REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 26, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated January 26, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clause 1, be adopted.

Carried.

Proposed Exchange/Sale west side of Lagimodiere Boulevard at Dawson Road - Fairweather Properties Inc. or Nominee - Riel CommunityFile FI-2.4(35) (Vol. 5)

354 - 1. The Standing Policy Committee on Property and Development has been advised that the Administration has received a proposal from Fairweather Properties Inc. to exchange and sell certain lands lying to the west of Lagimodiere Boulevard and to the north of Fermor Avenue, as outlined on Misc. Plan No. 10510/2.

Consideration has been given over the years to close a portion of the right-of-way and open new right-of-way as outlined on Misc. Plan No. 10510/2 in co-operation with the adjacent land owners. However, those extensive discussions with the adjacent owners were unsuccessful.

On April 30, 1997, Council approved the "listing for sale" of the subject City lands. The property was subsequently listed with Shindico Realty Inc. at a price of $65,000.00 per acre. Fairweather Properties Inc. optioned the adjacent lands outlined as "Fairweather optioned lands" on Misc. Plan No. 10510/2 and then submitted a proposal to exchange/acquire the subject City lands based on the City's full listing price of $65,000.00 per acre.

The details of the proposed exchange are as follows:

City lands to be transferred to Fairweather Properties Inc.	TOTAL	2.64 acres ±
Fairweather lands to be transferred to the City	TOTAL	0.31 acres ±
Net lands to be purchased by Fairweather Properties Inc. or Nominee		2.33 acres ±

The Developer's Proposed Project is as follows:

1	Free Standing Restaurant	@ 2,000 sq. ft.
1	Free Standing Restaurant	@ 2,000 sq. ft.
1	Free Standing Restaurant	@ 1,100 sq. ft.
1	Free Standing Commercial Building	@ 17,000 sq. ft.
1	Free Standing Commercial Building	@ 55,000 sq. ft.

The conceptual placement of structures is outlined on Appendix 2.

The price to be paid by Fairweather Properties Inc. or Nominee for 2.33 acres at $65,000.00 per acre is $151,450.00 (subject to survey).

There are no outstanding local improvement levies on Lagimodiere Boulevard attributable to the subject City lands to be acquired by Fairweather Properties Inc.

Fairweather Properties Inc. is to be responsible for all local improvement charges attributable to their remaining Lagimodiere Boulevard frontage.

Fairweather Properties Inc. is holding discussions with the owners of Lots 1 and 2, Plan 18711 to the south with regard to the closing of Leveque Street and Dawson Road to allow for shared access. If successful, Fairweather will later approach the City with a proposal to close and purchase those portions of Leveque Street and Dawson Road that are available for sale.

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The majority of the lands outlined as City lands to be transferred to Fairweather Properties Inc. on Misc. Plan No. 10510/2 are part of the lands to be created as a result of a closing of the right-of-way. All of the lands proposed to be transferred to Fairweather Properties Inc. are surplus to the Public Works Department's requirements.

The property that Fairweather Properties Inc. has optioned is zoned "C2" Commercial.

DAOC 1/99

Fairweather Properties Inc. has already filed its application to open and close parts of the adjacent rights-of-way. Its application under File DAOC 1/99 will be considered by the Riel Community Committee on February 9, 1999. No objections have been identified and the Administration will be recommending to the Community Committee that the application be approved.

APPLICATION FOR ACCESS

Fairweather Properties Inc. has already made application for the necessary access for the combined site subject to approval of the closings and exchange of lands. Michael Nozick proposed certain access arrangements as they pertain to the proposed development project including the creation of approaches along the Lagimodiere Boulevard frontage. The Public Works Department has reviewed this proposal and has identified significant concerns. The fundamental issue revolves around the establishment of access to the site directly along the Lagimodiere Boulevard frontage. The Department by memo dated January 18, 1999, advised in part as follows:

> "4. Access to Lagimodiere Boulevard near the centre of the proposed development is non-conforming under the Private Approaches By-law. The Department would strongly object to any access to Lagimodiere Boulevard in this location. The alignment of Lagimodiere Boulevard along the frontage of the proposed development is curvilinear and an approach onto Lagimodiere Boulevard in this area would compromise safety. A traffic control along this curvilinear section of Lagimodiere Boulevard would further compromise safety due to its restricted visibility. A traffic control signal on Lagimodiere Boulevard at any point along the frontage of the proposed development is a poor location relative to the existing traffic control signal at Fermor Avenue in terms of traffic progression and could result in many motorists being forced to stop at both intersections.
>
> Paterson Street presently has access to Lagimodiere Boulevard opposite Transcona Road. The proposed development could be permitted to access Lagimodiere Boulevard via an approach to Paterson Street. The Department will not support direct access to Lagimodiere Boulevard for reasons outlined above."

Note: The memorandum contains other comments with regard to: the establishment of alternate access at the intersection of Paterson Street (Tascona Road) and Lagimodiere Boulevard; the upgrading of Dawson Road; and future concerns respecting the future interchange at Lagimodiere Boulevard and Fermor Avenue. The complete memorandum is outlined on Appendix 1.

It is probable that Fairweather Properties Inc.'s application for access will be subsequently considered by the Standing Policy Committee on Public Works. In view of the foregoing, Fairweather requires that the terms of sale provide it with the ability to abort the sale if access arrangements cannot be determined to the developer's satisfaction.

The Property and Development Services Department recommends approval of the proposed exchange as outlined for the following reasons:

1. Fairweather Properties Inc. is paying the City's asking price for the property ($65,000.00 per acre).

2. There is potential for additional closings and sales as a result of Fairweather's development plans for the property.

3. The fragmented ownership, servicing and access issues have been difficulties preventing the previous redevelopment of this site. The land assembly and redefinition of boundaries will facilitate economic development resulting in the improvement of a currently vacant site and an increase in the tax base.

