 11063/1. On June 21, 2000, Council approved the rehabilitation and relocation of thirty-three housing units to form a cluster of units at the far eastern portion of the Flora Place Housing Development. The project included the demolition of seventy-two existing houses, the rehabilitation of twenty-eight housing units, and plans for the future redevelopment of the remaining portion of the site.

Currently, the Planning, Property and Development Department (Planning and Land Use Division) is finalizing plans for a detailed feasibility study to be completed in the Spring of 2001. This study will identify the details of

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various housing alternatives for the site. The feasibility study will be used as a basis for initiating proposals from housing groups for potential site development. Future development of the site will be all within the parameters of the Winnipeg Housing Initiative.

North End Wellness Project
The City of Winnipeg at the invitation of the Province of Manitoba is currently participating in a new initiative to improve the health and wellness of residents residing in the City's North End. This is a result of the closure of the North-End YM/YWCA. This initiative, in part, may focus on the enhancement and development of recreational facilities at the Old Exhibition Park site. The main focus will be concentrated around the existing swimming pool, hockey arena and seniors centre facilities. Potentially, these facilities could be integrated with additional facility development including a gymnasium and other amenities. The initiative is underway and recommendations are to be made to the Provincial Government in March 2001.

The Winnipeg Aboriginal Achievement Centre
During the summer of 2000, the Winnipeg Aboriginal Sport Achievement Centre (WASAC) was an innovative partnership project, which operated at the Old Exhibition location. The WASAC proposal has proven to be a success and the program is continuing on a year round basis.

A variety of funding sources has been utilized including all three levels of government. In addition, partnership supports have been provided by the Manitoba Aboriginal Sport and Recreation Council, Sport Manitoba, Winnipeg Foundation and the Centre for Aboriginal Human Resource Development.

In order to assist future program and financial consideration for WASAC, a business plan for the upcoming three-year period is being developed. This plan proposes to include documentation of the positions and perspectives of supporting agencies and organizations. Building upon the significant participation of Winnipeg's Aboriginal children and youth in WASAC to date, plans for the future will continue to focus on the input and needs identified by the Aboriginal community.

General planning directives for the business plan process will ensure that WASAC's philosophy of "bridging cultures" is maintained through three primary components, which include:

1. Summer sports camps for children as a feeder mechanism to community centre sport league systems and individual Manitoba Sport Associations.

2. Involvement as participants, administrators, coaches and technical officials within youth and adult sport leagues.

3. Active linkages to the annual Manitoba Indigenous Summer Games and the 2002 North American Indigenous Games.

It is anticipated that the Old Exhibition site will become the home of the Winnipeg Aboriginal Sports Achievement Centre program on a twelve-month basis.

<u>Proposal to sell a portion of the Old Exhibition Park site to Manitoba Lotteries Corporation for parking lot development</u>

The Manitoba Lotteries Corporation has expressed interest as to whether the most westerly 5.84 acres of the Old Exhibition Park site could be made available for sale. Manitoba Lotteries Corporation is looking to expand their existing surface parking lot on the northeast corner of Jarvis Avenue and McPhillips Street. Manitoba Lotteries currently have access to 1,400 parking stalls to service the McPhillips Street Station Casino. Of the 1,400 stalls, Manitoba Lotteries own 600 stalls and lease approximately 800 stalls from the Days Inn located adjacent to and directly north of the casino. Manitoba Lotteries have approximately 10,000 patrons visiting the McPhillips Street Station on a daily basis. In comparison, Club Regent Casino experiences a similar number of visitors per day and has a total of 2,800 stalls servicing that location. The purchase of the subject City lands will allow Lotteries to expand their on-site parking by approximately 700 stalls.

In order to review the request, the Real Estate Division circulated the request and organized a meeting with representatives from the Community Services, Public Works and Planning, Property and Development Departments and the Executive Policy Secretariat.

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Conceptual Review of Proposal

Planning, Property and Development Department

1. Urban Planning Branch: Representatives from the Branch reviewed the subject proposal and did not have any specific concerns relative to the proposed sale. The Branch was satisfied if the User Groups (North Winnipeg Nomads, Softball Manitoba) were accommodated on site or at another location, that the parks and open space requirements would be satisfied.

2. Development Management Branch: The representative from the Branch did not express any particular concerns with the proposal to establish a parking lot on the most westerly portion of the Old Exhibition Park site. One potential area of concern is the amount of pedestrian traffic across McPhillips Street. The Department has discussed the issue with Manitoba Lotteries and they have proposed to install a wrought iron fence along McPhillips Street to channel pedestrian traffic to the signalized intersection at Jarvis Avenue.

Community Services Department

1. Community Development and Recreation Services Division: The Division reviewed the subject proposal and did not have any specific concerns with the subject proposal, however, the need to consult with the User Groups was identified as a major issue that would need to be dealt with. In addition, the Division believes that it is essential to see the proceeds from the sale of the lands reinvested back into the Old Exhibition site to satisfy the needs of the local residents as well as being instrumental in assisting the WASAC project development.

