REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 8, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated January 8, 1999, was considered.

Proposal to Declare City-owned lands located on the south side of Almey Avenue at Ravelston Avenue West as surplus - East Kildonan-Transcona Community
File FI-2.4(33) (Vol. 2)

420 - 5. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department is in receipt of an Offer to Purchase the subject City-owned property located at 280 Almey Avenue, on the southwest corner of Almey Avenue and Ravelston Avenue West, as outlined on Misc. Plan No. 10460/2.

On June 13, 1968, Council approved the acquisition of the subject City property, as outlined on Misc. Plan No. 10460/2, in addition to other lands required for an access road to be constructed as part of the relocation of Provincial Trunk Highway No. 59. It was agreed in late June 1968 that the subject City property would be retained by the City for the purpose of locating a service yard for equipment and material for the former Parks and Recreation Department.

The subject property is currently used as a parks local works yard. It is improved with a three bay storage garage with a small office in the east section, a single car garage used for miscellaneous storage and a small tool shed. Built in approximately 1970, the main building is wood frame with stucco exterior. It measures approximately 28 feet by 58.5 feet. The garage/storage area is uninsulated, with three overhead 8 foot by 10 foot doors and two main doors. The office area is bare minimum with room for three desks and a single washroom. A well and septic system services the facility and according to one of the employees, the water quality is poor and unpalatable.

The single car garage is wood frame with wood exterior and could, along with the small shed, be moved off the site to another location.

The offer to purchase is subject to the City's standard terms and conditions in addition to the following:

1. The purchaser consolidating the subject City property with the certificate of title to the adjacent property that the purchaser has under Option.

2. The purchaser having 180 days to satisfy his due diligence which among other things includes rezoning the property for commercial use.

Under the proposed terms of the agreement the City has the right to remove the buildings from the site should it so desire to.

The purchaser owns the lands to the north on the north side of Almey Avenue, as outlined on Misc. Plan No. 10460/2. It is his intention to apply for the closing of Almey Avenue, also outlined on Misc. Plan No. 10460/2, between the two properties and Ravelston Avenue West south of Almey Avenue and acquire these lands or any portions of them that the City is willing to sell to him for the purposes of consolidating these lands with his property.

Information regarding the sale of this property has been submitted to the East Kildonan-Transcona Community Committee for consideration at its January 19, 1999 meeting, and inasmuch as the Community Committee's comments will not be available in time for the Standing Policy Committee on Property and Development's meeting, it is therefore suggested by the Administration that any approvals be subject to the concurrence of the Community Committee with regards to disposal of the subject property.

The Director of Public Works has indicated the following: "The Parks and Open Space Division of the Public Works Department has confirmed its need to have a yard at this location. At the present time there are no plans to phase out or relocate this facility. However, the Department believes that the functions currently carried out at this

Report of the Standing Policy Committee on Property and Development dated January 8, 1999

location could be relocated to 849 Ravelston Avenue. The current buildings at 849 Ravelston Avenue are insufficient to accommodate any relocation at this time. Therefore, any costs associated with upgrading of the facilities for the Parks and Open Space Division would come from the proceeds of land sales." It should be noted that the relocation and upgrading costs are not available at this time.

The Transportation Planning and Traffic Management Division of the Public Works Department has reviewed the subject City-owned property and has no objection to the sale of the subject property to the adjoining property owner, subject to the consolidation of the lands to be purchased with the purchaser's existing holdings. The purchaser is also to be advised that access will not be permitted to Lagimodiere Boulevard from either his existing holdings or the lands being purchased.

The Property and Development Services Department is supportive of the offer to purchase based on the fact that the price is in line with the appraised value of the property and the sale to this buyer may result in future sales of right-of-way to be closed resulting in a much larger development site and additional revenue to the City.

The proposed purchaser has agreed to allow the City to remove the buildings off the site should they be required by the City.

The financial impact sheet is on file in the office of the City Clerk.

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

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City property", as outlined on Misc. Plan No. 10460/2, be declared surplus to the City's requirements, subject to the concurrence of the East Kildonan-Transcona Community Committee.

II. That the sale of the subject City property, as outlined on Misc. Plan No. 10460/2, be approved to Glesby Development Ltd. or Nominee, in accordance with the terms and conditions as outlined.

III. That the sale proceeds be allocated to cover the relocation and upgrading costs for the Parks and Open Spaces (Public Works Department) works yard.

IV. That the Proper Officers of the City be authorized to do all thing necessary to implement the foregoing, and the execution of any documents related thereto.

Copies of documents referred to in the above clause are on file in the office of the City Clerk.

On January 19, 1999, the East Kildonan-Transcona Community Committee laid the matter over to its February 16, 1999 meeting.

On January 20, 1999, the Executive Policy Committee laid the matter over in view of the fact that Recommendation I. above is subject to concurrence by the East Kildonan-Transcona Community Committee.

On February 16, 1999, the East Kildonan-Transcona Community Committee concurred in the recommendation from the Manager of Planning and Land Use that the land not be sold at this time.

On February 24, 1999, Council granted an extension of time of 30 days for consideration of the matter.

The Executive Policy Committee recommends that the recommendation of the Standing Policy Committee on Property and Development be concurred in with the following amendments, namely:

1. That recommendation I. be amended to read as follows:

I. That the "subject City property" as outlined on Misc. Plan No. 10460/2, be declared surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated January 8, 1999

2. That recommendation III. be amended by adding the following at the end thereof, namely:

with the provision that no new structures shall be erected on the site of the relocation (849 Ravelston Avenue) until such time as the Standing Policy Committee on Public Works has approved same; and until the Standing Committee on Fiscal Issues has approved the funding.