Report of the Standing Policy Committee on Property and Development dated January 26, 1999

4. This proposed development, including its proposed Phase 2, creates an opportunity to plan and implement the development of this overall property in anticipation of the future interchange at the intersection of Lagimodiere Boulevard and Fermor Avenue.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City-owned lands to be transferred to Fairweather Properties Inc., as outlined on Misc. Plan No. 10510/2, be declared surplus to the City's requirements.

II. That the exchange and sale of lands with Fairweather Properties Inc. or Nominee, as outlined on Misc. Plan No. 10510/2, be approved, based on a price of $65,000.00 per acre (subject to survey).

III. That on or before December 31, 1999, Fairweather Properties Inc. or Nominee consolidate all of the titles to the acquired land with the Certificates of Title to the lands already optioned.

IV. That Fairweather Properties Inc. will at its expense be responsible for providing all plans of subdivision and survey costs in connection with this transaction.

V. That Fairweather Properties Inc. will be responsible for any necessary rezonings, conditional use or variance applications and their related costs as it applies to the City lands that are to be transferred to it.

VI. That date of closing, possession and adjustment is to be on or before 120 days from the date of approval of the exchange.

VII. That it is understood and agreed that the proposed exchange/sale is subject to the following due diligence conditions:

a) The purchaser obtaining approval for access to and egress from the consolidated site on or before April 30, 1999.

b) The final approval of the closings and openings as outlined on Misc. Plan No. 10510/2 on or before March 31, 1999.

c) At any time prior to March 31, 1999, the purchaser may terminate its obligation if the purchaser is unable to complete an agreement with the purchaser's proposed tenant.

VIII. That other standard terms and conditions for the sale of commercial properties as they apply to the sale of adjacent lands will apply.

IX. That any cross-easement agreements for access deemed necessary be the Administration be obtained.

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

Adopted by consent.

Proposed Facility Use Agreement - Winnipeg Canoe Club Golf Course - Riel Community File PR-2.4.1 (Vol. 2)

355 - ***Note: Clause 2 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 2, 1999

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

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

Councillor O'Shaughnessy requested that Clause 2 be pulled from the Consent Agenda.

The Consent Agenda, Clauses 1,3,4 and 5 was put and declared carried.

Enactment of a new Electrical By-law, Adopting the 18th Edition of the Canadian Electrical Code File EB-2.1 (Vol. 5)

356 - 1. The Standing Policy Committee on Property and Development has been advised that the Canadian Electrical Code, Part I is a standard Electrical Code published by the Canadian Standards Association setting forth the essential requirements of the minimum standards governing electrical installations for buildings, structures and premises throughout Canada. This Code is under constant revision primarily because of the developments of new materials and methods. The Canadian Electrical Code Committee meets twice each year to consider revisions to the Code. A new edition of the Code is published every four years to keep the Code up-to-date. In January 1998, the 18th Edition of the Code was published.

By-law No. 6499/94 is the Winnipeg Electrical By-law now in force in The City of Winnipeg. This By-law is divided into three chapters. Chapter 1 covers the legal enactment and adoption of the 17th Edition of the Canadian Electrical Code, Part 1 as a by-law. Chapter 2 contains all the amendments and additions to said 17th Edition, and Chapter 3 of the By-law is the 17th Edition.

The Development and Inspections Division of the Property and Development Services Department recommends that the 18th Edition of the Canadian Electrical Code be adopted as a new Electrical By-law for The City of Winnipeg. This 18th Edition has been reviewed by the Manitoba Provincial Advisory Committee which consists of representatives from consulting engineers, electrical manufacturers and distributors, electrical contractors, Manitoba Hydro, Winnipeg Hydro, Manitoba Telecom Services and the Manitoba Department of Labour and this Committee has recommended the adoption of this proposed By-law.

Manitoba Hydro, the Provincial Electrical Inspection Authority, is in the process of adopting similar regulations, in order to provide standard electrical regulations throughout the Province of Manitoba. The intent is that the regulations come into effect on April 1, 1999.

As the proposed By-law contains several hundred revisions, it would be difficult to single out a few of them as being more significant than others. Primarily, the revisions recognize new methods and materials and clarify the intent of existing rules.

Copies of the By-law and amendments thereto must be made available for public purchase as soon as possible. Section 15, 15.1 (1) of the Development Fees By-law No. 6965/97 states that the Standing Policy Committee on Property and Development shall, from time to time, establish fees for sale of publications such as The Winnipeg Electrical By-law. The cost of printing is $1.30 per copy (based on 2,000 copies).

The Property and Development Services Department recommends that a fee of $5.00 per copy be approved.

On February 2, 1999, the Standing Policy Committee on Property and Development approved a $5.00 fee per copy for the publication, printing and sale of the new Winnipeg Electrical By-law No. 7372/99, pursuant to Section 15, 15.1(1) of the Development Fees By-law No. 6965/97.

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

The Standing Policy Committee on Property and Development submits draft by-law and recommends:

I. That a new Electrical By-law No. 7372/99 to adopt the 18th edition of the Canadian Electrical Code, be enacted and the existing Winnipeg Electrical By-law No. 6499/94, be repealed, effective April 1, 1999.

II. That copies of By-law No. 7372/99, be authorized to be printed, pursuant to subsection 125(3) of The City of Winnipeg Act, in order that such printed copies may be admitted as prima facie evidence in all courts in the province of the by-law and its due enactment.

III. That the Proper Officers of the City are hereby authorized to do all things necessary to implement the foregoing including the execution of any documents relating thereto.

Adopted by consent.

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]

357 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Scatliff and Associates (Wes Paetkau), 44 Princess Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an “M2” Industrial District to an “M1-B” Industrial District and an “M3” Industrial District to allow for industrial development.

