Report - Standing Policy Committee on Property and Development - May 12, 2003

Minute No. 254
Item No. 2 **Proposed Marketing and Sale of Eight Residential Building Lots - Sterling Avenue Subdivision**
File FI-2.4 (35)(Vol. 11)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the Chief Administrative Officer be delegated the authority to accept Offers to Purchase in the Sterling Avenue Subdivision that are in accordance with the City's proposed terms and conditions and where the offered price is not less than as proposed in the attached administrative report dated May 2, 2003.

2. 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.

Minutes - Executive Policy Committee - May 21, 2003

Report - Standing Policy Committee on Property and Development - May 12, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2003, the Standing Policy Committee on Property and Development concurred in the administrative recommendation to delegate authority to the Chief Administrative Officer to accept Offers to Purchase in the Sterling Avenue Subdivision, and submitted its recommendation to Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On May 12, 2003, the Standing Policy Committee on Property and Development concurred in the administrative recommendation, and authorized the Director of Planning, Property and Development to commence marketing the subject property for sale in accordance with the strategy, terms and conditions, reserve pricing, and including the payment of real estate commissions, all as proposed in the attached administrative report dated May 2, 2003.

Re: Proposed Marketing and Sale of Eight Residential Building Lots
Sterling Avenue Subdivision
Riel Community
St. Vital Ward

For submission to: **Standing Policy Committee on Property and Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: May 2, 2003

Recommendation(s):

1. That the Director of the Planning, Property and Development Department be authorized to commence marketing the subject property for sale in accordance with the strategy, terms and conditions, reserve pricing, and including the payment of real estate commissions, all as proposed herein.

2. That subject to the approval of Recommendation No. 1, that the Chief Administrative Officer be delegated the authority to accept Offers to Purchase that are in accordance with the City's proposed terms and conditions and where the offered price is not less than as proposed herein.

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

REPORT SUMMARY

Key Issues:

- Pursuant to the Plan of Subdivision approved under the Application DAS 14/00, the Planning, Property and Development Department subdivided, rezoned and serviced the subject property. The Department is now able to proceed with the sale of eight of the ten resultant residential building lots.
- The Planning, Property and Development Department is seeking approval of the proposed marketing strategy, and pre-approval to the terms and conditions of sale and reserved pricing as discussed within this report.
- The Planning, Property and Development Department is also seeking approval to pay real estate commission fees to be calculated at 3% of the accepted offer.
- The Planning, Property and Development Department is also recommending that Council delegate the authority to the Chief Administrative Officer to accept Offers to Purchase

received in accordance with the City's terms and conditions and reserved pricing. In so doing the finalization of potential sales can be expedited.

Implications of the Recommendation(s):

General implications:

X	**None**
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

- The Real Estate Division has not carried out an Environmental Site Assessment of the subject properties. The Purchasers will have the ability to conduct this investigation pursuant to the proposed terms of sale.

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:

In accordance with City Policy, the Standing Policy Committee on Property and Development shall finalize all sales, including terms and conditions, for which the Director of the Planning, Property and Development Department has no authority. By this Report, the Department is seeking the approval of the Committee to the proposed terms and conditions of sale, and to the payment of commissions. The Department is also seeking a delegation of authority to the Chief Administrative Officer to accept the resultant Offers to Purchase which will require Council approval.

HISTORY:

The subject City-owned lands are the residual right-of-way lands, which have been closed and declared surplus by Council under DAC 1/00.

Pursuant to Council approval, the Plan of Subdivision approved under Application DAS14/00 was registered in the Winnipeg Land Titles Office on November 1, 2001 as WLTO Plan No. 39,917. Certificates of Titles were issued for ten residential lots zoned R1 - 5.

In 2002, the Department contracted with SEG Engineering Inc. to design and supervise the construction of utility services within the extended Sterling Avenue right-of-way. The installations included the full range of services as stipulated within the Development Agreement parameters including hydro, telephone, street paving and associated works. The service installations were awarded to Maple Leaf Construction Ltd. pursuant to Tender No. 747-2001.

The general details of the subdivision are as follows:

Location: Sterling Avenue, south of Bishop Grandin Boulevard

Legal Description of the Residential Subdivision:

Lots 1 through 10, Plan 39917 in RL 48, 49 and 51 Parish of St. Vital

Note: This report pertains only to the eight of the lots (Lots 2/9)

Certificate of Titles for the Eight Lots to Be Sold:

1836011, 1836019, 1836024, 1836030, 1836034, 1836038, 1836040, 1836041 WLTO

Zoning: R1 - 5

Servicing: Sewer and water-lot line connections from the services in the street to the lot line are installed and prepaid. The watermain, land drainage and wastewater sewers, concrete street pavement and ornamental street lighting, underground hydro/telephone/cable services are in place.

DISCUSSION:

Proposed Terms and Conditions for the Sale of the Sterling Avenue Lots

The overall plan of subdivision created 10 residential lots. The Department is withholding Lots 1 and 10 from sale at this time as they require further subdivision in conjunction with other adjacent lands.

The recommendations herein are intended to apply only to the proposed sale of Lots 2 through 9 inclusive as identified on the attached Misc. Plan No. 11309/2. The proposed terms and conditions for the marketing and sale of these eight residential building lots have been developed to respect the conditions as set out in DAS 14/00 and other governing by-law requirements in a manner to protect the City's interests.

The Department is attaching herewith:

- a draft of: a sample "Offer to Purchase" form that it intends on using in the sale of these properties. These drafted terms and conditions are generally consistent with similar Agreements used by the City in the sale of other residential building lots;
- a copy of a Misc. Plan for each of the lots to be sold;
- the instructions to the prospective purchasers.

The form of Offer to Purchase contains information specific to each respective lot. There are several significant terms, which are identified as follows:

Easements:

The proposed terms and conditions also address the requirement for typical easements for MTS, Shaw Cable and Hydro. On Lots 8 and 9 a land drainage swale easement will be required. The locations of the easement areas relevant to each specific lot are identified on the respective Misc. Plans for each specific lot.

Other Development Related Requirements:

The terms and conditions of sale also require the Purchaser to:

- sod the boulevards abutting the lands;
- observe the front and rear yard setbacks as specified in the terms and conditions;
- for those lots abutting the Bishop Grandin right-of-way, acknowledge the future intended City installation of a grade separation with an egress ramp and agree it will not petition against or claim any damages as a result of same;
- for those lots adjacent to the proposed walkways, acknowledge that the City will not be fencing along the walkway and any fence installed must be by the Purchaser at their sole expense;

- for lots 8 and 9, a land drainage swale easement will be required.

Payment Of Real Estate Commissions

The Planning, Property and Development Department is recommending that commissions be paid to registered Real Estate Agents or Firms that submit an Offer to Purchase, which Offer is then accepted and ultimately closes. The Department proposes a commission rate of 3% of the accepted gross sales price with the commission to be payable after the sale closes. The rate of 3% is being suggested as it is the commission participation rate as utilized in the now expired residential listing contract with Century 21 Carrie Realty. This rate also reflects the marketing and sales preparation activities as accomplished by the Department.

The Department supports the participation of brokers in the selling process in order to maintain the cooperative working relationship which has been developed in recent years with the private sector brokers and with the Winnipeg Real Estate Board. There are continuing enquiries from private brokers as to the availability of these building lots. For the information of the Committee, the City has adopted a practice of paying a commission in the sale of industrial/commercial/investment properties.

The Proposed Marketing Strategy and Sales Process

By this report the Real Estate Division is recommending that the authority to accept Offers to Purchase that are received in accordance with the City's form and terms and conditions of sale, without variation, and where the offered price is not less than the reserve price, be delegated to the Chief Administrative Officer. The Department anticipates that the CAO will then further delegate this authority to the Director of the Planning, Property and Development Department. In so doing, the processing of the sales will be expedited and will facilitate an early close of sales and transfer of land in a timely manner thereby facilitating early construction.

The Real Estate Division proposes that Lots 2 through to and including Lot 9, be offered for sale by way of a Public Invitation for Offers.