Moved by Councillor Steek,
Adoption of the clause.

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Clement,

THAT the clause be referred back for further consideration once the issue of the Area Action Plan (which encompasses the lands at Almey at Lagimodiere) has been dealt with by the East Kildonan-Transcona Community Committee and the Standing Policy Committee on Property and Development.

Carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 19, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated February 19, 1999, was considered.

Task Force on Inner Winnipeg Neighbourhood Redevelopment

File EX (Vol. 13)

421 - ***Note: Clause 1 has been laid-over by the Executive Policy Committee for 30 days.***

Laid-over by the Executive Policy Committee for 30 days

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MARCH 2, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated March 2, 1999, was considered clause by clause.

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

Carried.

Proposed Subdivision and Rezoning on land located at 1401 and 1411 Regent Avenue West - East Kildonan-Transcona CommunityFile DASZ 27/98

422 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from Longboat Capital Group (Jim Millican), 21 Murray Park Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an “A5" Agricultural District to a “C2" Commercial District to allow for the establishment of an enlarged site for commercial development.

The following is the present site description:

Site Area: 0.234 ha (0.58 acres)

Existing Land Use and Zoning: Land is vacant; zoned “A5" Agricultural District

The following is the surrounding land use and zoning:

North: Parking area accessory to Club Regent (Province of Manitoba); zoned “A5"
South: Auto dealership; zoned “C2" Commercial
East: Owen Street
West: Auto dealership; zoned “C2" Commercial

The land is to be purchased from the Province of Manitoba site to the north. The applicant intends to consolidate the subject land with their land to the south and is to be used for expansion of the existing vehicle parking/storage area.

The subject land is a 15.24 metre (50 feet) by 154± metres (505± feet) strip of land in the ownership of the Province of Manitoba, and which abuts the existing Karlo Trade Centre Ltd. (Birchwood Honda) site to the south. The Planning and Land Use Division is supportive of the rezoning and subdivision of the subject property from the Province of Manitoba lands, providing that it is consolidated in a new plan of subdivision with the Karlo Trade Centre land. There is also an existing zoning agreement on the Karlo Trade Centre lands that should be re-registered.

The Transportation Planning and Traffic Management Division of the Public Works Department has indicated that there are proposals to widen Owen Street in this vicinity, and also that there may be surplus City lands that may be available for acquisition by Karlo Trade Centre. In this regard, the subject lands proposed to be purchased by Karlo Trade Centre excludes the lands the City of Winnipeg requires for widening at that point and which are being dealt with under File DAO 2/99. The acquisition of additional Karlo Trade Centre lands for road widening from their existing site, and the possible sale or exchange of surplus city lands at the corner of Regent Avenue West and Owen Street will be dealt with under separate File DAOC 2/99.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 16, 1999. One person was heard in support of the application, and no persons registered in opposition thereto.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The Planning and Land Use Division is supportive of the rezoning and subdivision of the subject property in the ownership of the Province of Manitoba, which abuts the existing Karlo Trade Centre Ltd. (Birchwood Honda) site to the south, providing that it is consolidated in a new plan of subdivision with the Karlo Trade Centre land. There is also an existing zoning agreement on the Karlo Trade Centre lands that should be re-registered.

2. The Transportation Planning and Traffic Management Division of the Public Works Department has indicated that there are proposals to widen Owen Street in this vicinity, and also that there may be surplus City lands that may be available for acquisition by Karlo Trade Centre. In this regard, the subject lands proposed to be purchased by Karlo Trade Centre excludes the lands the City of Winnipeg requires for widening at that point and which are being dealt with under File DAO 2/99.

3. The acquisition of additional Karlo Trade Centre lands for road widening from their existing site, and the possible sale or exchange of surplus city lands at the corner of Regent Avenue and Owen Street will be dealt with under separate File DAOC 2/99.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 27/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 27/98 dated February 2, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to exclude the most easterly 2.941 metres in depth of the land along the Owen Street frontage (lands to be dedicated to the City of Winnipeg under File DAO 2/99).

II. That the subject lands be consolidated in one title with the Karlo Trade Centre lands, Pt. Lot 1, Plan 19931, WLTO in OTM, Park Lot R, Parish of Kildonan.

III. That the Director of Property and Development Services be authorized to certify any documents in connection therewith.

IV. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DASZ 27/98, as amended under I.A. above dated February 2, 1999, to a “C2" Commercial District subject to the discharge of Zoning Agreement By-Law No. 4274/86, Caveat 86-48542, presently registered against Title No. 1063994, and the re-registration of the said zoning agreement against the lands as consolidated under Recommendation II. above.

V. 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.

VI. 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.

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

VIII. That the zoning section of the by-law shall come into force and effect when the consolidated Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and when the Zoning Agreement has been re-registered by caveat as a first charge in the Winnipeg Land Titles Office against the consolidated lands.

IX. That the Plan of Subdivision shall be approved and signed by the Director of Property and Development Services 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 March 2, 1999

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.

Adopted by consent.

(See Minute No. 451 for attachment)

Proposed Rezoning on land located at 1949 Henderson Highway - East Kildonan-Transcona Community

File DAZ 200/99
[c/r DCU 10/99D and DAV 22/99D]

423 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from JMK Construction Ltd. (Tim Klassen), 1019 Springfield Road, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from an “R1-5.5" Single-Family District to an “C2" Commercial District to allow for commercial development.

