Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 29 Land Exchange - 103 Selkirk Avenue - North Winnipeg Parkway
File FI-2.4.4.1

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the subject City parkland shown as Proposed Land Exchange (Parcel A) on Misc. Plan No. 9392/5 be declared surplus to the City's needs.

2. That the subject City land (Parcel A) be exchanged for the privately owned land (Parcel B) in accordance with the terms and conditions outlined in "Schedule A" to the report from the Director of Planning, Property and Development dated November 17, 2005.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Pursuant to Section 205(2) of The City of Winnipeg Charter, disposal of land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **Proposed Land Exchange Between the City of Winnipeg and 103 Selkirk Avenue - North Winnipeg Parkway**
Lord Selkirk – West Kildonan Community
Mynarski Ward

For submission to: Standing Policy Committee on Property and Development

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

Report date: November 17, 2005

Recommendation(s):

1. That the subject City parkland shown as Proposed Land Exchange (Parcel A) on attached Misc. Plan No. 9392/5 be declared surplus to the City's needs.
2. That subject to Recommendation No. 1 being approved, the subject City land (Parcel A) be exchanged for the privately owned land (Parcel B) in accordance with the terms and conditions in the attached "Schedule A".
3. That subject to approval of Recommendations 1 & 2, the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REPORT SUMMARY

Key Issues:

- The City has for quite some time been trying to acquire riverbank land at 103 Selkirk Avenue to allow for a contiguous riverbank pathway link for the North Winnipeg Parkway. Recently, due to a change in ownership of the property, an opportunity arose to negotiate acquisition of the required lands by entering into a land exchange.
- The proposal involves the exchange of City owned above the bank parkland "Parcel A" adjacent to the 103 Selkirk Avenue property for the privately owned riverbank land "Parcel B" shown on attached Misc. Plan No. 9392/5.
- The sale or transfer of property designated or acquired for park purposes is subject to the City of Winnipeg Charter, Statutes of Manitoba 2002, Chapter 39, section 205(2) which states:

  > "no land owned by the City and used for parks or cemetery purposes on the day that this Act came into force or acquired after that date by the City for parks or cemetery purposes may be disposed of without approval by a vote of 2/3 of all members of Council."

- If the proposed exchange is approved, the City will be in a position to pursue the disposition of another City-owned property at 109 Selkirk Avenue, which had been acquired as an alternate (albeit less desirable) pathway link for the North Winnipeg Parkway.

- The Ward Councillor has considered the matter and supports the proposed land exchange as being in the best interests of the community.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- It allows the City to divest itself of an above the bank property and the related maintenance and policing costs related thereto.
- The riverbank link rather than the above the bank link is far less disruptive to the residential neighourhood.

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

- There are no environmental implications associated with recommendations herein contained

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

- The proposed land exchange involves no direct cash outlay, and the Department has provided a current account to which the ancillary costs of the exchange can be charged.

REASON FOR THE REPORT:

The approval of the proposed land exchange requires approval by a 2/3 majority of Council.

HISTORY:

The North Winnipeg Parkway was approved by Council at its meeting of September 22, 1993 as the number one priority out of six parkways for development along the Red and Assiniboine Rivers. In each of the years 1996, 1997 and 1998, the former Parks and Recreation Department constructed sections of the Parkway.

At its meeting held on July 8, 1999, the Standing Policy Committee on Property and Development instructed the Director of the Planning, Property and Development Department to continue to negotiate with four remaining property owners, including the owners of 103 Selkirk Avenue, and that the Department enhance its efforts to acquire the river walk easements at fair market value.

It became apparent that the former owner of 103 Selkirk Avenue was not prepared to settle on reasonable terms and conditions and that other alternatives for the parkway linkage would have to be investigated by the Administration.

At its meeting held October 23, 2003, Council adopted the recommendation from the Standing Policy Committee on Property and Development to acquire 109 Selkirk Avenue, subject to the successful rezoning of the property to parkland. The acquisition of the property is complete.

More recently, ownership of the 103 Selkirk Ave. property changed and the new owners expressed an interest in pursing a land exchange that would be of benefit to both parties.

The Standing Policy Committee on Property and Development at its meeting held July 9, 2004, considered a report and concurred in the administrative recommendation contained therein that the Director of the Planning Property and Development Department negotiate a land exchange with the owners of the 103 Selkirk Avenue property.

Negotiations resulted in an exchange proposal that is the subject of this report.

