Minutes - Executive Policy Committee - September 17, 2003

Minute No. 372
Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 21 Donation of Property east of Cullen Road for the Harte Trail
File FI-2 (31)

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 "subject property" identified on Misc. Plan No. 11635 be accepted as a donation.

2. That the Corporate Finance Department issue a tax receipt to Winnipeg Supply Investment Corp. in the amount of $26,070.00.

3. That the Assiniboia Community Land Dedication Reserve Fund be utilized as the funding source for costs incidental to this acquisition, up to a maximum of $1,000.00.

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

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DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to Executive Policy Committee and Council.

Re: Proposed Donation of Property East of Cullen Road for the Harte Trail
Assiniboia Community
Charleswood – Tuxedo Ward

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

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

Report date: August 14, 2003

Recommendation(s):

1. That the "Subject Property" identified on the attached Misc. Plan No. 11635 be accepted as a donation.

2. That the Corporate Finance Department issue a tax receipt to Winnipeg Supply Investment Corp. in the amount of $26,070.00.

3. That the Assiniboia Community Land Dedication Reserve Fund be utilized as the funding source for costs incidental to this acquisition, up to a maximum of $1,000.00.

REPORT SUMMARY

Key Issues:

- The subject property is being offered as a donation to the City in exchange for a tax receipt
- The Friends of the Harte Trail have agreed to develop and maintain the subject property as a low maintenance wildflower garden
- The owners have agreed to the terms and conditions of the donation

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 donor declares that this property complies with all environmental laws; further, the property appears to never have been developed and a visual inspection reveals no evidence of possible environmental contamination.

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):

- Funding in the amount of $1,000.00 for this donation is available in the Assiniboia Community Land Dedication Reserve Fund

REASON FOR THE REPORT:

Negotiations of the terms and conditions of the donation are now complete and Council's approval is required.

HISTORY:

In a letter dated June 12, 2002, the owners of the subject property offered to donate it to the City in exchange for a tax receipt.

In October, 2002, the Friends of the Harte Trail advised that they are supportive of this acquisition and agreed to develop and maintain the subject property as a low maintenance wildflower garden.

At its meeting of November 12, 2002, the Assiniboia Community Committee considered a report dated October 29, 2002 from the Director of the Planning, Property and Development Department and concurred in the administrative recommendation that the Assiniboia Community Land Dedication Reserve Account be used as the funding source for the proposed donation.

At its meeting of November 19, 2002, the Standing Policy Committee on Property and Development considered a report from the Director of the Planning, Property and Development Department and concurred in the two recommendations, namely,

1. That the Assiniboia Community Land Dedication Reserve Fund be recommended as the funding source for the proposed acquisition of the Subject Property identified on the attached Misc. Plan No. 11635

2. That the Director of the Planning, Property and Development Department be directed to:

    - Negotiate the donation of the Subject Property identified on the attached Misc. Plan No. 11635

    - Initiate an application to rezone the Subject Property and the adjacent Harte Trail lands to "PR-1" Parks and Recreation District.

Particulars of the subject property are as follows:

Location:	South of Cullen Road
Legal Description:	Lot 5, Plan 11073
Certificate of Title:	1775621
Registered Owners:	The Winnipeg Supply & Fuel Company, Limited
Realty Roll No.:	01-004753500
Assessment:	$23,500.00 (1999)
Zoning:	"A" Agricultural
Land Size:	3801.6 sq. m. (40,920 sq. ft.)
Description:	Vacant land

DISCUSSION:

The owners of the subject property have agreed to the terms and conditions contained within the attached Schedule "A" dated January 14, 2003.

The owners have provided a copy of an appraisal that indicates a market value of $25,000.00 for the subject property. The cost of the appraisal was $1,070.00. This amount, as per Departmental practice, should be included in the amount of the tax receipt.

The owners have requested that the tax receipt be issued in the name of Winnipeg Supply Investment Corp. and have sworn in an Affidavit that this company is the holding company for Winnipeg Supply & Fuel Company Limited and that Winnipeg Supply & Fuel Company Limited is solely a bare trustee for and on behalf of Winnipeg Supply Investment Corp.

