REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED MAY 3, 1993

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated May 3, 1993, 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.

673 - Pursuant to the Municipal Council Conflict of Interest Act, Councillor Boychuk advised that he would refrain from entering the discussion and from voting on Clause 6, due to his employment association with CN, and left the Chamber.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 was put and declared carried.

Her Worship the Mayor and Councillors:

Citizen Appointment to the Civic Charities Endorsement Bureau
File GL-5.2 (Vol. 11)

674 - 1. Your Committee on Finance and Administration has considered and concurred in a recommendation of the City Centre Community Committee of April 7, 1993, recommending the appointment of Mr. Herman Holla, 866 Banning Street, to the Civic Charities Endorsement Bureau for a two year term to expire December 31, 1994.

Your Committee on Finance and Administration therefore recommends:-

I. That Mr. Herman Holla, (City Centre Community) 866 Banning Street, be appointed for the remainder of the two-year term to expire December 31, 1994.

Adopted by consent.

Leave and License Agreement to use Portion of Public Lanes South of Benn Avenue, West of Main Street
File FI-2.2(34) (Vol. 1)

675 - 2. Your Committee on Finance and Administration has considered Item No. 1 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File 7426) with respect to the above-referenced Leave and License Agreement for property located in the Lord Selkirk - West Kildonan Community.

In 1989, five out of six adjoining property owners applied to close and purchase the lane at the rear of their properties on Benn Avenue. The closing was circulated in the normal manner with no objections. The former Community Committee and the Committee on Planning and Community Services recommended approval of the closing.

The owners of Lots 1/4, at the south-east corner of Benn Avenue and Shirley Street, applied for and were granted a Leave and License Agreement by Council on October 10, 1990 to use the lane lands adjoining their property until such time as the sales were finalized.

The City has now received a request from the owners of Lots 26/28 at the east end of the lane to use the east/west and north/south lane lands adjoining their holding for landscaping and maintenance purposes.

Terms and conditions of the Agreement are detailed on Schedule "A". The Agreement provides for rental of $40.00 per annum, a 30 day cancellation clause, and the use restricted to landscape and maintenance.

Your Committee on Finance and Administration recommends:-

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I. That a Leave and License to Dario and Barbara Palleva to use the public lanes adjoining their holding in accordance with the terms and conditions as outlined in Schedule "A" be granted;

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.

Sale of North West Corner of Pembina Highway and Chancellor Drive to Imperial Oil Limited
Files DAOC 9/89 & FI-2.4(35) (Vol. 1)

676 - 3. Your Committee on Finance and Administration has considered Item No. 2 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File FG 6995) with respect to the above-referenced sale of lands for property located in the Riel Community.

The subject property is surplus to the requirements of the Streets and Transportation Department for the Route 165 Transportation Corridor (Bishop Grandin Boulevard) and was advertised for sale by public tender. Imperial Oil, the only bidder for the site, intends to construct a gas bar and car wash on the subject site and hopes to develop two other uses in the future. Among other things the Offer to Purchase is conditional upon the completion of the rezoning from "R2" to "C2", a conditional use for the car wash operation and agreement as to access and egress to and from the site.

At its special meeting held on March 22, 1993, Council, in considering revenue sources for the 1993 Current Estimates, directed that in the "Sale of City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs (the net sale proceeds therefrom will be credited to the revenue requirement of) $5,000,000.00".

Your Committee on Finance and Administration recommends:

I. That Council declare the subject property as surplus and that the sale to Imperial Oil Limited for the tendered price of $1,250,000.00 subject to the terms and conditions outlined in the agreement all to the satisfaction of the City Solicitor, 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.

Adopted by consent.

Exchange of Lands - 20 Foot Strip of Assiniboine River Frontage North Side Roblin Boulevard between Dieppe Road and Buckingham Road
File FI-2(31) (Vol. 1)

677 - 4. Your Committee on Finance and Administration has considered Item No. 3 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File AP 4855) with respect to the above-referenced exchange of lands for property located in the Assiniboia Community.

