REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED FEBRUARY 28, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated February 28, 1994, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda items, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 be adopted.

Councillor Prystanski requested that Clause 8 be pulled from the Consent Agenda.

Councillor Thomas requested that Clause 11 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,9,10 and 12 was put and declared carried.

Her Worship the Mayor and Councillors:

Soldiers' Taxation Relief Assistance
File FL-2.3 (Vol. 6)

522 - 1. Your Committee on Finance and Administration is advised The Soldiers' Taxation Relief Act provides for the granting of relief from taxation in certain cases in an amount not exceeding $50.00 in each case. The amount so rebated by a municipality is recoverable in full through the Province of Manitoba.

The City has received applications for relief from taxation for the year 1993 under the provisions of this Act, and the City Treasurer has satisfied himself as to the bona fide and merit of the applications. The total amount of the applications is $1,000.00, and have been received from residents of the following areas, namely:

Assiniboia Community	-	$350.00
City Centre Community	-	150.00
East Kildonan - Transcona Community	-	100.00
Lord Selkirk - West Kildonan Community	-	200.00
Riel Community	-	200.00

Clause 2 of Report "A" of the Committee on Finance and Administration dated March 1, 1993, as amended by Executive Policy Committee recommendation, and adopted by Council on March 24, 1993, outlined a recommendation that the Province of Manitoba be requested to amend The Soldiers' Taxation Relief Act to increase the amount of relief from taxation from $50.00 to $100.00 effective in 1994.

On March 26, 1993, Her Worship Mayor Thompson wrote to the Minister of Urban Affairs with the foregoing request. On June 10, 1993, the Minister of Rural Development acknowledged Her Worship Mayor Thompson's letter and requested that a report be provided indicating why the proposal was being made at this time, including therein the rationale for the request and the revised rebate figures.

On August 26, 1993, the Executive Policy Committee forwarded to the Minister of Rural Development a report as to the reason and history why The Soldiers' Taxation Relief Act should be amended. To date there has been no reply from the Province of Manitoba on this matter.

Your Committee on Finance and Administration therefore recommends that Council authorize the partial exemptions from taxation, the cancellation of the unpaid taxes or penalties, or the refund of tax or penalties paid, as the case may be, in respect to the properties set forth in the schedule on file in the office of the City Clerk in the amount of $1,000.00 recoverable from the Province of Manitoba.

Adopted by consent.

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Amusement Tax Exemptions
File FL-2.5 (Vol. 8)

523 - 2. Council on September 22, 1993, adopted as amended by Executive Policy Committee, Clause 8 of the Report of the Committee on Finance and Administration dated September 3, 1993, to enact amendments to the Amusement Tax By-law in order to change the exemption process and eliminate the perceived abuse in the current amusement tax system.

Under the proposed amendments to the Amusement Tax By-law, applications for exemption require review by the Winnipeg Arts Advisory Council, subsequent consideration by the Committee on Finance and Administration, and implementation through a by-law of Council for recommended approvals.

Your Committee on Finance and Administration submits draft by-law and recommends:

I. That subsection 7(6) of By-law No. 3107/81 be amended by adding the following at the end of the list of exemptions contained therein:

"SPEBSQSA (Society for Preservation & Encouragement of Barber Shop Quartet Singing in America Inc. Winnipeg Chapter) Annual Concert on April 16, 1994, at Pantages Playhouse Theatre;

Winnipeg Bach Annual Festival on May 24 to 28, 1994, to be held at various churches in Winnipeg;

Alliance Choral Manitoba Inc. Choral Concert on April 30, 1994, at the Walker Theatre;

Winnipeg Girls Choir 50th Anniversary Concert on May 29, 1994, at the Pantages Playhouse Theatre; and,

Dance Manitoba Inc. 1994 Provincial Dance Festival from May 12 to 21, 1994, at the Pantages Playhouse Theatre."

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.

Adopted by consent.

Loan Guarantee - East Side Eagles Football Club - Clubhouse Development at Kildonan East Regional School Site
File PR-2 (Vol. 77)

524 - 3. Your Committee on Finance and Administration, at its meeting on January 31 and February 28, 1994, considered a request from the East Side Eagles Football Club, for the City to guarantee a loan in the amount of $55,000.00 to allow the Club to proceed with the development of a new clubhouse at the Kildonan East Regional School Site.

Section 313 of The City of Winnipeg Act states the following:

"Subject to the approval of the Minister of Finance, the City may, on such terms and conditions as the Minister of Finance may approve, make loans and grants for, and guarantee indebtedness incurred for, any community undertaking not otherwise authorized under this Act, and the Minister of Finance may refer any application for approval under this section to The Municipal Board for its advice and recommendation".

As at December 31, 1993, the City of Winnipeg was the guarantor of nine different loans. With the exception of a loan guarantee involving Rainbow Stage Inc. all of the other loan guarantees are for capital projects that have been undertaken by, or in conjunction with, community centres.

The City has been concerned that there has been an increasing number of requests for loan guarantees over the past few years, as loan guarantees do, in fact, constitute meaningful commitments by the City. These commitments have to be recorded in the notes to the City's financial statements and are factors in determining the City's potential liabilities,

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with the possibility of ultimately negatively affecting the City's credit rating. As a result of its concern, the City adopted a "Policy and Criteria to be used as a Guideline in the Consideration of Requests for Loan Guarantees" on June 17, 1992.