The following is the present site description:

Site Area: 1866.25 square metres (0.461 acres)

Existing Land Use and Zoning: Land is zoned “R1-5.5"; existing single-family dwelling on site

The following is the surrounding land use and zoning:

North: Commercial Development: zoned “C2" Commercial
South: Strood Avenue commercial development: zoned “C2" Commercial
East: Single-Family dwellings east of Public Lane: zoned “R1-5.5"
West: Henderson Highway

The applicants intend to demolish the existing single-family dwelling and construct a fuel kiosk, convenience store and carwash on the site.

The subject site is located at the northeast corner of Henderson Highway and Strood Avenue. The land is presently occupied by a single-family dwelling and detached garage which are intended to be demolished.

The land is located within the boundaries of the North Henderson Highway Secondary Plan which identifies the site as appropriate for commercial development. Lands to the south and north are occupied by commercial uses and are zoned “C2" Commercial. The site is separated from residential development to the east by a 20 feet in width unpaved public lane. The applicants have made concurrent application to permit the development of the site with a gasoline kiosk, carwash and convenience store. The Planning and Land Use Division is supportive of the rezoning application since it is consistent with the North Henderson Highway Secondary Plan, and compatible with uses and zoning of land in the immediate area. The Transportation Planning and Traffic Management Division of the Public Works Department advises that vehicular access to the rear lane should be prohibited unless it is widened, and paved at the applicants expense.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 16, 1999. Five persons were heard in support of the application, and seven persons registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The land is located within the boundaries of the North Henderson Highway Secondary Plan which identifies the site as appropriate for commercial development.

2. Lands to the south and north are occupied by commercial uses and are zoned “C2" Commercial and the site is separated from residential development to the east by a 20 feet in width unpaved public lane.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

3. The Planning and Land Use Division is supportive of the rezoning application since it is consistent with the North Henderson Highway Secondary Plan, and compatible with uses and zoning of land in the immediate area. The Transportation Planning and Traffic Management Division of the Public Works Department advises that vehicular access to the rear lane should be prohibited unless it is widened and paved at the applicants expense.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 200/99 dated January 27, 1999, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg, pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That all vehicular access from the subject lands onto the public lane to the east shall be prohibited.

      2. That there shall be no mobile advertising signs, billboards, poster signs, balloon signs, A-frame signs, banners or streamers or similar attention getting devices permitted on the lands or upon any building or structure thereon;

      3. That no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials, the location and design of accessory parking areas, loading areas, private approaches, fencing, garbage enclosures, landscaping and all free-standing signs are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of the Property and Development Services Department under the designations as Schedule A to Zoning Agreement DAZ 200/99, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule A to the Agreement;

II. 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 the market value of the land.

III. 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.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning bylaw shall come into effect when the zoning agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning bylaw is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said zoning agreement.

VII. 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.

(See Minute No. 452 for attachment)

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

Extension of Time - Proposed Rezoning of land located on the west side of St. Anne's Road between Beliveau Road and Bishop Grandin Boulevard - Riel Community
File DAZ 220/96

424 - 3. The Standing Policy Committee on Property and Development has been advised that the applicant, Shindico Realty Inc., 100 - 1 Evergreen Place, Winnipeg, has advised the Administration that due to economic conditions, they have been unable to attract tenants to the subject property at this point in time. Therefore Shindico Realty Inc. has not consolidated the titles due to the uncertainty as to where the ultimate lot lines for future development will be. The applicant has requested a further two year extension in order to complete the subject rezoning application.

On January 29, 1997, Council adopted Clause 11 of the Report of the former Committee on Planning and Community Services dated January 10, 1997, which recommended approval of the subject rezoning to "C2" Commercial District, as outlined on Schedule "A", to allow for commercial development, subject to the execution of a Zoning Agreement.

Recommendation IV. contained in the said Clause stipulates:

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

Recommendation III. contained in the said Clause stipulates:

> 'III. That the by-law not proceed to Council for final reading until the subject property has been consolidated with contiguous lands under File DAZ 209/96"

The applicant has requested that the time required in order to facilitate the consolidation of the subject lands with the adjoining lands under File DAZ 209/96 be extended, in order that the Rezoning By-law can go forward.

The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of the Rezoning By-law under File DAZ 220/96 be extended to January 29, 2001.

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

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Zoning Agreement Amendment - land located at 836 and 840 McLeod Avenue - East Kildonan-Transcona Community
File ZAA 8/98 [c/r DAZ 312/78]

425 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Iroquois Developments (Randie Kushnier), 74 Tamarind Drive, Winnipeg, to delete the Zoning Agreement which contains certain land use restrictions, as it affects the subject property.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

Under File DAZ 312/78, Genstar Development Company rezoned the subject land, and adjacent land now occupied by Supervalue and other commercial uses, to "C2" Commercial district, as part of the Valley Gardens Phase VI development. In conjunction with that rezoning, the East Kildonan-Transcona Community Committee recommended that a Zoning Agreement be registered against all of the affected titles prohibiting a number of uses that were considered inappropriate for the area.

The subject application includes part of the lands zoned commercial under File DAZ 312/78. Should the Community Committee concur with the applicant's request to delete the agreement or to amend the agreement by deleting some of the uses on the subject land, the agreement will still remain in force and effect for the other parcels.

The subject property affected by the application File ZAA 8/98 consists of two titles. The most easterly lot contains a one-storey building which was previously occupied by "Mini-Skool" and is now vacant. The westerly lot contains a multi-unit strip mall containing approximately ten units. The applicant has indicated that the request to delete the agreement is intended to provide for a greater range of commercial uses by adding all of the uses presently prohibited by the agreement.

