REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 29, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated June 29, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,8 and 9, be adopted.

Carried.

Proposed closing of the streets and lanes in the block bounded by Waverley Street, Taylor Avenue, Harrow Street and the CNR Railway Plan 358 - City Centre Community
File DAC 1/98 [c/r DAC 20/97]

878 - 1. The Standing Policy Committee on Property and Development has been advised that in October 1997, Council approved the Report of the former Committee on Finance and Administration recommending the sale of the City property adjacent to the streets and lanes, outlined as "proposed closings" on Misc. Plan No. 10090/2 (File DAC 20/97). One of the terms of that Report was that the sale be subject to the approval of an application to close the streets and lanes adjacent to the property.

The Real Estate Division of the Property and Development Services Department has requested that the authority to close the streets and lanes outlined on Misc. Plan No. 10090/13 (File DAC 1/98) also be obtained. The portions of the streets and lanes contained within the Winnipeg Hydro transmission line will be retained. The Real Estate Division intends to offer the remaining rights-of-way for sale to the adjoining property owners.

With the exception of the paved portion of Sparling Avenue used exclusively by Manitoba Hydro as part of its complex at 650 Harrow Street, none of the rights-of-way physically exist. The Transportation Planning and Traffic Management Division of the Public Works Department has advised that these streets and lanes are surplus to the City's needs.

The Geomatics Branch of the Property and Development Services Department has recommended that the responsibility for the acquisition and cost of the required survey services, together with the costs associated with the registration of documents necessary to give legal effect to the closing of the rights-of-way, be identified within the terms and conditions of their sale.

Easements for the maintenance of existing facilities in the streets and lanes will be required by the Water and Waste Department, Winnipeg Hydro, Manitoba Hydro, and MTS NetCom Inc.

The City may not deprive property owners adjacent to public rights-of-way of access to their lands from those rights-of-way. The closure of the streets and lanes is contingent on the agreement of the adjacent property owners to either purchase the land, accept compensation for the loss of access, or waive their right to that compensation. The sale of the lands approved by Council in October of 1997 assumed that the purchaser will address this matter. The sale of the balance of the lands has not yet been initiated. The closure of the streets and lanes, outlined on Misc. Plan No. 10090/2, will therefore precede the closure of the streets and lanes outlined on Misc. Plan No. 10090/13.

A Public Hearing was held before the City Centre Community Committee on April 7, 1998. The Community Committee passed a motion that the proposed closings be divided into two separate applications under File Nos. DAC 20/97 and DAC 1/98.

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With respect to File DAC 20/97, on May 27, 1998, Council upon the recommendations of its Standing Policy Committee on Property and Development and City Centre Community Committee, approved the closing of streets and lanes in the block bounded by Waverley Street, Taylor Avenue, Harrow Street and the CNR Railway Plan 358, as outlined on Misc. Plan No. 10090/2.

With respect to File DAC 1/98, on April 7, 1998, a Public Hearing was held before the City Centre Community Committee, and one person was heard in support of the application, one person appeared in opposition thereto, and the Real Property Officer, Property and Development Services Department, was in attendance for the City. The Community Committee adjourned the public hearing to its May 5, 1998, meeting.

On May 5, 1998, the City Centre Community Committee reconvened the public hearing, and no persons made representations on the application. The Community Committee recommended approval of the proposed street closings under File DAC 1/98 as outlined below, in accordance with Misc. Plan No. 10090/13.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10090/13, as outlined on Schedule "A".

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

Copy of Misc. Plan No. 10090/2 is on file in the Office of the City Clerk.

Adopted by consent.

(See Minute No. 922 for attachment)

Proposed closing of the public lane adjacent to 706 Beach Avenue - East Kildonan-Transcona Community
File DAC 7/98

879 - 2. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has been approached by the owners of 706 Beach Avenue with a request to purchase the public lane adjacent to their property. The lane, outlined as "proposed closing" on Misc. Plan No. 10389, is not paved or used as a right-of-way. It must be legally closed before it may be sold.

The City Administration has no objection to the closing and sale of the subject lane. The Public Works Department advised that the purchaser is to be responsible for removing the lane turn-out at Beach Avenue and restoring the curb, boulevard, and sidewalk as required and to the satisfaction of the Director of Public Works. Winnipeg Hydro will require an easement for its plant in the west side of the lane.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 16, 1998. No one appeared in support of the application, no one registered in opposition thereto, and the Real Property Officer was in attendance for the City. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10389, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 923 for attachment)

Proposed widening of part of the west side of Sturgeon Road, north and south of Hallonquist Drive - Assiniboia Community
File DAO 5/98

880 - 3. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department is currently processing the sale of the City property outlined on Misc. Plan No. 8654/5. The response of Public Works Department to the circulation of the proposed sale was that the easterly 1.52 metres of this land is required for the widening of Sturgeon Road. This land must be dedicated as public street prior to the sale of the balance of the property.

A Public Hearing was held before the Assiniboia Community Committee on June 16, 1998. No one appeared in support or registered in opposition thereto. The Community Committee recommended approval of the proposed street widening as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the widening of Sturgeon Road, in accordance with Misc. Plan No. 8654/5, as outlined on Schedule “A”.

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

Adopted by consent.

(See Minute No. 924 for attachment)

Proposed Amendment to Development Agreement AG 581/90 - land located on the north side of Kildare Avenue East between Binscarth Street and Alex Taylor Drive - East Kildonan-Transcona Community
File DASSF 581/90 [c/r DAZ 232/90]

881 - 4. The Standing Policy Committee has been advised that the Developer has requested that Development Agreement AG 581/90, for the lands located on the north side of Kildare Avenue East between Binscarth Street and Alex Taylor Drive, be amended to allow for staging of the required payments for each lot as each lot is developed.

Applications for rezoning and subdivision of the property were made on behalf of the owners in April 1990, and were subsequently approved by Council on July 16, 1990. Conditions of the approval included the payment of cash-in-lieu for land dedication prior to the release of the mylars for registration, and staged payments for a share of the cost of existing services that benefitted the lands prior to the release of the building permits. The owners entered into a Development Agreement with the City in January 1992, but never proceeded with the registration of the mylars due to a poor market.

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Recently the owners approached the City to enquire into an amendment that would allow for the payments to be staged on a lot by lot basis. The Administration has reviewed the request and has no objections.

On June 16, 1998, the East Kildonan-Transcona Community Committee considered and concurred in the recommendation contained in report dated June 5, 1998, from the Land Development Administrator, Property and Development Services Department, as outlined below.

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

I. That Development Agreement AG 581/90 be amended to allow for the payments for the share of existing services and for land dedication to be made on a lot by lot basis prior to the issuance of building permits for each lot as each lot is developed.

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

Adopted by consent.

Proposed Subdivision - land located north of Inkster Boulevard, east of Brookside Boulevard - Inksbrook Industrial Park Phase 2 - Lord Selkirk-West Kildonan Community
File DASZ 56/85 [c/r DAZ 224/95]

882 - 5. The Standing Policy Committee on Property and Development has been advised that in 1996 the Development Agreement for Phase 1 of Inksbrook Industrial Park, which was approved by Council on September 30, 1987, was executed by the Developer and in 1997, Fort Garry Industries constructed its new building within the industrial park.

The Developer has now installed all the underground services to accommodate Phase 1 and a portion of Phase 2, which latter phase was approved in principle by the Lord Selkirk-West Kildonan Community Committee in 1987 under File DASZ 56/85. The Developer has now advised that he would like to proceed with the installation of the balance of the services required to serve Phase 2 and to register a plan of subdivision within Phase 2 in order to transfer the land to purchasers. Schedule "A" outlines a plan of Phase 1 and of the proposed Phase 2.

The rezoning to “C3-1” Highway Commercial as applied for under File DASZ 56/85 was not approved by Council in 1987. However, on June 19, 1996, Council approved File DAZ 224/95 to rezone all Phases of Inksbrook Industrial Park to an “M2” Industrial District, with the rezoning By-law No. 6895/96 being passed by Council on September 26, 1996.

