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

Item No. 30 Land Exchange – 421 Glasgow Avenue
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 land illustrated as "Proposed Sale" on Misc. Plan No. 11715/4 be declared surplus to the City's needs.

2. That the Director of Planning, Property and Development be instructed to initiate the road closing process for the land illustrated as "Proposed Closing" on Misc. Plan No. 11715/4.

3. That the "Proposed Closing" land be declared surplus to the City's needs.

4. A. That the acquisition of the "Proposed Widening" and "Proposed Easement", identified on Misc. Plan No. 11715/4, be approved in accordance with the terms and conditions outlined on Schedule "A" to the report of the Director of Planning, Property and Development dated November 17, 2005, at a price of $6,200.00;

   B. That the sale of the "Proposed Sale" and "Proposed Closing" be approved in accordance with the terms and conditions outlined on Schedule "A" to the report of the Director of Planning, Property and Development dated November 17, 2005, at a price of $20,000.00.

5 That the Proper Officers of the City be authorized to do all things necessary in order to complete 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.

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

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 – 421 Glasgow Avenue
Fort Rouge – East Fort Garry Ward
City Centre Community

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 land illustrated as "Proposed Sale" on the attached Misc. Plan No. 11715/4 be declared surplus to the City's needs.

2. That the Director of the Planning, Property and Development Department be instructed to initiate the road closing process for the land illustrated as "Proposed Closing" on the attached Misc. Plan No. 11715/4.

3. That, subject to Recommendation No. 2 being completed, the "Proposed Closing" land be declared surplus to the City's needs.

4. That, subject to Recommendations No. 1 thru 3 being approved:

    a) the acquisition of the "Proposed Widening" and "Proposed Easement", identified on the attached Misc. Plan No. 11715/4, be approved in accordance with the terms and conditions attached hereto as Schedule "A" and at a price of $6,200.00;
    b) the sale of the "Proposed Sale" and "Proposed Closing" be approved in accordance with the terms and conditions attached hereto as Schedule "A" and at a price of $20,000.00.

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

REPORT SUMMARY

Key Issues:

- Negotiations are now complete with the property owner of 421 Glasgow Avenue and approval is required for the terms and conditions to complete this transaction.

Implications of the Recommendation(s):

General implications:

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

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

- There is a Site Remediation Report, dated April 27, 2004, completed by Stantec Engineering that indicates that "the site is considered non-impacted as a commercial or residential property".

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 sale will offset the cost of the acquisition. All remaining funds will be credited to the Land Operating Reserve Account.

REASON FOR THE REPORT:

Negotiations with the property owner are now complete and approval is required for the terms and conditions of the transaction. Also, Council approval is required in order to dispose of land acquired or used for parks purposes.

HISTORY:

At its meeting held March 5, 1992, the former Board of Commissioners considered a report from the Director of the former Parks and Recreation Department regarding the implementation of the Churchill Parkway. The Board concurred in the recommendations and instructed the Director of the former Land Surveys and Real Estate Department to negotiate the acquisition of the land interests required in order to accommodate a riverbank pathway between The Forks and Churchill Drive Park.

Over the last several years, all of the property interests have been acquired except for two, namely, 320 Osborne and 421 Glasgow Avenue. Negotiations are ongoing with the owner of 320 Osborne Street. Negotiations are now complete with the property owners of 421 Glasgow Avenue.

Particulars of the subject property are as follows:

Location:	421 Glasgow Avenue
Legal Description:	Lots 7-9, Block 2, Plan 319
Certificate of Title:	2061493 and 2061494
Registered Owner:	5011400 Manitoba Ltd. (Lawrie Peterson and Roy Robertson)
Realty Roll No.:	12-015112500
Assessment:	not apportioned
Description:	Vacant land

DISCUSSION:

Glasgow Autobody occupied this property until a fire destroyed it approximately three years ago. The Planning, Property and Development Department were not able to reach a settlement with the property owner prior to the subject property being sold.