The following is the present site description:

Site Area: Approximately 43 acres

The Existing Land Use and Zoning: Vacant; zoned “M2” Industrial District

The following is the surrounding land use and zoning:

North: Farmland; zoned “A” Agricultural District
South: Vacant; zoned “M1-B” Industrial District
East: Vacant; zoned “A-5” Agricultural District
West: Vacant; zoned “C3-1” Commercial District and “M1” Industrial District

The applicant proposes to rezone the subject property from “M2” Industrial District to “M1-B” Industrial District and “M3” Industrial District with 18 acres of the 43 acre site to be rezoned to “M1-B” and subdivided to accommodate uses similar to those proposed to the immediate south (as part of the greater Inksbrook Park development). The remaining 25 acres, adjacent to Jefferson Avenue, are to be rezoned to “M3” to accommodate an asphalt batching plant and a concrete batching plant. The entire 43 acres was the subject of File DAZ 206/98, which proposed rezoning to “M3.” This rezoning, although recommended for approval by Community Committee, was not registered.

The proposed rezoning and subdivision is appropriate at this location. The establishment of the proposed batching plants, likely the most sensitive component of the applicant's development plans, was approved by Lord Selkirk-West Kildonan Community Committee at their March 10, 1998 meeting. The proposed “M1-B” portion of the development will correspond with the overall Inksbrook Park development. The Planning and Land Use Division recommends the subject rezoning and subdivision be approved. The applicant has requested the proposed cul-de-sac be named “Maple Leaf Place.”

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

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on December 15, 1998. Two persons were heard in support of the application, and no persons registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed application is appropriate at the referenced location.

On February 2, 1999, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 25/98 and an additional communication from the Land Development Engineer, dated January 14, 1999, as outlined on Schedule "C", and approved the following amendments which have affected the recommendations as set out below:

· That the Community Committee recommendation to delete Condition Nos. 2 and 3 of the Administrative Coordinating Group Report dated November 25, 1998 as conditions of the Development Agreement, not be concurred in, and the said Conditions be included, as follows:

2. The Developer shall pay to the City in cash on demand 50% of the cost of constructing at a future date, 200 mm in thickness portland cement concrete pavements and all related works in Jefferson Avenue at and in the vicinity of intersection with Meridian Drive, for a median opening, westbound left-turn storage lane, eastbound right turn deceleration lane and right-turn cut-offs in the southwest and southeast quadrants of the intersection as determined by the Director of Public Works.

3. The Developer shall pay to the City in cash on demand 25% of the cost of the installation of traffic control signals, including but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals, at the intersection of Jefferson Avenue and Meridian Drive when and as determined by the Director of Public Works.

and Condition Nos. 4 to 19 inclusive of the Administrative Coordinating Group Report dated November 25, 1998, not be renumbered.

That Condition 4 of the Administrative Coordinating Group Report dated November 25, 1998, be amended to add a sentence, and 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.

That the 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, not be concurred in, and the said Condition be included, 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 Condition No. 21 of the Administrative Coordinating Group Report dated November 25, 1998, not be renumbered.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan Community Committee, as amended, and 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:

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

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."

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."

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

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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.

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.

Moved by Councillor Steek,
Adoption of the clause.

Moved by Councillor O’Shaughnessy,
Seconded by Councillor Golden,

That the clause be referred back to the Standing Policy Committee on Property and Development.

Carried.

(See Minute No. 368 for attachments)

Request for Amendment to Development Agreement AG 14/88 - Sidewalk Requirements on Pauline Boutal Crescent, Novamet Development Corporation - Riel Community File DASZ 14/88

358 - 3. The Standing Policy Committee on Property and Development has been advised that following receipt of a request from residents in the area to delete the sidewalk installation on Pauline Boutal Crescent and Place Lesard, the Riel Community Committee requested the Administration to review the need for the sidewalk included in Development Agreement AG 14/88 and report back.

On April 17, 1989, Council approved development application File DASZ 14/88. Included in the conditions of approval at the request of the Transit Department and the former District 5 Operations Department was the requirement to install sidewalks in the planned area at a number of locations which included sidewalks on one side for the total lengths of Pauline Boutal Crescent and Place Lesard.

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The stipulated sidewalk installations were reviewed relative to current standards and practices and compared to the sidewalks installed in other stages of the Island Lakes development. The current standard calls for;

1. Sidewalks to be provided on both sides of streets classified as arterials or collectors

2. Sidewalks are to be provided on one side or both sides of streets classified as local if any of the following warrants is met:

    i) Land uses adjacent to the street are expected to generate high pedestrian and vehicular volumes: e.g. schools, commercial areas, multiple family dwellings, recreational areas, etc.
    ii) There is a potential accident or safety problem(s) related to pedestrians.
    iii) There is a need for sidewalk(s) to provide sidewalk continuity, safe routes to schools, commercial areas, transit routes, etc.

At the time that this application was reviewed in 1988, the recommendation for the sidewalk installations was initiated by the Transit Department based mainly on item iii) above and perhaps evaluated in isolation from the previous approvals for the surrounding lands. The need for sidewalks in this area was reevaluated based on what was approved in the balance of the general area and in similar more recent developments, and it was concluded that current practises would not require the sidewalks on Pauline Boutal Crescent or Place Lesard but would allow

for pedestrian traffic to use the street system out to the sidewalks on Boulevard de la Seigneurie. However, this fall a short stretch of the sidewalk on Pauline Boutal Crescent was installed on the south side of the north leg along the flankage off Boulevard de la Seigneurie. This would remain as a condition of the agreement since it is already built but will require a connecting sidewalk boulevard crossing to be installed at the east end next year to tie it in to the pavement system.

The Land Development Administrator, Property and Development Services Department recommends that Development Agreement AG 14/88 be amended to delete the requirement for sidewalk installations on Pauline Boutal Crescent and on Place Lesard except for the flankage on the south side of the north leg of Pauline Boutal Crescent and to add the requirement to provide a sidewalk boulevard crossing at the east end of that flankage sidewalk.

On January 12, 1999, the Riel Community Committee concurred in the recommendation of the Land Development Administrator.

The Standing Policy Committee on Property and Development recommends:

I. That Development Agreement AG 14/88, be amended by deleting the requirement under Schedule “D”, SIDEWALKS for the installation of all sidewalks on Place Lesard and Pauline Boutal Crescent except for the flankage on the south side of the north leg of Pauline Boutal Crescent; and by adding a requirement to install a sidewalk for a boulevard crossing connection to the pavement at the east end of the flankage sidewalk on Pauline Boutal Crescent.