The East Side Eagles Football Club is endeavouring to relocate from its present site at Anderson Park to the Kildonan East Regional Secondary School site. This move is endorsed by the Parks and Recreation Department and the East Kildonan/Transcona Community Committee as it will solve scheduling problems and overuse and excessive wear of the sodded field that has resulted from having both the East Side Eagles Football Club and the North East Winnipeg Soccer Association using the Anderson Park site. It should be noted that the Football Club has invested approximately $30,000.00 in the existing clubhouse at the Anderson Park site.

The East Side Eagles Football Club has submitted a comprehensive information package which includes the history and rationale for their proposed relocation, a description of the project, financial statements, projected budgets and plans for repayment of the loan. The information package has been reviewed, and based on this review and discussions with representatives of the Football Club and staff members from the Parks and Recreation Department, it is clear that the loan guarantee request meets the guidelines that Council established on June 17, 1992.

The loan that the City is being asked to guarantee represents approximately 35% of the total project cost ($55,000.00 / $160,000.00), and the East Side Eagles Football Club will provide the balance of the required funding from an $80,000.00 grant from the City's Land Dedication Reserve Fund and a grant from the Manitoba Sports Federation's Winnipeg Sport Facility Committee for up to 25% of the capital cost of the new clubhouse, to a maximum of $40,000.00. If the total project is completed for $160,000.00, the actual loan will be somewhat less than $55,000.00 (i.e. the loan guarantee is for an amount up to $55,000.00). The East Side Eagles Football Club has demonstrated by its past financial practices and its cash flow forecasts, that it will be able to repay the loan, which they plan to do over a period of no longer than fifteen years.

The Committee on Protection, Parks and Culture, at its meeting on January 10, 1994, considered and concurred in part in a report dated December 9, 1993, from the Commissioner of Protection, Parks and Culture, regarding the proposed relocation of the East Side Eagles Football Club from Anderson Park to the Kildonan East Regional School site, and requested favourable consideration be given to the request for a loan guarantee. The Committee on Protection, Parks and Culture recommended that any additional proceeds from the Winnipeg Sports Facility Committee or other funding organizations, be considered as a source of funding for the reduction of the loan guarantee.

On January 31 and February 28, 1994, the East Side Eagles Football Club made representation to your Committee on Finance and Administration in support of their request for the City to guarantee its proposed loan financing.

Your Committee on Finance and Administration therefore recommends:

I. That the request from the East Side Eagles Football Club that the City guarantee its proposed loan financing in the amount of $55,000.00 to allow the Club to proceed with the development of a new clubhouse at the Kildonan East Regional School Site, be approved.

II. That the Proper Officers of the City be instructed to take all the necessary steps to give effect to the above recommendation, including obtaining approval from the Minister of Finance in accordance with Section 313 of The City of Winnipeg Act.

Adopted by consent.

Relocation of the East Side Eagles Football Club from Anderson Park to Kildonan East Regional School

File PR-2 (Vol. 77)

525 - 4. Your Committee on Finance and Administration, at its meetings on January 31 and February 28, 1994, considered a request from the East Side Eagles Football Club to relocate from Anderson Park to the Kildonan East Regional School site.

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Due to a 1984 fire at the Chalmers Community Centre, the East Side Eagles Football Club has been using Anderson Park which is located west of Raleigh Street, north of Roberta Avenue. With the extensive use of Anderson Park, the Football Club has encountered scheduling problems, poor field conditions due to over use and excessive wear of the sodded field, plus complaints of noise and traffic congestion from the private residences which are in close proximity.

Subsequent to several meetings between the Parks and Recreation Department, East Side Eagles Football Club, local area Councillors, River East School Division No. 9, alternative locations were considered. Relocation and development of a clubhouse at the Kildonan Regional School site was identified as being the most suitable location. The Kildonan East Regional School site is situated north of Concordia Avenue, east of London Street, and is located adjacent to a large regional centre which includes several regional recreation facilities, as outlined on Misc. Plan No. EKT 9918 and designated as Exhibit "A".

The East Side Eagles Football Club propose to install wishbone goal posts, irrigation, field lighting and to grade and re-sod the area inside the existing track loop. The Club would be committed towards eventually installing a scoreboard and bleachers, utilizing funds raised through donations.

The Football Club also proposes to construct a new 4,536 square foot metal pre-fab clubhouse, excluding interior finishing, at the westerly portion of the subject site.

Development costs would be funded by an $80,000.00 grant, a proposed $55,000.00 City loan guarantee and $40,000.00 additional funding granted and set aside by the Winnipeg Sport Facility Committee. The excess funding from this organization to be applied as partial repayment of the City's $55,000.00 loan guarantee.

Further the Club has requested approval to utilize a portion of Civic Park, as outlined on Parks and Recreation Department Plan No. 72-93, and designated as Exhibit "B", for use as a "practice" football field area. The Club is prepared to relocate the existing backstop at an alternate location within Civic Park.