The City's 20-foot wide strip of land and the applicant's adjoining property are shown on Misc. Plan No. APFG 7860/2; the City being entitled to be the owner of the land by virtue of an unregistrable Transfer of Land; the City's interest in the land is protected by way of Caveat No. 239411 registered against the title covering the whole of Lot 12.

The 20 foot strip of land was acquired by the former Rural Municipality of Charleswood in 1950 from the previous owner of Lot 12 for the purpose of maintaining a drainage ditch thereon, which is no longer required.

The former Assiniboine Park - Fort Garry Community Committee, at its April 14, 1990 meeting, advised that it had no objections to the sale of the strip of land to either both of the owners of properties on either side of the land commonly

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known as 4807 and 4727 Roblin Boulevard.

The Streets and Transportation Department has indicated it requires a 15 foot widening of Roblin Boulevard at this location.

Negotiations have resulted in the applicants agreeing to a partial exchange of lands whereby the City would convey to the applicants part of the 20 foot strip shown as Parcel "A" on Misc. Plan No. ASBA 7860/2; the applicants in turn to convey to the City for future widening of Roblin Boulevard a portion of their holdings which portion is shown as Parcel "C" on the same sketch.

At its special meeting held on March 22, 1993, Council in considering revenue sources for the 1993 Current Estimates, directed that in the "Sale of the City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs (the net sale proceeds therefrom will be credited to the revenue requirement of) $5,000,000.00".

Your Committee on Finance and Administration recommends:-

I. That Council declare surplus the portion of the City's 20 foot strip of land shown as Parcel "A" on Misc. Plan No. ASBA 7860/2 and that the exchange of lands in accordance with terms and conditions outlined on Schedule "A" 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.

Adopted by consent.

Proposed Sale of Industrial Site - St. Boniface Industrial Park - Readyfoods Limited File FI-2.4.5 (Vol. 15)

678 - 5. Your Committee on Finance and Administration has considered Item No. 4 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File SB 32/6123/30) with respect to the above-referenced sale of lands for property located in the Riel Community.

Readyfoods Limited, 260 Princess Avenue, has offered to purchase 5.2118 acres of land (Parcel "A") in St. Boniface Industrial Park for the construction of a food processing facility and has requested that they be provided with an Option to Purchase an adjoining two acre parcel, shown as Parcel "B".

The terms and conditions of the proposal submitted by Readyfoods Limited relating to Parcel "B" which comprises 2.0897 acres as shown on Misc. Plan No. SBSV 8430/1 for the price of $108,664.40 ($52,000.00 per acre) are a departure from the City's standard terms and conditions as follows and will therefore require Council's approval:

1. a) Readyfoods Limited to have a 5 year option on the property, instead of a 180 day option.
   b) Consideration for the option is $10.00 instead of a 10% deposit.
   c) The balance of the purchase price, without interest is payable on or before 6 months from the date the option is exercised. (The option can be exercised at any time during the five years instead of a 180 days). Under standard terms the monies are due in 12 months.
   d) Date of adjustments to be the date the option is exercised. (Again 5 year option vs 180 days).

2. There is no covenant to build on Parcel "B".

3. The City shall have the right of first refusal to repurchase Parcel "B" for $52,000.00 per acre should the applicant decide to sell, assign or dispose of Parcel "B" prior to a building being constructed thereon, or in the case where the option has not been exercised the City has the right to cancel the option. Caveat in this respect to be filed against Parcel "B". Under the standard terms the City has the right to take the land back if it is not built on, this clause has been inserted because there is no covenant to build.

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4. Applicant to pay annually realty taxes assessed against Parcel "B" from the date the option is granted by the City.

Aronovitch & Leipsic, Realtors, acted as an agent for the City in the above transaction and are entitled to a commission on each of the parcels at the time the monies are paid and the land has been transferred to the purchaser.

At its special meeting held on March 22, 1993, Council, in considering revenue sources for the 1993 Current Estimates, directed that in the "Sale of City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs [the net sale proceeds therefrom will be credited to the revenue requirement of] $5,000,000.00".

Your Committee on Finance and Administration has approved the granting of an option to purchase the lands identified as Parcel "A" on Misc. Plan No. SBSV 8430/1 in accordance with the City's standard terms and conditions, to Readyfoods Limited and recommends:-

I. That Readyfoods Limited be granted an option to purchase the lands identified as Parcel "B" on Misc. Plan No. SBSV 8430/1 in accordance with the terms and conditions outlined above;

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.