2. Community Resource, Safety and Protection Division: The Division reviewed the subject proposal and indicated a need to coordinate the proposal with other Council/ Departmental initiatives.

On January 19, 2001, the Planning, Property and Development Department along with the Community Services Department held a meeting with representatives from the Nomad's Football Club and Manitoba Softball Association. The purpose of the meeting was to discuss the potential sale of the lands to the Manitoba Lotteries Corporation and to determine if in fact the potential relocation from the site was something that both groups would be agreeable to. Both organizations indicated that on a conditional basis they would be agreeable to relocating from the site. Manitoba Lotteries have indicated that they are willing to pay for the construction of new replacement or comparable facilities for the two user groups.

Nomads Football Club

The Nomads Football Club felt that the potential relocation of their program could be beneficial as the current site has a number of deficiencies. They have indicated that the current facility is not meeting the increased demands on their football program. The Nomads Football Club currently has a total of 7 teams totaling 250 players in their program. The Nomads Football Club has indicated that they are the largest league in Western Canada. The current site is not in the catchment area of their players. The catchment area for the Nomads is focused mainly in the area north of Inkster Boulevard. In addition, parking has been an issue with the football club. They are currently parking off site and bussing the players/parents to the games. In addition, the building is small for their use and if possible the club would like to have a second field to be used as a practice field.

The Planning, Property and Development Department along with Community Services Department are reviewing the City-owned lands in the area to locate potential sites to which the Nomads can be relocated. One potential site that has been identified by the both the City and the Nomads is Shaughnessy Park adjacent to Billy Mosienko Arena located on Keewatin Street. The relocation of the Nomads would involve the construction of a new football club house, football field, parking and if possible a practice field.

The Club has indicated that they are prepared to immediately begin the process of reviewing alternative sites and planning for the construction of new facilities. The City would prepare a Facility Use Agreement that would require the Nomads to be responsible for the management and operation of a new building (including all operating costs such as insurance, utilities, repairs, maintenance, etc.).

Manitoba Softball

Manitoba Softball currently uses the Charlie Krupp baseball pitch for fastball. Manitoba Softball has indicated that parking has also been a problem for them along with reoccurring vandalism. Manitoba Softball currently operates and manages the John Blumberg Softball Complex. They have indicated that it is time consuming to maintain both the facilities (Charlie Krupp and John Blumberg). Manitoba Softball has held internal meetings with its Facilities Committee to discuss the matter. Manitoba Softball has developed a number of potential options. The options they have discussed with the City are as follows:

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- cash settlement from Manitoba Lotteries;
- installation of a field lighting system for an unlit diamond at the John Blumberg Softball Complex;
- replacement of the existing field with a fast pitch diamond in another area of the City.

On January 9, 2001, the Lord Selkirk-West Kildonan Community Committee considered the potential sale of the site and indicated its support for declaring the subject City property as surplus and sold to Manitoba Lotteries Corporation.

Zoning and Permits Branch Comments:
The Real Estate Division of the Planning, Property and Development Department discussed the potential sale and intended use of the site with the Zoning and Permits Branch of the Planning, Property and Development Department. Zoning and Permits indicated that Manitoba Lotteries would be required to re-zone the site from "PR1" Park District to "C2" Commercial District to allow for the change in use. The time required to re-zone the site would be approximately four to six months.

The Planning, Property and Development Department is in the process of completing an appraisal on the subject City property.

The Planning, Property and Development Department recommended that the "subject City property" as outlined on Misc. Plan No. 11063/1 be declared surplus to the City's requirements, provided the lands are ultimately sold to the Manitoba Lotteries Corporation. The Department supports declaring the subject property as surplus based on the following conditions:

1. If a sale to the Manitoba Lotteries Corporation does not conclude, that the subject lands revert to non-surplus status; and,

2. The sale is subject to the satisfactory resolution of the requirements and relocation of the two current user groups located on the subject City lands, that being Manitoba Softball and the Nomads Football Club.

The Planning, Property and Development Department supported selling the site based on the following rationale:

A. The current facilities for the two user groups (Nomad's and Manitoba Softball) are outdated and problematic;
B. The sale of the site could generate significant revenue for the City; and
C. The proceeds would be credited to the Land Dedication Reserve Account or could be reinvested back into the future plans to upgrade the North End Centennial Pool and Seniors Centre and the Old Exhibition Arena. The Community Services Department would like to see the proceeds from the sale reinvested back into the site to upgrade and add to the remaining facilities.

The Planning, Property and Development Department advised that since the foregoing requests approval to negotiate a land sale, there are no financial implications at this time.

Pursuant to Section 156(2) of The City of Winnipeg Act, all sales of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City Property" as outlined on Misc. Plan 11063/1 be declared surplus to the City's requirements on the following conditions:

   A. If a sale to the Manitoba Lotteries Corporation does not conclude, that the subject lands revert to non-surplus status.