The Committee on Protection, Parks and Culture, at its meeting on January 10, 1994, directed as follows:

1. That the East Side Eagles Football club be relocated from Anderson Park to the Kildonan East Regional School Site.

2. That the Director of the Land Surveys and Real Estate Department, in conjunction with the Acting Manager of the Parks and Recreation Department, enter into negotiations with the River East School Division No. 9 and the East Side Eagles Football Club for the purpose of preparing a Use and Development Agreement and Management and Development Agreement, respectively.

3. That the City of Winnipeg provide a loan guarantee to the East Side Eagles Football Club, in an amount of $55,000.00, for the purpose of construction of a new club house on the Kildonan East Regional School site.

4. That any additional proceeds from the Winnipeg Sports Facility Committee or other funding organizations, be considered as a source of funding for the reduction of the loan guarantee.

Your Committee on Finance and Administration, at its meeting on February 28, 1994, recommended that the request from the East Side Eagles Football Club that the City guarantee its proposed loan financing in the amount of $55,000.00 to allow the Club to proceed with the development of a new clubhouse at the Kildonan East Regional School site, be forwarded to Council for approval and adoption.

Pursuant to negotiations with the River East School Division No. 9 and the East Side Eagles Football Club, terms and conditions of the proposed use and development agreement between the City and River East School Division No. 9 are summarized (but not limited to) on Schedule "A".

Pursuant to these same negotiations, a proposed "Development and Management Agreement" between the City and East Side Eagles Football Club, as manager, will encompass the aforementioned terms, conditions and intent between the City of Winnipeg and the River East School Division No. 9, and will also be inclusive of development criteria and a provision for the use of a portion of the Civic Park by the East Side Eagles Football Club for football practice purposes.

On January 31 and February 28, 1994, the East Side Eagles Football Club made representation to your Committee on Finance and Administration in support of their request for a Development and Management/Use Agreement between the City of Winnipeg and the Football Club for the Kildonan East Regional School site.

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Your Committee on Finance and Administration therefore recommends:

I. That a Development and Use Agreement between the City of Winnipeg and the River East School Division No. 9 which incorporates the terms and conditions as outlined in Schedule "A" be approved in a form satisfactory to the Acting City Solicitor.

II. That a Development and Management/Use Agreement between the City of Winnipeg and the East Side Eagles Football Club, which incorporates the terms and conditions as outlined within a form satisfactory to the Acting City Solicitor, be approved.

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.

A Copy of Schedule "A" is on file in the office of the City Clerk.

Adopted by consent.

Canada Packers Building - 660 Marion Street File EB-1.5 (Vol. 16)

526 - 5. Your Committee on Finance and Administration is advised that the Canada Packers Buildings located at 660 Marion Street was sold by Maple Leaf Foods Inc. in 1991 and is currently owned by 2811490 Manitoba Ltd.

The Occupiers Liability Act, R.S.M. 1987, c.08, requires each occupier of premises to take such care as, in all circumstances of the case, is reasonable to see that the person or property, as the case may be, will be reasonably safe while on the premises. The primary responsibility for maintaining the said property rests with 2811490 Manitoba Ltd.

The City of Winnipeg is charged with the responsibility of enforcing Building By-law No. 4555/87. Section 12.1 of said By-law relates to unsafe conditions and requires that unsafe conditions must be made safe. Once dangerous conditions come to the attention of City enforcement staff, action must be taken by the City to notify the occupier/owner of the property that corrective action must be taken.

Since early 1992 there have been numerous instances when the said buildings at 660 Marion Street have been open and accessible. During the first part of 1992 the owner of the property was securing the property, however in November 1992, the owner ceased securing the premises and provided authorization for the City to secure the premises and add the costs associated therewith to the property taxes.

The Regional Supervisor, Inspection Services Winnipeg Region, Manitoba Environment, advised that the office was informed of an allegation of a rat infestation at 660 Marion Street in March 1993. An inspection of the property on March 29, 1993, and subsequently on July 8, 1993, did not reveal evidence of a rat infestation.

The Provincial Medical Health Officer did not have access to the interior of the buildings and no consideration was given at the time to determining whether or not an environmental audit may be necessary in order to investigate possible infractions under The Environment Act.

Your Committee on Finance and Administration therefore recommends:

I. That the City request the Manitoba Department of Environment to initiate an environmental audit for the former Canada Packers Buildings at 660 Marion Street, in order to investigate possible infractions under The Environment Act.

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

Adopted by consent.

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Tax Sale No. 99 - Lands which are in Arrears for any part of 1992, plus 1993 and 1994 File FL-2.4 (Vol. 11)

527 - 6. Your Committee on Finance and Administration has been advised that Section 230(1) of The City of Winnipeg Act permits tax sale proceedings for properties in arrears for more than one year after December 31 of the year in which the rate was struck. This has been interpreted by the Law Department as meaning that the land is in arrears for the two years prior to the tax sale year.

Council, on March 24, 1993, authorized that Tax Sale No. 98 be held December 1, 1993, for properties in arrears of taxes for any part of 1991, plus 1992 and 1993. Analysis, as outlined in Appendices "A" and "B", provides a summary of tax sale statistics for the past 10 tax sales. Of the 523 properties listed for tax sale on September 20, 1993, 301 were withdrawn prior to tax sale by payment of the full amount of outstanding taxes and penalties resulting in the collection of $3,273,300.00. There were 222 properties sold in tax sale representing total outstanding taxes and penalties of $2,266,500.00.

