**Agenda - Executive Policy Committee – July 14, 2010**

**Report - Standing Policy Committee on Property and Development – July 6, 2010**

**Item No. 24 Acquisition - Lots 35 and 36, Block 7, Plan 1254 (Fuller Avenue) (Transcona Ward)**
**eFile FI-2.2(33)**

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the acquisition of the property identified as "Subject Property" on Misc. Plan No. 12478 be approved at the negotiated purchase price of $11,000.00 and in accordance with the terms and conditions outlined in Schedule "A" dated May 11, 2010 contained in the report of the Winnipeg Public Service dated June 23, 2010.

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

**Agenda - Executive Policy Committee – July 14, 2010**

**Report - Standing Policy Committee on Property and Development – July 6, 2010**

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

# ADMINISTRATIVE REPORT

**Issue:** **To Obtain Council Approval to Acquire Lots 35 & 36, Block 7, Plan 1254 Identified as "Subject Property" on Misc. Plan No. 12478**

**Critical Path:** **Standing Policy Committee on Property and Development**
**Executive Policy Committee**
**Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Thorgrimson | D. Joshi | N/A | Phil Sheegl, Deputy CAO |

## RECOMMENDATIONS

1. That the proposed acquisition of the property identified as "Subject Property" on Misc. Plan No. 12478 be approved at the negotiated purchase price of $11,000.00 and in accordance with the terms and conditions outlined in the attached Schedule "A", dated May 11, 2010.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

- The Planning Property and Development Department has recently been approached by the owner to determine whether the City would be interested in purchasing the property on Fuller Avenue. The Department is seeking Council approval to purchase the subject property in accordance with the terms and conditions outlined in the attached Schedule "A".

## IMPLICATIONS OF THE RECOMMENDATIONS

- There are no regulatory or human resource implications associated with the report.

- The acquisition of this property would be funded by the Land Operating Reserve Fund, which has sufficient funds for the costs of acquisition.
- There are no direct financial implications associated with the recommendations.

## HISTORY

- On November 25, 1998, Council adopted the Standing Policy Committee on Property and Development recommendation that the then Property and Development Services Department be authorized to conduct negotiations for the acquisition of those remaining properties needed to complete the consolidation of the City's holdings, in those circumstance where said properties are offered for sale to the City at reasonable prices (in the area bounded by Dugald Road, Copeland Street, Reid Avenue and Rennie Avenue and Copeland Street, Second Street, Rennie Avenue and Fuller Avenue plus the three parcels immediately south of Second Street).
- On February 8, 2010, the Department was approached by the owner of the subject property to determine whether the City would be interested in purchasing the property on Fuller Avenue.
- On February 10, 2010, the proposed acquisition of the subject property was circulated to all City Departments, with no negative feed back being received.
- On February 22, 2010, an internal appraisal for the subject property was conducted, which estimated the value of the property at $12,000.00.
- Negotiations were conducted with the owner in accordance with Council order dated November 25, 1998, and concluded with the proposed acquisition price of $11,000.00.

## FINANCIAL IMPACT

**Financial Impact Statement** **Date:** June 11, 2010

**Project Name:** **First Year of Program** **2010**

Proposed Property Acquisition – Lots 35 & 36, Block 7, Plan 1254

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $ 11,000 | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | - | - | - | - | - |
| Net Cost/(Benefit) | $ 11,000 | $ - | $ - | $ - | $ - |
| Less: Existing Budget Amounts | 11,000 | - | - | - | - |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:** The acquisition cost is to be charged to the Land Operating Reserve Fund. The property is being acquired to consolidate with other City holdings. In accordance with Council policy for use of LOR funds, the intent is to dispose of this property at some future date.

