Agenda – Executive Policy Committee – July 8, 2015

Report – Standing Policy Committee on Property and Development – July 6, 2015

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 5 Declaration of Surplus Land - Remnant parcel of land at 963/965 Chancellor Drive

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the remnant parcel of land at 963/965 Chancellor Drive not required for the construction of the Southwest Transitway (Stage 2) Project be declared surplus to the City's needs and made available for sale.

2. That the net proceeds of the sale be transferred to the capital budget of the Southwest Transitway (Stage 2) Project.

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

Agenda – Executive Policy Committee – July 8, 2015

Report – Standing Policy Committee on Property and Development – July 6, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That the remnant parcel of land at 963/965 Chancellor Drive not required for the construction of the Southwest Transitway (Stage 2) Project be declared surplus to the City's needs and made available for sale.

2. That the net proceeds of the sale be transferred to the capital budget of the Southwest Transitway (Stage 2) Project.

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

STANDING COMMITTEE DECISION:

On July 6, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and approved the following:

1. That the proposed acquisition of 971/973, 967/969 and 963/965 Chancellor Drive identified as "Proposed Acquisition" on the attached Misc. Plan Nos. 14737/2,14738/2 & 14739/3, be approved at a purchase price of $350,000.00 each, plus ancillary costs and in accordance with the Agreement of Purchase and Sale negotiated with the authorized legal representative, Brock Huebner.

2. That the Director of Planning, Property and Development be delegated the authority to approve the demolition of any or all of the subject properties, or any portion of their improvements, at such time that the property is required for the construction of the Southwest Transitway (Stage 2) Project.

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

ADMINISTRATIVE REPORT

Title: To Obtain Standing Policy Committee on Property and Development Approval to Acquire Holdings #15, #16 & #17 (known as 971/973, 967/969 and 963/965 Chancellor Drive) – Southwest Transitway (Phase 2) Project.

Critical Path: Standing Policy Committee on Property & Development, EPC, Council

AUTHORIZATION

Author	A/Department Head	CFO	CAO/COO
J. Zabudney	M. Pittet	M. Ruta	M. Jack COO

RECOMMENDATIONS

That the Standing Policy Committee on Property and Development approve the following:

1. That the proposed acquisition of 971/973, 967/969 and 963/965 Chancellor Drive identified as "Proposed Acquisition" on the attached Misc. Plan Nos. 14737/2,14738/2 & 14739/3, be approved at a purchase price of $350,000.00 each, plus ancillary costs and in accordance with the Agreement of Purchase and Sale negotiated with the authorized legal representative, Brock Huebner.

2. That the Director of Planning, Property and Development be delegated the authority to approve the demolition of any or all of the subject properties, or any portion of their improvements, at such time that the property is required for the construction of the Southwest Transitway (Stage 2) Project.

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

That the Standing Policy Committee on Property and Development recommend to Council:

1. That the remnant parcel of land at 963/965 Chancellor Drive not required for the construction of the Southwest Transitway (Stage 2) Project be declared surplus to the City's needs and made available for sale.

2. That the net proceeds of the sale be transferred to the capital budget of the Southwest Transitway (Stage 2) Project.

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

REASON FOR THE REPORT

The Transit Department has identified Holding #15, #16 & #17 (971/973, 967/969 and 963/965 Chancellor Drive) as being required for the Capital Integration Project-Southwest Transitway (Stage 2) .

Standing Policy Committee on Property and Development approval is required for the proposed acquisition.

Council approval is required to declare City –owned property surplus to the needs of the City.

EXECUTIVE SUMMARY

- Holdings #15, #16 & #17 have been identified as required acquisitions for the Southwest Rapid Transit Way (Stage 2) Project.
- Each holding is improved with a 1,666 square foot dwelling and are all under the same legal ownership.
- Negotiations have concluded at a price consistent with an internal appraisal.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no regulatory, environmental or human resource implications associated with this report.

There is adequate funding for the expropriation available in the Capital Budget, Account # 442-181000-420755-4230010514-PROPERTY.

HISTORY

On June 25, 2014, Council considered and approved Winnipeg Transit's report Capital Integration Project- Southwest Transitway (Stage 2) and Pembina Highway Underpass. The Director of the Planning, Property and Development Department was also authorized to negotiate the acquisition of land required for this project.