The proposed marketing to the general public will be comprehensive of and include an informational package for each of the respective lots to be offered, complete with an Offer to Purchase document that sets out the City's terms and conditions, the sample easement documents, as well as the reserve price applicable to each lot. Therefore there will be eight separate property packages, one for each lot to be marketed. The details of each lot and the respective reserve price are set out in the following section of this report titled "Financial Administration and Proposed Pricing".

Information on the Public Invitation for Offers will be sent to the Winnipeg Real Estate Board's, Residential Division and all residential brokers to facilitate access and participation of those realtors. Since there have been several expressions of interest received and recorded in the departmental file, each of these parties will also be forwarded information on the lots for sale and

advised of the intended Public Invitation for Offers so that they may also participate. As well, the general public will be made aware of the lots for sale by way of on-site signage, advertisement in the media and on the Department's Internet web-page site.

The proposed sequence of events and timeline for the marketing process over a period of approximately 4 weeks, will be as follows:

- property packages to be distributed to the Winnipeg Real Estate Board, residential brokers and interested parties recorded on file, immediately followed by media and web-site advertisement;

- the "Invitation for Offers" will close on the date as specified in the property package at noon;

- the Real Estate Division will evaluate the resulting offers received in response to the Invitation and will make its recommendation to the Director of the Planning, Property and Development Department as to which offers are recommended for acceptance. The Department assumes that the CAO will further delegate the authority to the Director of the Department to accept these Offers to Purchase;

- the Director, or his designate, will approve the sales pursuant to the delegated authority being recommended herein.

- the successful Offers will be processed accordingly to their final completion of the sale. All un-successful offerors will be notified accordingly and their respective deposits returned to them.

FINANCIAL ADMINISTRATION AND PROPOSED PRICING

The Department is recommending that the prices to be established for each of these lots be approved as follows:

Lot	Square Foot Area	Assessed Value 2003	Reserve Price	Misc. Plan	CT No.
2	10,686	$38,500	$42,500	11512	1836011
3	10,199.4	$38,400	$42,500	11510	1836019
4	9,558.1	$37,200	$40,750	11509	1836024
5	10,347.9	$38,700	$42,500	11508	1836030
6	19,844.7	$38,500	$42,700	11507	1836034
7	12,238.6	$41,600	$45,750	11506	1836038

8	14,613.1	$41,600	$45,750	11505	1836040
9	12,469.3	$39,900	$44,000	11504	1836041

The Department has established these recommended prices based on its internal appraisal of these properties.

The total of the proposed "reserve" prices for Lots 2 through 9 will produce gross sale proceeds in the amount of $346,450.00. There will be additional sale proceeds arising out of the future sale of the reconfigured Lots 1 and 10. The overall development costs are projected to be $264,200.00. In addition to the costs already expended, the Department will incur costs related to the marketing of these lots including the payment of commissions. Furthermore, the 10% of the gross sale proceeds will be distributed to the Enhanced Land Marketing Program and to the Gail Hammerquist Fund (City of Winnipeg Heritage Grants) as previously directed by Council. The additional benefit derived from the sale of these lots will be an expanded realty tax base.

The gross sale proceeds will be received by the Department and deposited in the Department's Land Operating Reserve Account.

Financial Impact Statement

Date: May 2, 2003

Project Name:

Proposed Marketing and Sale of Surplus Property - 8 Lots in the Sterling Avenue Subdivision

First Year of Program 2003

	2003	2004	2005	2006	2007
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	$ 272,126	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	347,150	4,201	4,201	4,201	4,201
Net Cost/(Benefit)	$ (75,024)	$ (4,201)	$ (4,201)	$ (4,201)	$ (4,201)
Less: Existing Budget Amounts	(75,024)	(4,201)	(4,201)	(4,201)	(4,201)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The projected gross sale proceeds for the subject 8 Lots only within the Sterling Avenue subdivision assumes that all sales will be at the recommended purchase price;it does not consider payment of commissions or the distribution of 10% of the gross sale proceeds to the Enhanced Land Marketing Program and the the Gail Hammerquist Fund (City of Winnipeg Heritage Grants). The additional benefit of Realty Tax recovery assumes that all 8 Lot sales will close by November 1, 2003 and the projected recovery is based upon the 2003 mill rate for all projected years with no variance to the mill rate over future years and with no consideration being given to increases in assessed value due to future residential development of the lands.The expenditures reflect only those costs that have been incurred to date and will increase as additional costs are incurred.

Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

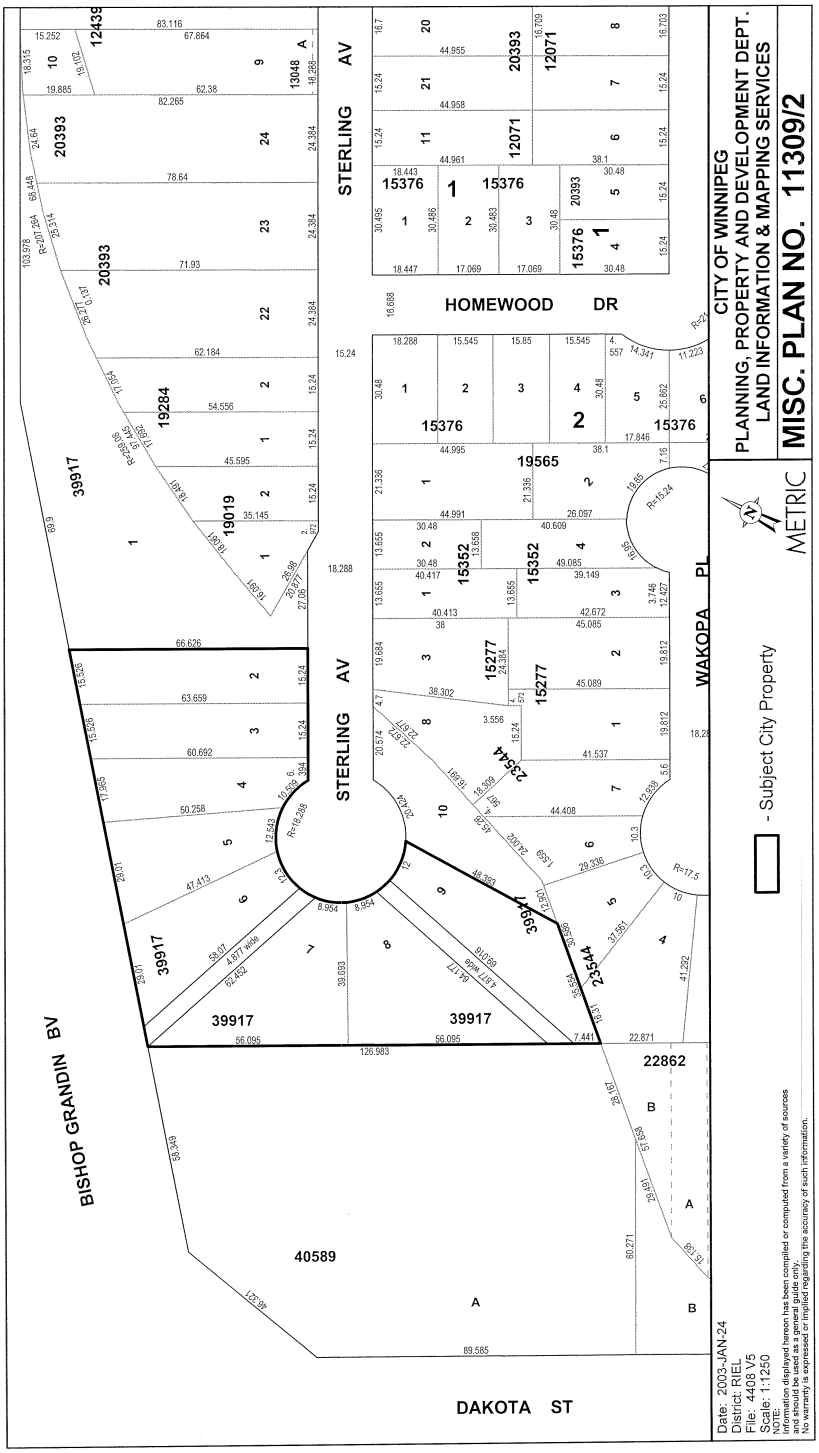
Legal Services Division as to the proposed terms and conditions.