Property owners may redeem properties from tax sale for one year from the date of sale through the City of Winnipeg by payment of the amount held in tax sale, plus subsequent penalties and any subsequent taxes in arrears. After one year from date of tax sale redemption must occur through the Winnipeg Land Titles Office. At this time the City is in a position to file for application for title through the Land Titles Office.

Your Committee on Finance and Administration therefore recommends:

I That Council authorize City of Winnipeg Tax Sale (Tax Sale No. 99) be held November 16, 1994, for lands which are in arrears of taxes for any part of 1992, plus 1993 and 1994.

II. That all lands included in tax sale be advertised and sold in accordance with the applicable sections of The City of Winnipeg Act and that the City of Winnipeg exercise its prior right to purchase the property sold in tax sale in accordance with Section 235(5) of said Act.

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 Appendices "A" and "B" are on file in the office of the City Clerk.

Adopted by consent.

Proposed Acquisition - Vacant Residential Lot - Inkster Boulevard, Future Expansion Luxton Community Centre File FI-2 (34) (Vol. 2)

528 - 7. Your Committee on Finance and Administration has considered Item No. 2 of Report No. 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (File 7500/2), with respect to the proposed acquisition of a vacant residential lot located on Inkster Boulevard for the future expansion of the Luxton Community Centre.

On July 13, 1992, the Committee on Protection, Parks and Culture approved as to need the acquisition of land for the expansion of Luxton Community Centre and recommended Alternative No. 1 be considered by your Committee on Finance and Administration.

The Committee on Finance and Administration at its meeting held on September 8, 1992 recommended approval of Alternative No. 1 for the expansion of the Luxton Community Centre. The subject property represents the first negotiated settlement of the 9 properties required in total for this project.

The City of Winnipeg previously demolished the improvements on this site as a result of Health Department violations and added the demolition costs to the tax bill. Condition No. 9, outlined on Schedule "A" requires that the Executor of the Estate pay all outstanding amounts as they relate to the demolition and restoration of the property.

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The Executor of the Estate has agreed to sell the subject property to the City at a price of $14,000.00 and in accordance with the proposed terms and conditions outlined on the attached Schedule "A". The Land Surveys and Real Estate Department has reviewed the market and considers the $14,000.00 purchase price to be reasonable. In addition the balance of the terms and conditions are consistent with other similar acquisitions.

The Budget Bureau issued its Certificate on January 13, 1994 committing funds from the Land Acquisition for General Unspecified Purposes Account to finance this transaction.

Your Committee on Finance and Administration therefore recommends:

I. That the purchase of the subject property, shown on Misc. Plan LSWK 8779/1 at a price of $14,000.00, be approved in accordance with the terms and conditions contained in 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. LSWK 8779/1 is on file in the office of the City Clerk.

Adopted by consent.

No. 75 Barber Street - Discharge of Caveats File FI-2(34) (Vol. 2)

529 - 8. Your Committee on Finance and Administration has considered Item No. 3 of Report No. 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (File 5620), with respect to the proposed discharge of existing Caveats registered against the property located at 75 Barber Street, shown on sketch plan 350/75.

On October 1, 1975, Council approved the purchase by the City of No. 75 Barber Street for $6,000.00 under the Neighbourhood Improvement Program for the purpose of establishing a group home in the North Point Douglas area, in conjunction with the Argyle High School.

On April 21, 1976, Council approved the transfer of the property to Barber House Inc. for $1.00 subject to the condition (registered as a Caveat against the title) that if the property was not used or ceased to be used as a group foster home, ownership to the property would revert to the City.

On June 15, 1977, Council consented to the placing of a $30,000.00 mortgage on the property in favour of Central Mortgage and Housing Corporation to facilitate repair works required to the premises at the time.

In 1984, Naturas Inc. succeeded to and took over the assets of Barber House Inc., agreeing to be bound by the original terms of the sale of the property to Barber House Inc. To reinforce the applicability of the original agreement, the Law Department filed another Caveat as against Naturas Inc.

Council, on April 4, 1990, upon request made by Naturas Inc., authorized the withdrawal of the Caveats registered against title to 75 Barber Street (to facilitate its sale) provided that the Caveat is transferred to an alternate property to be acquired by Naturas Inc. The Company, however, decided not to proceed with the matter, advising that it would in the meantime, continue to use the property as originally intended.

Early in 1992, Naturas Inc. requested that it be allowed to transfer the property to Kinew Housing Corporation for use as a "shelter for 18 to 22 year olds who are bona fide students of Argyle Alternative High School and who are identified as in need of shelter and support."

Council, on March 25, 1992, approved the above request subject to a successful application for Conditional Use to permit the use of the property as above stated.

In October 1993, Naturas Inc. advised that because of Kinew Housing's inability to secure funding needed to upgrade the property from Central Mortgage and Housing Corporation, the proposed transfer of 75 Barber Street to Kinew Housing would not proceed. Naturas, which no longer requires the property, has requested that it be allowed to sell

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the property and reimburse the City 50% of the net proceeds of the sale. The net proceeds would be calculated after all expenses related to the sale are deducted including payment of the $8,000.00 mortgage balance; taxes; and incidental expenses.