Once title is issued in the name of the City, the Planning and Land Use Division will initiate a rezoning application to rezone the land to PR-1. In addition, the rest of the Harte Trail lands currently owned by the City, located between the Perimeter Highway and Assiniboine Forest will be included in the rezoning.

Funding for this donation is available in the Assiniboia Community Land Dedication Reserve Account. Funding for this acquisition should not exceed $1,000.00. e.g. Winnipeg Land Title Office charges and reasonable expenses incidental to closing a real estate transaction of this nature.

Financial Impact Statement

Date: August 8, 2003

Project Name:

Proposed Donation of Property East of Cullen Road for the Harte Trail

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	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 1,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 1,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	1,000	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The assumption related to the above is that the funding for incidental costs related to the property acquisition will be drawn from the Land Dedicatiobn Reserve account of the Assiniboia Community.

"Original signed by"
Gord Courage, Manager
Support Services Division

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

No consultation with other departments was required in the preparation of this report.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate Division
Prepared by: Karen Cann
PPD File #: 6833

Document name: o:\reports directive\real estate\acquisition\(kc)harte.doc

January 14, 2003

SCHEDULE "A"

1. The all-inclusive consideration for the donation to be an acknowledgement of receipt from the City Treasurer of the donation of the property, identified as "Subject Property" on the attached Misc. Plan No. 11635, issued for purposes of claiming an exemption for a charitable donation. The fair market value of the donation shall be as estimated, effective the date that the donation is to be received, by an independent accredited appraiser in good standing with the Appraisal Institute of Canada.

2. The donor to release the City from any and all liability arising out of a dispute of any kind whatsoever between the donor and Revenue Canada pertaining to the donor's use of such receipt issued by the City.

3. The subject property to be conveyed to the City free and clear of any liens and/or encumbrances.

4. The date for vacant possession - free of leasehold interest, issuance of receipt and adjustment of taxes, to be by mutual agreement, but no later than 60 days after Council's approval of this transaction.

5. The Donor declares that the subject property complies with all applicable environmental laws, regulations and by-laws and further acknowledges and accepts that should the City determine that there are environmental concerns or contamination it may elect to cancel this transaction.

6. The Donor shall supply copies of any environmental studies undertaken on the subject property.

7. The Donor shall be responsible to provide an appraisal (by an accredited appraiser) of the subject property.

8. Any appraisal fees payable on this transaction are the responsibility of the Donor and will be added to the total value of the gift.

9. Each party hereto shall be responsible for their own legal costs.

10. The Donor shall not remove any top soil or allow any dumping on the subject property.

11. The Donor agrees that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

12. The Donor agrees to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

13. The parties hereto agree to enter into an appropriate Agreement embodying the within terms and conditions and in a form satisfactory to the City Solicitor. It is further acknowledged that said Agreement may be filed as a Caveat against the donor's title pending the transfer of land.

