Proposed Sale of a portion of Charing Cross Park adjoining 58 Maitland Drive
File FI-2.4(35) (Vol. 10)

3. The Standing Policy Committee on Property and Development has been advised that the proposed sale of the subject City property was initiated by the adjoining owner (Kim Torcia), who approached the Planning, Property and Development Department to purchase a portion of Charing Cross Park, as outlined on Misc. Plan No. 11145, in order to construct a garage.

Mrs. Torcia has a child who requires easy sheltered wheel-chair access from their dwelling. Mrs. Torcia requested that consideration be given to her limited financial circumstances, meaning she is looking for the City to minimize the costs to her to facilitate this project. Mrs. Torcia subsequently contacted the Ward Councillor to determine if any grants were available to her.

The proposal was circulated in the usual manner and no objections were received or any easement requirements identified.

The Planning, Property and Development Department reported to the Riel Community Committee, by memorandum dated February 8, 2001, as to the applicant's request and as to the results of the circularization. The Department advised the Community Committee of the following:

- The Planning and Land Use Division reviewed the matter and considers that the sale of this portion will have no immediate or long-term impact on recreation activities within the park. However, the Division was also of the opinion that if the City were to absorb the costs associated with the proposed sale it would definitely set a negative precedent for all future land sales within the City. As well, the Division felt that, as the enlargement of the applicant's property will increase its re-sale value, the applicant could, in due course, sell the combined property for a significant profit with no return to the City for its contribution.

- The Real Estate Division concurred in the Planning and Land Use assessment, and further advised that a variance may be required for a reduced side yard due to the placement of the proposed garage.

- The costs referred to are:
    1. Approximately $3,000.00 for the Subdivision/Rezoning and the Plan of Survey;
    2. WLTO registration and examination fees ($200.00+/-);
    3. Subdivision application and approval fees ($300.00+/-);
    4. Consolidation, possibly resulting in financial penalties to discharge and re-apply a mortgage/encumbrances or to acquire a variance;
    5. Other conditions that may arise through the negotiation or subdivision application processes;
    6. The Department advised that there is a City Policy that provides for the sale of small parcels at a price of one half of assessed value.

    Note: This policy has been applied in previous sales of a similar nature.

On April 24, 2001, the Riel Community Committee recommended that the subject City property be sold to Mrs. Torcia on the following basis:

1. Purchase price to be one-half of assessed value in accordance with City Policy.

2. The payment of the sale price (one-half of assessed value) to be deferred until such time as Mrs. Torcia sells her property, at which time the price to the City would be paid out of the then sale proceeds of the consolidated property.

3. The City will require that title to the City's property be consolidated with the title to Mrs. Torcia's property. In order to defer this cost, the City and Mrs. Torcia to enter into a "Non-Subdivision Agreement" which would then require that the consolidation of titles be accomplished at the time the property is resold. The cost of consolidating titles would be Mrs. Torcia's responsibility;

4. It would be necessary to subdivide (the City's triangle to be sold to Mrs. Torcia from the title to the City's park) and to rezone the land to be sold to Mrs. Torcia to facilitate her construction and occupation. In this connection, the Riel Community Committee recommends that the application and administrative costs, including any dedication payments, be waived in this instance. The hard costs to prepare plans of subdivision and to finance registrations and land transfer taxes and of legal costs and to rezone the property are to be the purchaser's responsibility.

5. All other associated standard terms and conditions of a sale of this type of property would continue to apply;

6. The possession and adjustment date would be the latter of either the date of registration of the plan of subdivision or the date that the rezoning by-law, as approved by Council, is effected.

Mrs. Torcia was provided with an Offer to Purchase that incorporated the above conditions but subsequently advised that she would be paying the purchase price of the property now as opposed to some future date. Consequently, Mrs. Torcia has returned an executed revised Offer to Purchase particulars of which are, in brief, as follows:

Location:	South side Maitland Drive, east of Charing Cross Crescent
Legal Description:	Part Lot 2, Plan 20974
Size:	Irregular - 123.6 square metres (1,330.9 square feet)
Zoning:	"PR" Park
Roll No.:	08 0059005000
Certificate of Title:	1064965
Assessed Value:	$1,050.00
Price Offered:	$525.00
Applicant:	Kim Torcia, 58 Maitland Drive
Terms:	$525.00, certified cheque deposited
Adjustments:	From date of acceptance of the offer
Purpose:	To facilitate the construction of an attached garage

This proposed sale price is established in accordance with similar transactions as previously approved by Council and based on the City policy respecting the sale of small parcels.

The Planning, Property and Development Department is in favour of this sale for the following reasons:

1. The property will be on the tax roll upon the closing of the sale with the total assessment being increased by virtue of the new garage to be constructed.

2. The cost to the Purchaser in addition to the purchase price will be significant. The Purchaser will be responsible for the subdivision/rezoning costs and the preparation of any necessary easement plans, the cost of which will be at least $3,500.00 plus incidentals and plus the costs to consolidate titles.

3. The Purchaser has agreed to consolidate title to the "subject City Property" shown on Misc. Plan No. 11145 with title to her adjoining holding.

The Planning, Property and Development Department's recommendations will enable the facilitation of this proposed transaction in accordance with the recommendations of the Riel Community Committee and will respond to this applicant's special needs.

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 City-owned park land, outlined as "subject City property" on Misc. Plan No. 11145, be declared surplus to the City's requirements.

II. That the Kim Torchia's Offer to Purchase the subject City property be approved at a price of $525.00 and in accordance with the terms and conditions as negotiated, subject to the subdivision and rezoning being applied for within six months of date of acceptance of the Offer.

III. That any applications and administrative costs, including any dedication payments, be waived in this instance.

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