Naturas Inc. and Barber House Inc., were formerly two separate non-profit organizations managing homes for children. In 1983, the two corporations amalgamated under the name Naturas Inc. to become one non-profit entity with one Board of Directors. Presently, the principals of the corporation are the following: Gerry Moore, President; Jim Martin, Vice-President; and Gracie Beidler, Secretary-Treasurer.

An appraisal prepared for Naturas Inc. in December 1993, estimates the market value of the property to be $36,000.00. The Land Surveys and Real Estate Department has also reviewed the market and is of the opinion that the Naturas estimate of value falls within an appropriate range of values.

The Administration is of the view two options are available to the City for consideration, and are as follows:

1. Require Naturas Inc. to reconvey the property to the City pursuant to the original agreement.

   Under this option, the City will assume the existing Central Mortgage and Housing Corporation mortgage for the balance of the principal owing, i.e. $8,000.00. The City, however, will be acquiring an improved property rather than the original building the City conveyed to Barber House Inc. in 1976.

2. Release the Caveat(s) to facilitate sale subject to the City sharing in the net proceeds of the sale up to 50% thereof.

   Considering that for nearly 20 years the property has met the originally intended purpose for which it was purchased and considering further that Naturas Inc., a non-profit organization, has incurred debts through its ownership of the property, this option appears to be a reasonable alternative. This will allow Naturas Inc., to pay out the mortgage and to recover some of the debts it had incurred while holding title to the property.

The Community Programs Division, Planning Department is supportive of the Naturas Inc. proposal.

Your Committee on Finance and Administration therefore recommends:

I. That Council rescind its decision of March 25, 1992 authorizing the transfer of the subject property to Kinew Housing Corporation and amendment of the Caveat to provide for use of the house as a shelter for 18 to 22 year old students of Argyle Alternative High School.

II. That the discharge of existing Caveats registered against title to the property be authorized to enable Naturas Inc. to sell the property, subject to the City being reimbursed an amount equivalent to 50% of the net proceeds of the sale but in any case no less than $6,000.00.

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.

Copy of sketch plan No. 350/75 is on file in the office of the City Clerk.

Moved by Councillor Eadie,
Adoption of the clause.

Moved by Councillor Prystanski,
That the clause be referred back to the Committee on Finance and Administration.

Carried.

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Offer to Purchase City Lands - Southeast Corner of rue Messier and rue Archibald - Frank Fair Industries Ltd
File FI-2.4(35) (Vol. 1)

530 - 9. Your Committee on Finance and Administration has considered Item No. 4 of Report No. 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (File 7707), with respect to an offer to purchase City-owned lands located on the southeast corner of rue Messier and rue Archibald, as shown on Misc. Plan No. RIEL 8725/3.

In 1993, Maunders McNeil & Associates, the owner of 404 rue Archibald (SP Lot 5, Plan 20089) which has no access to any street, applied to purchase part of the City's lands to provide access to rue Archibald.

The Streets and Transportation Department is of the view that, with the exception of a 7.5 metre corner cut as shown on Misc. Plan No. Riel 8725/3, all of the City's lands should be sold: -a portion to Maunders McNeil, and the balance to Frank Fair Industries Ltd., owner of No. 400 rue Archibald.

The Riel Community Committee has no objections to the sale of the lands to the adjoining owners.

The Land Surveys and Real Estate Department is now in receipt of an Offer to Purchase part of the lands from Frank Fair Industries Ltd. as an addition to the Company's holdings and to provide access to rue Archibald. Further, the Purchaser has agreed to pay one-half of the costs to prepare a plan of subdivision to facilitate transfer.

Negotiations to dispose of the balance of the lands (Parcel "B" on Misc. Plan No. RIEL 8275/3) in favour of 404 rue Archibald under similar terms and conditions will continue.

Your Committee on Finance and Administration therefore recommends:

I. That the referenced lands identified as Parcels lettered "A" and "B" on Misc. Plan No. RIEL 8275/3 be declared surplus.

II. That the Offer to Purchase Parcel lettered "A" on Misc. Plan No. RIEL 8275/3 be accepted, in accordance with the terms and conditions contained therein.

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.

Copy of Misc. Plan No. RIEL 8275/3 is on file in the office of the City Clerk.

Adopted by consent.

Proposed Sale of City Lands - North Side of Bailley Avenue between Glen Meadow Street and St. Mary's Road
File FI-2.4 (35) (Vol. 1)

531 - 10. Your Committee on Finance and Administration has considered Item No. 5 of Report No. 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (Files S-9-SV & 32/6013), with respect to the proposed sale of City-owned lands located on the north side of Bailley Avenue between Glen Meadow Street and St. Mary's Road.

The subject property shown as "proposed subdivision" on Misc. Plan No. RIEL 6622/7 is part of the lands acquired for Bishop Grandin Boulevard, which in 1971 was declared surplus by Council.

The Land Surveys and Real Estate Department is in receipt of an offer from Signature Homes Ltd to purchase the subject City lands, shown as Lots 1 to 7 of the proposed subdivision on Misc. Plan No. RIEL 6622/7.