The list of uses presently prohibited by the Zoning Agreement to File DAZ 312/78 is outlined on Schedule "A." The list was deemed to be appropriate at the time in order to ensure that commercial uses on the lands were developed at an appropriate scale, and with uses that would primarily serve the needs of the local community. The list was originally taken from the use table of North Kildonan By-law No. 74, and the Zoning By-law and use table have been replaced twice since that time. As a result, some of the prohibited uses are not now listed in the use table of Zoning By-law No. 6400/94, while some others are listed only as conditional uses.

The relatively small size of the subject lots and their development with modern, low-density commercial buildings, means that it is unlikely that some of the uses listed as prohibited in the zoning agreement, would be viable in this location. These would include cinemas, arenas, hotels, etc. Whether or not they are viable, they are not considered to be appropriate. However, there are several uses prohibited by the agreement which may be viable and these would include funeral parlour, commercial club (private clubs, licensed and unlicensed), billiard parlour, advertising signs and amusement parlours. Under Zoning By-law No. 6400/94 (the current zoning by-law), all the above uses are now Conditional, except for a Club (unlicensed) which is permitted as of right.

The original intent of the Zoning Agreement under File DAZ 312/78 was to ensure that permitted commercial uses on the lands primarily served the needs of the local community. It is the opinion of the Planning and Land Use Division that the present agreement generally meets that intent. Additionally, to the east of this general location, McLeod Avenue has residential frontages, and the subject property abuts multiple family housing to the rear. However, as noted above, some uses are now subject to conditional use approval, their deletion from the prohibited list in the Zoning Agreement may not have significant adverse effect on the neighbourhood. The proposed establishment of any of these uses would be subject to a public hearing and community input can be obtained at that time. Considering the potential impact of such uses on the neighbourhood, the Planning and Land Use Division recommends that the uses of funeral parlour, commercial club (private clubs), and billiard parlour be deleted from the present Zoning Agreement. The Planning and Land Use Division considers that the remaining prohibited uses in the agreement should be retained. Should the Community Committee concur, then the prohibited uses as listed in the agreement should be reworded to reflect the current wording contained within Zoning By-law No. 6400/94. The amendment will mean that only a few of the approximately 150 uses listed in the "C2" Commercial use table will be prohibited on the land.

A Public Hearing was held by the East Kildonan-Transcona Community Committee on January 19, 1999. One person was heard in support of the application, and no one registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The Administration examined the uses which cause the most difficulty in areas and the proposed restrictions still allow for approximately 150 uses.

2. Some of the uses are considered not to be appropriate due to the size of the property and, if granted outright, would allow some of the uses without the necessity to provide parking or allow construction of a cocktail lounge/bar or some other use that would be in conflict with the neighbourhood.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

3. The subject application includes part of the lands zoned commercial under File DAZ 312/78 and the agreement will still remain in force and effect for the other parcels even if some of the uses on the subject land are deleted.

4. The relatively small size of the subject lots and their development with modern, low-density commercial buildings, means that it is unlikely that some of the uses listed as prohibited in the zoning agreement, would be viable in this location including cinemas, arenas, hotels, etc. and, whether or not they are viable, they are not considered to be appropriate.

5. There are several uses prohibited by the agreement which may be viable including funeral parlour, commercial club (private clubs, licensed and unlicensed), billiard parlour, advertising signs and amusement parlours. Under Zoning By-law No. 6400/94 (the current zoning by-law), all the above uses are now Conditional, except for a Club (unlicensed) which is permitted as of right.

6. It is the opinion of the Planning and Land Use Division that the present agreement generally ensures that permitted uses on the lands primarily serve the needs of the local community. Additionally, to the east of this general location, McLeod Avenue has residential frontages and the subject property abuts multiple family housing to the rear. However, since some uses are now subject to conditional use approval, their deletion from the prohibited list in the Zoning agreement may not have significant adverse effect on the neighbourhood. The proposed establishment of any of these uses would be subject to a public hearing and community input can be obtained at that time.

7. Considering the potential impact of such uses on the neighbourhood, the Planning and Land Use Division recommended that the uses of funeral parlour, commercial club (private clubs) and billiard parlour be deleted from the present Zoning Agreement.

8. The Planning and Land Use Division considers that the remaining prohibited uses in the agreement should be retained and the prohibited uses listed in the agreement should be reworded to reflect the current wording contained within Zoning By-law No. 6400/94. The amendment will mean that only a few of the approximately 150 uses listed in the C2 Commercial use table will be prohibited on the land.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That Clause 2 of the Zoning Agreement under File DAZ 312/78, as it affects the subject lands, be amended to read as follows:

"Clause 2. The following uses shall not be permitted on the land:

(a) Sign, advertising.
(b) Amusement parlour.
(c) Amusement Enterprise, Indoor.
(d) Bowling alley.
(e) Arena, Auditorium, Stadium.
(f) Theatre, Cinema, Concert hall.
(g) Hotel, including Motel, limited to guest rooms.
(h) Hotel, including a beverage room or any conditional use.
(i) Mobile home park."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 312/78 (By-law No. 2273/79), dated February 21, 1979, as approved in Recommendation I above.

III. That the Proper Officers of the City are hereby 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 City of Winnipeg Act.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

Proposed Amendment to Development Agreement AG 19/95 - land located on the east side of St. Anne's Road between Warde Avenue and Compark Road - Vic Wyatt House Inc. - Riel Community

File DASZ 19/95

426 - 5. The Standing Policy Committee on Property and Development has been advised that the Riel Community Committee recommended an amendment to Servicing Agreement AG 19/95, affecting the land located on the east side of St. Anne's Road between Warde Avenue and Compark Road, to remove the requirement for land dedication.