   B. The sale is subject to the satisfactory resolution of the requirements and relocation of the two current user groups located on the subject City lands, that being Manitoba Softball and the Nomads Football Club.

II. That the Planning, Property and Development Department be instructed to negotiate the terms of sale with the Manitoba Lotteries Corporation and report back to the Standing Policy Committee on Property and Development.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

III. That the proceeds derived from the sale of the subject land be directed back to the Old Exhibition Park site for the purpose of upgrading/improving the recreational facilities on the site.

IV. 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.

Moved by Councillor Vandal,
Adoption of the clause.

Moved by Councillor Prystanski,
That the clause be referred back to the Standing Policy Committee on Property and Development.

Carried.

Councillor Timm-Rudolph here returned to the Chamber.

(See Minute No. 308 for disclosure of conflict by Councillor Timm-Rudolph)

Proposed Sale of City-owned Parcels NN and RR, Plan 35893 – part of closed public lane located off Beliveau Road near St. Anne's Road - 2514117 Manitoba Ltd. – Riel Community
File FI-2.4(35 (Vol. 9)

312 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received an Offer to Purchase from 2514117 Manitoba Ltd. for part of a closed public lane located off Beliveau Road near St. Anne's Road, and outlined as Parcels NN and RR, Plan 35893 on Misc. Plan No. 9611/10.

On March 20, 1996, Council adopted the following recommendations of its Executive Policy Committee dated March 13, 1996, namely:

I. The properties shown as Offer to Purchase No. 1 and Offer to Purchase No. 2 on Misc. Plan No. Riel 9611 be declared surplus to the City's requirements.

II. The sale of the properties included in Offer to Purchase No. 1 and Offer to Purchase No. 2 to 3422631 Manitoba Ltd. be approved for the price of $450,000.00 and $280,167.00 respectively, and in accordance with the stipulated terms and subject to:

i) the Purchaser paying dedication fees on the rezoning;
ii) the retention of any easements required by the City and/or the utilities;
iii) approval, subject to a successful road closing application, the sale to 3422631 Manitoba Ltd. (or its assignee) of those parts of Behnke Road and/or Rose Avenue at a price of $2.48 per square foot should road closings be desired to facilitate the development;
iv) authorize the Proper Officers of the City to do all things necessary to implement the approved transaction and to enter into any Sales and Purchase Agreements to include any clarifications and amendments as specified and to include such other terms and conditions which are deemed necessary by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

Parcel NN was declared surplus to the City's requirements and included as part of the lands in Offer to Purchase No. 2 as outlined on Misc. Plan No. Riel 9611; however, the Purchaser elected not to acquire Parcel NN at the time. What is currently shown as Parcel RR on Misc. Plan No. 9611/10 was legally open right-of-way at the time.

The lane was subsequently closed creating Parcel RR; however, it has never been declared surplus to the City's requirements. Parcel RR has been circulated in the normal manner and the Parcel is not needed by any Departments of the City and is, therefore, surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

On January 2, 2001, the Planning, Property and Development Department received an Offer to Purchase Parcels NN and RR, Plan 35893 from 2514117 Manitoba Limited. The principals of 2514117 Manitoba Ltd. are Sandy Gary Shindleman and Robert William Shindleman, who have been involved with Home Depot for development of the total site.

The Offer to Purchase is in accordance with the City's standard terms and conditions including a provision (clause 13) that permits the lands to be conveyed to Manitoba Hydro since the two parcels are located under the Manitoba Hydro transmission lines (Manitoba Hydro insists on owning all of the lands under the transmission lines to protect its interest and, therefore, it makes special arrangements for the developer to utilize the lands). The Offer to Purchase also specifies that they be entitled to immediate use of the lands upon approval of the sale (clause 14). The date of closing, possession and adjustment is ninety (90) days from the date of approval.

The Offer is based on a price of $2.48 per square foot which price is in accordance with the original approvals. The Planning, Property and Development Department recommends that the sale of Parcels NN and RR, Plan 35893, to 2514117 Manitoba Limited be approved for the price of $3,305.00 and in accordance with the negotiated terms and conditions on the Offer to Purchase, and the additional requirement that the title to Parcels NN and RR be consolidated with the title to the adjacent lands at the Purchaser's expense.

Acceptance of the Offer is supported for the following reasons:
- the parcels will be placed on the assessment roll;
- vacant land management of these small parcels will end;
- the proposed price is in accordance with approval;
- the parcels are surplus to the City's requirements.

The Planning, Property and Development Department supports the purchase having use of the lands as the Purchaser agreed to provide the necessary indemnification to the City pursuant to Clause 14 of the Offer to Purchase.

A financial impact sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That Parcel RR, Plan 35893, as outlined on Misc. Plan No. 9611/10, be declared surplus to the City's requirements.