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Construction of foundations on all of the lots shall be completed on or before two years from the date of adjustment.

The City will be responsible for the subdivision application, rezoning to "R1-4" and a variance on Lot 7 for the subject lands (subdivision as shown on Misc. Plan No. RIEL 6622/7). Should the subdivision, rezoning and variance not be approved on or before October 1, 1994, the sale will become null and void and the deposit will be returned to the Purchaser.

The Purchaser shall be required to provide property grading and elevation of the lands, satisfactory to the District Engineer. The City is responsible for providing lot line connections at the City's expense.

The City's standard default clause provides that all of the applicant's rights and interest in respect of the lands shall be fully ended without notice of any formality if the purchaser does not build upon the lands within a two year period from the date of adjustment or if the monies are not paid as per the terms of the agreement and the City's standard penalties and default terms apply. It is the intention of the agreement that the lots be paid off individually over a 6 month period from the date of adjustment and that any lots not paid for at the end of the period would be in default. Likewise those lots not built on within two years from the date of adjustment would be in default (i.e. the City would take back any of the individual lots in default of the agreement).

With respect to the Bailley Avenue services, the subject street is fully serviced with concrete paved roadway including turnaround, 6 inch watermain, 10 inch wastewater sewer along with the normal police/fire protection and garbage removal. The land drainage is located on a 10 foot easement along the west limit of Lot One.

The following items are costs which will be incurred by the City as a part of the subdivision and servicing of the lands: Hydro, MTS, lot line connections, survey, administration fees, sodding and trees. The net return to the City is estimated to be approximately $160,000.00.

The purchaser agrees to include the following wording in all sales agreements that pertain to the sale of each of the lots: "The purchaser is aware that an off-ramp from Bishop Grandin Boulevard onto St. Mary's Road is proposed to be built in the future". The City will caveat the lands to reflect the above requirement.

The price offered is considered to be within the estimated market value range. The proposed price reflects an individual price of $27,143.00 per lot for seven lots sold as a package. While the City is responsible for delivering seven fully serviced lots it will at the same time benefit from the bulk pre-sale of surplus lands to a residential house builder thereby eliminating marketing costs and holding expenses.

Your Committee on Finance and Administration therefore recommends:

I. That the sale of the subject property to Signature Homes Ltd. at a price of $190,000.00 be approved in accordance with the City's standard terms and conditions.

II. That the Director of the Land Surveys and Real Estate Department be authorized to subdivide and tender the property for sale in the event that Signature Homes Ltd. is not prepared to purchase this property in accordance with the City's standard terms and conditions.

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.

Copy of Misc. Plan No. RIEL 6622/7 is on file in the office of the City Clerk.

Adopted by consent.

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Proposed Transfer of Jurisdictions - Northeast corner of Ness Avenue and Moray Street and Southwest corner of Assiniboine Crescent and Moray Street - Parks and Recreation Department to the Streets and Transportation Department
File FI-2.4.4.1 (Vol. 3)

532 - 11. Your Committee on Finance and Administration has considered Item No. 6 of Report No. 1A of the Technical Advisory Committee on City Properties dated February 11, 1994 (File 7111/B), with respect to the proposed transfer of jurisdiction of lands located on the northeast corner of Ness Avenue and Moray Street and the southwest corner of Assiniboine Crescent and Moray Street, from the Parks and Recreation Department to the Streets and Transportation Department.

On October 21, 1993, Council approved the Expropriation of all properties required for the Charleswood Bridge Project.

As a part of these works, the Streets and Transportation Department will require a transfer of jurisdiction of two Parks and Recreation Department properties. This is required in order to facilitate these properties being opened as public street.

The Parks and Recreation Department has indicated that it has no objection to the transfer of jurisdiction of either of the subject properties.

The Assiniboia Community Committee at its meeting held January 18, 1994 advised it had no objection to the proposed transfers of jurisdiction.

An inspection of both sites involved indicated that the area proposed to be transferred is landscaped. No other improvements exist within the area.

Costs associated with these proposed transfers of jurisdiction may be charged to Account No. 03-118117-5193.

Pursuant to Section 156(2) of The City of Winnipeg Act, approval of at least two-thirds of the members of Council is required on the transfer of jurisdiction of any property that has been designated or acquired for park purposes.

Your Committee on Finance and Administration recommends as follows:

I. That the transfer of jurisdiction from the Parks and Recreation Department to the Streets and Transportation Department of the properties, identified as "Proposed Street Opening" on Misc. Plan Nos. SJA 7580/1 and ASBA 9012, be approved.

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 Misc. Plan Nos. ASBA 9012 and ASBA 7580/1 are on file in the office of the City Clerk.

Moved by Her Worship Mayor Thompson,
Adoption of the clause.

Carried.

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

Report of the Committee on Finance and Administration dated February 28, 1994

Panet Road Property - Part Parcel 1, Plan 8150 File FI-2(33)(Vol. 1)

533 - 12. The former Metropolitan Corporation of Greater Winnipeg expropriated lands located in the 500 block of Panet Road in 1965 by By-law No. 861 (amended by By-law 876), and in 1996 by By-law 1133, which properties are shown on Misc. Plan No. EK-T 4886 dated October 30, 1981.