*"Original signed by"*
Mike McGinn, CA
Manager of Finance

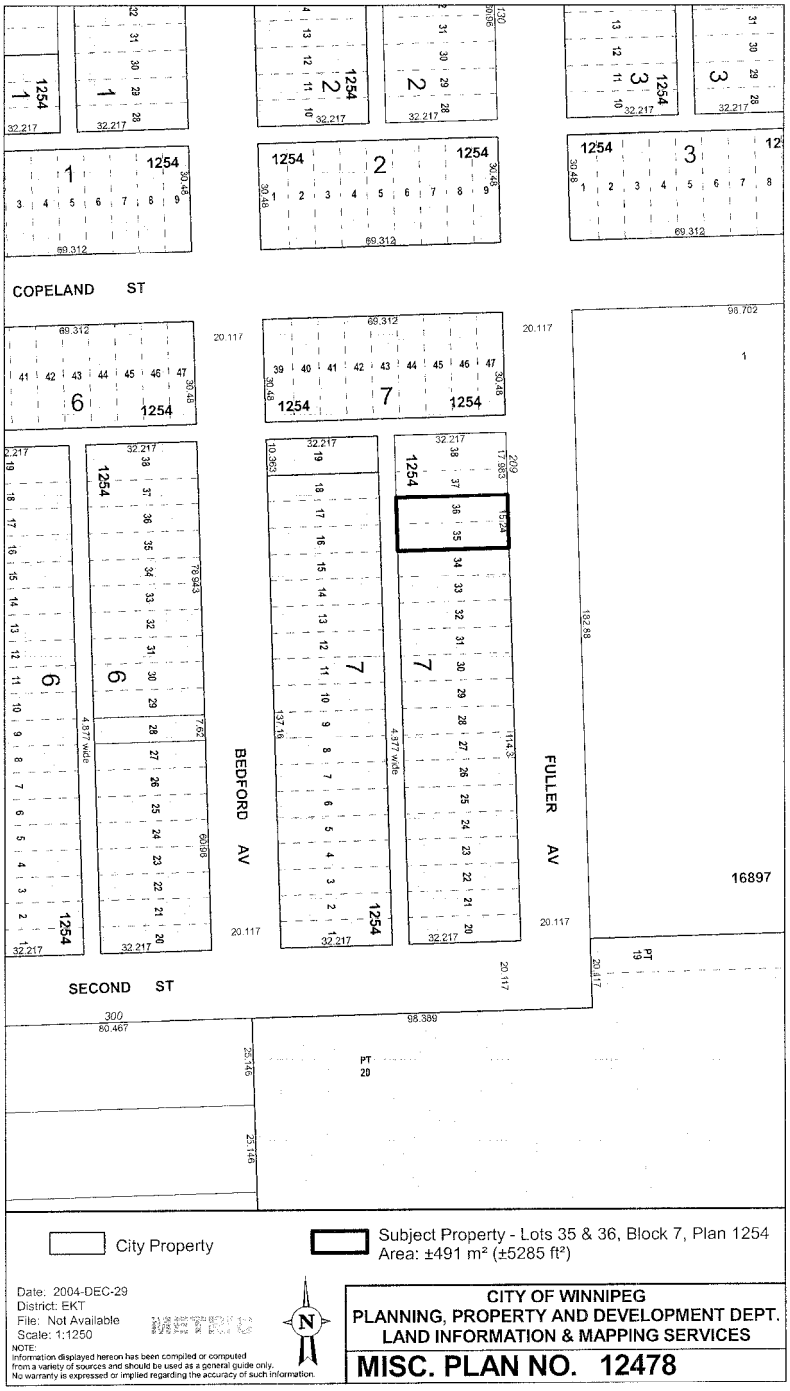
## CONSULTATION

**In preparing this report there was consultation with: N/A**

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Real Estate |
| Prepared by: | Elliott Hannam |
| Date: | June 23, 2010 |
| File No. | 32 / 5825 |

o:\reports directive\real estate\acquisition\(eh) report to acquire fuller ave- lots 35 & 36, block 7, plan 1254.doc


COPELAND ST
SECOND ST
BEDFORD AV
FULLER AV
16897
City Property
Subject Property - Lots 35 & 36, Block 7, Plan 1254
Area: ±491 m² (±5285 ft²)
Date: 2004-DEC-29
District: EKT
File: Not Available
Scale: 1:1250
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12478

RECEIVED
CITY OF WINNIPEG
MAY 19 2010
PLANNING, PROPERTY &
DEVELOPMENT DEPARTMENT

May 11,2010

Planning,Property & Development Department

Elliott Hannam,Real Estate Officer

2nd Floor 65 Garry Street

Winnipeg MB R3C 4K4

RE:- proposed full acquisition of land-Lots 35 and 36,Block 7 Plan 1254..File 8257

After examination of your letter and proposal,we have signed and dated the Schedule "A"

We would like to thank you for the time spent explaining our questions.

Please notify us when the next step is formalized.

Yours truly,

W.M. Dubas Janet Dubas

William & Janet Dubas

212 Horton Ave.W

Winnipeg M R2C 2G3

cc:w&jd

# SCHEDULE "A"

**Proposed Terms & Conditions to Acquire Privately Owned Land, Shown As, "Subject Property" on Misc. Plan No. 12478**

1. A proposed purchase price of ELEVEN THOUSAND, ($11,000.00) DOLLARS for the property shown as "Subject Property" on attached Misc. Plan No. 12478.

2. The Vendor hereby consents to allow the City or other persons acting with its authorization to enter and construct upon the Subject Property at any time hereafter or on a mutually acceptable date.

3. The Subject Property to be conveyed to the City free and clear of any liens, encumbrances or leasehold interests, excepting any utility easements registered against the Subject Property.

4. The date of vacant possession and adjustment of taxes to be 30 days from the date of final approval by the City of Winnipeg's Council, or its delegated authority, or a mutually acceptable date.

