Agenda - Executive Policy Committee - December 4, 2002

Report - Standing Policy Committee on Property and Development - November 21, 2002

2. Proposed Acquisition of Land for Lane Corner Cut at 73 Atlantic Avenue File FI-2(34) (Vol. 8)

STANDING COMMITTEE RECOMMENDATION:

On November 21, 2002, the Standing Policy Committee on Property and Development recommended:

1. That the acquisition of the land shown as “proposed corner cut” on the attached Misc. Plan No. 11643 be approved in accordance with the price and terms and conditions as outlined on the attached Schedule “A”.

2. 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.

Re: Proposed Acquisition of Land for Lane Corner Cut at 73 Atlantic Avenue
Lord Selkirk-West Kildonan Community Committee
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 8, 2002

Recommendation(s):

That the acquisition of the land shown as "PROPOSED CORNER CUT" on the attached Misc. Plan No.11643 be approved in accordance with the price and terms and conditions as outlined on the attached Schedule "A".

REPORT SUMMARY

KEY ISSUES:

- The acquisition of the referenced land would facilitate the movement of vehicles at the intersection of these two lanes; in particular, service vehicles such as refuse trucks, recycling trucks and snow-clearing equipment, which now have a difficult time negotiating turns.
- The acquisition would minimize hazards to pedestrians using the lane and reduce potential claims against the City for property damage as a result of current vehicular trespass.

IMPLICATIONS

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: •

Policy implications

X	No (*There are no policy implications if the report is asking for a one-time decision.)*
	Yes *(There are policy implications if the recommendation(s) is/are asking for a decision that will be used to guide decisions over time.)*

Comment: •

Financial implications

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
	No financial implications

Comment: • The purchase price is $750, and the survey and ancillary costs are estimated to be in the order of $2,000. Adequate funding is available in PPD Work Order WL 195 001

REPORT

RECOMMENDATION(S):

That the acquisition of the land shown as “PROPOSED CORNER CUT” on the attached Misc. Plan No.11643 be approved in accordance with the price and terms and conditions as outlined on the attached Schedule “A”.

REASON FOR THE REPORT:

The proposed acquisition is not part of a Council-approved program and therefore requires that City Council consider the proposed price, terms and conditions of acquisition.

HISTORY:

At it’s meeting held on January 10, 1986 the then, City Board of Commissioners, authorized that negotiations be undertaken to acquire a lane corner cut at the subject location.

Negotiations with the various owners have been ongoing since then.

The particulars of the subject property are as follows:

Location:	Northeast corner of 73 Atlantic Avenue
Legal Description:	Part of Part Lot 5, Plan 1435
Certificate of Title:	1146235
Registered Owner:	Marie Louise Victoria Keller
Zoning:	R2 – Two family District
Realty Roll:	14061187000
Assessed Value (2002):	Not apportioned
Current Taxes:	Not apportioned
Total Site Area:	253.62 sq. m. (2730.10 sq. ft.)
Proposed Acquisition Area:	4.50 sq. m. (48.4 sq. ft.)

Property Description: Small triangular portion (roughly 1.8% of the entire lot) of the vacant rear yard area of an improved residential lot. The portion being acquired has no improvements on it but has been significantly rutted by large trucks trespassing over the subject land.

The Real Estate Division of the Planning, Property and Development Department was recently able to negotiate a proposed purchase of the property in accordance with the price, and terms and conditions as outlined on the attached Schedule "A".

DISCUSSION:

It is extremely difficult for larger vehicles to negotiate the turn at this intersection without either trespassing over the subject land or alternatively backing up and jockeying the vehicles numerous times to get through the intersection. The inability of large vehicles to clearly make the turn makes the area unusually hazardous for any pedestrians using the lane, particularly children which attend a nearby school.

Although the owner in the past had indicated that she was not interested in selling the portion of land required, she is frustrated with the constant trespass of vehicles and the property damage caused by the vehicular trespass. The owner hopes to build a new fence in the future and wants to ensure that the potential for trespass and damage is minimized. In the Spring of 2002, the owner approached the City to advise that she was now prepared to negotiate for the sale of the portion of the land required by the City.

