Minute No. 476
Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 17 **Acquisition - Rear of 746 Haney Street - Future Transportation Purposes**
File FI-2(31)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 acquisition of "Lot 3", located at the rear of 746 Haney Street and shown as "Proposed Acquisition" on Misc. Plan No. 12437, be approved at a purchase price of $25,800.00 in accordance with the terms and conditions outlined in Schedule "A" attached to the report from the Director of Planning, Property and Development dated May 18, 2006.

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

Minutes - Executive Policy Committee – June 21, 2006

Report - Standing Policy Committee on Property and Development – June 6, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, 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: Property Acquisition at the rear of 746 Haney Street for Future Transportation Purposes – DASSF 531/2004
Assiniboia Community
Charleswood-Tuxedo Ward

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: May 18, 2006

RECOMMENDATION:

That the proposed acquisition of "Lot 3", located at the rear of 746 Haney Street and shown as "Proposed Acquisition" on Misc. Plan No. 12437 be approved at a purchase price of $25,800.00 and in accordance with the terms and conditions specified on the attached Schedule "A".

Report Summary

Key Issues:

On September 7, 2004, the Standing Policy Committee on Property and Development approved DASSF 531/2004 subject to, among other things, the owner granting an option to purchase proposed "Lot 3", located at the rear of 746 Haney Street and shown as "Proposed Acquisition" on Misc. Plan No. 12437. Rather than proceed by way of an option, the property owners wish to sell the property to the City now. The Public Works Department has adequate funds for the acquisition. The Planning, Property and Development Department and the property owners have negotiated a reasonable price of $25,800.00.

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
( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No
( ) Yes

Comment(s):

Regulatory Implications

(x) None
( ) Eliminates or reduces regulatory impact
( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No
( ) Yes
Comment(s): No environmental issues are anticipated. However, as a precaution, the proposed transaction contains terms that protect the City's interests regarding environmental matters.

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 Public Works Department indicates that there are sufficient funds in account number 001-182000-630801-63000036WL to undertake this land acquisition.

Report

REASON FOR THE REPORT:

The proposed property acquisition pursuant to DASSF 531/2004 requires Council's approval.

HISTORY:

On September 7, 2004, the Standing Policy Committee on Property and Development approved DASSF 531/2004 subject to, among other things, the owner granting an option to purchase proposed "Lot 3", located at the rear of 746 Haney Street and shown as "Proposed Acquisition" on Misc. Plan No. 12437. Rather than proceed by way of an option, the property owners wish to sell the property to the City now. The Public Works Department has adequate funds for the acquisition. The Planning, Property and Development Department and the property owners have negotiated a reasonable price of $25,800.00, which is consistent with acquisitions of this nature.

DISCUSSION:

The City will require this property as part of the right-of-way for the future north/south transportation facility, which will run through the rear lands between Haney Street and McDowell Drive. This portion of the transportation system is not indicated on the Transportation Plate B in Plan Winnipeg, so it is not expected to be required until beyond 2020. Because there is no specific Council Policy in place directing the Administration to acquire the lands for that future right-of-way, this proposed acquisition has to proceed to Council for final approval.

The proposed terms and conditions of acquisition, agreed upon with the property owners, are consistent with previous acquisitions of this nature. The Planning, Property and Development Department, in consultation with the Public Works Department, recommend approval of these terms and conditions.

Financial Impact Statement

Date: May 16, 2006

Project Name:

First Year of Program 2006

Property Acquisition at the rear of 746 Haney Street for Future Transportation Purposes – DASSF 531/2004

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ 26,574	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	26,574	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ 2,392	$ 2,392	$ 2,392	$ 2,392
Less: Incremental Revenue/Recovery	774	-	-	-	-
Net Cost/(Benefit)	$ (774)	$ 2,392	$ 2,392	$ 2,392	$ 2,392
Less: Existing Budget Amounts	(774)	2,392	2,392	2,392	2,392
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Capital expenditures of $26,574 consist of the purchase price of the land of $25,800 plus short-term financing costs of $516 and a corporate admin charge of $258. The latter two items are offset by recoveries of equal amounts in the current budget of the Corporate Finance Department. Current expenditures from 2007 onward represent debt & finance costs charged to the current budget of the Public Works Department.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Public Works Department

External Consultation With:

None required.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Real Estate Division
Prepared by: Vic Mikolayenko
File No. 5435/B (05)

Document name: o:\reports directive\real estate\acquisition\746haneynew.doc

File 5435/B (04)

SCHEDULE "A"

1. An all-inclusive purchase price of TWENTY-FIVE THOUSAND AND EIGHT HUNDRED ($25,800.00) DOLLARS for the subject property, shown as "Proposed Acquisition" on the attached Misc. Plan No.12,437.

2. The vendors, at their sole expense and responsibility, to attend to all legal survey work and plan preparation and registrations at the Winnipeg Land Titles Office required to convey title to the subject property to the City.

3. The subject property to be conveyed by the vendors to the City free and clear of any liens, encumbrances, easements or leasehold interests unless specifically noted herein or placed on the subject property by the City for its benefit.

4. The date for vacant possession – free of leasehold interest – payment of the purchase price and adjustment of taxes, to be within 90 days following the vendor's registration of a Plan of Subdivision, to be prepared in accordance with the City of Winnipeg's approval of DASSF 531/2004, in the Winnipeg Land Titles Office or such other date as may be determined by mutual agreement.