Geomatics Branch as to the identification of the respective lots to be sold.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: S. Polet
PPD File #: SV4408

Document name: o:\reports directive\real estate\sales\(sp)sterling.doc


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11309/2
METRIC
- Subject City Property
STERLING AV
HOMEWOOD DR
WAKOPA PL
BISHOP GRANDIN BV
DAKOTA ST
Date: 2003-JAN-24
District: RIEL
File: 4408 V5
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.

INSTRUCTIONS TO INTENDING PURCHASERS – RESIDENTIAL PROPERTIES

1. The intending purchaser may submit offers on more than one lot but should be aware that if he/she is the high bidder on those lots then he/she is committed to purchasing those lots rather than choosing the preferred lot.

2. A certified cheque representing fifteen percent (15%) of the total purchase price offered must accompany each Offer to Purchase by way of deposit. The cheque must be made payable to "The City of Winnipeg". Any cheque accompanying an Offer which is not accepted will be returned to the intending purchaser.

   NOTE: The City will not consider any offer below the reserve price.

3. All applications must be made on forms provided by the City (attached). No variations or conditions may be made to these forms. Any Offer to Purchase not complying with this condition will be rejected.

4. All Offers to Purchase must be sealed in an envelope and marked "Sealed Offer – Sterling Avenue" and the outside of the envelope must also bear the intending purchaser's name and address. **Offers must be received not later than 12:00 noon Monday, ??, 2003.**

   Offers to Purchase should be addressed and delivered to:

   The City of Winnipeg

   Planning, Property and Development Department

   Real Estate Division

   2-65 Garry Street

   Winnipeg, Manitoba

   R3C 4K4

   Attention: Pat Henry or Joedi Pruden

   File No. 4408 V4

5. Every intending purchaser is requested to read carefully the Offer to Purchase form before submitting it and to fill in all particulars as required.

6. All forms must be completed with NAME, ADDRESS AND TELEPHONE NUMBER of intending purchaser.

7. In the event of the intending purchaser being a Company, the forms must be signed by the signing officers of the Company, together with the Company's seal, if applicable.

8. All offers will be subject to the following reserve prices:

Lot 2	$42,500.00	(10,687⏐ sq. ft.)
Lot 3	$42,500.00	(10,200⏐ sq. ft.)
Lot 4	$40,750.00	(9,560⏐ sq. ft.)
Lot 5	$42,500.00	(10,348⏐ sq. ft.)
Lot 6	$42,700.00	(10,845⏐ sq. ft.)
Lot 7	$45,750.00	(14,240⏐ sq. ft.)
Lot 8	$45,750.00	(14,615⏐ sq. ft.)
Lot 9	$44,000.00	(12,469⏐ sq. ft.)

9. Two copies of the Offer to Purchase have been provided, (or print two copies, if printing off the internet). Please complete and sign both copies. Return one copy and retain one for personal records.
10. Make sure that all the pages have been completed or filled in appropriately.
11. The Offer to Purchase is irrevocable.
12. The highest or any offer not necessarily accepted.
13. Commission of 3% on the gross selling price will be paid to any registered Real Estate Agent or Firm that submits an Offer to Purchase, which Offer is then accepted and ultimately closes and title transfers to the Purchaser.
14. Any lots not sold at this time will be listed on the City's web site –

    www.winnipeg.ca/ppd

15. For further information you may require concerning the terms and conditions of the Offer to Purchase form, please contact either:

Pat Henry
Phone: (204)986-5369
Fax: (204)944-8476
E-mail: phenry@city.winnipeg.mb.ca

Joedi Pruden
Phone: (204)986-7533
Fax: (204)944-8476
E-mail: jpruden@city.winnipeg.mb.ca

File 4408 V4

RESIDENTIAL OFFER TO PURCHASE

STERLING AVENUE

The City of Winnipeg (hereinafter called "the Vendor") is the registered owner of the land(s), identified as **SUBJECT CITY PROPERTY** on Miscellaneous Plan No. 11512, hereto attached, and legally described as follows:

Lot 2, Plan 39917 WLTO, in RL 48, 49 and 51 Parish of St. Vital

under Certificate(s) of Title No.: 1836011 WLTO which is subject to the following Encumbrance(s) noted thereon and is provided for information purposes only and has not been investigated as to its intent or extent:

Caveat No. 2789540

The above Certificate of Title was searched on April 7th, 2003

PLEASE NOTE THAT NO CURRENT LEGAL SURVEY WAS MADE OF THE PROPERTY TO DETERMINE THE NATURE AND EXTENT OF ANY STRUCTURES THEREON OR TO DETERMINE IF THERE ARE ANY ENCROACHMENTS FROM ADJOINING LANDS.

APPROVED AS TO THE FOREGOING

Signed and Sealed this 9 day of April, 2003

R. W. Sherby

R.W. Sherby, M.L.S.

Planning, Property and Development Department

The Undersigned (hereinafter called "the Purchaser") hereby offers to purchase from The City of Winnipeg (the "City") the following: -

Lot 2, Plan 39917

(hereinafter called the "lands")

for the sum of $_____ cash, and upon the following terms and conditions:

1. (1) Attached to this Offer is the Purchaser's certified cheque payable to "The City of Winnipeg" in the amount of $_____ , and represents an amount equal to fifteen (15%) of the purchase price which the Purchaser tenders by way of deposit, and which sum shall be applied to the purchase price if the sale is approved by the City's Standing Policy Committee on Property and Development and/or City Council (in the event that Council approval is required) and/or its delegated authority, herein after called the "Date of Approval". The Purchaser agrees to pay the balance of the purchase price, interest and adjustments within a period of thirty (30) days from date of the approval of the sale by the City's Standing Policy Committee on Property and Development and/or City Council (in the event that Council approval is required) and/or its delegated authority (the Date of Approval).

   (2) If the Purchaser fails to pay the balance of the purchase monies, interest and adjustments on or before the date of closing as in sub-clause (1) above provided, the City may, at its option, cancel the sale and retain the deposit as liquidated damages.

2. (1) The date of adjustments shall be the Date of Approval.

   (2) The date of closing shall be sixty-one (61) days following the date of adjustments or earlier if mutually agreed.

   (3) The Purchaser agrees to pay as an adjustment an amount equal to the total of such taxes, rates and charges which would have been levied or charged against the lands as though the lands had been entered on the assessment rolls of the City as privately-owned and subject to

taxation, which adjustments shall be calculated from the date of adjustments to and including the last day of the current taxation year.

(4) The Purchaser shall pay interest in lawful money of Canada on all monies remaining outstanding and payable to the City as of the date of adjustments, which interest shall be calculated at the rate per annum equivalent to the prime lending rate in force by the City's Banker at the date of adjustments plus one (1%) percent, computed from the date of adjustments to and including the date all such monies and interest as aforesaid have been fully paid to the City.

3. (1) The Purchaser agrees to pay to the City all Goods and Services Tax applicable on the sale of the lands or, if the Purchaser is a registrant under the Goods and Services legislation, the Purchaser shall advise the City in writing of its registration number. The Goods and Services Tax is to be paid, or the registration number provided, to the City within ten (10) days from date of notice of the approval of the sale by the City.

(2) If the Purchaser fails to pay the Goods and Services Tax or fails to provide its registration number as prescribed in sub-clause (1) of this Clause, the Purchaser agrees that all of the Purchaser's rights and interests in respect of the lands shall, at the City's sole discretion, be fully ended without notice or any formality and all monies paid to the City by the Purchaser shall be retained by the City free from every claim.

4. The Purchaser will obtain possession of the lands at the Purchaser's own expense, which includes, without limiting the generality of the foregoing, obtaining their own surveyor's Building Location Certificates, Surveyor's Staking Certificates and Zoning Memoranda and in connection therewith acknowledges and is aware that the City does not provide Declarations of Possession.