Of concern to the applicant and the Community Committee when File DASZ 56/85 was being processed in 1987 was the fact that the land immediately adjacent and to the east of the proposed industrial park was then designated for "Future Neighborhood" development under Plan Winnipeg. Council on June 19, 1996, amended Plan Winnipeg to designate the land to an "Industrial" policy area.

On June 29, 1998, the Standing Policy Committee on Property and Development considered the proposed Phase 2 of the Inksbrook Industrial Park, as outlined on Schedule "A", and recommended approval subject to the Developer entering into an addendum to the Inksbrook Park Development Agreement AG 56/85 containing the provisions outlined below. The Standing Policy Committee did not concur in one of the provisions recommended by the Administration that “the Developer shall dedicate land within Phases 3 and 4 as public open space equivalent to 10% of the proposed subdivision”, and deleted the words “dedicate land within Phases 3 and 4 as public open space” and substituted therefore the words “pay cash-in-lieu of land dedication”, which amendment has been incorporated in the recommendation as set out below.

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The Standing Policy Committee on Property and Development recommends:

I. That Phase 2 of the Inksbrook Industrial Park, as outlined on Schedule "A", be approved, subject to the Developer entering into an addendum to the Inksbrook Park Development Agreement AG 56/85 containing the following provisions:

1. The Developer shall provide a report prepared by a municipal engineer outlining how land drainage will be accommodated and how the watermain will be looped.

2. The Developer shall, at no expense to the City, install wastewater sewers, watermains and land drainage sewers required to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.

3. The Developer shall, at no expense to the City, construct concrete pavements to a width of 10m in all streets within the proposed subdivision.

4. The Developer shall provide a secondary access from the proposed subdivision to Brookside Boulevard to the satisfaction of the Director of Public Works.

5. The Developer shall construct a temporary turnaround at the eastern terminus of Haggart Avenue to the satisfaction of the Director of Public Works.

6. The Developer shall pay its share of the cost of improvements to be installed in Inkster Boulevard as determined by the Director of Public Works.

7. The Developer shall pay its share of the cost of land drainage trunk facilities (TSR) benefiting the proposed subdivision as determined by the Director of Water and Waste.

8. The Developer shall pay cash-in-lieu of land dedication equivalent to 10% of the proposed subdivision.

9. The Developer shall pay $1,200.00 per acre to defray the City's administration and related fees associated with the preparation and implementation of the development agreement.

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

Adopted by consent.

(See Minute No. 925 for attachment)

Proposed Amendment to Development Agreement AG 11/92 - land located along the Seine River near Youville and Bertrand Streets - Riel Community
File DASZ 11/92 [c/r FI-2(35) (Vol. 6)]

883 - 6. On June 29, 1998, the Standing Policy Committee on Property and Development reconsidered Recommendations 1.B and 1.C as contained in Clause 1 of its Report dated May 21, 1998, as outlined on Appendix "A", which was referred back to it for reconsideration by the Executive Policy Committee on May 27, 1998.

Recommendation 1A. of the said Clause, which was adopted by Council on May 27, 1998, outlined the following:

I. That the Development Agreement AG 11/92 between the City of Winnipeg and the St. Boniface Development Corporation, be amended as follows:

A. By adding a clause whereby the City shall purchase approximately 1.96 acres of land from St. Boniface Development Corporation for public open space at a price to be determined by the Standing Policy Committee on Property and Development; with the funding for the said acquisition to be allocated from the Riel Community Land Dedication Account.

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Recommendations I.B and I.C of the said Clause outlined as follows:

B. By deleting the clause requiring St. Boniface Development Corporation to pay the cost of stabilizing the riverbank open space within both phases of the development other than work required to accommodate the construction of dwellings; with the intent that the environmental condition of the land is the responsibility of the St. Boniface Development Corporation.

C. By deleting the requirement that St. Boniface Development Corporation will construct a temporary land drainage outfall from Place Georges Forest to the Seine River, and by adding a clause whereby St. Boniface Development Corporation would front-end the cost of and construct a permanent outfall at the foot of Bertrand Street and that the City shall reimburse St. Boniface Development Corporation with interest commencing January 1, 1999, or upon completion of the work which occurs later.

The Standing Policy Committee on Property and Development has further considered the foregoing and reaffirms its Recommendations 1.B and 1.C as outlined above and resubmits said clause with a recommendation for its adoption.

Adopted by consent.

(See Minute No. 926 for attachment)

Proposed Rezoning - land located on Niakwa Road East and Tascona Road - Riel Community
File DAZ 217/98 [c/r DAS 13/81]

884 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Springs of Living Water Church to amend Zoning By-law No. 6400/94 by rezoning the land outlined from an "M1" Industrial District to a "PR2" Parks and Recreation District to permit the establishment of a private school and assorted accessory uses.

The following is the present site description:

Site Area: The overall site area totals approximately 50 acres and is divided into three parcels, the largest being on the north side of Niakwa Road.

Existing Land Use and Zoning: The subject lands are currently vacant and zoned for "M1" Industrial use.

The following is the surrounding land use and zoning: immediately adjacent lands to the north and east are zoned "M1" Industrial and generally not occupied.

The overall area to be rezoned totals fifty acres, but in the initial stage, the only area to be developed is a twelve acre parcel on the north side of Niakwa Road. It is hoped that as early as fall of this year construction on a 50,000 square foot building will begin on the twelve acre site. The building proposed will house a private school affiliated with the Springs of Living Water Church, in addition to accessory recreational facilities. Actual details (i.e., interior building plans, site plans) are not as yet available. The land will be developed in three phases, possibly over a five to ten year period. The proposed site will allow the administrators of the church to expand and develop to a scale which they currently would not be able to do at their existing site on St. Mary's Road.

Procedurally, the applicants have had to rezone the subject property to a "PR-2" Public Reserve classification in order to facilitate their proposed development. They have been interested in the subject property for some time but their proposed development was/is not a permitted use under the "M1" Industrial category. Because the area is designated Industrial under Plan Winnipeg, a residential rezoning was not an option without a Plan Amendment. However, Public Reserve areas are permitted in industrial designated areas (i.e., St. Boniface Industrial Park). Since "PR" areas permitted schools and churches, that appeared to be the most expedient route for the applicants.

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The Planning and Land Use Division has reviewed the proposal and is of the view that it can be supported, subject to all conditions outlined in the zoning agreement and the Administrative Co-ordinating Group report. Customarily, the Division would not recommend siting a public school on a parcel of land physically separated from a residential neighbourhood by a major thorough-fare such as Lagimodiere Boulevard. However, the school in this instance is private and the catchment area is city-wide. The student body, which is small, will be brought to the new facility by bus and car.

The fact that the proposed facility is close to occupied and operating industrial businesses should not, in the Administration's opinion, be viewed as a reason to oppose the subject proposal. Any number of schools (often public schools) are currently located adjacent to heavy industrial sites throughout the city. Archwood School on Archibald Street is an example.

The Administration suggests that detailed building and site plans be reviewed and approved by the Administration and the Riel Community Committee prior to the issuance of building permits.

A Public Hearing was held before the Riel Community Committee on June 16, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The private school is a charitable organization and will be beneficial to the neighbourhood.

2. There was no opposition to the application.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riel 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 217/98 dated June 1, 1998, to a "PR-2" Parks and Recreation District, subject to the following:

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

      1. That final construction plans indicating the design and location of the proposed buildings and structures, including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, landscaping, and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of building permit.

   B. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group for File DAZ 217/98 dated June 3, 1998, with the following amendments:

      (a) That the services outlined in Clauses 1a), 2, 3 and 4 be subject to the satisfaction of the Director of Property and Development Services and the Director of Public Works, after negotiations with the applicant on the closing of Niakwa Road East and the acquisition of the affected City properties adjacent to the subject land.