On February 21, 1996, Council adopted Clause 3 of the Report of the former Committee on Planning and Community Services dated January 30, 1996, recommending that the application from Vic Wyatt House Inc. for a subdivision and rezoning of land on the east side of St. Anne's Road between Warde Avenue and Compark Road be approved. As part of the adopted recommendations, Vic Wyatt House Inc. was to dedicate ten percent (10%) of the gross area of the proposed subdivision as public open space.

On September 22, 1993, Council adopted a recommendation from the former Committee on Planning and Community Services establishing a policy to waive the ten percent (10%) cash dedication in lieu of land dedication fee for all non-profit senior citizens homes.

On February 9, 1999, the Riel Community Committee considered a communication dated January 5, 1999, from the Real Estate Appraiser, Property and Development Services Department advising that it was the opinion of the Land Development Engineer that the land dedication requirements for the development of a non-profit senior citizens housing complex should receive similar consideration. More specifically, being that Vic Wyatt House Inc. is a non-profit organization operating a senior citizens home, the requirement for land dedication be waived. The Property and Development Services Department therefore recommended that the Riel Community Committee give favourable consideration to amending Servicing Agreement AG 19/95 by removing the requirement for land dedication by Vic Wyatt House Inc., and include in the purchase of land for Public Reserve, the land that would have been dedicated. The Community Committee was further advised that the aforementioned lands would be acquired under the City's Seine River Waterway Acquisition Program.

The Riel Community Committee was also advised by way of a subsequent communication dated January 25, 1999, from the Real Estate Appraiser, Property and Development Services Department, that Doug Leesies of Vic Wyatt House Inc. would no longer be pursuing the request to have the land dedication requirement removed from File DASZ 19/95, inasmuch as by having to wait until February 9, 1999, for the Community Committee's favourable recommendation, if forthcoming, may compromise their already aggressive construction schedule.

On February 9, 1999, the Riel Community Committee recommended that the Servicing Agreement AG 19/95 be amended to remove the requirement for land dedication by the Vic Wyatt House Inc.

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

I. That the Servicing Agreement AG 19/95 be amended to waive the requirement for land dedication by the Vic Wyatt House Inc.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

Proposed Subdivision and Rezoning - land located on the South Side of Jefferson Avenue, east of Brookside Boulevard - Lord Selkirk - West Kildonan Community
Files DASZ 25/98 [c/r DASZ 56/85, DAZ 224/95, DAZ 206/98, DAS 12/98 and DASZ 8/98]

427 - 6. The Standing Policy Committee on Property and Development has reconsidered Clause 2 of its Report dated February 2, 1999, as outlined on Appendix "A", which was referred back to it by Council on February 24, 1999.

The Standing Policy Committee on Property and Development reaffirmed its recommendations of February 2, 1999, with the following amendment which has been incorporated in the recommendations set out below:

· The Lord Selkirk-West Kildonan Community Committee recommendation to delete Condition No. 20 of the Administrative Coordinating Group Report dated November 25, 1998, as a condition of the Development Agreement, be concurred in, as follows

20. The Developer shall pay cash in lieu of ten (10) percent dedication of land for public open space as determined by the Director of Property and Development Services.

and the balance of the Conditions contained in the Report of the Administrative Coordinating Group be renumbered accordingly.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the plan of subdivision proposed under File DASZ 25/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/98, dated December 8, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 25, 1998, after incorporating the following amendments:

1. That Condition No. 1. a) be amended to read as follows:

"1. a) The Developer shall finance and construct an 8.3m in width pavement in Jefferson Avenue between Brookside Boulevard and Meridian Drive to the satisfaction of the Director of Public Works, and all related works including, but not necessarily limited to street lighting, boulevard landscaping, any necessary land drainage works, a 1.5m in width by 100mm in thickness portland cement concrete sidewalk and an asphalt transition east of Meridian Drive, all as determined by and to the satisfaction of the Director of Public Works."

2. That Condition No. 4 be amended to read as follows:

"4. The securing of the obligations referred to in clauses 2. and 3. can be structured to coincide to the phasing of the development (Phases 3 and 4). The obligations shall be secured by provision of Letters of Credit for a ten (10) year period, with the intent that after ten years, the costs are to be borne by the City-at-large or by District Local Improvement."

3. That Condition No. 6 be amended to read as follows:

"6. The Developer shall, at no expense to the City, construct pavement to a width of 10.0m in all streets within the proposed subdivision to the satisfaction of the Director of Public Works, and all related works including, but not necessarily limited to boulevard landscaping and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works."

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

4. That Condition No. 11 be amended to read as follows:

   "11. The Developer shall, at no expense to the City, construct portland cement concrete sidewalks to a width of 1.5m and a thickness of 100mm on one side of Meridian Drive within the proposed subdivision as determined by and to the satisfaction of the Director of Public Works."

5. That Condition No. 20 (pertaining to requirement for the Developer to pay cash in lieu of ten percent (10%) dedication of land for public open space as determined by the Director of Property and Development Services) be deleted,

   and the balance of the Conditions contained in the Report of the Administrative Coordinating Group be renumbered accordingly.