II. That the sale of Parcels NN and RR, Plan 35893, outlined as "subject City property" on Misc. Plan No. 9611/10, to 2514117 Manitoba Limited be approved for the price of $3,305.00 and in accordance with the negotiated terms and conditions on the Offer to Purchase, and the additional requirement that the title to Parcels NN and RR, Plan 35893, be consolidated with the title to the adjacent lands at the purchaser's expense.

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

Adopted by consent.

Proposal to Declare Property acquired by Tax Sale as Surplus - 87/89 Princess Street - Amendment to CentreVenture Development Corporation Asset Agreement - Lord Selkirk-West Kildonan Community
File EP-1.2.3 (Vol. 3)

313 - 5. The Standing Policy Committee on Property and Development has been advised pursuant to Tax Sale No. 1021/182 on December 21, 2000, Certificate of Title Nos. 1767429, 1767442, 1767455 for the property at 87/89 Princess Street were issued to the City of Winnipeg.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

The particulars of the subject property are as follows:

Location:	East side of Princess Street, between McDermot and Bannatyne Avenues as outlined on Misc. Plan No. 11058
Legal Description:	S.P. Lots 12, 13, 14, Plan 33009
Certificate of Title:	1767429, 1767442, 1767455
Owner:	The City of Winnipeg
Former Owners:	Myrna Mitchell and Judith Shane
Assessment:	$278,000.00
Zoning:	Downtown Bulk Zoning
Site Size:	Irregular - 702.6 square metres (7,563 square feet)
Building Description:	The property consists of a three-storey brick warehouse, formerly being two separate buildings constructed in 1901 and 1943. The building, in fair condition, comprises 22,929 square feet on a full basement.

The former owners, Myrna Mitchell and Judith Shane, showed no interest in redeeming the subject property from tax sale.

The costs (not including repairs) incurred by the City pursuant to the tax sale process are in the approximate amount of $124,531.00.

The Real Estate Division of the Planning, Property and Development Department is undertaking repairs to the building in order to protect its value and make it safe. CentreVenture Development Corporation has agreed to reimburse the City for the repairs (on the basis that it will option the property).

The subject property is located in an area in which the Asset Agreement, between the City of Winnipeg and the CentreVenture Development Corporation, specifies that CentreVenture has the option to purchase all future City-owned property acquired in tax sale and not required for City purposes.

The Asset Agreement specifies that each property be processed through the City's normal procedure to declare properties surplus and be optioned to CentreVenture Development Corporation for the last three years of realty taxes prior to its having become City owned property (approximately $14,000.00 per year), net of interest and penalties. CentreVenture has expressed an interest in gaining access to the property for purposes of marketing it as soon as possible.

The Real Estate Division is circularizing notice of this tax sale acquisition and anticipates no City requirement. It is anticipated that, if declared surplus, CentreVenture Development Corporation will market the property, secure a buyer, exercise its option and complete a conveyance. This will result in the property being able to again, generate tax revenue for the City.

A financial impact sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property at 87/89 Princess Street, which was acquired in tax sale, and outlined as "subject City property" on Misc. Plan No. 11058, be declared surplus to the City's requirements.

II. That subject to confirmation that there is no City need for the subject property, the subject property be declared surplus and added to Category "A" of the Asset Agreement with the CentreVenture Development Corporation.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

Proposed Leave and License for the Use of a Portion of the St. Matthews Avenue Right-of-Way for parking purposes – Max Wilde Window Cleaning (1977) Ltd. - Assiniboia Community

File ED(31) (Vol. 2)

314 - 6. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division, Planning, Property and Development Department, has negotiated proposed terms and conditions of Leave and License in favour of Max Wilde Window Cleaning (1977) Ltd. respecting the use of a portion of the St. Matthews Avenue right-of-way identified on Misc. Plan No. 11054.

In general, the City of Winnipeg cannot grant the lease of land comprising public right-of-way unless by first legally closing same. The City can, however, permit or license the use of a public right-of-way subject to the continuing will of Council.

Since 1987, that portion of the St. Matthews Avenue right-of-way identified on Misc. Plan No. 11054, has been leased by way of Leave and License to various owners of the business operation located at 499 Madison Street (shown shaded on the said Misc. Plan) for customer/employee parking purposes. St. Matthews Avenue at this location is only gravel surfaced with the south half of the right-of-way being utilized as a public thoroughfare.

Details of the parking site are as follows:

Location:	St. Matthews Avenue, north side, east of Madison Street
Realty Roll Number:	07 000740200
Assessment:	$13,200.00
Realty Taxes (2000):	$574.20
Site Size:	9.144 metres x 30.48 metres = 278.7 square metres (30.0 feet x 100.0 feet = 3,000.0 square feet)

Max Wilde Window Cleaning (1977) Ltd., (Wayne Goetz, etal.), purchased the property commonly known as 499 Madison Street effective December 1, 1998, and requested the continued use of a portion of the St. Matthews Avenue right-of-way for customer/employee parking purposes.

The Public Works Department advised that it had no objections to the continued use of a portion of the right-of-way, subject to the City's right to cancellation upon short notice.