      (b) That Clause 7 be deleted and replaced with the following new Clause 7:

         7. The Church shall construct, at no expense to the City, watermains, wastewater sewers and land drainage sewers required to serve the proposed development including a gravity wastewater sewer to serve the existing properties known as 717 and 725 Lagimodiere Boulevard all as determined by and to the satisfaction of the Director of Water and Waste. The City shall construct an oversized land drainage sewer and outfall from the intersection of Niakwa Road East and Mazenod Road to the Bibeau Drain. The Church shall reimburse the City for oversizing of the land drainage works proportionately to the benefit its property receives and no security shall be required to guarantee this payment.

      (c) That Clause 8 be deleted and replaced with the following new Clause 8:

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8. The Church shall pay to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement a fee ranging from a minimum amount of $5,000.00 to a maximum amount of $25,000.00 in the event that full services are required in all of Niakwa Road East.

II. That a ten per cent 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, if applicable.

III. That, in the event this application is not proceeded with expeditiously and the By-law is not enacted within twenty-four 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.

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 By-law shall become effective 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 twelve months from the date that the said rezoning By-law 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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

Moved by Councillor O'Shaughnessy,
Seconded by Councillor Steek,

THAT Recommendation II. be deleted and substituted with the following:

II. That a ten per cent dedication 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 be waived on the grounds that the subject church organization is a charitable organization.

The amendment was put and declared carried.

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

(See Minute No. 927 for attachment)

Proposed Zoning Agreement Amendment - land located at 1991 Brookside Boulevard, east side, north of Inkster Boulevard - Lord Selkirk-West Kildonan Community
File ZAA 2/98 [c/r DAZ 228/78]

885 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from David Sutherland (Husky Oil Ltd.), to amend the Zoning Agreement affecting the property by adding to the list of permitted uses Fuel Sales; Key-Lock station.

The following is the present site description:

Site Area: Approximately 15 acres

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Existing Land Use and Zoning: Gerschman Transport truck terminal and accessory storage, repair, and office; zoned "M1" Industrial District

The applicant proposes to establish a key-lock fuel sales use, in conjunction with the truck terminal operation. The key-lock use will primarily serve trucks destined to or departing from the terminal operation. The fuel sales will not cater to a retail automobile clientele (defined in Zoning By-Law No. 6400/94 as Fuel: Sales kiosk).

The proposed use will have no adverse impact on adjacent properties or on the surrounding area. Brookside Boulevard, both within the City of Winnipeg (east side) and within the Rural Municipality of Rosser, is developed with similar and compatible uses.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on June 9, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reason:

1. The proposed use will have no adverse impact on adjacent properties or on the surrounding area.

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

I. That Zoning Agreement DAZ 228/78 (By-Law No. 2508/79), dated December 19, 1979, be amended by adding to the list of permitted uses Fuel Sales; Key-Lock station.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 228/78 (By-Law No. 2508/79), dated December 19, 1979, as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City be 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 terms of The City of Winnipeg Act.

Adopted by consent.

Proposed Amendment to the License By-law No. 6551/95 - Pawnbrokers, Second Hand Dealers, Precious Metals Dealers and Antique Buyers File EL-1 (Vol. 31)

886 - 9. The Standing Policy Committee on Property and Development has been advised that the Administration has recommended improvements to the reporting requirements of the Licence By-law No. 6551/95 by eliminating the need to report certain items, allowing for a computerized recording system, prohibiting transactions involving goods where the serial number or other identifiers has been tampered with, defaced or removed and allowing the dealers to obtain an inked index finger impression from clients that do not have other acceptable identification.

The City of Winnipeg License By-law No. 6551/95 requires that a specific record keeping system be maintained by pawnbrokers, second hand dealers, precious metals dealers and antique buyers, which currently is a manual system that requires every transaction to be manually logged into a book. In addition, a report for each individual item in the form of a green card must be prepared and delivered to the Winnipeg Police Service, Pawnshop Unit, on a daily basis. This system is archaic and cumbersome for those pawnshops, second hand dealers, precious metal dealers and antique buyers, that have invested in more advanced methods of record keeping using computer technology. A change to allow for computerized record keeping would be of great benefit to the business community as well as to the Winnipeg Police Service, Pawnshop Unit who monitors the activities of these businesses.

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Second hand dealers, precious metal dealers, or antique buyers that deal in used household furniture, clothing, books, magazines used hockey equipment, records, movie videos, computer games, sports cards and cassettes are also subject to recording items which come into their area of trade. These items are of lower value, and are usually seen in second hand stores throughout the City include operations such as the Salvation Army Thrift Stores, Goodwill Industries, and various other outlets. The requirement to have these types of unidentifiable items recorded and to report every transaction involving these items to the Winnipeg Police Service is of questionable value, and causes needless expense to the dealer and to the Winnipeg Police Service.

The Administration's recommendation for an amendment to the License By-law, relating to a person convicted of an offence under The Hazardous Products Act, is in response to a request from Health Canada, who are aware of certain products deemed to be dangerous to the public being pawned or sold as second hand goods.

RECORD KEEPING

The City of Winnipeg License By-law No. 6551/95 requires that anyone carrying on the trade of a pawnbroker or second hand dealer comply with special provisions as set out in the By-law. Section 34.1 of the License By-law states in part:

> "34. (1) Every pawnbroker shall
>
> (a) keep a book in the form which is attached and marked as Schedule D in which shall be clearly written in ink, at the time of each loan or purchase, an accurate account and description of the goods, articles or things so pawned, pledged or purchased, a statement of any distinctive marks on those goods, the time of the transaction, the rate of interest to be paid on the loan or the terms of the repurchase agreement, the name, address and a detailed description of the person pawning, pledging or selling the goods, articles or things. No entry made in the book shall be erased, obliterated or defaced and no leaves shall be torn out."

The present method of recording pawned items and second hand goods is very time consuming and expensive for the both the dealers and the Winnipeg Police Service. The dealers must manually record transactions in a ledger type book, and also fill out a report card which must then be delivered to the Winnipeg Police Service each day.

At present the Winnipeg Police Service, Pawn Shop Unit has approximately 50,000 cards which are manually sorted and filed, and date backwards up to six months. Until recently all cards were checked by civilian police personal against information recorded in the Canadian Police Information Centre (CPIC). As of September 15, 1996, this task is being carried out by Police Officers thereby commanding valuable resources which could be better utilized in other enforcement activities.

The current recording system is very tedious and inefficient. An up to date, state of the art, computer based record keeping system would streamline the task of recording these items for the dealers as well as the Winnipeg Police Service by allowing for electronic filing of transactions. Numerous pawnshop dealers were canvassed and the majority indicated they were in favour of the proposed amendments to the By-law. In addition, a meeting was held with the President of the Pawnbrokers Association who indicated that the Association is also in favour of the proposed amendments. This amendment may directly assist the Winnipeg Police Service in the prevention and detection of crime.

DESCRIPTION OF GOODS

In addition to the new computer based record keeping system, there is a need for more accurate identification of the goods offered for pawn or sale. The Administration recommends that no transaction shall take place where serial numbers or other identifiers have been tampered with, defaced or removed. This would eliminate this market for these types of goods.

Currently the Winnipeg Police Service is receiving thousands of cards for items of questionable value and are, in fact, not receiving green cards for all reportable items. The changes to the requirement for all dealers to record and report specific types of goods that are normally of lower monetary value, are difficult if not impossible to identify, or are not normally the type of items stolen would reduce the mountain of useless information being recorded by both the dealers and the Winnipeg Police Service. This would be most apparent for not-for-profit and charitable organization that deal primarily in these items for gain. The amendment is not likely to cause any reduction in costs but rather would improve efficiency by allowing the Winnipeg Police Service to concentrate their limited resources on items generally

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associated with crime. The requirement for pawnbrokers to continue only to record transactions involving these goods would be retained.

IDENTIFICATION OF CUSTOMERS

The dealers feel that having a section in the By-law that sets out strict identification requirements for customers as well as for the goods, articles or things offered for pawn or sale will benefit both the dealers and City. The addition of strict identification requirements in the By-law, of the persons who are attempting to pawn or sell goods, articles, or things will help to prevent the misuse of identification.