II. That the Director of Property and Development Services 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 25/98, dated December 8, 1998, to an "M3" Industrial District and an "M1-B" Industrial District, subject to the applicant entering into a Zoning Agreement with the City for the "M3" lands pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

A. That the following uses not be permitted on the land:
   1. Animal Pound, Animal Training, Kennel
   2. Auction Yard
   3. Coal Products: Manufacture
   4. Explosives: Manufacture, Storage
   5. Extraction/Reclamation Operation
   6. Foundry
   7. Garbage: Incinerator, Reduction
   8. Garbage: Transfer Station
   9. Landfill
   10. Leather/Hides/Fur/Bone/Hair: Processing
   11. Metal: Reduction, Refining, Smelting, Alloying
   12. Mushroom Plant
   13. Petroleum: Refining
   14. Poultry or Rabbit: Slaughtering, Packing
   15. Rendering, Distillation, or Reduction of Animals or Animal Products
   16. Rubber: Products
   17. Salvage Yard
   18. Sewage Treatment Plant
   19. Stockyard or Feeding Pen: Slaughtering, Packing
   20. Wood: Distillation
   21. Wrecking Yard

B. That final plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, outdoor storage areas, accessory parking and loading areas, vehicular access to the site, fencing, landscaping and garbage enclosures, be subject to the approval of the Chief Administrative Officer or designate prior to the issuance of building permits.

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

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

VI. 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.

Report of the Standing Policy Committee on Property and Development dated March 2, 1999

VII. 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, except that the "M3" District, applying to the northerly 25 acres shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Property and Development Services within two (2) years of the date of passage of the aforementioned by-law.

IX. 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.

Adopted by consent.

(See Minute No. 453 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MARCH 4, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated March 4, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clause 2, be adopted.

Carried.

Proposal to Declare City-owned Property Surplus - Proposed Sale of 305/311 Portage Avenue - former Portage Village Inn - City Centre Community File FI-2.4(32)(Vol.7)

428 - 1. Council, on July 22, 1998, adopted Clause 5 of the Report of the Standing Policy Committee on Property and Development dated June 30, 1998, and authorized the acquisition of the former Portage Village Inn property at 305/311 Portage Avenue, as outlined on Misc. Plan No. 10390, at a price of $438,600.00, in accordance with specified terms and conditions.

The Certificate of Title (No. 159717) to the subject property was registered in the Winnipeg Land Titles Office in the name of the City of Winnipeg on September 16, 1998. Since at time, the property has been secured and has remained vacant.

During that period, the Property and Development Services Department received several enquiries respecting the availability for sale of the subject property, and has a record of at least three private parties having inspected the property.

On February 22, 1999, Hart Mallin of the Portage Avenue Property Association delivered to the Property and Development Services Department an Offer to Purchase the subject property dated February 1999, executed by the principals of 552861 Alberta Ltd.

The subject City-owned property is located at 305/311 Portage Avenue, on the northwest corner of Portage Avenue and Donald Street, as outlined as Misc. Plan No. 10390/1. The subject property is legally described as Lots 424/425, Block 3 of Plan 129 DGS 1 St. J. The building is described as improved with an 1883, two storey masonry and wood framed building providing a total finished area of 1,980.69 square metres (21,320 square feet) plus the basement which contain 1,050.72 square metres (11,310 square feet). The subject property is on the Historical Buildings Inventory Listing.

The Offer to Purchase the subject City-owned property, submitted by 552861 Alberta Ltd. (or Nominee), outlined a proposed price of $1.00, with closing, possession and the adjustment date to be ninety (90) days from the date of approval. The City's standard terms/conditions of the sale would apply, and the Purchaser required the following additional term - the offer is subject to the purchaser's solicitor's approval as to form and content. The intended use of the subject property is for a retail electronic, computer and automotive installation store, operating under the name of "A & B Sound". The purchaser also intends to utilize the Heritage Tax Credit Program in the financing of its proposed development.

In support of the Offer to Purchase, the Portage Avenue Portage Association has supplied a copy of an "A & B Sound" letter dated February 18, 1999, which explains the company's background and identified the details of its proposed project. Also submitted were articles reporting on the proponent's similar projects in Edmonton and Calgary.

The President of the Portage Avenue Property Association advised by letter dated February 22, 1999, that the Association was in strong support of the sale of the subject City-owned property for the purposes of facilitating the "A & B Sound" proposed project. The President also advised that recourse to tendering or proposal call would most likely result in loss of this opportunity, and submitted a document identifying the benefits to be derived from the "A & B Sound" proposal.

Report of the Standing Policy Committee on Property and Development dated March 4, 1999

The Downtown Winnipeg Business Improvement Zone advised, by way of letter dated February 23, 1999, that its Management Board strongly encourages the Civic Administration and Elected Officials to carry out the steps necessary to ensure that the best interests of both the City of Winnipeg and the proponent of this project can be realized.

The Planning and Land Use Division of the Property and Development Services Department outlines that the Portage Avenue and Donald Street intersection has long been considered a critical component to downtown's overall image. It is a high traffic corner for vehicles, it is in the heart of the retail sector and it is prominent visually to pedestrians and transit users. CentrePlan identified Portage Avenue revitalization as fundamental to downtown improvement. The former Portage Village Inn property was seen as an impediment to restorative measures along Portage Avenue because it attracted unsavoury clientele who negatively affected public perception of safety and a sense of well being for businesses, their customers and the citizens of Winnipeg. The CentrePlan Committee was supportive of the City acquiring the building thereby removing an undesirable use from a key site. A higher, better use for that building would be a retail business. A retail use fits with the surrounding area and it could attract customers seven days a week. A retail business would complement other businesses in the vicinity, drawing people to the downtown and specifically to an important intersection. No firm long term plans have been visualized for this property as yet.

The Real Estate Division of the Property and Development Services Department outlined its comments based on three areas: funding, sale price and exposure to the general real estate market. With respect to funding, when Council on July 22, 1998, adopted the recommendation of the Standing Policy Committee on Property and Development to acquire the subject property, it authorized the expenditure of funds from the Land Operating Reserve Account to finance the acquisition.