The Real Estate Division of the Planning, Property and Development Department recently concluded negotiations with the proponent. Briefly, the proposed terms and conditions of Leave and License Agreement which Max Wilde Window Cleaning (1977) Ltd. are agreeable to are as follows:

Term: Commencing December 1, 1998, and continuing on a year to year basis

Purpose:	Vehicle parking area to be used in conjunction with the Licensee's adjoining business operation located at 499 Madison Street
Rental:	$1,500.00 per annum, plus an amount equivalent to realty taxes. Rental subject to annual review by the City but in no event will it be less than that paid in the previous year
Insurance:	Comprehensive general liability insurance of at least $1,000,000.00 naming The City of Winnipeg as additional insured and containing a cross-liability clause
Cancellation:	Thirty (30) days notice by either party

The Real Estate Division of the Planning, Property and Development Department is of the opinion that the proposed negotiated terms and conditions of Leave and License are fair and reasonable. The proposed annual rental of $1,500.00 represents a ten percent (10%) return to the market value of the lands and provides for the collection of an amount equivalent to realty taxes. Furthermore, the agreement is retroactive to the date Max Wilde Window Cleaning (1977) Ltd. began utilizing the site, which allows the Division to collect rent and realty taxes from December 1, 1998. A financial implication sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

I. That a Leave and License in favour of Max Wilde Window Cleaning (1977) Ltd. be approved to maintain a vehicle parking area in that portion of the St. Matthews Avenue right-of-way shown shaded and identified as "Leave and License Area" on Misc. Plan No. 11054, in connection with its adjoining business operation at 499 Madison Street, in accordance with the terms and conditions as negotiated; the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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.

Adopted by consent.

Review of Annual Industrial Land Sales Price Policy – St. Boniface Industrial Park - Riel Community
File FI-2.4.5. (Vol. 17)

315 - 7. By Order of Council dated July 16, 1980, the selling price of the City's Industrial Park lands is to be reviewed once a year in January.

The Standing Policy Committee on Property and Development has been advised that the current price of lands in the St. Boniface Industrial Park on a per acre basis is (a) $57,500.00 without trackage, and (b) $61,600.00 with trackage.

The Real Estate Division of the Planning, Property and Development Department has completed an extensive industrial vacant land sales review. The best sales comparisons in the review were sales in the Omand's Industrial Park in St. James and the asking price for the new Inksbrook Industrial Park located at the northeast corner of Inkster Boulevard and Brookside Boulevard.

Price reviews in recent years indicated that the price of the City lands in the St. Boniface Industrial Park warranted an increase. However, the Planning, Property and Development Department recommended against price increases to ensure that there was an adequate supply of lands available at a reasonable price to attract economic development.

The St. Boniface Industrial Park has experienced a fair amount of growth in recent years. The market has experienced an increase in supply over the last few years as a result of private development, for example, the clearing and development of the Labatt Breweries site on Notre Dame, as well as the creation of the Inksbrook Industrial Park at Inkster Boulevard and Brookside Boulevard. Other industrial lands are being developed on Kenaston Boulevard as well as Dugald Road.

The Planning, Property and Development Department is of the opinion that a price increase in the range of seven percent (7%) is justifiable at this time and, therefore, recommended the following prices for 2001:

Sites without rail trackage: proposed increased from $57,500.00 per acre to $62,000.00 per acre (7.8% increase)

Sites with rail trackage: proposed increased from $61,600.00 per acre to $66,000.00 per acre (7.1% increase)

The Real Estate Division, Planning, Property and Development Department further recommended that the price increase be effective as at the date of Council's approval of the recommended increase. However, for those properties reserved and/or where offers are received prior to the date of approval by Council, the former rate will be honoured for a maximum period of sixty (60) days from the date of approval.

The Planning, Property and Development Department advised that there are no immediate financial implications associated with the Department's recommendations at this time.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

The Standing Policy Committee on Property and Development recommends:

I. That the price of $62,000.00 per acre and $66,000.00 per acre (with trackage) for the sale of sites in the St. Boniface Industrial Park for the year 2001 be approved, with the price increase to be effective the date approved by Council.

II. That the existing prices for sites in the St. Boniface Industrial Park be honoured for reserved properties and any offers received prior to the date of approval of this price increase for up to a maximum of sixty (60) days.

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.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 19, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated February 19, 2001, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 1, be adopted

Councillor Steek requested that Clause 1 be pulled from the Consent Agenda.

Sale and Development of 476/480 Main Street – the former Ashdown Warehouse Store - Ashdown Arts Exchange Consortium Ltd. – City Centre Community
File FI-2.4(32) (Vol. 10)

316 - 1. The Standing Policy Committee on Property and Development has been advised that the City acquired the property at 476/480 Main Street, pursuant to the Council authority of February 21, 1996, to accommodate the Campus Plan Strategy.