At the present time a number of dealers are in favour of and are presently obtaining an inked index finger impression from clients who do not have proper identification. This inked index finger impression would remain as part of the pawnbroker records and would not be made available to enforcement agencies except for investigations resulting from violations of the By-law.

HAZARDOUS PRODUCTS

The addition of a section to deal with persons convicted of an offence under The Hazardous Products Act is felt to be necessary as certain cases have been brought to our attention where products and other items such as unsafe child car seats or baby cribs that are deemed to be unsafe under Federal legislation are being pawned or sold. A conviction for dealing in these products would result in a license either not being issued or where a license has been issued, a possible revocation of the license.

The Administration therefore recommends that the proposed amendments, as outlined on Appendix "A" be implemented. There is no financial impact as a result of the recommendations outlined.

The Standing Policy Committee on Property and Development recommends:

I. That the provisions of The City of Winnipeg Licence By-law No. 6551/95 be amended with respect to pawnbrokers, second hand dealers, precious metals dealers and antique buyers:

A. To allow for the use of the more efficient and advanced methods of computer technology to record and monitor the transactions of goods that have been either pawned or purchased by dealers and to allow for electronic filing of this data with the Chief of Police as an alternative to the normal manual process of reporting cards being delivered daily.

B. By deleting the requirement for pawnbrokers, second hand dealers, precious metal dealers and antique buyers to report to the Chief of Police, transactions for the following items:

- Used Household furniture
- Clothing and Accessories
- Books and Magazines
- Sports Cards
- Sports apparel
- Cassettes, Records, Compact Discs, Movie Videos, and Computer Games.

C. By deleting the requirement for second hand dealers, precious metal dealers and antique buyers to record transactions for the following items:

- Used Household furniture
- Clothing and Accessories
- Books and Magazines
- Sports Cards
- Sports apparel
- Cassettes, Records, Compact Discs, Movie Videos, and Computer Games.

Report of the Standing Policy Committee on Property and Development dated June 29, 1998

D. To require that no transaction shall take place where serial numbers or other identifiers have been tampered with, defaced or removed.

E. To include strict identification requirements providing options for acceptance of photo identification, multiple personal identification or inked index finger impressions (finger print).

F. By further amending the License By-law so that where an applicant has been convicted of an offence related to the selling of goods under The Hazardous Products Act 1968-69 C.42, S, in the preceding three years that, subject to the right of appeal the issuance of any license to such an applicant shall be injurious to the public interest.

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

Adopted by consent.

(See Minute No. 928 for attachment)

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 30, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated June 30, 1998, was considered clause by clause.

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

Councillor Murray requested that Clause 1 be pulled from the Consent Agenda.

887 - Councillor Thomas asked to be recorded as having voted against Clause 5, in accordance with Rule 50.7 of the Procedure By-law.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5 and 6 was put and declared carried.

Proposed Sale of the Leland Hotel, the J.H. Ashdown Warehouse and the Royal Bank Tower buildings File G-3.1.1

888 - 1. On May 27, 1998, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Murray,
Seconded by Councillor Lubosch,

BE IT RESOLVED that the City sell the Leland Hotel, Ashdown Store and Royal Bank Tower.

The Standing Policy Committee on Property and Development recommends that the above motion not be concurred in, and that should a bona fide offer come forward relative to the Leland Hotel, the former Big 4 Sales (Ashdown Hardware Store) and/or the Royal Bank Tower buildings, the proposal be examined as to its merits.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Angus, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 9

Nay: Councillors Golden, Lazarenko, Murray, Thomas and Vandal. 5

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

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

Proposed Lease Agreement between Good Neighbours Retirement Centre Inc. and The City of Winnipeg - 755 Henderson Highway - East Kildonan-Transcona Community File FI-2.2(33) (Vol. 1)

889 - 2. The Standing Policy Committee on Property and Development has been advised that the subject building at 755 Henderson Highway was initially constructed in 1951 and utilized as the East Kildonan Community Committee office. Presently, the main City activity is a monthly meeting of the East Kildonan-Transcona Community Committee.

On October 22, 1997, Council considered a report of the Committee on Finance and Administration dated September 29, 1997, which included the following content:

> "755 Henderson Highway
> This building was vacated by the Social Services Department in August 1996. In reply to a request from the Civic Buildings Department to consider alternative locations of holding Community Committee meetings, the East Kildonan-Transcona Community Committee, at its meeting held on September 17, 1996, unanimously recommended that the building not be sold. The Community Committee went on to advise:
>
> In addition, Community Committee unanimously recommended that the Civic Buildings Department explore and consider alternative uses so that future tenants of the building at 755 Henderson Highway provide compatible and similar services to the community. The Community Committee further stressed the importance of the strategic location of the park on the South side of the building, as well as the symbolic significance of the Veterans cenotaph on the North side of the building.
>
> The Civic Buildings Department is currently investigating the history of the parks/cultural aspects of this property. With no identifiable civic accommodation need for this site, beyond the monthly Community Committee use, it is neither within the Civic Building Department mandate nor does the Department have sufficient resources to maintain such an under-utilized building for a protracted period of time.
>
> The East Kildonan-Transcona Community Committee on November 14, 1996, recommended that the property not be declared surplus and on June 17, 1997, recommended that a management agreement be entered into with the Good Neighbours Retirement Centre Inc. for use of the premises, on condition that the Community Committee reserves the right to use the 2nd floor, Council Chambers at 755 Henderson Highway for meetings in the community. The Committee on Finance and Administration has concurred with the recommendation of the East Kildonan-Transcona Community Committee that the property not be declared surplus at this time, and referred the matter of a management agreement to the administration for further discussion."

The Property and Development Services Department has developed proposed terms and conditions of a lease agreement after consultation with the Assessment Department and the Good Neighbours Retirement Centre Inc., as outlined on Schedule "A". The Good Neighbours Retirement Centre Inc. is a not for profit organization. The Manitoba Assessment Act provides an exempt status for school tax levies and a taxable status for municipal taxes. The Good Neighbours Retirement Centre Inc. has requested a lease for a five-year term with two additional five-year options to renew. In exchange for the organization's control and maintenance of the subject property, it is requesting a nominal rental of $1.00 per annum plus relief of the municipal tax portion of the realty tax bill.

A summary of the proposed terms and conditions are as follows:

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

Term	Five years commencing August 1, 1998, or mutually agreed upon, plus two options to renew for two additional five year terms.
Tenants Responsibilities	All costs of occupancy including realty taxes, operating costs, caretaking, glazing and decorating, utility and security costs, insurance and providing a meeting space for the East Kildonan-Transcona Community Committee. Contribution to the maintenance and repair of the major structural components inclusive of roof, bearing walls, operating equipment and foundation up to a maximum of $500.00 per expenditure.
City's Responsibilities	Maintain the structural component and operating equipment inclusive of roof, bearing walls, foundation, heat, ventilation, air conditioning systems, plumbing and electrical systems.
Cancellation	One hundred and eighty days, by either the tenant or the City.

The Good Neighbours Retirement Centre Inc. has taken the position that since it will use the subject property as a community service facility providing social and recreational services and programs to retirees from throughout the City and since it will be eliminating the City's operating expenditures for the building and providing a meeting space for the Community Committee, consideration should be given to the provision of a grant in an amount equal to the annual municipal tax levies inclusive of local improvement levies (no local improvement levies identified for 1998).

The municipal levy portion of the realty taxes is approximately $13,000.00. At this time the Good Neighbours Retirement Centre Inc. are requesting relief from the City in the form of a grant to cover the municipal realty taxes. However, since it is anxious to commence occupancy of the subject property, it has requested that the matter of realty taxes be considered as a separate matter and that the terms and conditions of the lease be approved in isolation of the request for relief of the municipal taxes.

If the City provides the grant of approximately $13,000.00, the amount is offset by the annual operating costs that the City would normally incur for the property in its present limited use (approximately $15,000.00) which will now be incurred by the Good Neighbours Retirement Centre Inc.