Council's decision was pursuant to the following advice: On May 19, 1998, the Standing Committee on Fiscal Issues authorized funds in the amount of $450,000.00 to be allocated from the Land Operating Reserve Account for the acquisition of the subject property, and further that the revenue from the anticipated sale of the property be used to replenish this account. In the event that funds from the future resale or development of the property do not return the initial investment of the Land Operating Reserve Account, the Administration recommended that funding from the Winnipeg Development Agreement be applied for to offset the difference. It should be noted that a future re-sale of this property in either "as is" condition or as a vacant site (following demolition) will not likely result in a full recovery of the City's expenditure for this proposed acquisition.

Therefore, if Council decides to sell the subject City-owned property to this proponent, then it will be necessary to subsequently seek reimbursement from the Winnipeg Development Agreement for the full initial costs of acquisition and for the interim costs of holding this property.

With respect to the price of the land, the proponent has proposed a sale price of $1.00. When considering the City's initial purchase price of $438,600.00, and the current assessment of $350,000.00, the Real Estate Division is of the view that the proposed sale price of $1.00 should be rejected. If it is decided to pursue a sale to this proponent, then the Real Estate Division recommends that the matter of sale price be put to further negotiation with the intent of negotiating a substantial increase.

With respect to exposure to the real estate market, the Real Estate Division is concerned that the subject City-owned property has not yet been formally exposed to the general real estate market in any way. Certainly, several other parties have previously expressed interest in this property, although no offers were forthcoming. Notwithstanding the strong support for the sale of the subject City-owned property to 552861 Alberta Ltd. for the purpose of the "A & B Sound" project, the Property and Development Services Department is recommending that the Offer be rejected, and the property be made generally available to the market by way of Tender or Request for Proposals.

On March 4, 1999, the Standing Policy Committee on Property and Development received as information the report dated March 1, 1999, from the Manager of Real Estate, and directed the Director of Property and Development Services to negotiate an agreement in keeping with the request of the proponents and consistent with the other initiatives in the area, and to encourage development in the Downtown Winnipeg. Shortly thereafter, the Director of Property and Development Services verbally reported back to the Standing Policy Committee that the representatives of 552861 Alberta Ltd. advised that their Offer to Purchase the subject City-owned property at 305/311 Portage Avenue at a proposed price of $1.00, had been amended to a proposed price of $150,000.00.

The Standing Policy Committee on Property and Development recommends:

Report of the Standing Policy Committee on Property and Development dated March 4, 1999

I. That the subject City-owned property located at 305/311 Portage Avenue, as outlined on Misc. Plan No. 10390, be declared surplus to the City's requirements.

II. That the Director of Property and Development Services be authorized to do all things necessary to facilitate the sale of the subject City-owned property, to 552861 Alberta Ltd. (or Nominee) for a price of $150,000.00.

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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Steek,
Adoption of the clause.

Moved by Councillor Steek,
Seconded by Councillor Lazarenko,

WHEREAS The City of Winnipeg has received an offer to purchase 311 Portage Avenue from A & B Sound Ltd.;

AND WHEREAS the purchaser wishes to amend the name of the purchaser to 552861 Alberta Ltd.;

THEREFORE BE IT RESOLVED that the purchaser, 552861 Alberta Ltd. be allowed 30 days to satisfy itself as to conditions I. II. III. as attached.

Attachment referred to in the above motion moved by Councillor Steek and seconded by Councillor Lazarenko is on file in the Office of the City Clerk.

Carried.

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

Proposed Expropriation - McPhillips Street Widening Project - Jefferson Avenue to Leila Avenue - Part 2211 and 2217 McPhillips Street - Lord Selkirk-West Kildonan CommunityFile FI-2(34) (Vol. 5)

429 - 2. The Standing Policy Committee on Property and Development has reconsidered Clause 2 of its Report "A" dated November 16, 1998, as outlined on Appendix "A", which was referred back to it by Council on January 27, 1999.

The Standing Policy Committee on Property and Development recommended therein:

I. That the City of Winnipeg initiate expropriation proceedings for the acquisition of the subject properties as outlined on Misc. Plan No. 9641/4, and as required by the City for the McPhillips Street Widening Project between Jefferson Avenue to Leila Avenue.

II. That, in accordance with Section 9, Sub-section 8(a) of The Expropriation Act, the Lieutenant Governor in Council be requested to dispense with the need for an Expropriation Inquiry Hearing in connection with this proposed expropriation.

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.

On March 4, 1999, the Standing Policy Committee on Property and Development considered Report 2A (Item 7) from the Technical Advisory Committee on City Properties, dated February 12, 1999, and approved the acquisition of the subject properties as outlined on Misc. Plan No. 9641/4, subject to specified terms and conditions.

Report of the Standing Policy Committee on Property and Development dated March 4, 1999

In approving the acquisition of the subject properties, there is no longer a need to proceed with an expropriation of property.

In view of the foregoing, the Standing Policy Committee on Property and Development recommends that the said clause be filed.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 454 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MARCH 16, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated March 16, 1999 was considered.

Moved by Councillor Steek,

That the Consent Agenda, Clause 1, be adopted.

Carried.

Land Transfer Agreement For Neeginan Roundhouse And Related Developments
File FR-3.2(PA-1)(Vol.1)

430 - 1. On December 17, 1997, Council approved the North Main Street Task Force Development Plan - Our Place - which outlined a community development strategy aimed at revitalizing the Main Street area. The Plan was to be implemented, in part, utilizing $6 million allocated under the North Main Strategic Development program of the Winnipeg Development Agreement.