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 relating thereto.

Adopted by consent.

Proposed Rezoning - land located at 1770 Taylor Avenue - City Centre Community
File DAZ 238/98 [c/r DAV 976/98D]

359 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pre-Con Builders, 1301 Admiral Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an “RM-3” Multiple-family District to a “C2” Commercial District to allow for commercial development.

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

The following is the present site description:

Dimensions: Triangular shape, 336 feet of frontage on Taylor, 362 feet of flankage along the public lane bounding the east side of the property, hypotenuse formed by the curvature of the CNR Oak Point Subdivision bounding the south and west limits of the property.

Site Area: 1.65 acres approximately

Existing Land Use: Vacant

The following is the surrounding land use and zoning:

Adjacent Zoning: North, across Taylor, “R1-4” Single-family District east, across public lane, “RM-3” Multiple-family District; south and west, across CNR tracks, “A-5” Agricultural District.

Adjacent Land Use: North, single-family housing; East mix of townhouses and 3-storey walk-up apartments; South, vacant industrial; West, army base.

The proposal is to construct a one-storey, 12,814 square foot commercial building on the site. The building runs east-west with two rows of parking in front and two rows of parking in rear. Access is via a two-way approach at the median opening at the end of Centennial Street, and a one-way exit towards the east end of the property. No access is allowed to the public lane serving the multi-family housing to the east and a pylon sign is proposed for the site opposite Centennial Street. Parking is illustrated for 89 vehicles and aisles on the east and west ends of the property provide access to the rear of the building.

An accompanying zoning variance application requests relief from minimum front and side yard distance requirements.

Despite the multi-family housing to the east, the subject site is not ideal for residential development in view of its location adjacent to the CNR mainline and the Oak Point Subdivision. The Property and Development Services Department believes the proposed use is appropriate for the site. The development provides adequate parking, is located on a regional street, and would help to buffer housing to the north from rail activity.

It is also anticipated that the development will provide commercial services to the Mathers and South River Heights neighbourhoods in a convenient location. From a development marketing standpoint the comparatively remote location, vis-a-vis major regional arterials, and the limited exposure of the site should deter commercial uses whose intensity and traffic generation might conflict with the residential character of the area.

It is noted that a 1960 caveat is registered against the property limiting it use to residential and commercial uses. The caveat is redundant if this application is approved and it is recommended that it be withdrawn.

A Public Hearing was held before the City Centre Community Committee on January 12, 1999. One person appeared in support of the application, and six persons appeared in opposition thereto.

The City Centre Community Committee recommended that the rezoning application be approved for the following reasons:

1. Despite the multi-family housing to the east, the subject site is not ideal for residential development in view of its location adjacent to the CNR mainline and the Oak Point Subdivision.

2. The Property and Development Services Department believes the proposed use is appropriate for the site, the development provides adequate parking, is located on a regional street, and would help to buffer housing to the north from rail activity.

3. It is anticipated that the development will provide commercial services to the Mathers and South River Heights neighbourhoods in a convenient location.

4. From a development marketing standpoint the comparatively remote location, vis-a-vis major regional arterials, and the limited exposure of the site should deter commercial uses whose intensity and traffic generation might conflict with the residential character of the area.

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

On February 2, 1999, the Standing Policy Committee on Property and Development considered the proposed rezoning application under File DAZ 238/98, and approved the following amendments which have affected the recommendations set out below:

· Recommendation II. be deleted in its entirety, and replaced with the following:

II. That a ten (10) percent 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 of market value of the land.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community Committee, as amended, and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land outlined on Schedule “A” for File No. DAZ 238/98, dated December 29, 1998, to a “C2” Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

1. That, in addition to all commercial uses not listed as permitted or conditional in the “C2” zoning district in By-law 6400/94 (excepting retail and personal services not listed), the following uses be prohibited:

- amusement parlour
- amusement enterprise
- animal pound, training, kennel
- auction room
- automobile cleaning, service, repair, rental, sales
- banquet hall, dance hall
- beer vendor
- billiard parlour
- bingo parlour
- building materials, sales
- cabaret
- club
- cocktail lounge which is not part of a restaurant
- contractors’ establishment
- flea market
- liquor store, excepting wine sales
- machinery/heavy equipment supplies and parts: sales, installation, service
- motors or machines, recreational or utility
- pawn shop
- recreation centre
- advertising sign
- signage, manufacture, rental, sales
- tattoo parlour
- tire sales, service

2. That the sign provisions of the “MP-S” Industrial District apply to the property;

II. That a ten (10) percent 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 of market value of the land.

III. That the property owner withdraw Caveat No. 179209 from the property title(s).

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 when the Zoning Agreement has been executed.

V. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at Winnipeg Land Titles Office.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

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.

VIII. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within forty-eight (48) 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.

Adopted by consent.

(See Minute No. 369 for attachment)

Proposed Subdivision Standards By-law
File DASSF (General) (Vol. 1)

360 - 5. The Standing Policy Committee on Property and Development has been advised that the Province of Manitoba approved Section 617 of The City of Winnipeg Act, which requires that the City of Winnipeg enact a “Subdivision Standards By-law”. The Property and Development Services Department has been advised that proclamation is to occur in 1999 and the by-law should be in place prior to the proclamation.

In 1991, the Province of Manitoba enacted Section 617 of The City of Winnipeg Act. The proclamation of the new section was deferred to allow the City of Winnipeg time to comply with the section prior to its coming into force and effect.

During 1997 and 1998, the Administration drafted the required by-law and conferred with the Province of Manitoba and the development industry to reach agreement with respect to the content and wording of the by-law.

The Province of Manitoba intends to proclaim this section in 1999, prior to which the by-law should be enacted.

The new Section 617 of The City of Winnipeg Act was introduced by the Province of Manitoba “in order to establish fair, equitable and uniform standards for all subdivision proponents." Section 617 of The City of Winnipeg Act, which will come into effect on proclamation, empowers and requires the City to enact a Subdivision Standards By-law after conducting a Public Hearing. The City should enact that By-law prior to the proclamation date so that it is in place upon proclamation.