5. In submitting this offer, the Purchaser relies entirely upon personal inspection or knowledge of the land independent of any representation made by or on behalf of The City of Winnipeg. Any error or discrepancy in the description or in the dimensions of the lands as contained herein shall not entitle the Purchaser to any compensation in respect thereof nor would it entitle the Purchaser to the cancellation of the Offer to Purchase.

6. It is agreed that no representation, warranty, collateral agreement or condition affecting this offer or the property is expressed herein. The City does not warrant the quality, condition or sufficiency of the Sale Land for any use or purpose. The lands are deemed to be taken by the Purchaser at its own risk and with all faults and imperfections whatsoever and the Purchaser must satisfy himself that the lands are suitable for his intended use. The Purchaser agrees with the City that the application of the maxim "Caveat Emptor" ("Buyer Beware") shall apply to the offer in the strictest meaning.

7. All improvements in or on the said lands shall remain as part of the freehold.

8. The purchase price of the lands includes watermain, land drainage and wastewater sewers, concrete street pavement and ornamental street lighting.

(1) Sewer and water-lot line connections from the services in the street to the lot line are installed and prepaid. The Purchaser to satisfy themselves as to other service connections.

(2) All existing and installed local improvements will be prepaid by the Vendor.

(3) The Purchaser agrees to sod the boulevards abutting the lands as soon as practicable and maintain same and shall pay the cost thereof and shall also, in the event of settlement of the said boulevard, at any time within 12 months following the date of completion of the aforesaid sodding, repair such settlement and restore the boulevard to its proper grade.

(4) As soon as practicable after the completion of the lot grading of the lands, and no later than 12 months after occupancy, the Purchaser is to install, at his/her expense, a Japanese Tree Lilac in the boulevard – depending upon the location of the driveway. Said tree is to be of a minimum 2 inch calliper width. After installation of the driveway, please check with the Forestry Branch at 986-2004 to determine if a tree must be installed on this lot.

9. The Purchaser will accept Title to the lands subject to all exceptions, reservations and encumbrances expressed or implied in the City's Title.

10. The Purchaser agrees that in the event the Purchaser, at its sole cost, conducts or causes to be conducted an Environmental Site Assessment of the lands and it is determined as a result thereof that contamination levels exceed Provincial Environmental Standards for the intended use of the

lands, and documentation to that effect is produced prior to closing, the City, at its sole option, shall be entitled to:

(1) take remedial action to bring the contamination levels within the Provincial Environmental Standards, **or,**

(2) cancel the sale and return all monies paid in respect of the proposed sale by the Purchaser to that date.

AND FURTHER, in the event the Purchaser fails to provide such documentation as aforesaid, the Purchaser hereby agrees to complete the purchase as herein contemplated and to indemnify and save harmless the City from and against any and all claims arising from or in any way attributable to the existence of contaminants of any kind whatsoever at, in, or upon the said lands.

11. (1) The Purchaser agrees that the sale of the lands shall be subject to any easement, which may be required by a public utility, including, but not limited to the Manitoba Hydro, Manitoba Telephone System, Centra Gas Manitoba Inc. or The City of Winnipeg, for the construction and/or maintenance of facilities together with the right to enter upon the lands at any time, with or without equipment for said purposes and subject to the owner covenanting not to erect or cause to be erected upon the easement area, any building or structure, without the prior written consent of the public utility or the City of Winnipeg, requiring such easement.

(2) Without limiting the generality of the foregoing, the sale of the lands shall be subject to the following easements, namely:

i) in favour of Manitoba Hydro, the Manitoba Telephone System and Shaw Cable for the construction and maintenance of its services in the lands, and

ii) the Purchaser to enter into agreements, example attached as Schedule "B", satisfactory to the said utilities or The City of Winnipeg, and

iii) the Purchaser acknowledges that the City may grant the easements before the transfer of Land issues.

12. No current legal survey was made of the property to determine the nature and extent of any structure thereon or to determine if there are any encroachments from adjoining lands.

13. The Vendor advises that:

(1) Pursuant to DAS 14/00/DAPS 8/01, the rear yard setback is 20m (65.6 ft.).

(2) The removal of any existing debris and/or trees/shrubs and any costs connected therewith will be the responsibility of the Purchaser.

(3) Soil conditions in Winnipeg are of the glacial till variety which is composed of Lacustrine Clays with Silt Intrusions. The Purchaser shall be responsible for any increased costs of development due to this random stratification.

14. (1) The Purchaser acknowledges that extra fill may be required for the lot and will be the responsibility and cost of the Purchaser.

(2) The Purchaser acknowledges and is aware that this property abuts the Bishop Grandin right-of-way.

(3) The Purchaser acknowledges and is aware that there will be a future installation of a grade separation with an egress ramp and the Purchaser agrees not to petition against the grade separation and egress ramp and agrees not to claim any damages as a result same.

15. (1) The sale of the lands to the Purchaser shall be subject to the provision of the By-laws of the City of Winnipeg and all amendments thereto.

(2) The Purchaser acknowledges and agrees that lot grading must meet the requirements of Manitoba Regulation 266/91. The Purchaser is advised to consult with the Survey Services Branch of the Water and Waste Department at 986-7629 to confirm the lot grading requirements for the Purchaser's intended development.

16. The Purchaser agrees that the City may register and maintain a caveat against the lands to ensure the performance of the covenants on the part of the Purchaser herein set forth, and the Purchaser agrees to grant and does hereby grant to the City an interest in the lands according to the tenor of this Offer.

17. Upon approval of the sale by the City, the Purchaser agrees to make application to the City Assessor (in form set out in Exhibit "A" attached) to have the Purchaser's name added to the Assessment Roll of the City as the Real Owner in respect of the lands.

18. Time shall be of the essence of this Offer.

19. The Purchaser will not file any caveat or other encumbrance against the lands before the transfer of the lands to the Purchaser.

20. The word "Purchaser" shall have a plural meaning in the event that more than one party is making this offer, and the masculine shall mean the feminine or neuter as the case may be.