In summary, since the subject property is not to be declared surplus, a lease to the Good Neighbours Retirement Centre Inc. eliminates the City's operating costs for the subject building, provides social and recreational services and programs to the retired members of the community and also maintains the property available for the East Kildonan-Transcona Community Committee meetings.

The proposed terms and conditions of the lease make the Good Neighbours Retirement Centre Inc. responsible for payment of all realty tax levies as may be required by the City of Winnipeg. It will only be relieved from payment of the municipal levies if Council provides a grant in the amount of those levies. A financial impact sheet is on file in the Office of the City Clerk.

The Property and Development Services Department recommended approval of a lease agreement with the Good Neighbours Retirement Centre Inc. in accordance with the terms and conditions of the proposed Lease Agreement as outlined on Schedule "A". The Department also recommended approval of an annual grant to the Good Neighbours Retirement Centre Inc. in an amount equivalent to the municipal tax levy and local improvement levies for the property known as 755 Henderson Highway. The Department advised that approval of lease agreements for City properties at less than market value, as well as approval of grants to non-profit organizations, require the approval of Council.

On June 30, 1998, the Standing Policy Committee on Property and Development heard representation in support of the proposed lease from Councillor Lubosch, North Kildonan Ward, along with Tracy Wayne, Executive Director, Phyllis Egan, Secretary, Jean Jurek, Social Committee Chair and Jake Suderman, Treasurer, Good Neighbours Retirement Centre Inc.

On June 30, 1998, the Standing Policy Committee referred the administrative recommendation for approval of an annual grant to the Good Neighbours Retirement Centre Inc. in an amount equivalent to the municipal tax levy and local improvement levies for the property known as 755 Henderson Highway to the annual budget deliberation process.

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be authorized to enter into a lease agreement with the Good Neighbours Retirement Centre Inc. in accordance with the terms and conditions of the proposed Lease Agreement as outlined on Schedule "A".

II. That the City Solicitor/Manager of Legal Services be authorized to include such other terms and conditions as are deemed necessary to achieve the intent of Council and to protect the interests of the City; including the use of the Main Floor of 755 Henderson Highway during the period October 19 to 24, 1998, inclusive, for the 1998 Civic Election.

III. 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 Schedule "A" and Misc. Plan No. 10032 are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Expropriation Settlement - Estate of Samuel Steele - south side of Inkster Boulevard, east of Brookside Boulevard - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 4)

890 - 3. The Standing Policy Committee on Property and Development has been advised that negotiations with the Estate of Samuel Steele, the former owner of the property outlined as "Expropriated by By-law No. 155/77" on Misc. Plan No. 8031/3, have now produced a supportable settlement. The Property and Development Services Department is submitting the following to the Standing Policy Committee on Property and Development for recommendation to Executive Policy Committee seeking the authorization to finalize the negotiated expropriation settlement.

On April 6, 1977, Council adopted the recommendation to acquire by means of expropriation the lands outlined as "Expropriated by By-law No. 155/77" on Misc. Plan 8031/3, for the purpose of widening Inkster Boulevard. On January 4, 1978, Council authorized an offer of compensation, under the provisions of The Expropriation Act of Manitoba, in the amount of $6,000.00, for the "Expropriated by By-law No. 155/77" lands. The offer of compensation was made to the owners and which they declined to accept.

In January of 1989, Ramsey Street was closed by By-law No. 5035/88, part of which is outlined as "The Lands" on Misc. Plan No. 8031/3. At the time of the closing both adjacent property owners were offered for sale the half of "The Lands" bordering their respective property. Both property owners declined the City's offer.

During previous negotiations, the Estate of Samuel Steele has proposed a variety of land exchanges and purchase/sale options that have included the "City-owned property" outlined on Misc. Plan 8031/3. These proposals were not in the City's best interest or not economically supportable. Recent rounds of negotiations have resulted in the Estate agreeing to supply the City with a Release and Quit Claim pursuant to the outstanding expropriation, in exchange for purchasing "The Lands" for the sum of $1.00. The Estate will continue to pursue the proposed purchase of the "City-owned property", located at the intersection of Inkster and Brookside Boulevards, independent of this matter.

The expropriated land is located on the south side of Inkster Boulevard, east of Brookside Boulevard, and is legally described as Parcel B, Plan 27996 D.G.S. NW 23-11-2EPM.

The City-owned lands, referred to as "The Lands" as outlined on Misc. Plan No. 8031/3, are located north of Lucas Avenue, between Brookside Boulevard and Barnham Crescent, and are legally described as Parcels C/D, Plan 23309, D.G.S. NW 23-11-2EPM.

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

Pursuant to The Manitoba Expropriation Act, the City is liable to the Estate for approximately $30,200.00 in due compensation, if the expropriation is settled at this time. That is, $6,000.00 being the original offer of compensation plus approximately $24,200.00 in statutory interest calculated to July 1, 1998. An internal appraisal has estimated the market value of "The Lands" to be $29,000.00. The difference between the City's due compensation owing and the estimated market value of "The Lands" is not appreciable.

The Real Estate Division of the Land and Development Services Department is of the opinion that this proposed settlement is in the City's best interests. The alternative to accepting this settlement proposal is to proceed to the Land Value Appraisal Commission (LVAC) for arbitration. The aggregate costs of litigation would exceed the cost of the settlement proposal described.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed settlement of due compensation resulting from the expropriation of the property outlined as "Expropriated by By-law No. 155/77" on Misc. Plan No. 8031/3, be approved in accordance with Schedule "A".

II. That the proposed sale of City-owned land, outlined as "The Lands" on Misc. Plan No. 8031/3, be approved for the amount of $1.00, plus receipt of a duly executed Release and Quit Claim, pursuant to expropriation By-law No. 155/77, and in accordance with Schedule "A".

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

Copies of Misc. Plan No. 8031/3 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Acquisition - Future Widening of St. Mary's Road between Eugenie Street and Vivian Avenue - 142 Enfield Crescent - Riel Community File FI-2(35) (Vol. 6)

891 - 4. The Standing Policy Committee on Property and Development has been advised that in a letter dated October 9, 1997, the owners of 142 Enfield Crescent offered to sell the subject property to the City because they were incurring difficulty in selling it in the marketplace since it is required by the City for the future widening of St. Mary's Road.

In a report dated May 4, 1998, the Public Works Department identified a need for the subject property for the proposed future widening of St. Mary's Road between Eugenie Street and Vivian Avenue. The construction of a six lane divided facility on St. Mary's Road to replace the existing four lane facility between Eugenie Street and Vivian Avenue is required to improve safety and increase capacity to accommodate existing and projected travel demand. The construction of a median will separate opposing traffic flows, provide a place to store left turning vehicles at median openings, provide refuge for crossing pedestrians/vehicles and will limit the movement of vehicular traffic entering or exiting the roadway. The proposed acquisition of the subject property will facilitate this proposed future roadway requirement.

On May 12, 1998, the Standing Policy Committee on Public Works concurred in the recommendation that the Director of Property and Development Services be authorized to negotiate the purchase of the property as described.

Ensuing negotiations with the owners of the subject property have now resulted in agreement on the terms of the proposed acquisition by the City. In a fax dated June 10, 1998, the owner's solicitor confirmed his client's agreement to the proposed sale of the subject property to the City, in accordance with the City's recommended offer and on the terms and conditions as specified on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

The proposed acquisition proposal in the all-inclusive amount of $70,000.00 reflects the market value of the subject property as estimated by the Property and Development Services Department, and therefore, the Department supports the settlement amount.

With respect to Condition Nos. 3 and 4(b), the owners agreed to provide the City with vacant possession as of August 10, 1998, and recommended that, as a condition of sale, they be permitted to remove all of the appliances, including the television antenna which is affixed to the roof of the building. In the event of any damage caused by such removal, the owners have agreed to undertake all repairs as required and at their expense prior to possession.