Encroachment of Streetscaping Works in Pandora Avenue West Right-of-Way Opposite Bond Street - CNR Transcona Shops File ED(33) (Vol. 1)

679 - 6. Your Committee on Finance and Administration has considered Item No. 5 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File 39/134(a)) with respect to the above-referenced encroachment of streetscaping works located in the East Kildonan - Transcona Community.

Canadian National Railway made formal application in 1992 for permission to provide streetscaping enhancements within the south boulevard of Pandora Avenue to include decorative wrought iron fencing, banner poles, locomotive silhouette, and associated landscaping, interpretive plaques and seating.

The application is based on a concept plan jointly funded by the Province and the City through the Manitoba Winnipeg Community Revitalization Program (MWCRP) and has been supported by the Downtown Transcona Merchants Association Inc. CN has offered to pay both the capital and ongoing maintenance so its commitment is consistent with that of the Merchants Association which has implemented all four programs - mural, lighting, pocket park and streetscaping.

The Committee on Planning and Community Services at its April 6, 1993 meeting, approved the encroachment in principle and referred the matter to the Land Surveys and Real Estate Department to determine terms and conditions of an agreement.

Essentially the agreement provides for a year-to-year term at a nominal fee of $1.00 per annum with the CN responsible for full maintenance of the streetscaping works and adjoining street lands. This $1.00 fee is being recommended as this project is City initiated and would normally be approximately $2,200.00 if the City's Encroachment By-law rates were used.

Your Committee on Finance and Administration recommends:-

I. That the Agreement between the City and the CNR for a streetscaping project be approved in accordance with the terms and conditions outlined in Schedule "A";

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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.

(See Minute No. 673 for disclosure of conflict by Councillor Boychuk.)

Renewal of the Markham Place Initiative
File FI-2.4(35) (Vol. 1)

680 - 7. Your Committee on Finance and Administration has considered Item No. 6 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File 5604/1-C) with respect to the above-referenced Initiative located on Markham Place in the Riel Community.

The Markham Place subdivision, formerly the District #6 Operations yard, was rezoned and subdivided in 1987/1988 and was serviced and ready for sale by the Spring of 1989.

In May 1989, "builders packages", consisting of groupings of 5 or 6 lots, as well as individual lots, were offered for sale by public tender. Greentree Homes and Settler Homes were the successful bidders.

Thirty-seven of the sixty-three lots in the subdivision were sold; however, due to the poor economic conditions of the market, 13 of these lots were returned. With the exception of one lot in the Fall of 1991, the remaining lots had not sold despite an advertising program.

In 1992, the Land Surveys and Real Estate Department was approached by two separate builders, Settler Homes and True-Craft Homes, with proposals to build "show homes" in the Markham Place Development. In order to generate activity within this project it was considered that the presence of show homes was essential.

In consultation with the builders, a Show Home & Builders Program was developed which was approved by Council on April 15, 1992. The incentives, similar to those outlined on Schedule "A", are not uncommon within the industry. The premise of the Program is to recognize both the risks and benefits of constructing show homes in the area to both the builder and the City. In essence it provided for a 10% discount on the price to the builder to be applied against the lot on which a show home is to be constructed. It also proposed to provide the builder with the lot, on which to construct a show home, at no interest for the lesser of one year or until the home is sold. The builder was also entitled to a 5% discount on any additional lots purchased during the Show Home Sales Program period.

There are 25 lots left in the subdivision and, in view of the relative success of the policy as an aid to marketing, your Committee is of the opinion that the Show Home Policy and Builders Program should be renewed for another year.

Your Committee on Finance and Administration recommends:-

I. That the Markham Place Initiative as outlined on Schedule "A" 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.

Adopted by consent.

Sale of Seven Feet of City Land Adjacent to
91 Kingston Row
File FI-2.4.2(35) (Vol. 1)

681 - 8. Your Committee on Finance and Administration has considered Item No. 7 of Report 1A of the Technical Advisory Committee on City Properties dated April 16, 1993 (File SV 4839) with respect to the above-referenced sale of property located in the Riel Community.