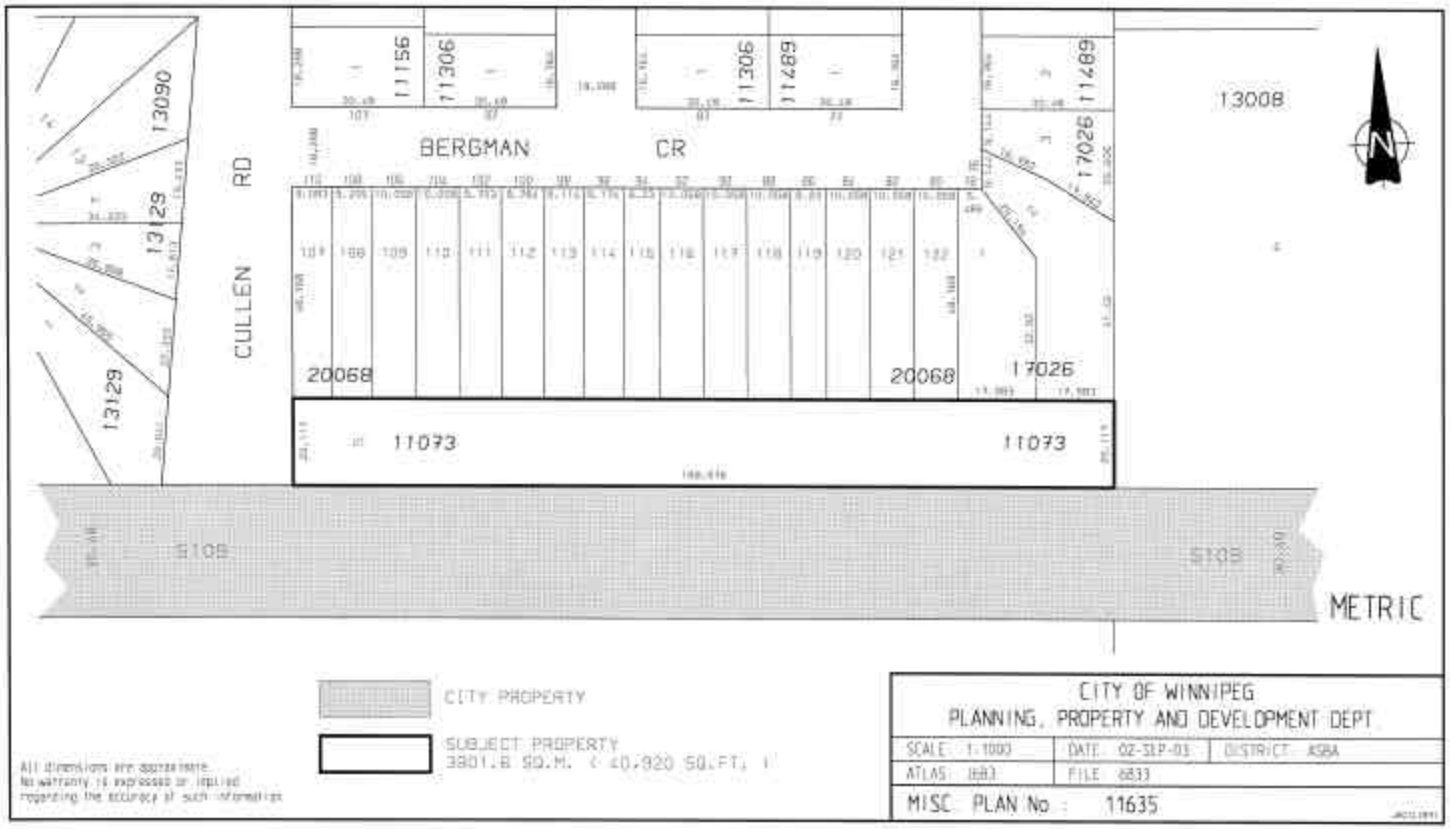
14. The Donor agrees to declare whether or not it is a "Registrant" for the purposes of the "Goods and Services Tax" and if so, to provide its' G.S.T. Registration number.

15. The City will self-assess any Goods and Services Tax owing on this transaction. It's GST Registration No. is R121682967.

16. This proposal is subject to approval by the City of Winnipeg Council or its delegated authority.

I/We hereby agree to donating the Subject Property to the City in accordance with the above noted terms and conditions.

_____	_____
GST Registrant Number	The Winnipeg Supply and Fuel Company Limited
_____	_____
Date	


BERGMAN CR
CULLEN RD
13090
13129
13129
11156
11306
11306
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17026
13008
20068
20068
17026
11073
11073
S108
S108
METRIC
CITY PROPERTY
SUBJECT PROPERTY
3801.8 SQ.M. (40,920 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 1:1000
DATE 02-SEP-03
DISTRICT ASBA
ATLAS 883
FILE 6833
MISC. PLAN No. 11635