On January 27, 1999, Council declared the former Ashdown Warehouse Store property at 476/480 Main Street as surplus to the City's requirements.

On February 4, 1999, the Standing Policy Committee on Property and Development approved the terms of reference and evaluation criteria for the 476/480 Main Street Request for Proposals (RFP). The advertised RFP closed on April 22, 1999, and resulted in four proposals from three offerors as follows: Kern Hill Co-op (1 proposal); Pace Greentree Builders Ltd. (2 proposals); The Arts Exchange Consortium (1 proposal). All proposals were evaluated in accordance with the approved criteria resulting in the selection of the Arts Exchange Consortium proposal.

On May 26, 1999, Council adopted the recommendation of its Standing Policy Committee on Property and Development dated May 17, 1999, and approved in principle the Proposal received from the Arts Exchange Consortium in response to Request for Proposal No. 117-99 for 476/480 Main Street, subject to purchase agreement terms and conditions acceptable to both parties.

On May 4, 2000, the Standing Policy Committee on Property and Development approved the request by Shelter Canadian Properties Limited (one of the members of the Arts Exchange Consortium) for the City of Winnipeg to prepare a Purchase Agreement to effect the transfer of ownership and terms and conditions for the proposed development of the subject property between the City (seller) and the Ashdown Arts Exchange Consortium Ltd. (purchaser), rather than the Arts Exchange Consortium. The Standing Policy Committee also directed that the transfer of ownership relative to the subject property take effect by September 30, 2001.

Ongoing negotiations of terms and conditions ensued to capture and document the intent of the sale as approved in principle. On December 7, 2000, Shelter Canadian Properties Limited confirmed that they were prepared to complete the acquisition of the property on January 15, 2001. The proposed closing date was extended by mutual agreement to February 28, 2001, to accommodate the Standing Policy Committee's consideration and approval of the proposed terms and conditions of the sale.

On February 2, 2001, the Real Estate Division of the Planning, Property and Development Department received from Shelter Canadian Properties Limited a request for changes to the terms and conditions of the Purchase Agreement.

Report of the Standing Policy Committee on Property and Development dated February 19, 2001

On February 8, 2001, the Standing Policy Committee on Property and Development was advised that the Province of Manitoba and Western Economic Diversification Canada had scheduled a press conference for February 9, 2001, to release information regarding funding of the arts groups that were proposed to occupy space in the building at 476/480 Main Street. The Standing Policy Committee laid over the matter in order that the information released could be taken into consideration when dealing with the item.

On February 9, 2001, representatives from Western Economic Diversification Canada and the Province of Manitoba announced that $1.4 million in funding from the Canada/Manitoba Economic Development Partnership Agreement had been made available to the School of Contemporary Dancers, the Manitoba Conservatory of Music and Arts and Winnipeg's Contemporary Dancers. The announcement stated that these groups would be locating in the building at 476/480 Main Street.

The Province of Manitoba advised the Real Estate Division (on February 15, 2001) that the $1.4 million was intended to finance capital costs for renovations only. Funding required for rental and operating costs will continue to be the responsibility of the arts and cultural groups.

On February 12, 2001, Arni C. Thorsteinson, President of Shelter Canadian Properties Limited advised the Real Estate Division of the following:

There will be offices on the fifth and sixth floors to be occupied by Crocus Investments.

The purchaser is concerned that the non-profit groups may not be able to arrange all of their financing, and the purchaser wants the right to convert the second, third and fourth floors for occupation by other compatible tenants typical to good quality downtown office development.

> Non-profit groups would occupy the first floor.
> The purchaser wants the word "strict" in clause 11 of the draft agreement removed.
> Crocus Investments will occupy a small office on the main floor at RRSP time (January, February and March), and that the space will be used by arts groups the balance of the year..

The purchaser said that the Manitoba Conservatory of Music and Arts appeared to have their financing lined up, but that the Contemporary Dancers may take quite a while to arrange their financing, and that the Artist's Housing Co-op don't appear to have all the funding needed for their project.

On February 12, 2001, Shelter Canadian Properties Limited on behalf of the Purchaser reaffirmed its request of February 2, 2001, for the following changes to the Purchase Agreement.

> Clause 11 – delete the word "strict".
>
> Additional Clause – In the event that the non-profit groups intending to occupy the building are unable to arrange funding, the owner is entitled to develop the building for occupation by other compatible tenants typical to good quality downtown office development.
>
> Additional Clause – Purchaser shall have the right to encumber the property with mortgages not to exceed the audited cost of the improvements plus interest. The City will subordinate its charge to these new mortgages.

On February 14, 2001, the Real Estate Division received the following clarification as to the intention respecting the proposal to develop residential live/work space:

The main floor will be reserved for non-profit, other than 1,000 square feet which will be used by Crocus on an interim basis (during RRSP season);

Crocus Investments will occupy floors five and six;

If non-profit or housing co-ops do not use floors two, three and four, compatible tenants will occupy the floors.