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The Land Surveys and Real Estate Department have received a request from the owner of 91 Kingston Row to purchase the subject City property as shown on Misc. Plan No. Riel 3479/6.

The purchase price of the land will be $2,900.00 (with a 10% deposit), other terms and conditions relating to the sale are:-

a) The purchaser to pay additional costs estimated not to exceed $2,750.00 for survey costs and administration fees.

b) Other standard terms and conditions related to the sale of adjacent parcels of land.

It is the owners intention to demolish the house currently located on the adjoining property and to build a new one on the consolidated site in accordance with requirements of the Rivers and Streams Authority and all by-laws of the City.

The subject property was transferred to the jurisdiction of the Parks and Recreation Department on October 3, 1989 "in order to establish an aesthetically pleasant riverbank park and ensure public access to the river for only the cost of the associated maintenance and park furnishings; all in accordance with policy contained within Plan Winnipeg."

Approval of at least two-thirds of the Members of Council pursuant to Section 156 (2) of the City of Winnipeg Act is required on the sale of any land that has been designated or acquired for park purposes.

At its special meeting held on March 22, 1993, Council, in considering revenue sources for the 1993 Current Estimates, directed that in the "Sale of City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs [the net sale proceeds therefrom will be credited to the revenue requirement of] $5,000,000.00".

In addition to directing that all land sales satisfy the 1993 Current Estimate requirements for $5M, the Schedule of Recommended Changes, submitted by the Executive Policy Committee, dated March 19, 1993, Account Number 447113-000101 Contribution in Lieu of Land Dedication Reserve Funds included that "Transfer the proceeds from the sale of surplus miscellaneous Parks and Recreation Land [an amount of] $580,000.00."

Your Committee on Finance and Administration recommends:-

I. That the sale of the subject property subject to negotiations for acquisition of the rearage lands for future public walkway purposes, and, in accordance with the terms and conditions as outlined above in a form satisfactory to the City Solicitor, 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.

Adopted by consent.

Lifetime Bicycle Registration Program
File EL-1 (Vol. 26)

682 - 9. Your Committee on Finance and Administration at its March 1, 1993 meeting, considered a report dated December 11, 1992 with respect to a Lifetime Bicycle Registration Program and instructed the License Branch to prepare a report on the implementation of a bicycle recovery system and the feasibility of a one time $5.00 charge under this Program.

According to 1991 statistics from the Winnipeg Police Department, reported bicycle thefts have ranged from 3,324 to 4,293 in the past 3 years with an estimated value of over $1 million. On average, only approximately 100 arrests are made. The License Branch picks up as many as 1,500 lost or stolen bicycles per year with a return to owner ratio of as low as 10%. The insurance industry has expressed concern over the significance of claims related to bicycle theft, and may be considering changes to premiums with respect to bicycles.

A Cycle Theft Committee has been developed to deal with the issue of bicycle theft and bicycle identification. Membership includes representatives from the Winnipeg Police Department, the R.C.M.P., the Brandon City Police, the insurance industry and the License Branch. The Committee is proposing a bicycle registration system, with the following features:

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1. Lifetime: To minimize the administrative workload and related costs as well as to provide a simple registration process for the general public, a one-time registration process is recommended rather than an annual process.

2. Voluntary: A voluntary program is recommended for two reasons. One is that the cost of enforcing a mandatory program would be too onerous. The second reason is that it is hoped that the focus of the program will be positive. As many of the potential "offenders" would be children, a mandatory program will be viewed more negatively.

3. Fee: Initially, the Cycle Theft Committee had hoped that the program could be free to provide the greatest incentive to register. However, financial support from outside sources has not been finalized and is not as substantial as originally projected. Therefore, an initial registration fee of $5.00 is being recommended, with a transfer fee of $3.00 for bicycles registered in the program but where the ownership is transferred. Some incentive to register may also be provided by the insurance industry with respect to reduced premiums or faster response times to claims if the bicycle is registered.

4. City of Winnipeg Program: Original planning was to have the registration system province-wide. The Province is however, unable to commit funds to the project at this time, therefore during its initial year of implementation, will be contained within the City of Winnipeg.