21. The full, true and correct name of the Purchaser is as follows:

_____

Name (Please Print) Address

Purchaser's Registration No. (G.S.T.)_____

IN WITNESS WHEREOF the Purchaser has signed this document in

_____, _____, this _____ day of _____200_

_____ _____

Witness Purchaser

_____ _____

Witness Purchaser

THE CITY OF WINNIPEG

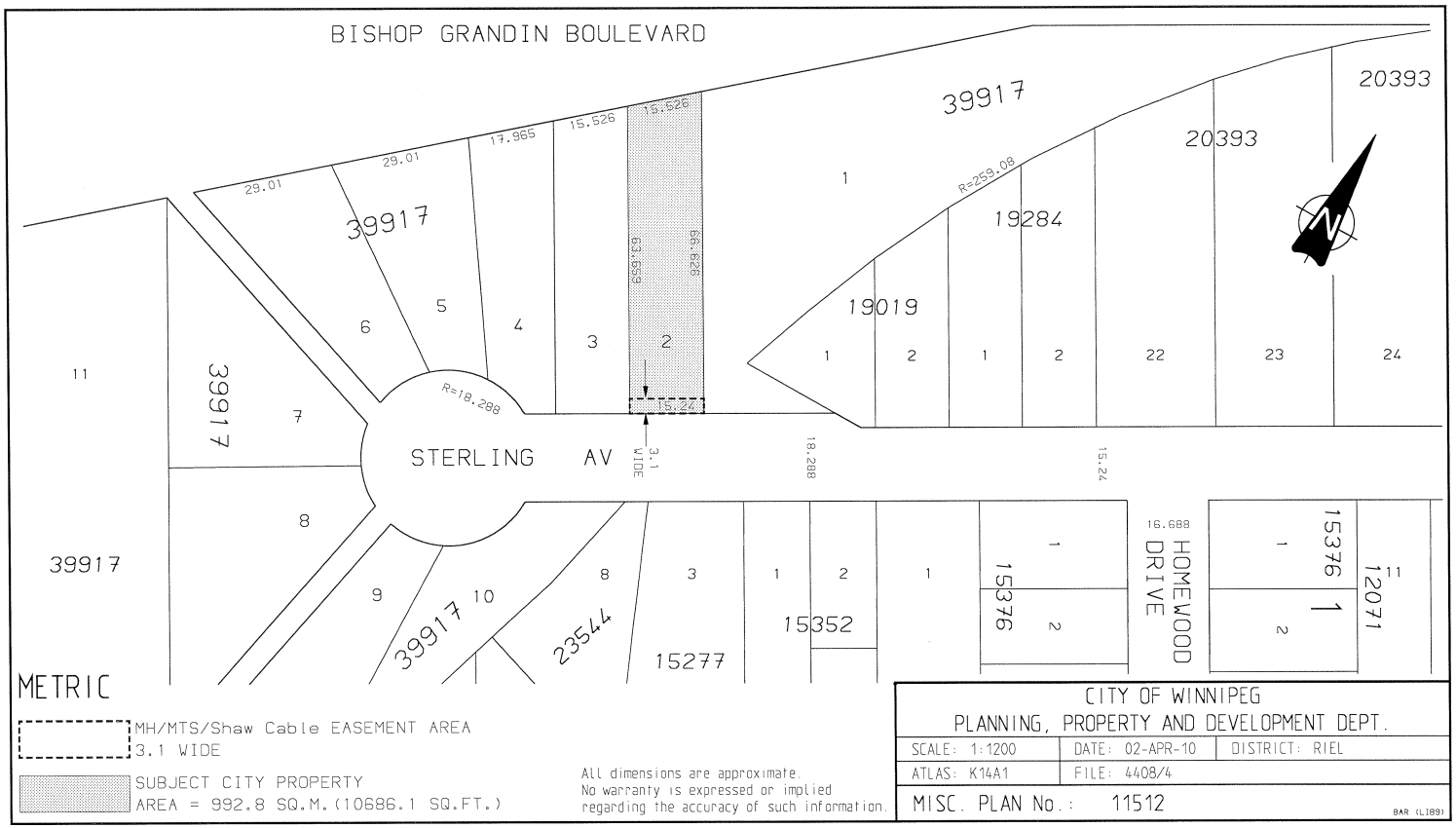
Per: _____

DIRECTOR of Planning, Property and Development

Approved as to details: Approved as to form:

_____ _____

Planning, Property and Development for City Solicitor/Manager of Legal Services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29.01
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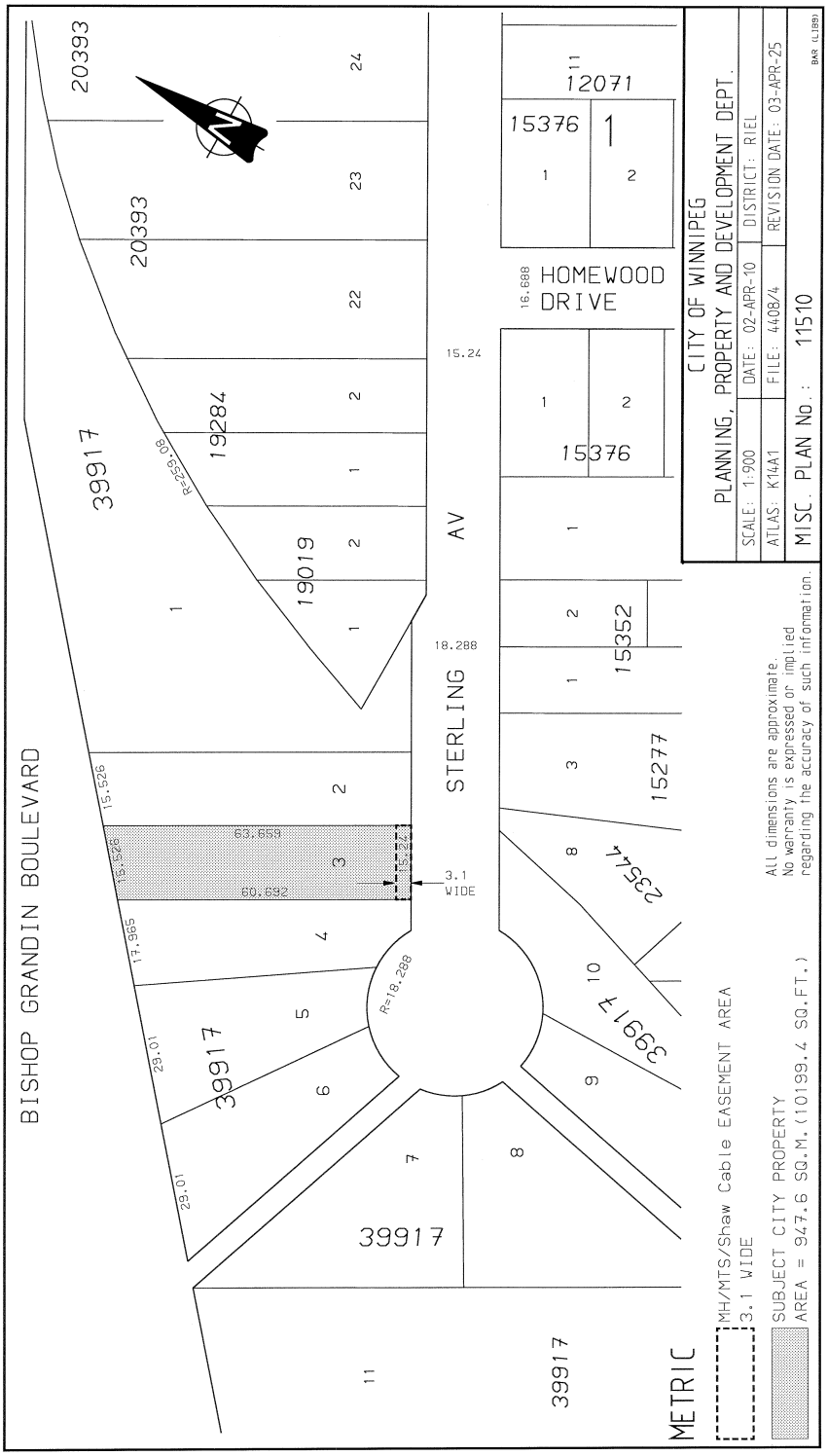
15.526
15.526
R=259.08
19284
19019
R=18.288
STERLING AV
3.1 WIDE
18.288
15.24
16.688
HOMEWOOD DRIVE
15376
12071
23544
15277
15352
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 992.8 SQ.M. (10686.1 SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1200
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11512
BAR (L189)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STERLING AV
HOMEWOOD DRIVE
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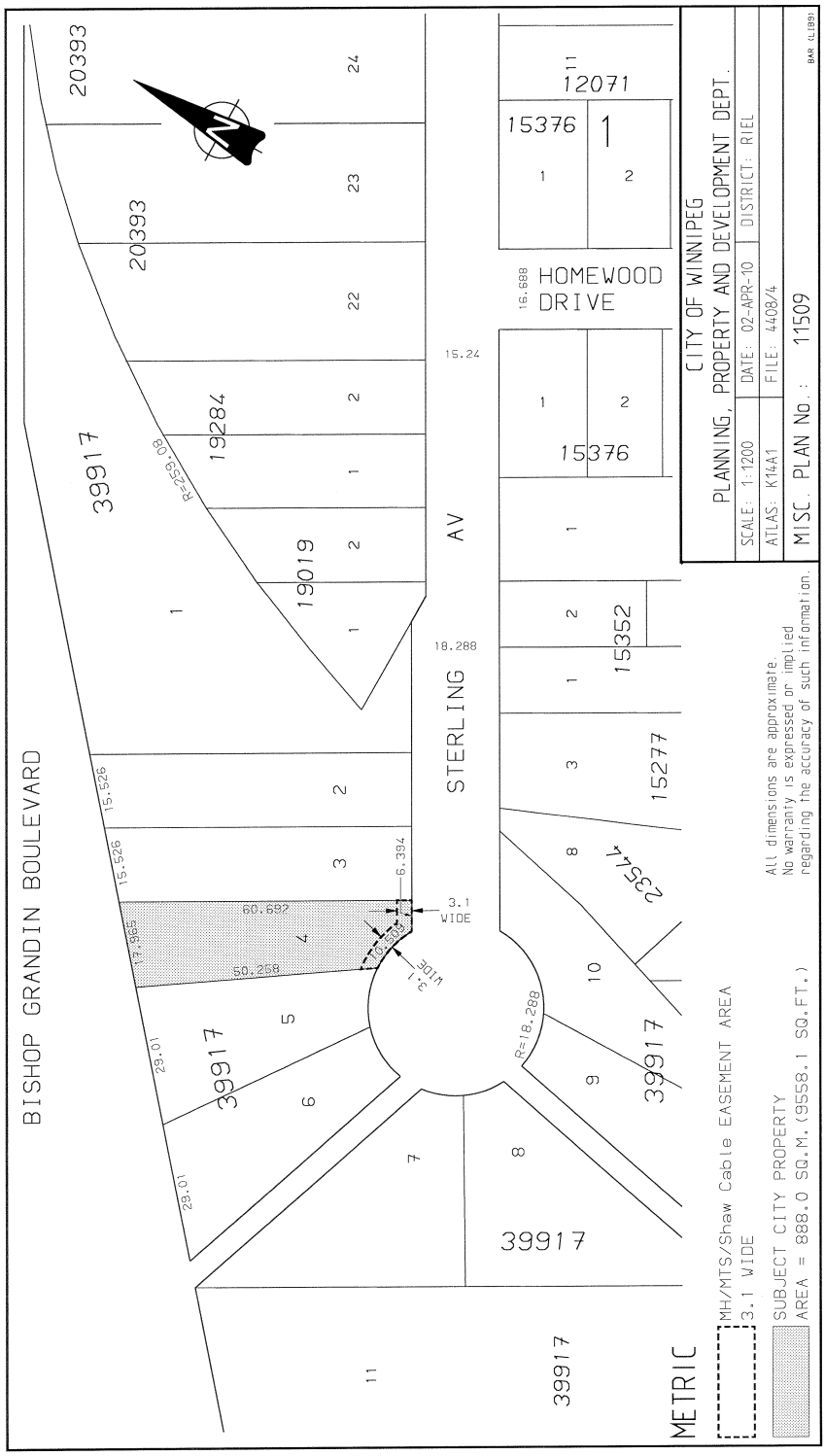
R=259.08
R=18.288
15.24
18.288
16.688
15.526
17.965
29.01
63.659
60.692
3.1 WIDE
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 947.6 SQ.M.(10199.4 SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:900
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
REVISION DATE: 03-APR-25
MISC. PLAN No.: 11510
BAR (LIB9)