The lands expropriated comprised an area of 13.315 acres required for the construction of Lagimodiere Boulevard (Route 20 - Highway 59) and 7.74 acres for the Eastern Thoroughfare.

Part Parcel 1, Plan 8150, as shown on Misc. Plan No. EKT 5711, comprising an area of 40,711 square feet has been declared surplus by the Streets and Transportation Department.

The negotiated settlement requires the transfer of the subject lands to the expropriated owner.

Your Committee on Finance and Administration therefore recommends:

I. That the parcel of City-owned lands identified on Misc. Plan No. EKT 7511 as Part Parcel 1, Plan 8105, be declared surplus to the City's needs.

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.

Copy of plans are on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Eadie,
Seconded by Councillor Angus,
534 - WHEREAS:

(a) Pursuant to its By-law No. 6242/93, The City of Winnipeg authorized the expropriation of the lands described therein and executed a Declaration of Expropriation, dated the 21st day of October, A.D. 1993; and

(b) Notice of Intended Expropriation was served by The City of Winnipeg upon all owners and interest parties in the land intended to be expropriated and published in the newspaper, pursuant to Section 1 of Schedule "A" to The Expropriation Act; and

(c) Notices of Objection to the Intended Expropriation were served upon the confirming authority by several owners pursuant to Section 3 of Schedule "A" to The Expropriation Act; and

(d) The confirming authority had written to the Attorney-General's Department requesting the appointment of an Inquiry Officer; and

(e) The Attorney-General on the 19th day of January, 1994, appointed an Inquiry Officer pursuant to Section 4(2) of Schedule "A" to The Expropriation Act and an Inquiry was conducted on the 20th and 24th days of January A.D. 1994 and the 16th day of February, 1994;

AND WHEREAS the Inquiry Officer has submitted his report to the confirming authority on the 10th day of March 1994 wherein he stated that the intended expropriation is fair and reasonably necessary for the achievement of the objectives of The City of Winnipeg; the said objective being for the purpose of the acquisition of the said land intended to be expropriated pursuant to Sections 159(3) and 160 of The City of Winnipeg Act S.M. 1989-90, c. 10 for the purpose of Public Street for the widening of Lord Selkirk Highway

Committee on Finance and Administration - Motions (continued)

and Public Road, both commonly known as Pembina Highway, between the southern limit of Avenue De L'Eglise and the Southern Limit of the City of Winnipeg and the acquisition of additional lands thereto that the City deems advantageous to acquire in connection therewith.

BE IT RESOLVED that the Declaration of Expropriation, dated October 21, 1993, executed pursuant to By-law No. 6242/93 and expropriating respectively the following lands:

1. The lands taken for Lord Selkirk Highway and Public Road as the same are shown bordered on Plan Deposit 1071/93 WLTO, prepared by Albert Gerhard Degner, of the City of Winnipeg, Manitoba Land Surveyor, hereto attached;

and the additional lands, namely:

2. Parcels A, B, C, D, E, F, G, H, J and K as the same are shown bordered on said Plan Deposit 1071/93 WLTO, hereto attached,

is hereby confirmed.

3. The lands described in Sections 1 and 2 herein are expropriated free and clear of all encumbrances except for certain lands in Section 2 herein which are expropriated subject to Caveat Number 178178.

4. The lands described in Sections 1 and 2 herein except mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under The Real Property Act or are not owned by the owner of the surface under The Registry Act, and except reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of the Real Property Act.

5. It is hereby declared that pursuant to By-law No. 6242/93 of The City of Winnipeg, the said lands expropriated for the purpose of public street in Section 1 herein shall, by and upon the registration of this Declaration and said Plan Deposit 1071/93 in the Winnipeg Land Titles Office, be opened as a highway and dedicated to the public use for that purpose, and Title to same shall vest in Her Majesty The Queen in Right of The Province of Manitoba; and Title to the Additional Lands in Section 2 herein shall vest in The City of Winnipeg.

Carried.

Moved by Councillor Reese,
Seconded by Councillor Angus,
535 - WHEREAS:

(a) Pursuant to its By-law No. 6302/94, The City of Winnipeg authorized the expropriation of the land described therein and executed a Declaration of Expropriation, dated the 27th day of January, A.D. 1994; and

(b) Notice of Intended Expropriation was served by The City of Winnipeg upon all owners and interested parties in the land intended to be expropriated and published in the newspapers, pursuant to Section 1 of Schedule A to The Expropriation Act; and

(c) No Notices of Objection to the intended expropriation have been received by the Confirming Authority.

BE IT RESOLVED that the Declaration of Expropriation, dated 27th day of January, 1994, executed pursuant to By-law No. 6302/94, and expropriating respectively the following lands:

Lots 1 to 5, Block 1, Plan 1915, WLTO,
in Lot 315 Roman Catholic Mission Property,

is hereby confirmed.

Committee on Finance and Administration - Motions (continued)

The aforesaid lands are expropriated free and clear of all encumbrances except mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under the Real Property Act or are not owned by the owner of the surface under the Registry Act, and except reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of the Real Property Act.

Carried.