The City presently operates under extensive Development Agreement Parameters adopted by Council resolution as guidelines for Developers and instructions to City Administration. The Parameters together with specific conditions of Council or Committee subdivision approval govern the content of Subdivision Development Agreements.

Section 617 provides that the City must (without imposing a time limit) enact a Subdivision Standards By-law establishing standards or criteria or requirements respecting subdivision which may include any of the matters listed in Section 617 of The City of Winnipeg Act (see Schedule “A”). The by-law may therefore cover only a limited number of standards or criteria, the full content of the present Parameters or those Parameters plus standards etc. regarding items (e), (f), and (j) of section 617(2) which presently would be dealt with only by Council or Committee instructions.

The Province of Manitoba wishes to proclaim Section 617 in the near future and the Legal Services Division recommends that the by-law be in place before Section 617 is proclaimed. The proposed draft by-law contains most of the content of the Parameters although in a more general form. The intent is to have the Parameters as a companion document to the by-law which would provide the details for the by-law’s general outline of conditions and requirements. The draft by-law has been prepared in consultation with the Province of Manitoba and with the development industry in the form of the Urban Development Institute (UDI) and it is proposed that the by-law be put in place at this time.

On February 2, 1999, the Standing Policy Committee on Property and Development directed that the Public Hearing on the Proposed Subdivision Standard By-law to be held before the Standing Policy Committee be a Special Meeting at the call of the Chairperson.

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

The Standing Policy Committee on Property and Development submits draft by-law and recommends:

I. That the Subdivision Standards By-law No. 7400/99 be approved and given first reading.

II. That the aforementioned by-law be forwarded to the Standing Policy Committee on Property and Development for consideration at a Public Hearing to be held before the said Committee.

III. That the City Solicitor/Manager of Legal Services be authorized to do all things necessary to implement the foregoing in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 4, 1999

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

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

Carried.

Proposed Sale of City-owned Properties - northwest corner of Broadway and Borrowman Place - Chrysler Canada Ltd. - City Centre Community
File FI-2.4(32) (Vol. 7)

361 - 1. The Standing Policy Committee on Property and Development has been advised that the City-owned property, outlined as “subject City property Parcel A” on Misc. Plan No. CC 7105/2, was part of the lands acquired for the extension of Broadway and is now surplus to the City’s needs. The “subject City property Parcel B” as outlined on Misc. Plan No. CC 7105/2, was a closed lane.

Midway Chrysler Plymouth Ltd. has expressed interest in acquiring Parcels A and B, as outlined on Misc. Plan No. CC 7105/2, as well as some of the boulevard on the west side of Borrowman Place. The former Streets and Transportation Department indicated that Parcels A and B were surplus to the Department’s needs.

The Public Works Department have provided the following comments regarding the request to purchase the west boulevard of Borrowman Place. Along the Midway Chrysler building, diagonal parking is occurring and is permitted on the west side of the pavement which extends to the edge of the right of way in the area shown as “Public Parking”. South of the building conventional parallel parking is allowed on the west side. Frequently, there are vehicles parking on the boulevard west of the pavement. The Traffic By-law prohibits the use of the boulevard for parking or stopping purposes.

The Public Works Department opposes the sale or lease of the boulevard area for parking purposes to circumvent the traffic by-law. The boulevard is needed for snow storage, placement and maintenance of underground and above ground utilities, signs, poles, hydrants, accommodation of pedestrians, etc. The Public Works Department also cannot support a request to provide a parking bay in the boulevard for additional diagonal parking which is in effect a large private approach. (A parking bay for parallel parking would not create any additional spaces as parallel parking is already permitted). Some other dealers have built parking structures to resolve their parking problems.

Midway Chrysler Plymouth Ltd. representatives were made aware of the former Streets and Transportation Department’s comments. The Company was also advised that the price the City was looking to receive for Parcels A and B was in the range of $10.00 per square foot.

The Property and Development Services Department is in receipt of an offer to purchase from the lawyers for Midway Chrysler Plymouth Ltd. representing Chrysler Canada Ltd. The offer is only for said Parcel A. The terms and conditions of the Offer to Purchase are subject to the Certificate of Title to Parcel A being consolidated with the Certificate of Title to the adjacent lands and the purchaser being responsible for all of the subdivision and survey costs in addition to the City’s standard terms and conditions.

The Real Estate Division of the Property and Development Services Department recommends that the terms of a sale of the subject Parcel A be consistent with the terms of sale of similar City-owned property two blocks east of the Midway Chrysler Plymouth Ltd. holdings to Carter Holdings Inc. Carter Holdings Inc. offered $5.00 per square foot, which sale was approved by the Standing Policy Committee on Property and Development at its meeting held on January 8, 1999. Furthermore, the sale of said Parcel A should be subject to Chrysler Canada Ltd. also purchasing from the City, at the same rate of $5.00 per square foot, the City-owned Parcel B as outlined on Misc. Plan No. CC 7105/2. This Parcel B has been, and continues to be used by Midway Chrysler Plymouth Ltd. as part of its operation.

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

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

The Standing Policy Committee on Property and Development recommends:

I. That Parcels A and B as outlined on Misc. Plan No. CC 7105/2, be declared surplus to City requirements (excluding the road widening).

II. That the Chrysler Canada Ltd. offer to purchase Parcel A, as outlined on Misc. Plan No. 7105/2, at the price of $13,476.00 be rejected.

III. That the Director of Property and Development Services be authorized to sell Parcel A, as outlined on Misc. Plan No. CC 7105/2, to Chrysler Canada Ltd. at a price of $16,845.00 ($5.00 per square foot) subject to the following:

1. Chrysler Canada Ltd. also purchasing Parcel B, as outlined on Misc. Plan No. CC 7105/2, at a price of $4,080.00 ($5.00 per square foot).

2. The purchaser being responsible for all costs related to the subdivision and survey of the property.

3. The Certificate of Title to Parcels A and B being consolidated with the certificate(s) of title to the adjacent land(s).