On September 29, 1998, Council approved in principle the Neeginan Development Plan, and in doing so, approved the principles upon which the urban Aboriginal Community would assume the ownership and operation of the Roundhouse on the corner of Higgins Avenue and Main Street, as outlined on Appendix 9 of the Neeginan Development Plan Final Report.

Appendix 9 outlines that the City and the Neeginan Development Corporation will enter into either a transfer, or long-term lease agreement prior to the award of any construction contract that will allow the Neeginan Development Corporation to assume control and responsibility, at the time of substantial completion of the Roundhouse by the City, for the Roundhouse and surrounding lands acquired by the City.

Both the North Main Task Force and the Neeginan Development Corporation have agreed that a transfer of ownership of the lands and building is preferred rather than a long term lease.

On January 26, 1999, the Standing Policy Committee on Property and Development requested the Administration to prepare the terms and conditions to effect a transfer of the Roundhouse and surrounding lands to the Neeginan Development Corporation, or similar entity acceptable to the City, as outlined on Schedule A, and at no cost to the Neeginan Development Corporation, free and clear of any encumbrances except for utility and City easements, upon substantial completion of the Roundhouse.

An Agreement for effecting the transfer of land and buildings has now been prepared. Appendix “A” provides the terms and conditions upon which Council can approve the final transfer of the Roundhouse and adjacent lands to the Neeginan Development Corporation. As per the principles set out in the Neeginan Development Plan, the Agreement to transfer ownership of the land and building must be approved by both parties prior to the start of construction of the Roundhouse.

The Agreement, as outlined in Appendix “A”, sets out the terms and conditions of the transfer of land between the City and the Neeginan Development Corporation, or some other related entity, to take over ownership and maintenance responsibility of the Roundhouse (Circle of Life Thunderbird House), the lands under it and adjacent lands for future development.

These terms and conditions have been prepared jointly by the City and the Neeginan Development Corporation based upon principles accepted by the Standing Policy Committee on Property and Development as follows:

1. That transfer of ownership to the lands is the preferred rather than a long term lease of the lands.

2. Provision for reversion of the building and lands to the City of Winnipeg will be incorporated in the event that the Neeginan Development Corporation (or similar entity) does not operate the facility in accordance with the intended use of the Roundhouse as a spiritual and community facility. The reversionary interest

Report of the Standing Policy Committee on Property and Development dated March 16, 1999

will be limited to ten (10) years from the date of possession by Neeginan Development Corporation of the Roundhouse.

3. Timing is of the essence as the land transfer agreement must be executed prior to calling for tenders for construction of the Roundhouse.

The Neeginan Development Corporation has agreed to the terms and conditions of the Agreement, as outlined in Appendix "A", and is prepared to execute the Agreement upon approval by Council.

Operational funding for the Roundhouse was addressed in the Neeginan Development Plan Final Report presented to Council on September 23, 1998. The Development Plan indicated that there would likely be a yearly deficit in operational funding of approximately $70,000.00. The Neeginan Development Plan set forth a fundraising strategy to generate sufficient funds to cover this deficit, and it is the responsibility of Neeginan Development Corporation to pursue this strategy.

In the September 1998 report to Council with respect to the Neeginan Round House Development Plan - Phase I, the issue of taxes to be paid on the land and buildings was presented. At that time, it was outlined that the intent of the Neeginan Development Corporation was that it would not be responsible for school or property taxes, and therefore the Neeginan Development Corporation intended to pursue exemption from school taxes.

At that time, it was also stated that should the Neeginan Development Corporation not qualify for a school tax exemption, as outlined in Appendix 9 of the Development Plan, the City of Winnipeg will have to accept responsibility for applicable taxes to the Roundhouse and Medicine Wheel. This information was provided to assist Council in determining whether to proceed by way of transfer of title or long term lease. As the preference was to proceed by way of transfer of ownership, the Administration recommends that Council not commit to any special arrangements for reimbursement relative to taxes. The Neeginan Development Corporation will be obliged to structure its operation so as to qualify for such exemptions that it may be entitled to by law.

All of the material financial commitments relating to land purchases and expropriations for the Neeginan Development project have been authorized in the past by the appropriate Committee(s) and Council. The options that may have been available in terms of turning the properties over to the Neeginan Development Corporation would have been either a nominal lease arrangement, or a complete transfer of title. The direct financial obligations to the City resulting from the transfer of title appear to be restricted to payment of the land transfer tax, estimated to be in the range of $20,000.00. to $30,000.00. These funds are available in the appropriate Winnipeg Development Agreement capital account.

The Standing Policy Committee on Property and Development recommends:

I. That Council approve the Terms and Conditions of an Agreement to transfer certain lands and buildings from the City of Winnipeg to the Neeginan Development Corporation, substantially in the form outlined in Appendix "A".

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

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

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

By-law No. 7387/99, a by-law of The City of Winnipeg to widen the east side of McPhillips Street, north of Storie Road. File DAO 14/98

By-law No. 7388/99, 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 southeast corner of Rothwell Road and Kenaston Boulevard in the Assiniboia Community. File DASZ 23/98

By-law No. 7389/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change of land located on the south side of Taylor Avenue between Centennial and Beaverbrook Streets in the City Centre Community.
File DAZ 238/98

By-law No. 7390/99, 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 at 575/577 St. Anne's Road in the Riel Community. File DASZ 16/98

By-law No. 7391/99, a by-law of The City of Winnipeg to extend Saskatchewan Avenue east of Moray Street. File DAO 18/98

By-law No. 7392/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1949 Henderson Highway in the East Kildonan-Transcona Community. File DAZ 200/99