<u>The Development Proposal adopted in principle by Council</u>

The development Proposal presented by the Arts Exchange Consortium in response to the RFP No. 117-99 provided that the proposed development be developed and owned by the Arts Exchange Consortium (subsequently

Report of the Standing Policy Committee on Property and Development dated February 19, 2001

changed to Ashdown Arts Exchange Consortium Ltd.) under a corporate structure to be formed. It was proposed that the residential artists' live/work component would be owned by the Exchange Districts Artist's Housing Co-op Ltd. The commercial office space, main floor retail, ground and second floor non-profit "arts" organization space and parking facilities would be offered on a commercial lease basis or offered on a form of strata title basis.

Notwithstanding the News Release of February 9, 2001, and the announcement of $1.4 million in funding from the Canada/Manitoba Economic Development Partnership Agreement for the three arts groups; the School of Contemporary Dancers, the Manitoba Conservatory of Music and Arts and the Winnipeg's Contemporary Dancers, Shelter Canadian Properties Limited continues to request the flexibility to develop floors 2, 3, 4, 5 and 6 essentially as commercial office space, in the event that non-profit tenants are not available. Also the use of the main floor is changed to provide that 1,000 square feet will be used by Crocus Investments, a commercial tenant, on an annual interim basis (during the RRSP season).

Shelter Canadian Properties Limited also indicated that there was an expectation to establish all rents at market value, with no provision for rates less than market value for the non-profit user groups as intended pursuant to the original Proposal.

Request No. 1 - To amend Clause 11 by the removal of the word "strict"

Accommodation of this request would allow for a totally flexible development and use on all floors, regardless if non-profit users are not available. Therefore the Real Estate Division does not support this change as doing so could result in variance from the approved RFP

Request No. 2 - To include an additional clause to allow alternative "compatible" tenants on all floors (Floors 2, 3, 4, 5, 6)

The Real Estate Division believes that the Proposal was successful partially due to its higher score in the evaluation of the conceptual category that recognized the nature of the public/arts/cultural profile in the Exchange District and also that the Proposal included a defined component for the residential artists live/work Co-op Housing space within the project.

Further, the development Proposal referenced that floors five and six would accommodate the residential artists work/live space. However, the City has been informed that the Crocus Investments commercial tenancy will go onto these floors. In order for the project development to comply with the intent of the original Proposal, it will now become necessary to accommodate the residential artists work/live co-op housing space on two alternate floors - two, three or four. The Real Estate Division has not analyzed if this revised configuration of tenant placement in the building is more or less advantageous to the development.

To allow the purchaser the flexibility to develop all floors as commercial space, and removing the housing component is a major change from the original proposal and the intent of the vision for this development. The evaluation process of the proposals with this changed tenancies and configuration may have had a different outcome.

To allow the purchaser to vary from the intended 100% non-profit arts use of the main floor, to accommodate an interim use of 1,000 square feet by Crocus Investments during RRSP season also is a change from the intent and vision of the original proposal.

Flexibility on Arts/Cultural Space
Out of recognition of the purchaser's need for financial stability to ensure that the project is viable in the long term, the Real Estate Division is prepared to recommend the following areas where flexibility might be offered to the purchaser:

- Flexibility for the purchaser to select and to develop one additional floor of commercial office space, which will then provide for three commercial floors rather than the two floors as stated in the Proposal;
- Because Crocus Investments is considered to be the anchor tenant, it might be reasonable that it be allowed to utilize approximately 1,000 square feet on the main floor on an interim basis only, for a duration of not more than +/-3 months per annum, with utilization of this same space being reserved for non-profit users for the remaining portion of the year.

Report of the Standing Policy Committee on Property and Development dated February 19, 2001

Flexibility on Residential Artist Live/Work Space
Shelter Canadian Properties Limited advised that if non-profits or housing co-ops do not use floors two, three and four, they will use (these floors) for other compatible (office/commercial) tenants.
Accordingly, Shelter's request is to delete the requirement to dedicate two of these floors to this residential artist live/work component if there is an inability to implement this component.

The Planning, Property and Development Department is concerned with the deletion of this requirement having regard for its being a fundamental principle of the Council approved RFP. However, the Department is also of the view that it may be appropriate to delete this requirement if the proponent can demonstrate that it is unable to implement this component of the project in accordance with its Council approved vision for floors five and six, as stated in the Proposal. Accordingly, the Department suggests that no change be made to this obligation on the part of the proponent at this time. However, the proponent could be given a period of time of one year from the Date of Closing to implement the Proposal as outlined in the RFP, failing which, the matter can be revisited at that time. This covenant would be amended to apply to two of floors 2, 3 and 4.

The purchaser should continue to be subject to maintaining its "strict" adherence to all of the remaining proposed site developments. This would essentially maintain for the most part the original intent and preserve the visible/functional aspect of the development while allowing an expanded opportunity for commercial type leases to support the financial needs of a future long-term operation of the development.

It is the opinion of the Planning, Property and Development Department that any change to this provision of the development Proposal would be subject to Council approval.