The current property owners have advised that the attached Schedule "A" is acceptable and are prepared to complete a land exchange in accordance with the terms and conditions contained therein.

The proposed land exchange involves the sale of two City owned parcels, namely, "Proposed Sale" and "Proposed Closing" as identified on the attached Misc. Plan No. 11715/4. The property owners have advised that they are in the process of developing the subject property into a commercial space and require the extra land in order to accommodate green space as well as parking.

The City-owned land illustrated as “Proposed Sale” on the attached Misc. Plan No. 11715/4 is designated as public park under the jurisdiction of the Planning, Property and Development Department. The only concerns raised when the sale was circulated to the various City departments and standard utilities, was that Manitoba Hydro identified an easement requirement and the Public Works Department requires a lane widening between Glasgow Avenue and Togo Avenue. The Public Works Department also advised that the purchaser should be responsible for the removal of all the improvements within the right-of-way.

The land illustrated as “Proposed Closing” on the attached Misc. Plan No. 11715/4 is a legally opened right-of-way and will have to be declared surplus and closed prior to the proposed sale. A preliminary survey with the affected departments indicated no concerns.

The Planning, Property and Development Department has estimated the market value of the aforesaid two parcels of City-owned land to be $20,000.00.

The Planning, Property and Development Department require a 5 metre easement in the location as noted on Misc. Plan No. 11715/4 to accommodate a linear riverbank parkway. This is one of the last remaining easements required in order to complete the Churchill Parkway. The property owners have indicated that they require $5,000.00, firm, for this easement.

The Public Works Department has identified a requirement for a 1.154 metre lane widening between Glasgow and Togo Avenues. The Planning, Property and Development Department have estimated the market value to be $1,200.00 for the lane widening.

The property owners are agreeable to settling this matter at the proposed purchase prices.

The Planning, Property and Development Department is of the opinion that the proposed purchase prices are fair and reasonable and recommends that the City complete this transaction in accordance with the terms and conditions attached hereto as Schedule “A”.

Any costs incurred in this transaction should be offset by the sale of the City-owned parcels of land. Any surplus funds will be credited to the Land Operating Reserve Account.

Financial Impact Statement

Date: November 16, 2005

Project Name:

Proposed Land Exchange – 421 Glasgow Avenue

First Year of Program 2006

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 6,200	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	20,000	-	-	-	-
Net Cost/(Benefit)	$ (13,800)	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ (13,800)	$ -	$ -	$ -	$ -

Additional Comments:

Net proceeds of $13,800 will be credited to the Land Operating Reserve Fund.

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

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

There was no concurrence or consultation with any other department.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: Karen Cann
PPD File #: 7582/2

Document name: o:\reports directive\real estate\acquisition\(kc)421 glasgow.doc

SCHEDULE "A"

1. The City to convey to 5011400 Manitoba Ltd., at an all-inclusive purchase price of TWENTY THOUSAND ($20,000.00) DOLLARS, the "Proposed Closing" and "Proposed Sale" properties identified on the attached Misc. Plan No. 11715/4. Manitoba Hydro has advised that there is an easement requirement within the Togo Avenue right-of-way.

2. 5011400 Manitoba Ltd. to convey to the City, at an all-inclusive purchase price of TWELVE HUNDRED ($1,200.00) DOLLARS, the "Proposed Widening" property identified on the attached Misc. Plan No. 11715/4.

3. 5011400 Manitoba Ltd. shall grant to the City an easement, in perpetuity, at an all-inclusive purchase price of FIVE THOUSAND ($5,000.00) DOLLARS, as identified on the attached Misc. Plan No. 11715/4. The location of the easement area will be in the vicinity of the top of the riverbank.