Moved by Councillor Eadie,
Seconded by Councillor Fraser,

536 - WHEREAS:

(a) Pursuant to its By-law No. 6243/93, The City of Winnipeg authorized the expropriation of the land described therein and executed a Declaration of Expropriation, dated the 21st day of October, A.D. 1993; and

(b) Notice of Intended Expropriation was served by The City of Winnipeg upon all owners and interested parties in the land intended to be expropriated and published in the newspapers, pursuant to Section 1 of Schedule A to The Expropriation Act; and

(c) Notices of Objection to the intended expropriation were served upon the Confirming Authority by some of the owners pursuant to Section 3 of Schedule A to The Expropriation Act; and

(d) The Confirming Authority had written to the Attorney-General's Department requesting the appointment of an Inquiry Officer; and

(e) The Attorney General, on the 28th day of February, A.D. 1994, appointed an Inquiry Officer pursuant to Section 4(2) of Schedule A to The Expropriation Act and an Inquiry was conducted on the 1st day of March, A.D. 1994;

AND WHEREAS the Inquiry Officer has submitted his report to the Confirming Authority on the 22nd day of March, A.D. 1994, wherein he stated that the intended expropriation is fair and reasonably necessary for the achievement of the objectives of The City of Winnipeg; the said objectives being the acquisition of the said land intended to be expropriated for the purpose of Public Streets, and the acquisition of additional lands thereto that the City deems it advantageous to acquire in connection therewith.

BE IT RESOLVED that the Declaration of Expropriation, dated October 21, 1993, executed pursuant to By-law No. 6243/93, and expropriating respectively the following lands:

1. The lands taken for Firstly: Moray Street and Roblin Boulevard as the same are shown bordered on Plan Deposit 1073/93 WLTO, prepared by Andre Van De Walle of The City of Winnipeg, Manitoba Land Surveyor, hereto attached and Secondly: Ness Avenue, Portage Avenue, Moray Street, Pinewood Drive and Assiniboine Crescent as the same are shown bordered on Plan Deposit 1072/93 WLTO, prepared by James Edward Bailie of The City of Winnipeg, Manitoba Land Surveyor, hereto attached,

and the Additional Lands, namely:

2. Parcels D, E, F, G, H and J as the same are shown bordered on said Plan Deposit 1072/93 WLTO, hereto attached,

is hereby confirmed.

3. The lands described in Sections 1. and 2. herein are expropriated free and clear of all encumbrances, except for certain lands described in Section 2. herein which are expropriated subject to the following existing interests: Caveat Numbers 171773, 174082, 174209, 174445, 174446, 218110, 258123, 1392546 and 1454310 and Mortgage Number D18988.

Committee on Finance and Administration - Motions (continued)

4. The lands described in Sections 1. and 2. herein except mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under the Real Property Act or are not owned by the owner of the surface under the Registry Act, and except reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of the Real Property Act.

5. It is hereby declared that, pursuant to By-law No. 6243/93 of The City of Winnipeg, the said lands expropriated for the purpose of Public Street in Section 1. herein shall, by and upon the registration of this Declaration and said Plan Deposits 1073/93 and 1072/93 in the Winnipeg Land Titles Office, be opened as a highway and dedicated to the public use for that purpose, and Title to same shall vest in Her Majesty The Queen in Right of The Province of Manitoba; and Title to the Additional Lands in Section 2. herein shall vest in The City of Winnipeg.

Carried.

Moved by Councillor Eadie,
Seconded by Councillor Golden,

537 - WHEREAS Council has enacted amendments to the Amusement Tax By-law to change the exemption process in order to eliminate the perceived abuse in the current amusement tax system;

AND WHEREAS under the proposed amendments, applications for exemptions will require review by the Winnipeg Arts Advisory Council, consideration by the Committee on Finance and Administration, and implementation through a by-law of Council;

AND WHEREAS several applications for amusement tax exemptions have been received which require consideration in order that the organizations may offer tickets for sale;

THEREFORE BE IT RESOLVED that The City of Winnipeg Amusement Tax By-law No. 3107/81 be amended by inserting the following at the end of Subsection 7(6) thereof, to approve the following exemptions:

"Manitoba Registered Music Teachers Association Scholarship Series Competition Concerts on April 10 and 23, 1994 at Eva Clare Hall, University of Manitoba;

Primus Theatre for performances of Alkoremmi and The Night Room on March 23 to 26, 1994 at 389 Main Street;

Winnipeg Symphony Orchestra for the Crown Royal Recital on April 13, 1994 at the Centennial Concert Hall;

West End Cultural Centre for concerts on March 18, 19, 20, 27 and April 3, 8, 9, 10, 17 and 24, 1994 at 586 Ellice Avenue."

Carried.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

538 - On motion of Councillor Eadie, By-law No. 6379/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81, 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 FL-2.5 (Vol. 8)

Committee on Finance and Administration - Consideration of By-laws (continued)

On motion of Councillor Eadie, the rule was suspended and the following by-laws were each 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. 6380/94, a By-law of the City of Winnipeg to amend By-law No. 6291/93 to provide for the execution of certain documents, instruments and agreements by the Director of Land Surveys and Real Estate or designate. File GC-11 (Vol. 6)

By-law No. 6381/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)