DISCUSSION:

The proposal involves the exchange of some 225 sq. m. of City-owned parkland shown as "Parcel A" (zoned R2 – Residential) for the privately owned riverbank land, comprising 109.5 sq.m, shown as "Parcel B" (zoned R2 – Residential) on the attached Misc. Plan No. 9392/5. The City-owned lands are used as passive park and are subject to a right-of-way easement in favour of the 103 Selkirk Avenue property owner. The privately owned lands are used simply as vacant unimproved residential yard site area.

After the exchange, both parties end up with parcels of land that have more utility and functionality in use for their respective purposes. The exchange also allows the City to route public pedestrian traffic along the riverbank area, as opposed to the more intrusive route between the residential neighbourhood homes. Ultimately, it is considered that the riverbank route will

result in less maintenance, fewer policing problems and it would generally enhance the cohesiveness of the neighbourhood and the North Winnipeg Parkway link itself.

Furthermore, the above-the-riverbank property previously acquired at 109 Selkirk Avenue for this purpose could be declared surplus to the City's needs at a later date and offered for sale with any recapture of funds being credited back to an appropriate account. The Planning, Property and Development Department will be dealing with this property and with several other potentially surplus properties.

Adequate funding to complete the proposed exchange, including all the related costs that the City would be responsible for, is available in Account #001-182000-630801-63053015WL purchprop.

Financial Impact Statement

Date: November 16, 2005

COMMENTS:

The proposed land exchange involves no monetary consideration. Ancillary costs that may be incurred by the City are not considered material. As such, there are no financial implications associated with the recommendations contained in this report.

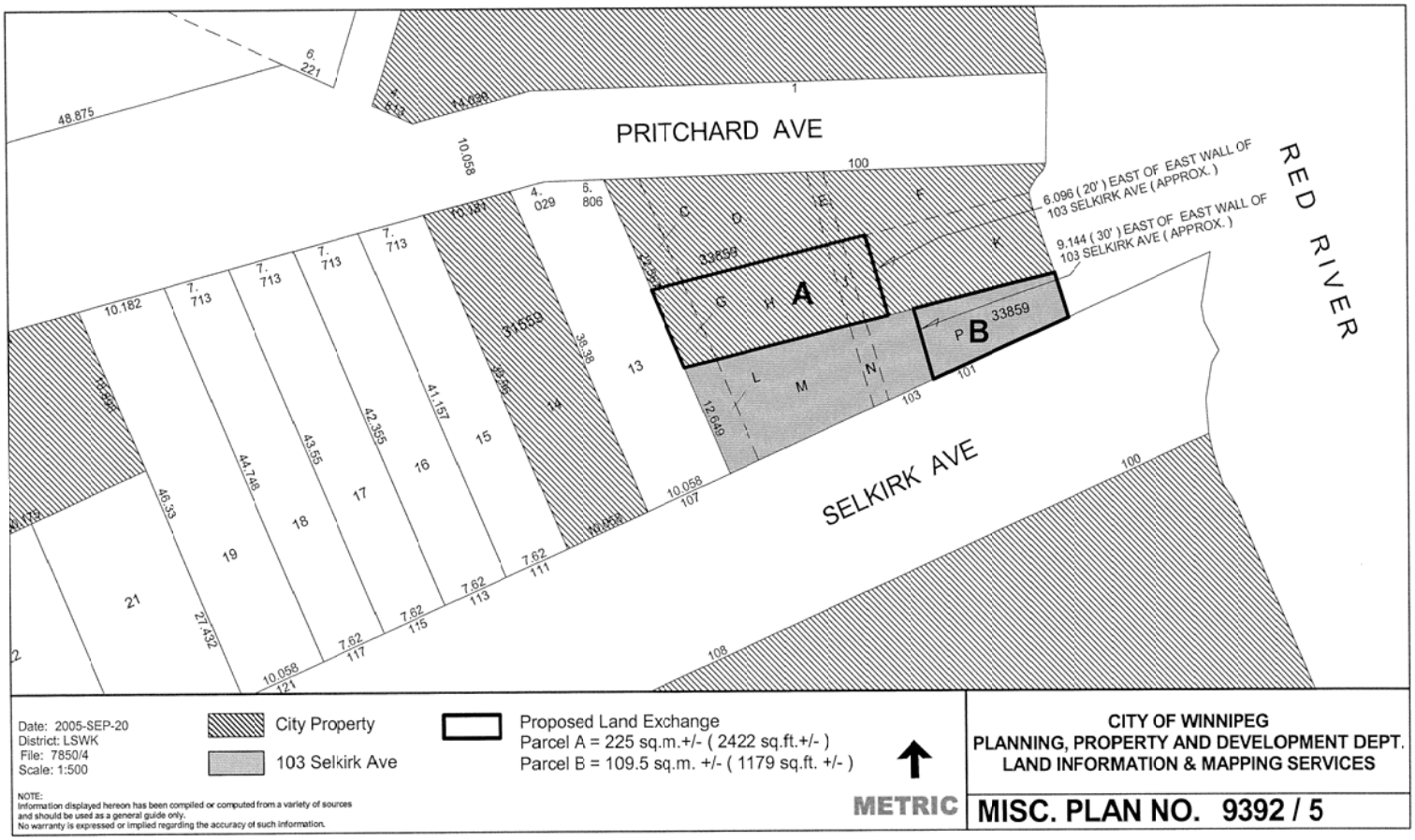
"Original signed by"
Mike McGinn, CA
Manager of Finance