4. All properties shall be conveyed free and clear of any liens and/or encumbrances except public utilities thereon.

5. The date for vacant possession - free of leasehold interest and adjustment of taxes, to be the date that a Caveat is filed by the City of Winnipeg in the Winnipeg Land Titles Office respecting a duly executed Purchase/Sale Agreement to be prepared by the City Solicitor regarding this transaction or by mutual agreement.

6. The Owner, upon 48 hours notice, consents to allow the City or its contractor to enter and construct upon the lands it is to receive at any time hereafter.

7. The Owner declares that the subject property complies with all applicable environmental laws, regulations and by-laws and further acknowledges and accepts that should the City determine that there are environmental concerns or contamination it may elect to cancel the proposed purchase.

8. 5011400 Manitoba Ltd. shall relieve the City of any and all bank failures at 421 Glasgow Avenue.

9. The Owner shall supply copies of any environmental studies undertaken on the lands the City is to receive. The City currently has a copy of a Phase II on the Togo Street end and a Soil Remediation report on the lands above the top of the bank at 421 Glasgow Avenue.

10. Any real estate commissions, environmental reports or appraisal fees payable on this transaction are the responsibility of the Owner.

11. The City to attend to any survey work required by the Winnipeg Land Titles Office in order to dedicate the “Proposed Widening” lands as Lane Right-of-Way at no cost to the Owner.

12. 5011400 Manitoba Ltd. to attend to any survey work required by the Winnipeg Land Titles Office in order to convey the “Proposed Closing” and “Proposed Sale” lands at no cost to the City.

13. 5011400 Manitoba Ltd., at its expense, is responsible to make application to the proper authority to have the “Proposed Closing Area” legally closed.

14. 5011400 Manitoba Ltd. is responsible for the removal of curbs, street pavement and any other street improvements contained within the “Proposed Closing” and “Proposed Sale”.

15. Each party hereto shall be responsible for their own legal costs.

16. The Owner shall not remove any top soil or allow any dumping on the “Proposed Widening” lands.

17. The Owner agrees to enter into an appropriate Purchase/Sale Agreement and Easement 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 Purchase/Sale Agreement may be filed as a Caveat against the Owner's Title pending the conveyance of all properties.

18. The Owner agrees that the “Proposed Widening” lands will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

19. The Owner and the City agree to consent on a Real Owner Application form to add applicable new owners as the Real Owners of the properties to the Assessment Rolls of the City.

20. The Owner agrees to declare whether or not they are "Registrants" for the purposes of the "Goods and Services Tax" and if so, to provide their G.S.T. Registration number.

21. The City will self-assess any Goods and Services Tax owing on this transaction. Its GST Registration No. is R121682967.