<u>Request to include an additional clause causing the City of Winnipeg to subordinate to purchaser's new mortgages</u>

Shelter Canadian Properties Ltd. advised that they anticipate to be arranging financing in the amount of approximately $3 million and may not be able to get all of the financing from one source. It is unlikely that financial institutions would consider funding unless they have a first position on the title.

The Real Estate Division recognizes that the City could postpone its rights to mortgagees. This type of request has been received and agreed to in the past.

However, the Legal Services Division has confirmed that in the event of a mortgage foreclosure, where the City has agreed to postpone its position to a mortgagee, the City's caveat requiring development may be lost and the new owner would not be subject to the terms of the development requirements. Furthermore, to do so would impact the City's position with respect to the requirement for the development to be completed within three years.

The Standing Policy Committee on Property and Development recommends:

I. The proposed terms and conditions for the sale of 476/480 Main Street to the Ashdown Arts Exchange Consortium Ltd., as negotiated, be amended as follows:

   A. Clause 11 be amended to provide that the Purchaser will complete development of the subject property to the satisfaction of the Director of Planning, Property and Development, in strict accordance with its proposal, save and except for the intent of the amendments as set out in Recommendation 1.B, and with plans to be submitted by the Purchaser to and approved of by the City (herein called "the plans") and in compliance with all applicable by-laws and regulations of the City of Winnipeg.

   B. Amend the Agreement between The City of Winnipeg and Ashdown Arts Exchange Consortium Ltd. to provide:

      1. That the third and fourth floors allocated in the Proposal for commercial tenancies be reallocated to the fifth and sixth floors of the building (this will facilitate the Crocus Investments tenancy).

      2. In the event that non-profit tenants are not available, that one additional floor, either the second, third or fourth floor, can be developed by the purchaser for occupation by other compatible tenants typical to good quality downtown office development.

Report of the Standing Policy Committee on Property and Development dated February 19, 2001

3. That the two floors allocated for the residential artists' live/work component be reallocated to two alternate floors, either on the second, third, or fourth floors. The proponent be given a period of six months from the Date of Closing (March 1, 2001) to implement the residential artists' live/work component of the Proposal, failing which the matter can be revisited by the Director of Planning, Property and Development. The Director, in his sole discretion, be delegated the authority to eliminate this covenant.

4. To provide that approximately 1,000 square feet of space on the main floor can be utilized on an interim annual basis by Crocus Investments for a period of not more than three (3) months per year, this space being reserved for use only by non-profit organizations for the remaining portion of each year.

5. Include a new clause - The purchaser shall have the right to encumber the property with mortgages not to exceed the audited cost of the improvements plus interest. The City will subordinate its charge to these new mortgages.

6. That should the Purchaser fail to complete the sale by September 30, 2001, the sale becomes null and void.

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.

The Executive Policy Committee concurs with the recommendations of the Standing Policy Committee on Property and Development with the following amendment to Recommendation No. I. B. 3. by adding the following words to the end thereof, namely:-

"and be requested to provide a final report to the Standing Policy Committee on Property and Development."

Moved by Councillor Vandal,
Adoption of the clause.

In amendment,

Moved by Councillor Vandal,
That the recommendation of the Executive Policy Committee be adopted.

The recommendation of the Executive Policy Committee was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

317 - On motion of Councillor Vandal, the following by-laws were read a first, second and third time, the rule being suspended for the third reading, and were passed and ordered to be signed and sealed, namely:

By-law No. 7793/2001, a by-law of The City of Winnipeg to open and close the public lane east of Battery Street and south of Boyd Avenue. File DAOC 2/2000

By-law No. 7796/2001, a by-law of The City of Winnipeg to amend By-law No. 4903/88, being The Maintenance and Occupancy By-law. File EB-1 (M&O) (Vol. 4)

By-law No. 7797/2001, a by-law of The City of Winnipeg to close the public lane lying south of Elgin Avenue, west of Princess Street, north of William Avenue and east of Adelaide Street. File DAC 14/2000

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7798/2001, a by-law of The City of Winnipeg to establish a program of property tax assistance credits in the year 2001 to encourage and assist in the renovation of residential premises in the City of Winnipeg. File FL (Vol. 8)

By-law No. 7799/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of John Forsyth Road west of Ashworth Street in the Riel Community. File DASZ 31/84

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

318 - Councillor Steek requested the status of the proposed condominium development by A & S Homes in the St. Norbert Ward.

Councillor Angus advised that A & S Homes did not exercise their option with the owner of Lot 1 immediately to the south of Normand Park Drive and that Lot 1, which was going to be transferred to the City, was now available. He noted that at a recent Community Committee meeting, a new proposal came forward by a new developer to exercise the 1988 development agreement, but was denied. Councillor Angus stated that if A & S Homes could pick up the option before the March 31 deadline, the City would be open to discussion, but if a new developer filed an application, it would have to go through the public hearing process.