The Property and Development Services Department in preparing the proposed terms and conditions of purchase as outlined on Schedule "A" considers them to be acceptable conditions in the proposed purchase of a privately-owned property by the City.

By proceeding with this proposed acquisition based on the City's recommended purchase price and terms and conditions as now accepted by the property owners, the City will be in possession of the subject property for consolidation with its current holdings and will not have to concern itself with market conditions in future years which could potentially increase the acquisition cost. The proposed settlement will also eliminate the need for this property to be expropriated by the City together with the risk of a litigated award, plus costs such as legal fees, statutory interest, etc., all of which would be entitlements to the property owners under The Expropriation Act.

Once purchased, this residential property is not to be demolished but placed on the Property and Development Services Department's property management program until such time as the property is required for future roadway widening purposes.

Thus, the Public Works and Property and Development Services Departments are both of the opinion that it would be in the best interests of the City to settle this matter on the basis of the proposal as outlined.

A financial impact sheet, which reflects the proposed purchase price, is on file in the Office of the City Clerk. Additional incidental costs such as payment of the WLTO registration and GST will also be incurred.

On May 26, 1998, the Public Works Department confirmed that adequate funding for this acquisition and attendant costs is available in Capital Account No. 03-118117-5195100727 WL 084.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property", as outlined on Misc. Plan No. 10415, be approved at an all-inclusive price of $70,000.00, in accordance with the terms and conditions as outlined on Schedule "A".

II. 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 Schedule "A" and Misc. Plan No. 10415 are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Acquisition - Portage Village Inn - 305/311 Portage Avenue - Lots 424/425, Block 3, Plan 129 - City Centre Community
File FI-2.4(32) (Vol. 6)

892 - 5. The Standing Policy Committee on Property and Development has been advised that in a memorandum dated May 13, 1998, the Business Liaison and Intergovernmental Affairs Division of the CAO Secretariat advised that the Executive Policy Committee had informally instructed the Administration to pursue an offer to purchase the subject property - the Portage Village Inn at 305/311 Portage Avenue.

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

At a Special Meeting on May 21, 1998, the Standing Policy Committee on Property and Development Services authorized the Director of Property and Development Services to negotiate for the acquisition of the Portage Village Inn property at 311 Portage Avenue and report back.

Accordingly, the Property and Development Services Department inspected the subject property, contracted out a property appraisal, and in turn, recommended an offer for the proposed purchase of the subject property.

Ensuing negotiations with the owners and their solicitor have now produced an agreement on the terms of the proposed acquisition by the City. One of the owners has advised that the building was originally constructed as six storeys but the upper levels suffered a fire and the building now consists of only two levels plus the basement. The building contains a large beverage room having 299 seating capacity and a licensed restaurant/coffee shop with a seating capacity of 30 persons. Commercial space on the main floor once existed on the Donald Street side; but after it was vacated and was unrentable, was annexed to and now forms part of the hotel beverage room. There are also 38 rental units in total of which 21 are rented to welfare recipients. Rooms vary in size and shape, some being single and some being doubles.

According to the owner, the entire building was upgraded in 1987/1988. At that time, all fire and building code requirements were satisfied. The entire building received hard wired smoke/heat detection equipment, emergency lighting, etc. The guest rooms received new electrical wiring and baseboards to augment the steam heat system. The cost of this part of the upgrade was approximately $250,000.00. New lighting, electrical and fire protection equipment was installed in the sub-floor as well. Most of the main feeds and a good number of the guest rooms were re-plumbed. At that time, the antiquated galvanized pipes were replaced with copper lines. All steam radiators received control valves and electronic time clocks were installed to better control the heating. This work came in at a cost of approximately $80,000.00. The beverage room received new washroom facilities with entirely new feed lines, etc. at an approximate cost of $20,000.00. The steam boiler is approximately seven years old.

Ongoing improvements were done to the building throughout 1987, 1988 and 1989 at an approximate total cost of $130,000.00. During this upgrade, a new cooler was built (1,500 square feet) and was equipped with three sets of blowers along with an oversized air cooled compressor.

Other upgrades include the insulation and stuccoing-over of all of the picture windows surrounding the building. Other changes to the layout of the main floor were made with the thought that at some point in time, a large portion of what is presently being used as beverage room area, would be re-converted back to retail rental space.

In a letter dated June 9, 1998, the owners' solicitor advised the Property and Development Services Department of the following: -

> "We are authorized and instructed by our clients, the owners of the referenced property, to advise you that they agree to sell the land and building to the City for the price of $438,600.00; and will deliver up vacant possession of the property to you at date of closing, as set out in the draft agreement you have submitted to our clients, as altered by this writing.
>
> Our clients will retain and remove from the building at their own expense before closing, all chattels, fixtures, inventory and equipment used in the hotel business conducted in the property, including the accommodate of its residential guests.
>
> Our clients will at closing deliver to you, as part of the building, all machinery, fixtures and equipment constituting the electrical, plumbing and mechanical systems of the building, in order that the operation of the building may be continued.
>
> Realty taxes will be adjusted for 1998 as at closing date. Our clients will be responsible for all prior years' tax arrears and for all penalties added to taxes to closing date".

The proposed purchase price in the amount of $438,600.00 reflects the market value of the subject property as estimated by the independent accredited appraiser retained by the City. This market value estimate is developed on the subject property as a going concern, ie. an operating hotel. The owners would retain the chattels and fixtures used in the hotel business, however, the City would have no need for these chattels or fixtures. Therefore, the Property and Development Services Department supports the proposed purchase price as outlined.

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

The Real Estate Division of the Property and Development Services Department in preparing the proposed terms and conditions of purchase as identified on Schedule "A" and as amended above by the owners' solicitor, considers them to be acceptable conditions in the proposed purchase of this privately-owned property by the City.

By proceeding with this proposed acquisition based on the acquisition proposal as outlined, the City will be in possession of this hotel property. Although the building is old, being 115 years, and suffers functional obsolescence and incurable physical deterioration consistent with its age, the improvements and repairs as previously identified, that were completed to the subject building in the recent past have extended its remaining economic life for some time into the future.

The Planning and Land Use Division advises that the proposed acquisition will support the current "Portagescape" and the Portage Avenue Property Association/Winnipeg Development Agreement investment fund initiatives aimed to improve the Portage Avenue pedestrian and business environments. In addition, the acquisition places the City in a stronger position to positively affect the impact of this property on the downtown and to encourage a reuse consistent with the goals of CentrePlan.

According to the Heritage Planner, the subject building is on the Historical Buildings Inventory List. In accordance with the Historical Buildings By-law No. 1474/77, if demolition is to proceed, the Historical Buildings Committee must first review it to determine if the subject building has any historical merit.

A financial impact sheet, which reflects the proposed purchase price, plus incidental costs such as payment of WLTO registration and GST to be incurred, is on file in the Office of the City Clerk.

In a memorandum dated May 13, 1998, the Business Liaison and Intergovernmental Affairs Division recommended that all costs of this property acquisition be charged to the Land Operating Reserve Account and to the Winnipeg Development Agreement on a 50/50 basis with all future recoveries through sale to be returned to the Land Operating Reserve as a first priority.

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 recommends 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.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" as outlined on Misc. Plan No. 10390, be approved at a price of $438,600.00, and in accordance with the terms and conditions as specified on Schedule "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 Schedule "A" and Misc. Plan No. 10390 are on file in the Office of the City Clerk.

Adopted by consent.

(See Minute No. 887 for opposition recorded by Councillor Thomas)

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

Proposed Land Exchange for the West Ridge Community Centre - lands located on Sigma Avenue, Cloverwood Road and Roseglen Drive - Assiniboia Community
File FI-2.4(31) (Vol. 4)

893 - 6. The Standing Policy Committee on Property and Development has been advised that on October 14, 1997, the Assiniboia Community Committee recommended that the Roseglen Public Reserve (outlined as Parcel 4 on Misc. Plan No. 10053/1) and Lot 27 in Block 7, Plan 30097 WLTO, located on the east side of Cloverwood Road, be declared surplus to parks and recreation needs. The Community Committee also recommended that those surplus lands be exchanged for Parcels 1, 2 and 3 (as outlined on Misc. Plan No. 10053/1). (Note that the west limit of Parcel Three has since been shifted easterly by approximately 12 feet at Qualico's request in the course of negotiations.)