A bilingual brochure will be mailed with water bills enclosing a registration form and providing some basic information about the program and as well, will be advertised.

Benefits

- The return-to-owner rate of recovered bicycles will hopefully improve;
- The City's requirement for storage space will be reduced;
- Reduced insurance premiums and faster claims response upon proof of registration;
- A deterrent to bicycle theft and may assist the Police Department in arrests for bicycle theft;
- The insurance industry will hopefully experience reduced claims.

The incremental revenues and expenses is close to break even over the first three years of the program, excluding the effect on revenue from bicycle auctions ($45,000 in 1992). The cost estimates are based on financial support from the insurance industry, which support has verbally been committed to the program primarily through the donation or subsidization of a computer system and approximately 10,000 decals to get the program started. Should this proposal be adopted, implementation is contingent upon this support.

Your Committee on Finance and Administration recommends:-

I. That upon receiving a commitment of support from the insurance industry for the donation of 10,000 three-part decals and a computer system valued at approximately $12,000.00, the City of Winnipeg enact a by-law under the authority of Section 137 of The City of Winnipeg Act to implement a voluntary, lifetime bicycle registration program with the following fees:

Registration Fee	$5.00
Transfer Fee	$3.00

II That both the 1993 Current Revenue and Expenditure Estimates of the Finance Department be increased by $15,000 for a neutral effect on the City's finances;

III. That the Finance Department be instructed to pursue with the Police Department the possibility of downloading automated data with respect to bicycle thefts, rather than using the existing manual system; and

IV. That the City Solicitor be requested to prepare the necessary by-law to effect the foregoing recommendation upon the condition in Recommendation I. having been met.

Adopted by consent.

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Riverbank Acquisition- Kildonan Tennis and Canoe Club - 33 Valhalla Drive
File FI-2(33) (Vol. 1)

683 - 10. Your Committee on Finance and Administration has considered Item No. 1 of Report No. 1A of the Technical Advisory Committee on City Properties dated March 19, 1993, (File TCF 22) with respect to the above referenced property located in the East Kildonan - Transcona Community.

Your Committee on January 14, 1993 considered a request for tax relief from the Kildonan Tennis and Canoe Club, and instructed the Director of the Land Surveys and Real Estate Department to negotiate the acquisition of the riverbank component of this property as a possible solution.

The Kildonan Tennis and Canoe Club is agreeable to the terms and conditions outlined in Schedule "A".

The Land Surveys and Real Estate Department is aware of bank failure at this location and in order to protect the City's interest had recommended Clause numbered 8 in Schedule "A". However, the Law Department has advised that this covenant would only be binding on the current owner, and that any subsequent owners would have to be dealt with separately. Clause 8 would only be applicable to successors in title if the City acquired an interest in the residual Club title and registered that interest by caveat. The Law Department further advised that if the bank is left in a natural state the City would not be liable for any damage due to erosion of the bank.

The Land Surveys and Real Estate Department is of the opinion that the proposed purchase price and associated terms and conditions of settlement are reasonable.

The Parks and Recreation Department has advised that the spatial requirements for a pathway are met by the proposed acquisition. The Department is however concerned about the existing instability of this section of riverbank due to past bank failure and is supportive of conducting a geotechnical study subsequent to the acquisition of this property to determine the extent of bank instability and to identify remedial measures to ensure the subject property will, in fact, exist for future parkway development, the funds for which should preferably be available from the Land for General Unspecified Purposes Account. The cost to have this study undertaken could range between $20,000.00 to $30,000.00.

The Streets and Transportation Department has recommended that since the vehicular approach which serves this property is within the land to be acquired by the City, the City should proceed to open the area shown as "Proposed Street Opening" on Misc. Plan No. EKT 8380/4 and public right-of-way.

All costs (inclusive of the purchase price, surveys and plan preparation and registration, etc.) related to this acquisition will be charged to the Land for General Unspecified Purposes Account.