22. This proposal is subject to City of Winnipeg Council declaring the “Proposed Closing” lands surplus to City needs.

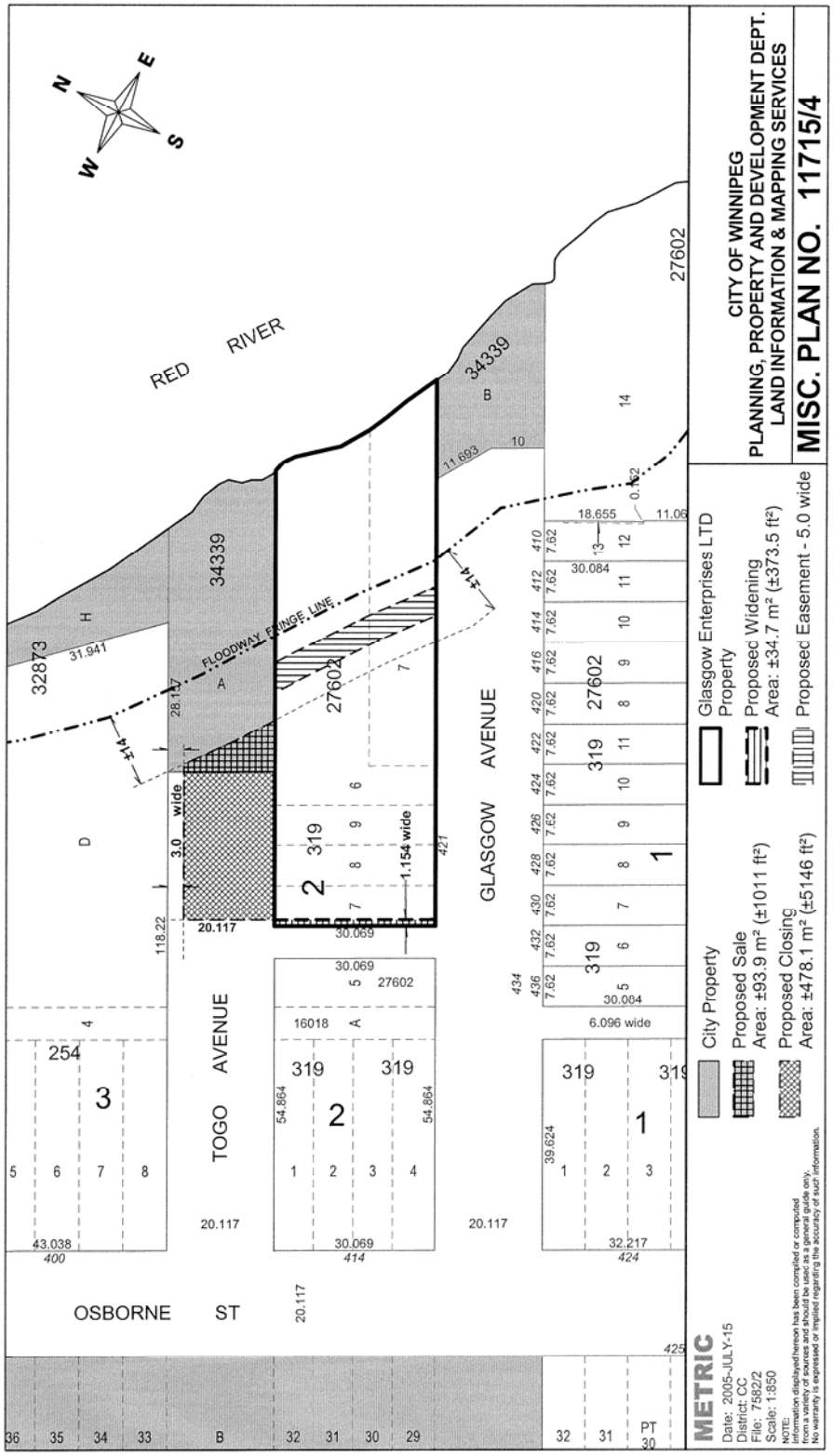
23. This proposal is subject to approval by the City of Winnipeg Council or its delegated authority.

5011400 Manitoba Ltd., the legally registered owner of 421 Glasgow Avenue. hereby agree to the sale of the “Proposed Widening” lands; to grant the City a 5 meter easement; the purchase of the “Proposed Closing” and Proposed Sale” lands shown on the attached Misc. Plan No. 11715/4 and in accordance with the terms and conditions herein.

_____	_____
Date	5011400 Manitoba Ltd.
_____	_____
GST Registrant Number	5011400 Manitoba Ltd.

Roy

5394


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11715/4
City Property
Proposed Sale
Area: ±93.9 m² (±1011 ft²)
Proposed Closing
Area: ±478.1 m² (±5146 ft²)
Glasgow Enterprises LTD
Property
Proposed Widening
Area: ±34.7 m² (±373.5 ft²)
Proposed Easement - 5.0 wide
METRIC
Date: 2005-JULY-15
District: CC
File: 7582/2
Scale: 1:850
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.
RED RIVER
GLASGOW AVENUE
TOGO AVENUE
OSBORNE ST
FLOODWAY FRINGE LINE
N
E
S
W