On January 6, 1998, the Standing Policy Committee on Property and Development approved as to need, the proposed acquisition of the subject lands and the disposal of the surplus City properties by way of exchange, and referred the matter to the Property and Development Services Department for negotiation and report back.

The particulars of the subject properties are as follows:

Qualico Development Ltd. Lands

Property	Location	Legal Description
Parcel 1	South side of Sigma Avenue, east of Cloverwood Road, as outlined on Misc. Plan No. 10053/2	Lots 10/23, Block 11, Plan 1552
Parcel 2	East side of Cloverwood Road, south of Sigma Avenue, as outlined on Misc. Plan No. 10053/1	Lots 31/34, Block 7, Plan 30097
Parcel 3	Southwest corner Sigma Avenue at Cloverwood Road, as outlined on Misc. Plan No. 10053/2	Part Lot 19 and all Lots 20/23, Pt Lots 19 and 24, Block 8, Plan 1552

City of Winnipeg Lands

Parcel 4	Roseglen Crescent, as outlined on Misc. Plan No. 10053/1	Public Reserve Plan 30097
Lot 27	East side Cloverwood Road at Hawkwood, as outlined on Misc. Plan No. 10053/2	Lot 27, Block 7, Plan 30097

Negotiations with Cairns Developers and then Qualico Development Ltd. resulted in the proposed land exchange, as outlined on Schedule "A".

The caveat referred to in Term No. 3 on Schedule "A" pertains to an agreement between the City of Winnipeg and Cairns Developers (the developer) in which it was agreed that no building permit would be issued for Parcels 1 and 3 until further rezoning and servicing.

Conditions 14 through 17 were added by Qualico Development Ltd. and are acceptable to the Planning and Land Use Division.

The proposed land exchange favours Qualico Development Ltd. by approximately $28,000.00, and which represents amounts for the Local Improvement charges assessed against Parcel 3 plus the trunk sewer charges to be assessed against both Parcels 1 and 3. Qualico Development Ltd. is prepared to agree to an exchange of lands only if it is done on a "straight exchange" basis with no cash differential to be owed by it. The alternative of not proceeding with the exchange is not acceptable as it would result in the City having to develop its Parcel 4 as a park.

The Planning and Land Use Division advised that the expenditure of funds to develop the Roseglen property as a park is not warranted, and would be superfluous when one considers the future West Ridge Community Centre will be built close by. Acquisition and incorporation of the subject lands into the future West Ridge Community site will:

Report of the Standing Policy Committee on Property and Development dated June 30, 1998

(a) Help buffer the transition between the smaller urban area of Whyte Ridge and the more rural Fort Whyte area;

(b) assist in creating a more effective site for the future community centre; and,

(c) will reduce expenditures for park development.

The Real Estate Division considers the exchange to be the best course of action and recommends its finalization in accordance with the terms and conditions as outlined on Schedule "A".

The physical development of that portion of Cloverwood Road, adjacent to Parcels 1, 2 and 3 is dealt with under a separate agreement with the Development and Inspections Division, such that no vehicular access will occur between Cloverwood Road and Sigma Avenue (pedestrian access only).

Qualico Development Ltd. has not made the proposed exchange conditional upon any rezoning of the Roseglen Crescent Park. Qualico Development Ltd. has indicated its intent to conclude this transaction without such a condition and will soon proceed with a rezoning and subdivision application.

On April 29, 1998, Council approved the allocation of funds in the amount of $37,080.00 from the Assiniboia Land Dedication Reserve Fund to finance the closing costs of the proposed land exchange.

Inasmuch as the proposed land exchange has not been described within any Council-approved program, the terms of this proposed land exchange require Council approval.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposed land exchange described be approved, in accordance with the terms and conditions outlined on Schedule "A", subject to Recommendation II.

II. That the City-owned properties outlined as Parcel 4 and Lot 27 in Block 7, Plan 30097 WLTO, as outlined on Misc. Plan No. 10053/2, be declared surplus to the City's needs.

III. 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 Schedule "A", Misc. Plan Nos. 10053/1 and 10053/2, are on file in the Office of the City Clerk.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JULY 21, 1998

On motion of Councillor O'Shaughnessy, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated July 21, 1998, was considered clause by clause.

Request for Amendment to Development Agreement AG 230/94 - Superstore at 3193 Portage Avenue - Assiniboia Community File DAZ 230/94 [c/r AG 230/94]

894 - 1. The Standing Policy Committee on Property and Development has been advised that Westfair Properties has requested an amendment to Development Agreement AG 230/94, which Agreement requires Westfair Properties to pay the cost of installing traffic control signals at the intersection of Ness Avenue and School Road. Westfair Properties outlines in its letter that the traffic generated by Superstore appears to have a minimal impact on the intersection of Ness Avenue and School Road.

The Public Works Department has recently reviewed the need for the installation of traffic control signals at the intersection of Ness Avenue and School Road and has concluded that signals are not required. A memorandum dated May 14, 1998, contains the details of the Public Works Department's analysis of "before and after" traffic at the intersection of Ness Avenue and School Road.

The Administration therefore recommends that the City concur with Westfair Properties' request that the Development Agreement AG 230/94, be amended by deleting Clause 5. of Schedule "C" which clause requires Westfair Properties to pay the cost of installing traffic control signals at the intersection of Ness Avenue and School Road.

On July 14, 1998, the Assiniboia Community Committee considered the report dated May 19, 1998, from the Land Development Engineer, Property and Development Services Department and concurred in the request from Westfair Properties to amend Development Agreement AG 230/94 as outlined below.

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

I. That Clause 5 of Schedule "C" of Development Agreement AG 230/94, requiring Westfair Properties to pay the cost of installing traffic control signals at the intersection of Ness Avenue and School Road, be deleted.

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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

Proposed Rezoning - land located at 390 Henry Avenue, south side of Ellen and Fountain Streets - Lord Selkirk-West Kildonan Community File DAZ 226/98

895 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Nejmark Architect, to amend Zoning By-Law No. 6400/94 by rezoning the land outlined from an "R2-T" Residential District and an "M2" Industrial District to an "M1" Industrial District to allow for the expansion of an existing industrial use.

Site Area: Approximately 1.82 acres (79,425 square feet)

Report of the Standing Policy Committee on Property and Development dated July 21, 1998

Existing Land Use and Zoning: One-storey, masonry industrial building and accessory asphalt paved parking area; zoned "M2" Industrial District vacant; zoned "R2-T" Residential District.

The following is the surrounding land use and zoning:

North: Across Henry Avenue, warehouse building; zoned "M2"

South: Across Logan Avenue, six-storey apartment building with main floor retail; zoned "C2" Commercial District

East: Across Fountain Street, industrial operation with outside storage; zoned "M2"

West: Across Ellen Street, four single-family dwellings, Logan House/Chief Cornerstone Church facility, and vacant lot; zoned "R2-T" and "C2."

The applicant proposes to rezone the subject site to accommodate the expansion of the display manufacturing plant currently operating onsite, as well as a surface parking area accessory to this use. The building expansion will double the size of the current operation. A second loading area will be located at the north end of the building, adjacent to Henry Avenue. The proposed accessory parking area will be located at the north east corner of Ellen Street and Logan Avenue, with space for 65 cars. The remainder of the site (north west corner of Fountain Street and Logan Avenue) will remain vacant.