The Public Works Department supports the proposed acquisition as being in the City's best interests as it will facilitate the movement of vehicular traffic through the lane, minimize the hazards associated with negotiating turns at the lane intersection, and also minimize the number of claims against the City for property damage at this location.

The Real Estate Division of the Planning, Property and Development Department considers the price, and the terms and conditions as negotiated and as set out on the attached Schedule "A" to be fair, reasonable and consistent with other acquisitions of a similar nature.

The Public Works Department has adequate funding for this proposed acquisition and ancillary costs. These costs are: a $750 purchase price (subject to adjustments); an estimated $2,000 for survey work and provision of a Surveyor's Building Location Certificate. Provision of the steel guard posts is part of the construction budget.

Financial Impact Statement

Date: Novemer 11, 2002

Project Name:

Proposed Acquisition of Land for Lane Corner Cut at 73 Atlantic Avenue

First Year of Program 2002

	2002	2003	2004	2005	2006
Capital					
Capital Expenditures Required	$ 2,750	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	2,750	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ 2,750	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ 2,750	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 89	$ 261	$ 261	$ 261	$ 261
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 89	$ 261	$ 261	$ 261	$ 261
Less: Existing Budget Amounts	89	261	261	261	261
Net Budget Adjustment Required	$ 0	$ 0	$ 0	$ 0	$ 0

Additional Comments:

Gord Courage, Manager
Support Services Division

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

The Public Works Department was consulted during the administration of this project and supports this acquisition.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate Division
Prepared by: Manuel Sousa
PPD File #: 6946

Document name: o:\reports directive\real estate\acquisition\(ms)73_Atlantic_Avenue

|1|

6946

RECEIVED
CITY OF WINNIPEG
OCT 04 2002
PLANNING, PROPERTY & DEVELOPMENT DEPARTMENT

SCHEDULE 'A'

Proposed terms and conditions for the acquisition of a portion of property located at 73 Atlantic Avenue, shown as "PROPOSED CORNER CUT" on attached Misc. Plan No. 11643.

1. An all-inclusive purchase price of **SEVEN HUNDRED & FIFTY ($750.00) DOLLARS** for the subject property as shown as 'PROPOSED LANE OPENING' on attached Misc. Plan 11643.

2. The subject property to be conveyed to the City free and clear of any liens, encumbrances or leasehold interests.

3. 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 in the Winnipeg Land Titles Office respecting a duly executed Sales Agreement to be prepared by the City's Legal Services Division regarding this transaction or by mutual agreement.

4. The City to attend to the survey work required by the Winnipeg Land Titles Office in order to dedicate this subject property as public lane at no cost to the Vendors.

5. The City at its sole expense will, upon completion of the legal lane opening provide the Vendors with a Building Location Certificate for the residual private lands.

6. The Vendors declare that to the best of their knowledge and belief:

   a) Parcel "A" compiles 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.
   e) the Vendor further acknowledges and accepts that should the City determine that there are environmental concerns or contamination, it may elect to cancel the proposed purchase.

7. 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 assessment together with any soil testing and analysis required.

8. The City will at its sole expense and responsibility relocate or modify any improvements within the proposed lane opening.

9. The City will absorb reasonable legal and related fees, subject to the prior approval by the City's Legal Services Division that the Vendor may incur in providing the City with free and clear Title to the subject property.

|1|

10. The Vendors agree to enter into an appropriate Purchase/Sale Agreement with the City embodying the within terms and conditions and in a form satisfactory to the City Solicitor; it is acknowledged that the Sales Agreement will be filed as a Caveat against the Vendor's title pending registration of the necessary lane opening plan by the City.

11. The Vendors agree:

    a) that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement;

    b) subject to Item 13 herein, to consent on a Real Owner Property Application Form to add the City of Winnipeg as the Real Owner of the referenced property on the Assessment Rolls of the City of Winnipeg.

12. The City will self-assess any tax payable on this transaction. Its Goods and Services Tax Registrant No. is R121682967.