4. The City's standard terms and conditions.

IV. 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 Dedication of City Property as a Public Park - land located on Eric Street and Beliveau Road - Riel Community

File FI-2.4(35) (Vol. 5)

362 - 2. The Standing Policy Committee on Property and Development has been advised that on April 11, 1997, the former Committee on Finance and Administration considered a report from the Director of Land and Development Services concerning the sale status of various parcels of City owned land. That Committee instructed the Director of Land and Development Services to meet with Nicholas and Sophie Zalucky, the adjacent property owners, and to negotiate to acquire their property together with the other privately owned adjacent properties.

The Real Estate Division of the Property and Development Services Department conducted those negotiations and subsequently submitted a report on the matter to the Standing Policy Committee on Property and Development for its meeting of June 30, 1998. The said Committee instructed that the matter be referred to the Director of Property and Development Services for consultation with the Riel Community Committee and report back to the next meeting of the Standing Policy Committee on Property and Development.

On August 25, 1998, the Riel Community Committee considered a report submitted by the Real Estate Division asking as to which of the alternatives it would recommend and which of the privately owned lands, if any, the City should acquire for consolidation with the existing City-owned land. The Community Committee passed the following motion:

"That the City-owned Eric Street property be retained as an existing park inasmuch as the Riel Community Committee has previously been advised by the Administration that this area is deficient in green space;

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

And That the Property and Development Services Department be instructed to negotiate with Nicholas and Sophie Zalucky, at fair market value, the acquisition of their land for inclusion with the City land referred to above."

The Real Estate Division subsequently advised the Ward Councillor of the position of the Planning and Land Use Division, being that the neighbourhood had a surplus of open space. The Ward Councillor advised of his opinion that the neighbourhood was still deficient in open space of this type. It is inferred, therefore, that the position of the Riel Community Committee would remain unchanged.

On September 10, 1998, the Standing Policy Committee on Property and Development considered the matter and instructed that the matter be laid over pending receipt of the administrative report requested by Committee on June 30, 1998.

The subject "City property", as identified on Misc. Plan No. 10179/1, is legally described as Lots 10/13, Block 1, Plan 1287, Lots 10/13, 23/24, Block 2, Plan 1287, Lots 9/11, Plan 23055. The property can be described as a vacant parcel of land (.82 hectares/2.027 acres) with a forest cover of about 40 years of age and consisting of burr oak and trembling aspen. This property, while not formally dedicated or maintained as a park, does have a few natural pathways that are occasionally used by some of the area residents.

There are two issues to be decided. The main issue is what to do with the subject City-owned property, as this decision will determine what privately owned lands the City should acquire and where the funding should come from. The City can either develop its property as a passive park, as is the wish of some of the local residents and the Community Committee, or it can sell the property for private residential development to generate revenue for the City.

If the intent is to retain ownership and develop the City property as a park, then the City must also consider the position of the adjacent Beliveau Road property owners who have indicated they will oppose any development unless the City acquires their property. One of the owners has taken the position that development of the City property as a park will "landlock" his property. However, all of the properties would have continued access to Beliveau Road with either park or residential development of the subject City property.

The alternatives for the City's Eric Street property and the alternatives for purchase of the adjacent privately owned lands are fully outlined on Schedule I.

The Planning and Land Use Division is not prepared to recommend using the City-owned Eric street property as a park, nor is it prepared to recommend the funding and purchase of the adjacent privately owned properties either in part or their totality. Therefore, the proposed purchase of any part of the adjacent private lands for consolidation with the City's Eric Street property, would be to facilitate the sale of the City's Eric Street property for development.

If the City property were to be dedicated as a park, funding would be required in order to account for the loss of the City property as a salable asset and for the anticipated cost of acquisition of the privately-owned rearage lands. The Planning and Land Use Division advises that the Land Dedication Reserve Account has insufficient funding to fund both a reimbursement of the Land Operating Reserve Account and the acquisition of the adjacent rearages.

Council has not declared the subject City property to be surplus to the City's needs.

In the event it is decided to acquire the private rearages for consolidation with the City property for resale and subsequent development, funding is available from the Land Operating Reserve Account.

On February 4, 1999, the Administration presented the Standing Policy Committee on Property and Development with the following two alternatives:

ALTERNATIVE 1:

(a) That the "subject City property" as outlined on Misc. Plan No. 10179/1, be declared surplus to the City's needs.
(b) If declared surplus, the Director of Property and Development Services be authorized to market this property for sale.
(c) If declared surplus, the Director of Property and Development Services be authorized to terminate negotiations to acquire the adjacent properties in their totality.

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

(d) If declared surplus, the Director of Property and Development Services be authorized to negotiate a purchase for Nicholas and Sophie Zalucky of only their rearage lands and to negotiate for purchase of the rearages of 125 and 129 Beliveau Road (for inclusion for sale with the City property) at such time as they may be offered to the City at reasonable prices.
(e) If declared surplus, the proposed purchases recommended in (d) above, to be financed by the Land Operating Reserve Account.

ALTERNATIVE 2:
(a) That the "subject City property" as outlined on Misc. Plan No. 10179/1, be dedicated as a public park.
(b) If dedicated as a public park, the Director of Property and Development Services be authorized to terminate negotiations to acquire the adjacent properties in their totality.
(c) If dedicated as a public park, the Director of Property and Development Services be authorized to negotiate a purchase for Nicholas and Sophie Zalucky of only their rearage lands and to negotiate for purchase of the rearages of 125 and 129 Beliveau Road (for inclusion for sale with the City property) at such time as they may be offered to the City at reasonable prices.
(d) If dedicated as a public park, funding in the amount of $285,000.00 be identified from the Community's Land Dedication Reserve Account for credit to the Land Operating Reserve Account in order to fund the proposed property acquisitions and account for the loss of the subject City property as salable asset.

On February 4, 199, the Standing Policy Committee on Property and Development recommended concurrence with Alternative 2(a), (b) and (c) as amended, and as set out below. Consideration of Alternative No. 2(d) was laid over at that time and is to be addressed when the Administration reports back on the matter.