Your Committee on Finance and Administration recommends:-

I. That the acquisition of the property identified on Misc. Plan No. EKT 8380/4 as "Proposed City of Winnipeg Acquisition" at a purchase price of $25,720.57 and in accordance with the terms and conditions as outlined on Schedule "A" for future riverbank parks purposes be approved;

II. That the Committee on Works and Operations be requested to approve the proposed street opening and to instruct the City Solicitor to prepare the necessary street opening By-law in accordance with Misc. Plan No. EKT 8380/4 for submission to Council; the cost of the By-law estimated at $200.00 to be charged to the Land for General Unspecified Purposes Account;

III. That the Proper Officers of the City be authorized to do all things necessary to complete this transaction including the execution of any documents related thereto.

Adopted by consent.

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Agreement Between The City of Winnipeg and the University of Manitoba - Unclaimed Dogs File EL (Vol. 6)

684 - 11. In 1991 the price paid for unclaimed dogs was increased from $3.00 to $30.00.

The original agreement contained the following requirements and conditions:-

> "(c) any use by the University of the said dogs for experimental surgery shall be performed and carried out under full anaesthesia and except as provided in paragraph (d) hereof, at the end of the experimental surgery, the anaesthesia will be deepened so that the said dogs will never recover consciousness."
>
> "(d) in cases where the nature of the experimental surgery requires that the dog be allowed to survive, the University will take every step to reduce and eliminate unnecessary suffering by the dog by the use of drugs and so conduct the experimental surgery that the said dog will be subjected to a minimum of suffering."

The following section contained in the revised agreement will replace the above-noted sections (c) and (d).

> "(d) that any dog used in any experimental surgery will be used solely in acute terminal experiments such that the dog is either (1) euthanized or (2) deeply anaesthetized and finally euthanized without ever regaining or recovering consciousness."

A copy of the revised agreement is identified as Exhibit I is on file in the Office of the City Clerk.

Your Committee on Finance and Administration recommends:-

I. That the agreement between the City of Winnipeg and the University of Manitoba entered into on July 8, 1955 for the pick up and subsequent handling of unclaimed dogs be revised in accordance with the terms and conditions outlined in the Agreement and identified as Exhibit I;

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

Adopted by consent.

Sale of North West and North East Corners of Taylor Avenue and Waverley Street File FI-2.4.2(32) (Vol. 1)

685 - 12. The Committee on Finance and Administration has considered report dated April 30, 1993 (Files Nos. 2598(d)-1 and 2598(d)-3) with respect to the above-referenced lands located in the City Centre Community.

The City-owned property, as shown on Misc. Plan No. APFG 7004/3 located at the North West corner of Waverley Street and Taylor Avenue was acquired from the CNR in the late 1950's for future transportation requirements. The North East corner at Taylor Avenue and Waverley Street was taken in tax sale.

The Land Surveys and Real Estate Department has received an offer for the two subject properties; details of negotiations are as follows:

1. North West corner of Taylor Avenue and Waverley Street

   Price: $225,000.00
   Deposit: $22,500.00

   The Purchaser agrees to pay to the City $15,000.00 cash for each unit over 15 units built on the subject property as shown on Misc. Plan No. APFG 7004/3.

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2. North East corner of Taylor Avenue and Waverley Street

Price: $210,000.00
Deposit: $21,000.00

The Purchaser agrees to pay to the City $15,000.00 for each and every unit over 14 units built on the property as shown on Misc. Plan No. CC 7004/2B.

The Date of Adjustment and Possession for each of the sites is to be 30 days after respective approval of the rezonings.

It is understood and agreed that the sale of the lands is subject to the Purchaser obtaining Council approval for the rezoning of the land to the zoning requirements of the Purchaser. The Purchaser is required to submit a rezoning application to the City within 90 days of the date of the granting of the option by the City, failure to do so will result in default of the agreement and will become null and void at the City's option. Should Council not approve the rezoning application this agreement will become null and void and the Purchaser will be entitled to the return of all monies deposited with the City in respect of the sale of the lands.

The sale of the lands to the Purchaser shall be subject to the provisions of the zoning By-laws of the City of Winnipeg and all amendments thereto.

The City makes no warranties as to the condition of the lands and the Purchaser has the right to conduct soil and environmental inspection of the lands at the Purchaser's expense. Should the Purchaser find that non-acceptable levels of contamination or soil conditions exist within the lands, upon presentation of this information to the City, the City will have the right at the City's option to:

a) take remedial action to bring the lands up to an acceptable level, or

b) cancel the sale and return all of the monies paid to the City by the Purchaser.