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

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate Division
Prepared by: M. Sousa
PPD File #: 7850/4

Document name: o:\reports directive\real estate\acquisition\(ms)103selkirk.doc


PRITCHARD AVE
SELKIRK AVE
RED RIVER
A
B
33859
6.096 (20') EAST OF EAST WALL OF 103 SELKIRK AVE (APPROX.)
9.144 (30') EAST OF EAST WALL OF 103 SELKIRK AVE (APPROX.)
Date: 2005-SEP-20
District: LSWK
File: 7850/4
Scale: 1:500
City Property
103 Selkirk Ave
Proposed Land Exchange
Parcel A = 225 sq.m.+/- (2422 sq.ft.+/-)
Parcel B = 109.5 sq.m. +/- (1179 sq.ft. +/-)
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 9392 / 5

Schedule "A"

Proposed terms and conditions for an exchange of land between the registered owners of 103 Selkirk Avenue (Vendor) and the City of Winnipeg (City) shown as "**Proposed Land Exchange Parcels A & B"** on the attached Misc. Plan No. 9392/5.

1. The Vendor hereby agrees to transfer/convey **"Parcel B",** as shown on Misc. Plan No. 9392/5, to the City free and clear of any and all liens leasehold interests and encumbrances except standard utility caveats acceptable to the City.

2. The City in exchange for **"Parcel B",** being conveyed to it, hereby agrees to transfer/convey **"Parcel A"** to the Vendor subject to any standard utility easements required for the maintenance of existing services.

3. The date for vacant possession - free of leasehold interest and adjustment of taxes, to be the date that the respective titles to **"Parcels A & B"** are registered in the Winnipeg Land Titles Office.

4. The City shall absorb reasonable legal and related fees, subject to the prior approval by the City Solicitor, which the Vendor may incur in providing the City with free and clear title to **"Parcel B".**

5. The City, at its sole cost and responsibility to attend to all survey, plan preparation and documentation as required by the Winnipeg Land Titles office to facilitate the exchange of **"Parcels A & B".**

6. It is understood and accepted by the Vendor that the lands being transferred by the City to the Vendor **"Parcel A",** are to be immediately, legally consolidated with the residual lands in the Vendor's title. The City at its responsibility and expense will attend to the preparation and execution of the required documentation.

7. The City at its sole responsibility and expense will provide the Vendor with a valid building location certificate and staking certificate reflecting the new lot boundaries within a reasonable time after the conveyance of the exchange lands.

8. The Vendor will permit the City at its discretion and expense, before the possession date, to conduct or have conducted on its behalf an Environmental Site Assessment together with any soil testing and analysis it deems necessary.

9. The Vendor declares that to the best of his/her/its knowledge and belief:

    a. the subject property complies with all applicable environmental laws, regulations and bylaws;
    b. there are no outstanding governmental orders or requests for information;
    c. there are no existing, pending or threatened actions of an environmental nature;
    d. there are no waste disposal sites on the property, nor has the property ever been used as a landfill or waste disposal site, or for temporary storage of special wastes on an interim basis pending treatment or disposal.

10. The Vendor further acknowledges and accepts that should the City determine on or before possession of the lands that there are environmental concerns or contamination, it may elect to cancel the proposed agreement.

11. The Vendor agrees that the Vendors land will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to the terms and conditions of this proposal.

12. The Vendor agrees to declare whether or not it is a "Registrant" for the purposes of the "Goods and Services Tax" and if so, to provide its G.S.T. Registration number.

13. The City will self-assess any Goods and Services Tax that it may owe on this transaction. It's G.S.T. Registration No. is R121682967.

14. The Vendor agrees to enter into an appropriate agreement with the City embodying the within terms and conditions and in a form satisfactory to the City Solicitor; it is further acknowledged that the agreement may be filed as a caveat against the Vendor's title pending conveyance of **"Parcel B"**.

15. **THIS EXCHANGE PROPOSAL IS SUBJECT TO THE APPROVAL OF WINNIPEG CITY COUNCIL OR ITS DELEGATED AUTHORITY.**