The decision whether the subject City property outlined on Misc. Plan No. 10179/1 is to be declared surplus to the City's needs, or alternatively dedicated as a park, rests with Council.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City property identified as "City Property" on Misc. Plan No. 10179/1 be dedicated as a public park.

II. That the Director of Property and Development Services be authorized to terminate negotiations to acquire the adjacent properties in their totality.

III. That the Director of Property and Development Services be authorized to negotiate at fair market value the purchase of the rearage lands of 125, 129, 133 and 137 Beliveau Road, as outlined on Misc. Plan No. 10179/1.

IV. 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.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 10, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated February 10, 1999, was considered.

Moved by Councillor Steek,
That the Consent Agenda, Clause 1, be adopted.

Councillor Timm-Rudolph requested that Clause 1 be pulled from the Consent Agenda.

Proposal to Declare City-owned property as Surplus to the City's Requirements and
Proposed Sale of City-owned lands located on the east side of Lagimodiere Boulevard, south of the Crossroads Shopping Centre - East Kildonan-Transcona Community
File FI-2.4(33) (Vol. 2)

363 - 1. On November 27, 1998, the Property and Development Services Department received an offer from Pensionfund Realty Limited of Toronto, Ontario to purchase vacant City lands located immediately south of the currently existing Crossroads Shopping Centre fronting on Regent Avenue, immediately east of the Lagimodiere Boulevard grade separation over the C.N.R. Railway R.O.W.

On December 3, 1998, the Department commenced the process of canvassing all Departments, Utilities and the East Kildonan-Transcona Community Committee to determine if the subject property could be declared surplus, and if surplus, to determine the conditions under which the property could be sold.

Of the 18 requests, the Department has received six responses. To date, only Manitoba Hydro has a minor concern regarding an overhead pole line crossing the property. The East Kildonan-Transcona Community Committee requested further clarification regarding the impact which a possible closure and sale will have on the transportation corridor.

On January 8, 1999 the Standing Policy Committee on Property and Development received in delegation Mr. John Pearson of Shindico Realty Inc., who explained the proposed project and provided the Committee with an understanding as to how the project could be facilitated vis-à-vis the identification of alternate alignments of the transitway. The Committee directed as follows:

> "That the Property and Development Services Department be requested to determine the ramifications of the sale of the subject property, as outlined on Misc. Plan No. 10548, and report back to a Special Meeting of the Standing Policy Committee at the call of the Chairperson, on the price for selling the subject property, the size of parcel of land to be sold, and if the land is surplus to the City's (transportation) requirements."

On January 12, 1999 Shindico Realty Inc., provided the Property and Development Services, Public Works and Transit Departments with copies of the "Morguard Investments Limited - Transit Assessment for Property at Southeast Corner of Regent Avenue and Lagimodiere Boulevard" dated January 12, 1999 as prepared by Dillon Consulting Limited.

The Standing Policy Committee on Property and Development, at its meeting held on January 26, 1999, recommended the following:

> The Administration be instructed to negotiate terms/conditions for the sale of the subject City-owned property (including the land lying east of the subject City-owned property as identified on Misc. Plan No. 10548), at fair market value, subject to the inclusion of the following conditions:
>
> 1. Reserving the lands that the Public Works Department identifies for transportation purposes (for the Transitway Project), including right-of-ways within the existing Morguard Investment Limited lands, as outlined on Misc. Plan No. 10548.

2. The subject property being declared surplus by Council.

3. The purchaser being successful in obtaining the appropriate zoning approvals.

4. Plan approval by the East Kildonan-Transcona Community Committee.

5. Cross-easement agreements being obtained where required by the Administration.

6. The application for street closing be undertaken as soon as possible taking into consideration the foregoing.

7. The Administration investigate the City s obligations arising out of prior expropriation proceedings, relative to that part of the property comprising of the Public Road Plan 8961 and 9413 and Part Lot B, Plan 9413.

Subsequent to the meeting of the Standing Policy Committee on Property and Development, the Administration on January 29, 1999, held an internal meeting of City staff to address various issues pertaining to the subject City property. Since that time a draft Sales Agreement has been prepared and was presented to the Purchaser through Shindico Realty Ltd. on February 8, 1999.

Shindico Realty Ltd. has completed its negotiations resulting in the signing, by Pensionfund Realty Limited, of an Offer to Purchase dated February 9, 1999. The Purchaser amended the Department's proposed terms of sale as outlined on the amended Offer to Purchase.

Through several meetings with the Transit Department the proposed Transit Corridor right-of-way has been identified along the South side of the subject lands. The draft Agreement has identified two options for the Corridor as follows:

Option A: A Transit Corridor at least 30 metres wide to accommodate also a 5 metre bicycle path.

Option B: A Transit Corridor at least 25 metres wide with no accommodation for a bicycle path.

In addition, meetings with the Public Works Department have identified the Eastern limit of the subject City lands adjacent to the Lagimodiere Boulevard right-of-way to allow for proper maintenance of the overpass and embankment.

Other significant features of the proposed Sales and Purchase Agreement include the following:

- There is a 15 day notice period provided to Tallman Investments Ltd. and Princess Auto Ltd. to respond concerning their First Right of Refusal. This Agreement then provides for subsequent 180 day due diligence period followed by a 30 day closing period.

  The deposit equals 15% of the purchase price.

- The Department has applied a rate of $3.00 per square foot on an across the board basis as applicable to the lands including the additional lands all as shown on Misc. Plans 10548/8 and 10548/9.

- There is a clause stating that the City provides no warranty or representation of any kind relating to the land. Further, there is a clause stating that the purchaser is responsible for any increased cost of development due to silt, if any.

- There is requirement to grant the City an easement for a North/South Transit Corridor through the property between Regent Avenue and the proposed Transit Corridor at the South end of the property.

- There is a five year covenant to construct building(s) which if in default would allow the City to, in its sole discretion, re-purchase the land.

- The Purchaser has the right to assign the agreement.