5. The vendors shall not remove any topsoil or allow any dumping on the subject property.

6. The vendors 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 required.

7. The vendors declare 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.

8. The vendors shall supply copies of any environmental studies undertaken on the subject property.

9. The vendors further acknowledge and accept that should the City determine that there are environmental concerns or contamination, it may elect to cancel the proposed purchase.

10. Each party to be responsible for their own legal costs.

11. The vendors agree to enter into an appropriate purchase and sale 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 and sale agreement may be filed as a caveat against the vendors' Title.

12. The vendors agree that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

13. The vendors agree to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

14. The vendors agree to declare whether or not they are a "Registrant" for the purposes of the "Goods and Services Tax" and if so, to provide their G.S.T. Registration number upon request.

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

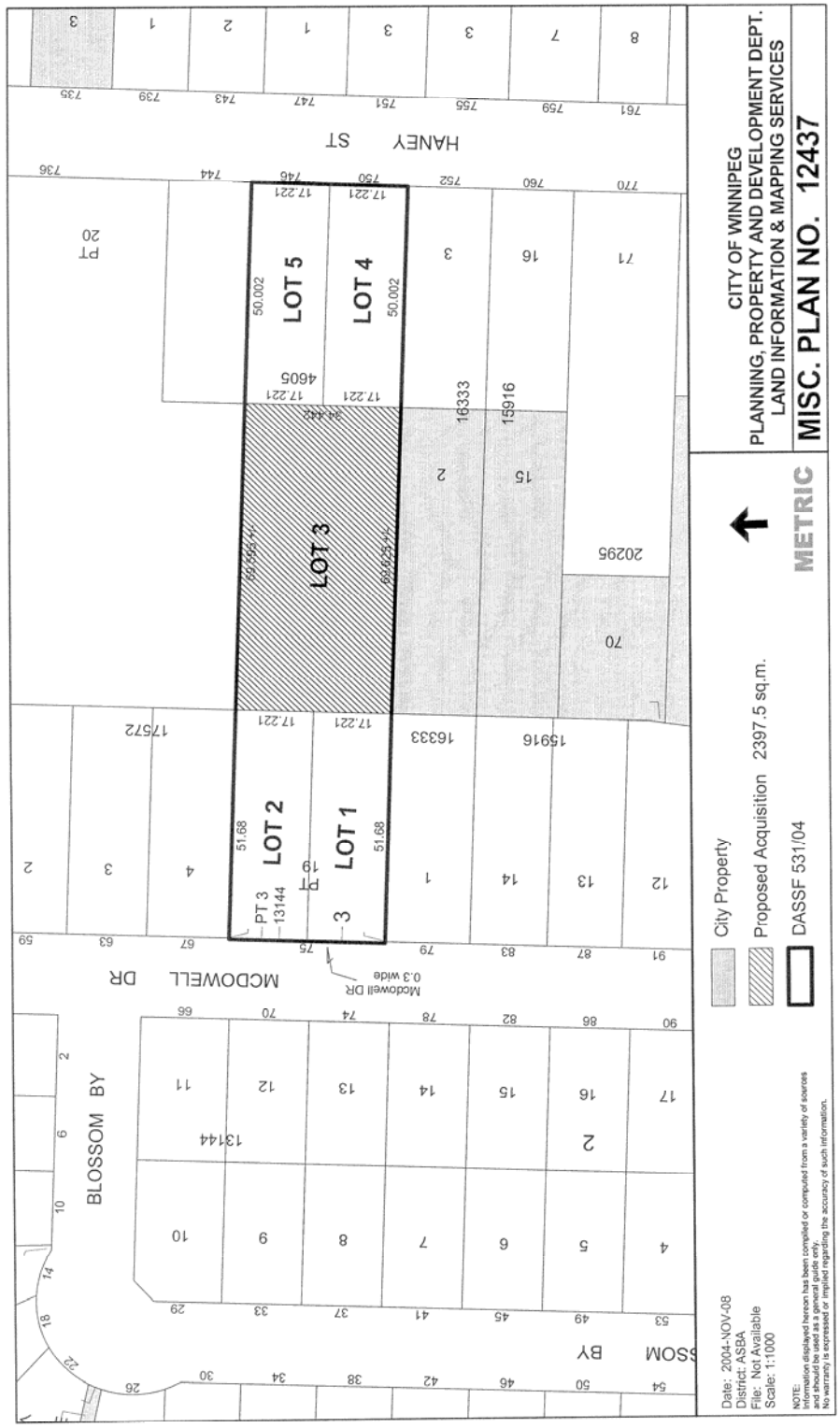
16. This proposal is subject to approval by the City of Winnipeg Council, or its delegated authority.

We, Martin Lawson Yeroschak and Kathleen Joyce Yeroschak, the undersigned legally registered owners of the subject property shown as **"Proposed Acquisition"** on the attached Misc. Plan No. 12,437, hereby agree to convey to the City, the subject property, in accordance with the terms and conditions outlined above.

April 4/06
Date

(sign) K Yeroschak.

(sign) M Yeroschak


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12437
METRIC
City Property
Proposed Acquisition 2397.5 sq.m.
DASSF 531/04
Date: 2004-NOV-08
District: ASBA
File: Not Available
Scale: 1:1000
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.
HANEY ST
MCDOWELL DR
BLOSSOM BY
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
Mcdowell DR 0.3 wide
PT 3 13144
PT 19
PT 20
4605
16333
15916
20295
17572
13144