The Purchaser will construct upon the lands, a building or buildings in accordance with plans to be submitted and approved by the City; which plans shall form part of this Agreement, said construction to be substantially completed on or before the day, three (3) years from the date of acceptance of the offer by the City, provided that, where construction is delayed as a result of strikes or force majeure, that the time limit contained herein shall be extended equal to the time period lost as a result of the reasons aforesaid.

The building or buildings to be constructed in compliance with all by-laws of the City of Winnipeg.

Should the Purchaser fail to substantially construct the building or buildings in accordance with plans approved by the City, within a period of three (3) years from the date of acceptance of the Offer by the City, the Purchaser shall forthwith upon the City's request, which request may be made solely in the City's discretion, transfer and convey to the City all of the lands clear of any and all encumbrances except any Mortgage which may be registered as security for monies advanced to the Purchaser for its purpose and undertakings as mentioned and those hereafter placed by, through or under the City, or now existing, provided that, where construction is delayed as a result of strikes or force majeure, that the time limits shall be extended equal to the time period lost as a result of the reasons aforesaid.

In the case of the above, upon a Quit Claim Deed satisfactory in form to the City Solicitor, being delivered to the City, or upon Title to the lands duly issuing in the name of the City of Winnipeg, the City shall forthwith repay to the Purchaser the amount of the purchase price paid to the City by the Purchaser as hereinabove, less the sum of the following amounts.

(i) an amount equal to all taxes, levies and local improvement charges on the lands outstanding and unpaid at the date the Quit Claim Deed referred to above is delivered to the City, subject to adjustment thereof as of said date;

(ii) an amount equal to 10% of the full purchase price representing liquidated damages for loss of additional tax revenue to the City by reason of the Purchaser's said failure;

(iii) an amount equal to the Goods and Services Tax applicable to (i) and (ii) of this sub-clause;

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and such other terms and conditions as deemed necessary by the City Solicitor in order to satisfy the intent of Council.

The Streets and Transportation Department have requested that the North East corner of Taylor Avenue and Waverley Street not be declared surplus and sold at this time. In the event this request is denied, a 10 metre wide construction easement will be required for up to two years during construction of the Waverley Street underpass at the CNR Rivers Subdivision.

A portion of the property at the **North West corner** of Taylor Avenue and Waverley Street is under Parks jurisdiction and was declared surplus by Council in 1989.

Approval of at least two-thirds of the members of Council pursuant to Section 156(2) of the City of Winnipeg Act is required on the sale of any land that has been designated or acquired for park purposes.

At its special meeting held on May 22 and 24, 1993, Council, in considering Revenue sources for the 1993 Current Estimates, directed that in the "Sale of City of Winnipeg Lands, which were acquired by a variety of means, including tax sales, which are determined to be surplus to the City's needs (are to be credited to satisfy a requirement for) $5,000,000.00".

Your Committee on Finance and Administration recommends:

I. That the sale of the North West and North East corners of Taylor Avenue and Waverley Street, in accordance with the terms and conditions as outlined above, be approved;

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

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

Moved by Councillor Eadie,
Seconded by Councillor Reese,
686 - WHEREAS:

(a) Pursuant to its By-law No. 6098/93, 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. 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 16th day of April, A.D. 1993, appointed an Inquiry Officer pursuant to Section 4(2) of Schedule A to The Expropriation Act and an Inquiry was conducted on the 20th day of April, A.D. 1993;

AND WHEREAS the Inquiry Officer has submitted his report to the Confirming Authority on the 12th day of May, A.D. 1993, 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 January 27, 1993, executed pursuant to By-law No. 6098/93, and expropriating respectively the following lands:

> The lands taken for McGregor Street and Templeton Avenue as the same are shown bordered on Plan Deposit 1365/92 WLTO, hereto attached

and the Additional Lands, namely:

> Parcels A and B as the same are shown bordered on said Plan Deposit 1365/92 WLTO, hereto attached

is hereby confirmed.

Carried.