BISHOP GRANDIN BOULEVARD
STERLING AV
HOMEWOOD DRIVE
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1200
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11509
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 888.0 SQ.M. (9558.1 SQ.FT.)
3.1 WIDE
R=259.08
R=18.288
20393
39917
19284
19019
12071
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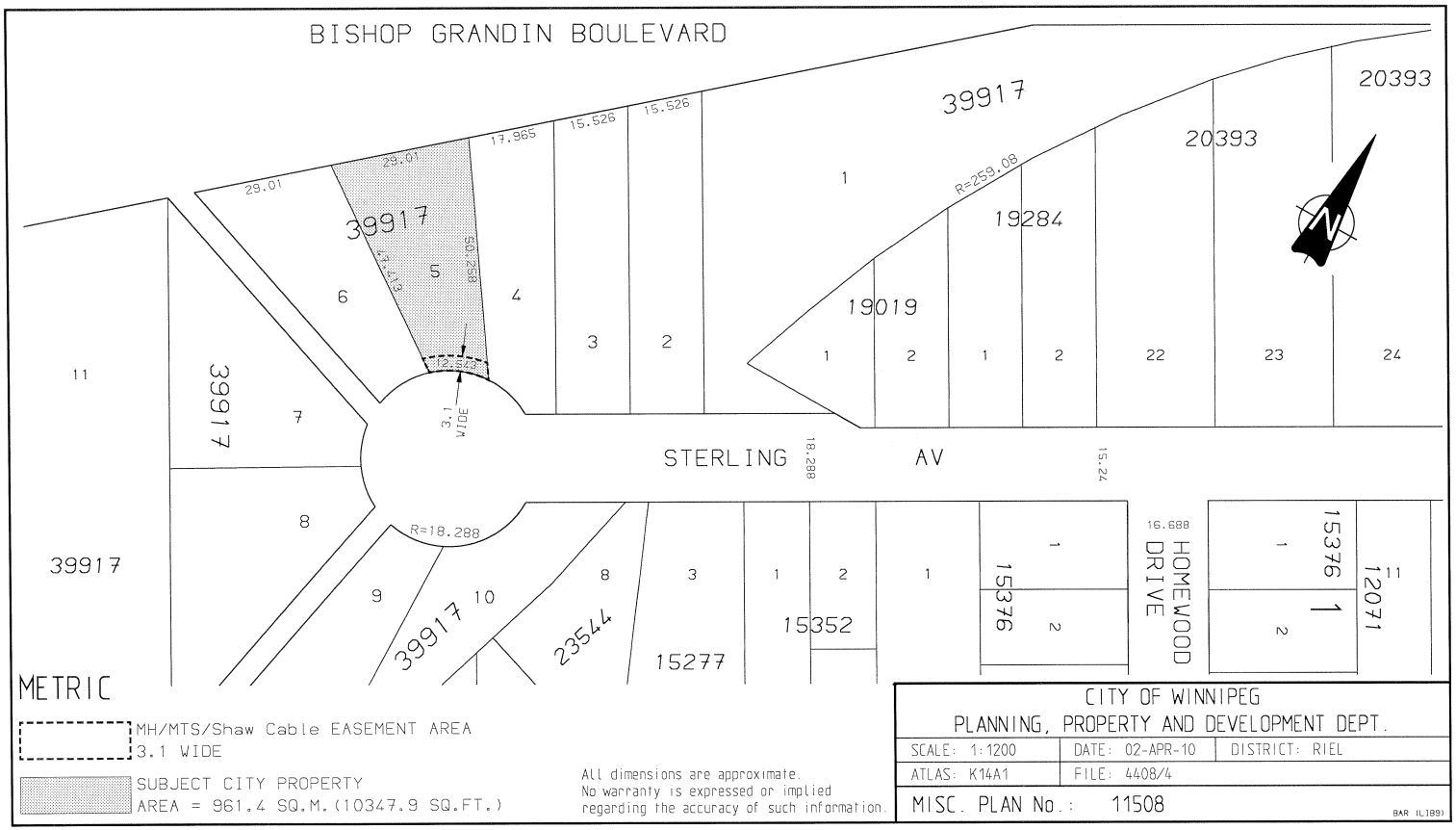
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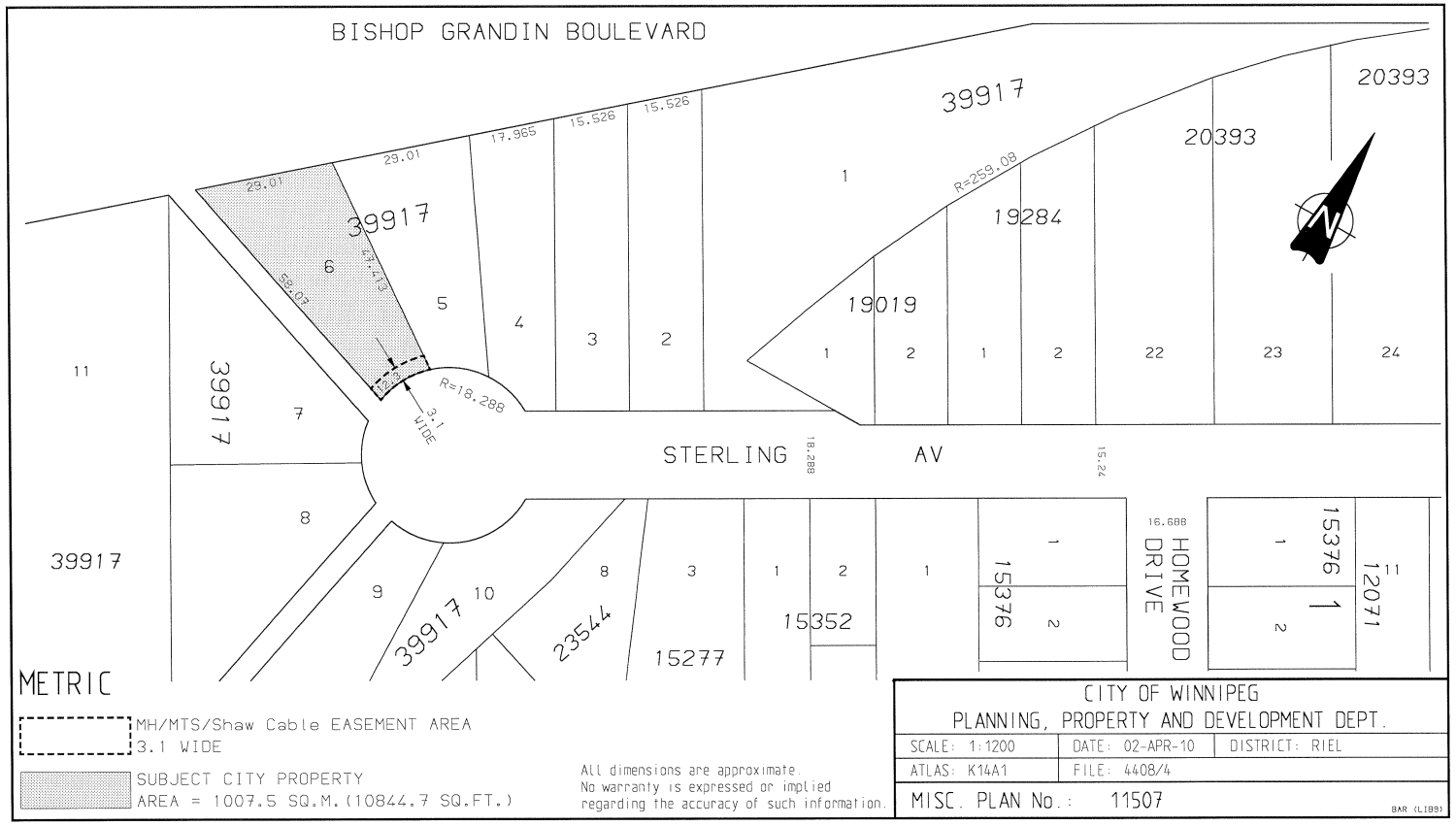
STERLING AV
18.288
15.24
R=18.288
16.688
HOMEWOOD DRIVE
39917
39917
39917
23544
15277
15352
15376
15376
12071