The proposed use of this property is an increase in the size and (likely) intensity of the existing display manufacturing operation. Such a use, with operations and storage located within an enclosed building, is appropriate within an "M1" Industrial District. Industrial operations adjacent to established, stable residential areas may have adverse impacts on the residential properties. Across Ellen Street from the subject property are four single-family dwellings, constructed in the late-1980s as part of the Core Area Initiative North Logan program. In addition to those on the west side of Ellen Street, dwellings were also constructed along Henry Avenue, Patrick Street, and Laura Street. Also, public funds helped establish Logan House, the Anishinabe Fellowship Centre, and the park located next to the Slaw Rebchuk Bridge. The North Logan neighbourhood is a viable, yet fragile, residential enclave which must be considered when contemplating expansion of an existing industrial use.

The portion of the property currently zoned "R2-T" Residential District was acquired by Manitoba Housing and rezoned from "M2" Industrial District in 1983. At that time, negotiations were undertaken to acquire the Westfair property for residential use, also. At the same time, this property was designated a "Present and Future Living Area" under the then Metropolitan Development Plan. This designation is in effect presently, although under Plan Winnipeg the name is now Neighbourhood Policy Area. Generally, new industrial uses within Neighbourhood Policy Areas are only permitted at industrial park standards, to act as a buffer between residential development, major traffic arteries, or social impacts (Policy 5A-12). Further, Plan Winnipeg requires that the City shall evaluate new industrial development to protect neighbourhoods. (Policy 5A-36).

A number of factors make the proposed development supportable, subject to conditions necessary to protect the stability of the adjacent residential community. First, interest in the "R2-T" property for future residential development has apparently lapsed. Second, this area is to be part of the Plan Winnipeg review, which will likely rationalize the demarcation between Neighbourhood and Industrial Policy Areas in this vicinity. Third, the proposed use is an expansion of a low intensity industrial use which could improve the site while having only minimal impacts on the residential community.

The "R2-T" site on the east side of Ellen Street is marginal for residential investment due to the proximity of industrial zoned properties on three sides. In essence, the development consists of replacing the current parking area with an expanded building and moving the parking area onto a currently vacant property. Zoning By-Law No. 6400/94 includes a zoning designation which likely suits this location better than the proposed "M1" designation. This category, "CF" Commercial Fabrication District, is intended to provide a transitional zone between an industrial area and a commercial or residential district, to accommodate existing industrial uses that have continued within the surroundings of a residential neighbourhood (Section 800.8). Provided the building and parking area are developed to a high standard, concern with the use narrows to increased truck and car traffic, loading activities, and access to the parking area. In order to lessen the dependence on local streets for access to the facility, it may be prudent to provide a private approach to the accessory parking area directly from Logan Avenue or from a new private approach from Ellen Street south of the existing approaches. This and the location of the garbage enclosure are items which can be handled via the plan approval process.

Report of the Standing Policy Committee on Property and Development dated July 21, 1998

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 20, 1998. Two persons were heard in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning under File DAZ 226/98 be approved for the following reason:

1. The subject rezoning application conforms with Plan Winnipeg by providing a buffer between the residential properties to the west and the more intensive industrial properties to the east.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan 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 226/98 dated July 13, 1998, to an "M1" Industrial 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 final construction plans indicating the design and location of the proposed buildings, including elevations, accessory parking and loading areas, fencing, landscaping, free standing signage, and garbage enclosures, be subject to the approval of the Chief Administrative Officer prior to the issuance of an occupancy permit;

      2. That the following uses not be permitted onsite:
         a) Animal Pound, Animal Training; Kennel;
         b) Arena, Auditorium, Stadium;
         c) Beer: Sales;
         d) Bingo Parlour;
         e) Boat: Manufacture;
         f) Cabaret;
         g) Cocktail Lounge;
         h) Crematorium;
         i) Dating and Escort Service;
         j) Exterminator;
         k) Farm Implements: Rental; Sale; Service;
         l) Farm Supplies: Sales;
         m) Fuel: Sales, key-lock station;
         n) Hotel; Motel;
         o) Machinery/Heavy Equipment Supplies and Parts: Sales; Installation; Service;
         p) Motors or Machines, Recreational or Utility: Rental; Sales; Service;
         q) Pawnshop;
         r) Poultry Hatchery;
         s) Prefabricated Buildings: Manufacture; Storage;
         t) Second-Hand Store;
         u) Taxidermist;
         v) Terminal for Courier/Delivery/Express Service; Cleaning Service; Key and Lock Service; Security Service; Taxi; or similar service;
         w) Tire: Retreading, including accessory sales;
         x) Truck, Trailer, Recreational Vehicle, Bus: Repair;
         y) Truck, Trailer, Recreational Vehicle, Bus: Washing;

      3. That Outside Storage be located within the fenced area south of the original building.

II. That a ten per cent 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 this application is not proceeded with expeditiously and the By-law is not enacted within twenty-four 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.

Report of the Standing Policy Committee on Property and Development dated July 21, 1998

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 By-law 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 months from the date that the said rezoning By-law 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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

(See Minute No. 929 for attachment)

Management of City-owned Residential Rental Properties - Amendment to Management Agreement with Winnipeg Housing Rehabilitation Corporation
File EX-9 (Vol. 6)

896 - 3. Council, on May 27, 1998, adopted the following recommendations of its Standing Policy Committee on Property and Development, namely:

I. That the Director of Property and Development Services be authorized to execute an agreement with the Winnipeg Housing Rehabilitation Corporation in accordance with the terms and conditions as outlined for the management of the City's Residential Property Portfolio, effective June 1, 1998, or a date to be mutually agreed upon; the Agreement to provide for any other such terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

On July 21, 1998, the Standing Policy Committee on Property and Development was advised that the term of the Agreement, as outlined in its Report to Council, was for a period of one year. Subsequent discussions between the Property and Development Services Department and the Winnipeg Housing Rehabilitation Corporation (WHRC) have lead to a request by WHRC for a three year term on the basis that it would be more appropriate due to the start up costs that WHRC would occur in the first year. The Property and Development Services Department supports extension of the term of the agreement. The agreement has been executed on the basis of a three year term, subject to the approval by the Council of this change.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the Management Agreement between the City of Winnipeg and the Winnipeg Housing Rehabilitation Corporation, for the management of City-owned residential rental properties, be amended to change the term of the agreement from a one year to a three year term.

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.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

897 - On motion of Councillor O'Shaughnessy, 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. 7256/98, a by-law of The City of Winnipeg to close DeVos Road between Leon Bell Drive and Pembina Highway and to open a part of the south side of DeVos Road to accommodate a vehicular turn-a-round. File DAOC 4/95

By-law No. 7257/98, a by-law of The City of Winnipeg to widen the intersection of the first public lane east of Wagner Street with the first public lane south of Beach Avenue.
File DAO 10/97

By-law No. 7258/98, 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 west side of St. Anne's Road, north of Compark Road in the Riel Community.
File DASZ 16/97

By-law No. 7259/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 4800/88 for the enactment of a zoning change on land located south of the Provencher Bridge between Pioneer Boulevard and the Red River in the City Centre Community.
File DAZ 209/98

By-law No. 7260/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located at the northwest corner of Bishop Grandin Boulevard and Waverley Street in the Assiniboia Community.
File DAZ 212/98

By-law No. 7261/98, a by-law of The City of Winnipeg to widen the northeast corner of Portage Avenue and Muriel Street and the northwest corner of Portage Avenue and Parkdale Street. Files DAO 34/92 and DAO 9/93

By-law No. 7262/98, a by-law of The City of Winnipeg to widen the intersection of Sterling Lyon Parkway at Paget Street. File DAO 7/97

By-law No. 7265/98, a by-law of The City of Winnipeg to close Shore Street, Chateau Avenue and the public lane north of Bison Drive. File DAC 25/97

By-law No. 7266/98, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being a By-law to regulate, control and license the carrying on of certain trades.
File EL-1 (Vol. 31)

Councillor Thomas asked to be recorded as having voted against all three readings of By-law Nos. 7259/98 and 7260/98, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor O'Shaughnessy, the rule was suspended and By-law No. 7270/98, 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 south side of Henry Avenue between Ellen and Fountain Streets in the Lord Selkirk - West Kildonan Community, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File DAZ 226/98