5. The Vendor covenants, warrants and represents to the City, and it is a condition of the agreement, that to the best of the Vendor's knowledge:

   a) there are no outstanding orders, notices or similar requirements relating to the land either issued by any environmental, fire, health, labor or police authorities or from any other federal, provincial, municipal authority and there are no matters under discussion with any such authorities relating to such orders, notices or similar requirements;

   b) no hazardous materials, wastes, pollutants or similar substances as those defined by current applicable laws and regulations and no other materials intended for use or generated at the Subject Property have been or are used, stored, treated or otherwise disposed of in violation of current applicable laws and regulations.

6. The Vendor shall not strip or remove nor permit the stripping or removal of the topsoil from the Subject Property area.

7. Commissions related to the sale of the Subject Property, if any, will be the sole responsibility of the Vendor.

8. The Vendor agrees to enter into an appropriate Purchase/Sale Agreement with the City in a form and embodying the within terms and conditions and any other such terms and conditions as deemed necessary by the City Solicitor.

9. Subject to Item # 14 herein, the Vendor agrees to consent on a Real Owner Application to add the City of Winnipeg as the Real Owner of the Subject Property on the Assessment Rolls of the City of Winnipeg.

10. The Vendor agrees to declare whether or not it is a "Registrant" for the purposes of the Goods and Services Tax and if so to provide their G.S.T. Registration number on request.

11. The City (Goods and Services Tax Registrant No. R121682967) will self-assess any tax payable on the acquisition of the Subject Property.

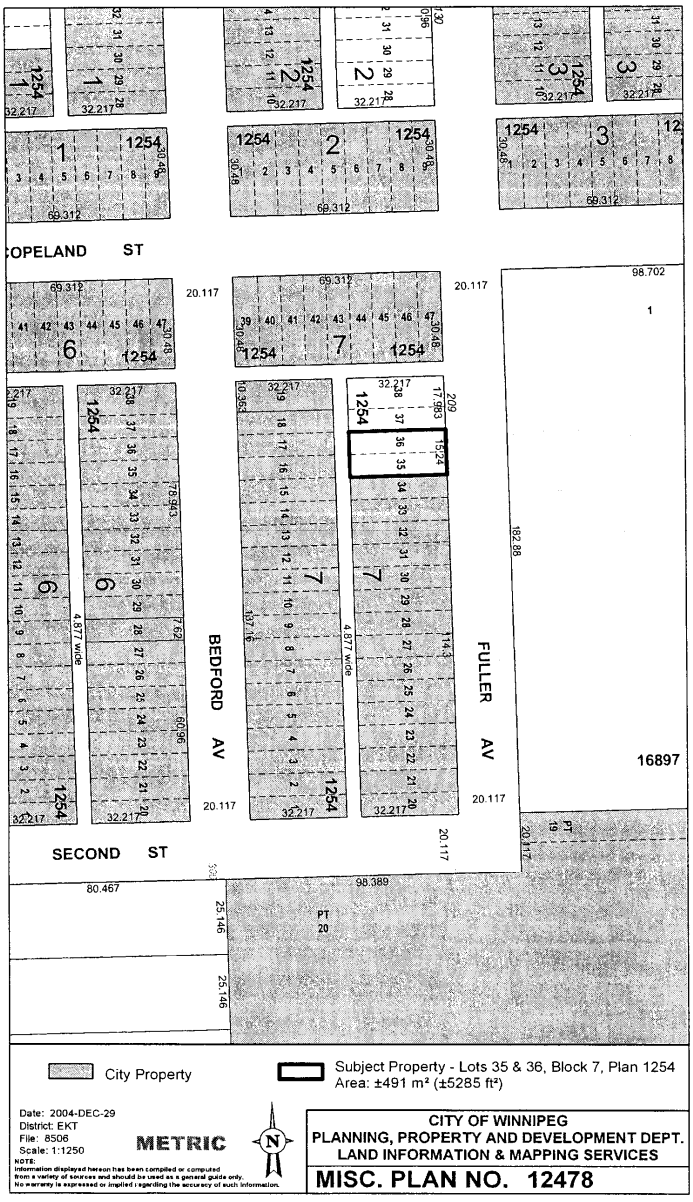
12. This proposal is subject to final approval the by the City of Winnipeg's Council, or its delegated

**I/We,** WILLIAM + JANET DUBAS, being the registered owner(s) of the land identified as "Subject Property", on attached Misc. Plan No. 12478, hereby consent to the sale of the Subject Property in accordance with the proposed purchase price and terms and conditions outlined herein on Schedule "A".

May 11, 2010
**DATE**

W.M. Dubas
**William M. Dubas**

Janet Dubas
**Janet Dubas**


COPELAND ST
SECOND ST
BEDFORD AV
FULLER AV
98.702
16897
182.88
98.389
80.467
City Property
Subject Property - Lots 35 & 36, Block 7, Plan 1254
Area: ±491 m² (±5285 ft²)
Date: 2004-DEC-29
District: EKT
File: 8506
Scale: 1:1250
METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12478