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 961.4 SQ.M. (10347.9 SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1200
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11508
BAR (L189)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15.526
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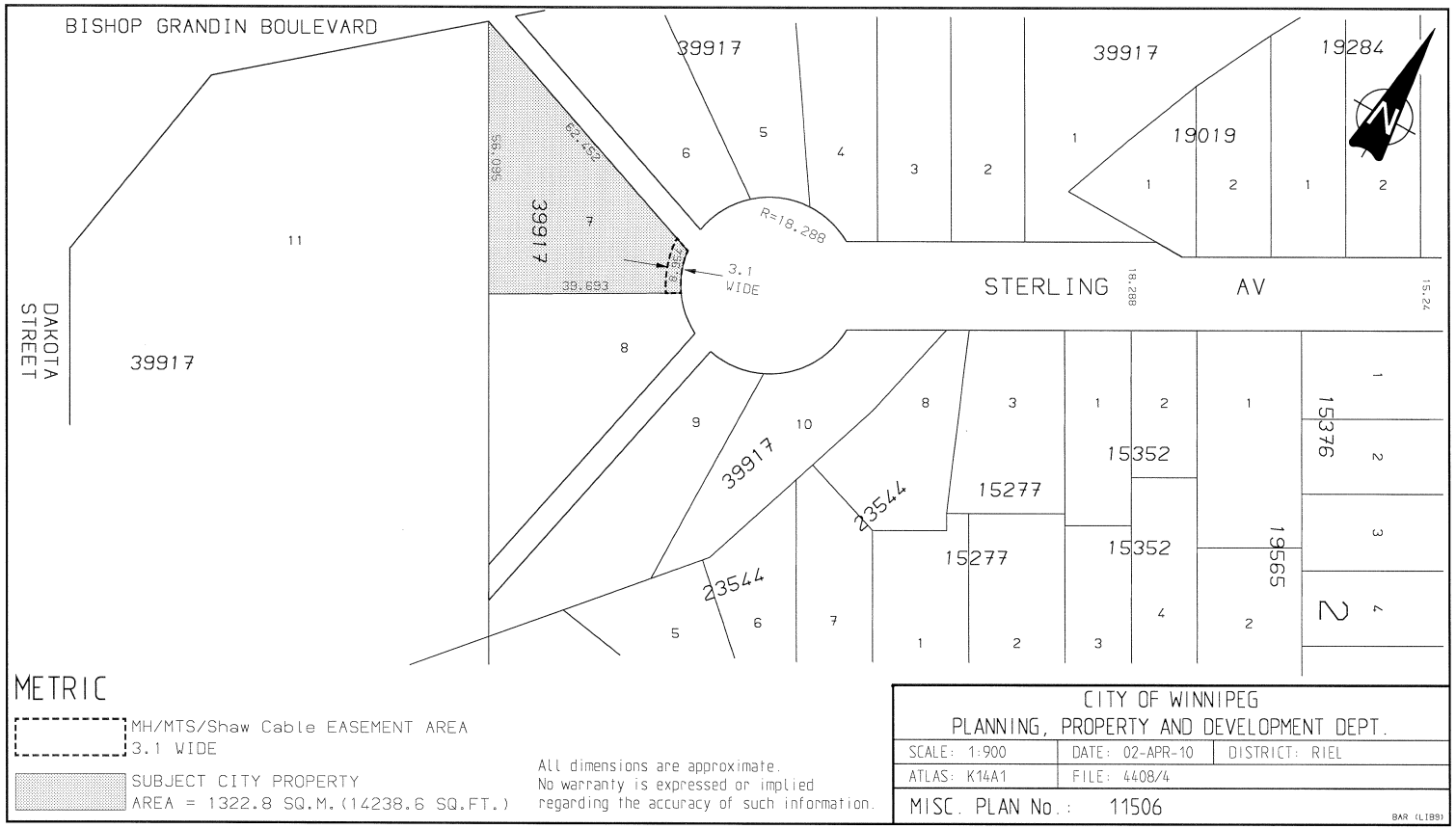
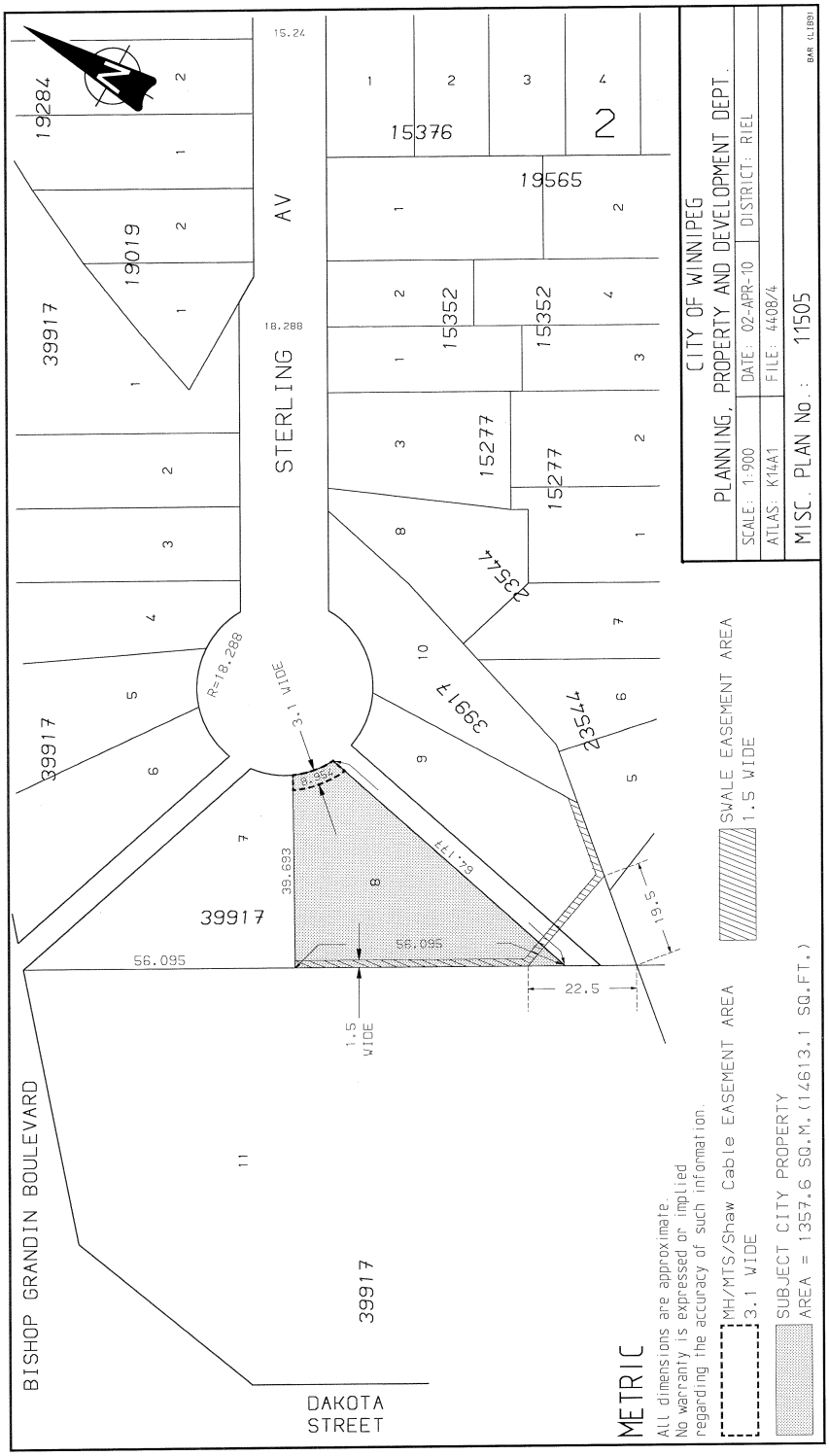
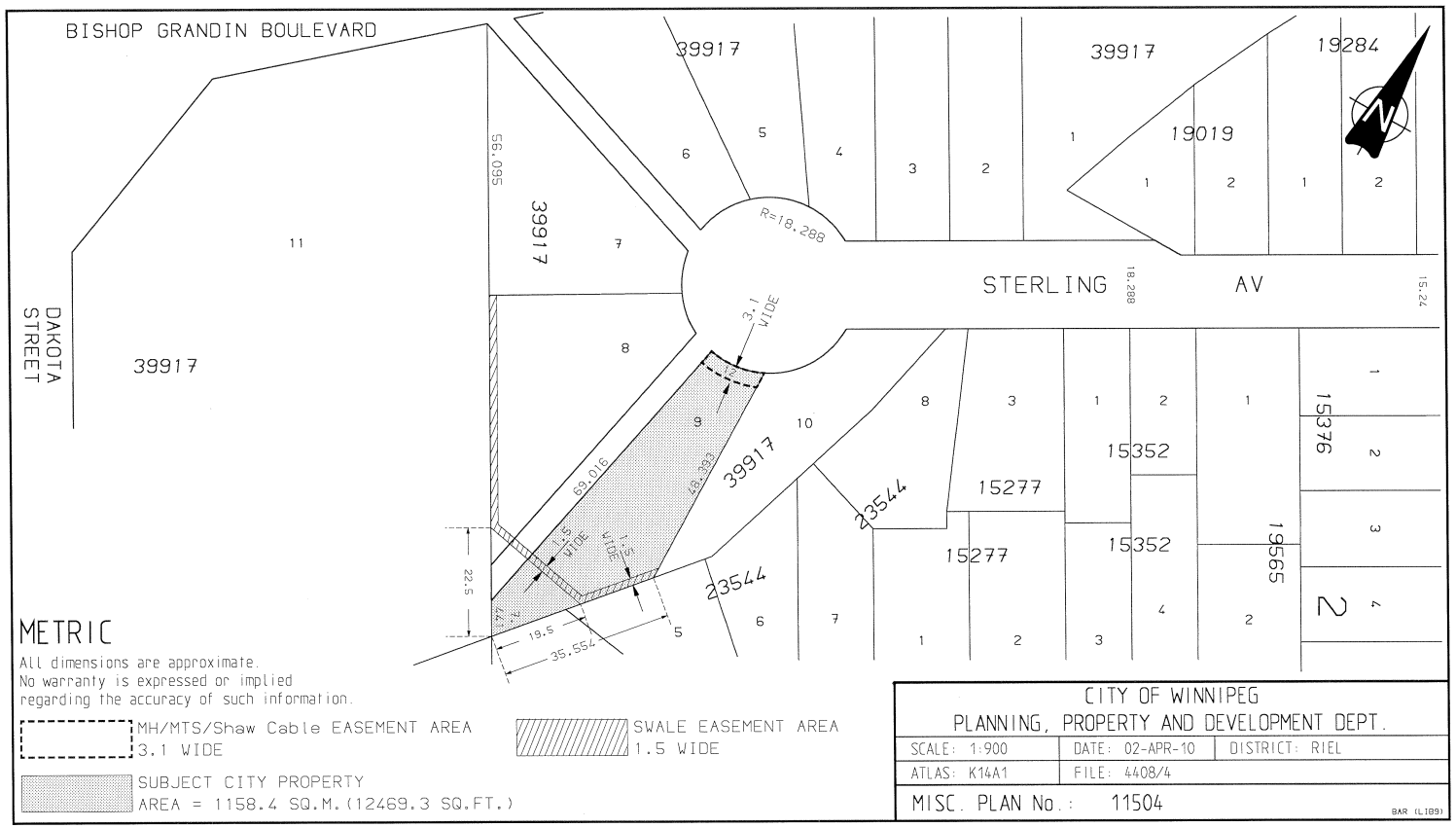
R=18.288
3.1 WIDE
STERLING AV
18.288
15.24
16.688
HOMEWOOD DRIVE
15376
12071
23544
15277
15352
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 1007.5 SQ.M.(10844.7 SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1200
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11507
BAR (LIBB)