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

14. The Vendor consents to allow the City or its contractor to enter and construct upon the lands upon acceptance of this proposal and receipt of (48) hour's notice in advance.

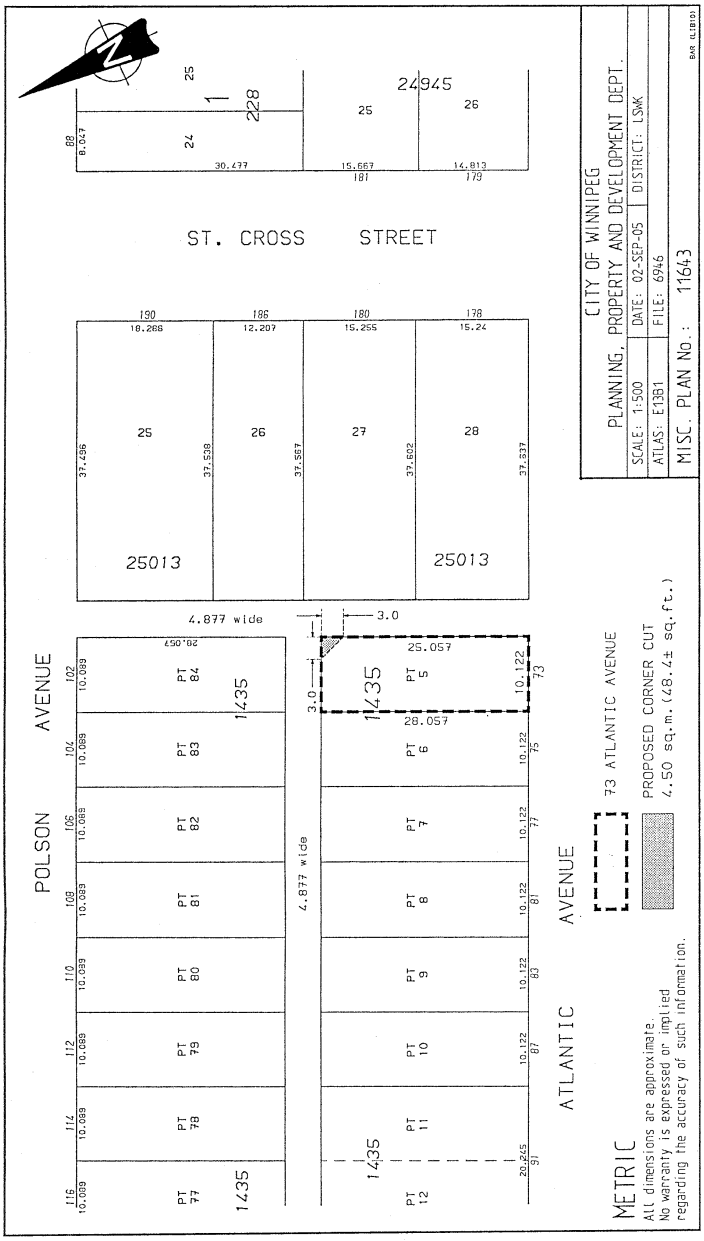
15. The City will at its expense install steel guard posts at the lane corner cut location.

I, **MARIE L. V. KELLER**, being the legally Registered Owner of the property shown on attached Misc. Plan No. 11643, hereby agree to the sale of the lands required by the City for lane opening in accordance with the proposed purchase price, terms and conditions as set out herein.

Oct. 4/02
Date

Marie L. V. Keller.
MARIE L. V. KELLER

|1|


ST. CROSS STREET
POLSON AVENUE
ATLANTIC AVENUE
4.877 wide
4.877 wide
3.0
3.0
25.057
28.057
25013
25013
1435
1435
1435
1435
73 ATLANTIC AVENUE
PROPOSED CORNER CUT
4.50 sq.m.(48.4± sq.ft.)
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:500
DATE: 02-SEP-05
DISTRICT: LSMK
ATLAS: E13B1
FILE: 6946
MISC. PLAN No.: 11643