Report of the Standing Policy Committee on Property and Development dated February 10, 1999

The Purchaser has amended the Department's proposed terms of sale by:

(a) Adding Clause 6(A) which would entitle the Purchaser to receive a Transfer of Land on the Date of Closing. This amendment is acceptable as it is consistent with the intent of the Department s drafted terms of sale.

(b) Deleting the Department s proposed Clause 10. The Purchaser intends on re-subdividing the property to create commercial pad sites. This subdivision will be subject to the creation of cross access agreements. As such, the Purchaser's proposed deletion of Clause 10 is acceptable.

(c) Adding a further clarification to Clause 16 which clarifies that the First Right of Refusal applies only to the land originally expropriated from Tallman Investments Ltd. and Princess Auto Ltd. This amendment is also acceptable.

(d) Amending Clause 17(g) to restrict the construction costs of the proposed Transit Corridor (to be located within the consolidated lands) to only the cost of pavement. In view of the balance of the terms and conditions this amendment appears to be reasonable.

The Public Works Department has advised that the bike path project had been approved by Council in 1993. As such, the Department believes it is important to retain the extra 5 metres width over and above the 25 metre wide Transit Corridor to facilitate the bike path project. Without this land, bicyclists could potentially utilize Regent Avenue to move from the West side of Lagimodiere Boulevard to Peguis Street which creates safety concerns.

Recognizing that the Purchaser is interested in maximizing the amount of land to be purchased in connection with this transaction but still retaining the ability to construct the said bike path it is recommended that the Director of the Property and Development Services Department be granted delegated authority to reduce the width of the Corridor to be retained to no less than 25 metres if in his opinion suitable arrangements can be negotiated with Pensionfund Realty Limited to enable the creation of a bike path and, if so, the terms and conditions of sale be amended accordingly.

In view of the foregoing, the Property and Development Services Department is of the view that the amended terms and conditions as stipulated within the Offer to Purchase is acceptable and accordingly the Department is recommending approval to the Standing Policy Committee on Property and Development for recommendation to Council.

The Public Works Department supports the sale of the subject City property but requires the retention of the right of way necessary for the transit corridor and the bikepath.

The Standing Policy Committee on Property and Development recommends:

I. That Option A, as outlined on Misc. Plan No. 10548/8, be approved and the Director of the Property and Development Services Department be delegated authority to reduce the width of the Corridor to be retained to no less than 25 metres if in his opinion suitable arrangements can be negotiated with Pensionfund Realty Limited to enable the creation of a bike path and, if so, the terms and conditions of sale be amended accordingly.

II. That the subject City property, as outlined on Misc. Plan No. 10548/8, be declared surplus to the City's requirements.

III. That with respect to the expropriation of lands under By-laws 861 and 1133 and pursuant to Section 51(1) of the Expropriation Act, the Director of Property and Development Services be authorized to do all things necessary with respect to providing notice to Tallman Investments Ltd. and Princess Auto Ltd. regarding its First Right of Refusal to re-acquire a portion of the subject City property pursuant to the settlement reached with those companies and further in accordance with the said Section 51(1) that Council approve the disposal and sale of the balance of the lands to Pensionfund Realty Limited.

IV. That the sale to Pensionfund Realty Limited of the subject City property as described in Recommendation No. 1 at a price of approximately $4,422,864.60 be approved, in accordance with the terms and conditions as outlined in the Offer to Purchase as amended and dated February 9, 1999.

Report of the Standing Policy Committee on Property and Development dated February 10, 1999

V. That Clause 16, outlined in the Offer to Purchase as amended and dated February 9, 1999, be amended by deleting the words “Thirty (30)” and replacing it with the words “Fifteen (15)”.

VI. That the Proper Officers of the City are hereby 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.

The motion for the adoption of the clause was put.

Councillor Timm-Rudolph called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Clement, De Smedt, Gerbasi, Golden, Lazarenko, Lubosch, Smith, Steek, Deputy Mayor Thomas, Timm-Rudolph, Vandal, Eadie, His Worship Mayor Murray and Councillor O’Shaughnessy. 15

Nay: 0

and the motion for the adoption of the clause was declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

364 - 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. 7372/99, a by-law of The City of Winnipeg respecting electrical wiring and other electrical installations. File EB-2.1 (Vol. 5)

By-law No. 7377/99, a by-law of The City of Winnipeg to widen the first public lane east of Pembina Highway between Dalhousie Drive and Killarney Avenue. File DAO 9/98

By-law No. 7378/99, a by-law of The City of Winnipeg to amend By-law No. 7302/98, being a by-law 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 24 to 44 Furby Street and 55 and 57 Cornish Avenue in the City Centre Community. File DASZ 8/98

By-law No. 7379/99, a by-law of The City of Winnipeg to approve a Plan of Subdivision on land located on Abbotsfield Drive south of Hochman Avenue in the Riel Community. File DAS 17/98

By-law No. 7380/99, 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 on the east side of Brookside Boulevard between Jefferson Avenue and Inkster Boulevard in the Lord Selkirk-West Kildonan Community. File DASZ 18/98 (Phase 1)

By-law No. 7381/99, a by-law of The City of Winnipeg to widen the northwest corner of the intersection of Kenaston Boulevard with McGillivray Boulevard. File DAO 15/98

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

On motion of Councillor Steek, the rule was suspended and By-law No. 7400/99, a By-law of The City of Winnipeg to establish standards, criteria and requirements regarding the development of land in The City of Winnipeg was read a first time. File DASSF (Gen) (Vol. 1)

Councillor Steek moved that this constitute the first reading of By-law No. 7400/99, which motion was carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

365 - Councillor Smith referred to a newspaper article which stated that John Blumberg Golf Course was for sale and questioned if bids were being solicited for it or any of the City owned golf courses.

Councillor Steek stated that they had not been advertising public golf courses up for sale and had not been soliciting offers.

Councillor Smith questioned if this unsolicited bid was being considered or had been rejected.

Inasmuch as the question was bordering on In Camera matters, Councillor Steek declined to comment.