BISHOP GRANDIN BOULEVARD
DAKOTA STREET
STERLING AV
39917
19284
19019
R=18.288
3.1 WIDE
39.693
18.288
15.24
15376
15352
15277
23544
19565
METRIC
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 1322.8 SQ.M.(14238.6 SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:900
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11506
BAR (LIB9)


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:900
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11505
BXR (LIB9)
STERLING AV
BISHOP GRANDIN BOULEVARD
DAKOTA STREET
R=18.288
3.1 WIDE
1.5 WIDE
56.095
39.693
66.177
19.5
22.5
SWALE EASEMENT AREA
1.5 WIDE
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SUBJECT CITY PROPERTY
AREA = 1357.6 SQ.M. (14613.1 SQ.FT.)
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.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DAKOTA STREET
STERLING AV
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R=18.288
3.1 WIDE
1.5 WIDE
69.016
68.393
22.5
19.5
35.554
18.288
15.24
METRIC
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
MH/MTS/Shaw Cable EASEMENT AREA
3.1 WIDE
SWALE EASEMENT AREA
1.5 WIDE
SUBJECT CITY PROPERTY
AREA = 1158.4 SQ.M.(12469.3 SQ.FT.)
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:900
DATE: 02-APR-10
DISTRICT: RIEL
ATLAS: K14A1
FILE: 4408/4
MISC. PLAN No.: 11504
BAR (L189)