At its February 25, 2015 meeting Council concurred with the Standing Policy Committee on Property and Development, recommending that the Director of Legal Services and City Solicitor be instructed to initiate expropriation proceedings, including preparing the necessary by-law for submission to Council, to acquire the land interests required by the City for the Southwest Transitway (Stage 2) Project.

At its March 25, 2015 meeting Council enacted bylaw No. 33/2015, authorizing the City to expropriate 'The lands taken for Chancellor Drive as shown on Plan Deposit 2122/2014 WLTO,

prepared by Donald Neil Bourgeois, of the City of Winnipeg, Manitoba Land Surveyor,' commonly known as 971/973, 967/969 and 963/965 Chancellor Drive.

Holdings #15, #16 & #17 are described as follows:

Holding # 15

Location:	971 & 973 Chancellor Drive
Legal Description:	Parcel 7 Plan 8049 WLTO Exc The Ely 42.3 Feet Perp in RL 11 Parish of St Vital
Zoning:	R2 – Residential – Two-Family
Property Taking:	Part Taking - +/- 478.5 M^2, (+/- 5,150 ft^2)
Description:	Entire 5150 sq ft improved residential lot with 1666 sq. ft. duplex

Holding # 16

Location:	967 & 969 Chancellor Drive
Legal Description:	Ely 42.3 Feet Perp of Parcel 7 Plan 8049 WLTO in RL 11 Parish of St Vital
Zoning:	R2 – Residential – Two-Family
Property Taking:	Part Taking - +/- 653.7 M^2 (+/- 7,036 ft^2.)
Description:	Entire 7036 sq ft improved residential lot with 1666 sq. ft. duplex

Holding # 17

Location:	963 & 965 Chancellor Drive
Legal Description:	Parcel 6 Plan 8049 WLTO in RL 11 Parish of St Vital
Zoning:	R2 – Residential – Two-Family
Property Taking:	Part Taking - +/-90.2 M^2 (+/-971 ft^2)
Description:	Landscape (sod, few trees)

Discussions with the authorized legal representative, Brock Heubner began in November, 2014.

Due to the ownership interests of the holdings, the authorized legal representative required the negotiated settlement of Holding #15, #16 & #17 to be an all-inclusive negotiated settlement (i.e. the settlement of Holding #17 was contingent upon the settlement of Holding #15 & #16.)

Through negotiations, the authorized legal representative of Holding #15, #16 & #17 has agreed to accept the City's offer of $350,000.00 for each holding. The City also agrees to pay the property owner's reasonable legal fees related to the above mentioned sales, subject to the review and approval of the City's Legal Services.

As Holding #17 is only partially required for the Southwest Transitway Project, it is the intention of the Department , once the land has been subdivided, to sell the balance of the property, including the duplex on the property, on the open market to the general public. The net proceeds of the sale will be transferred to the capital budget of the Southwest Transitway (Stage 2) Project.

The Pubic Service is of the opinion that the proposed purchase price of $350,000. 00 for each holding is reasonable, and is consistent with internal appraisals on each property. By

successfully negotiating a settlement on these 3 holdings, the City's potential financial liability is reduced compared to if these three acquisitions went through the expropriation process.

The Department has consulted with Winnipeg Transit, who is in support of the proposed settlement as negotiated.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 12, 2015

Project Name:

Acquisition of Holdings #15, #16 & #17 (known as 971/973, 967/969 and 963/965 Chancellor Drive) – Southwest Transitway (Phase 2) Project

First Year of Program **2015**

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ 1,084,125	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	1,084,125	-	-	-	-
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	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	34,125	-	-	-	-
Net Cost/(Benefit)	$ (34,125)	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	(34,125)	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Capital expenditures consist of $1,050,000 to aquire the three holdings + short-term financing charges and corporate admin fees of $34,125. The latter amount is offset by an equal recovery in the current budget of the Corporate Finance Department. Ancillary costs have been excluded from the analysis as they are considered to be immaterial and/or not reasonable determinable at this time.

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

CONSULTATION

Legal Services as to Legal Issues
Winnipeg Transit

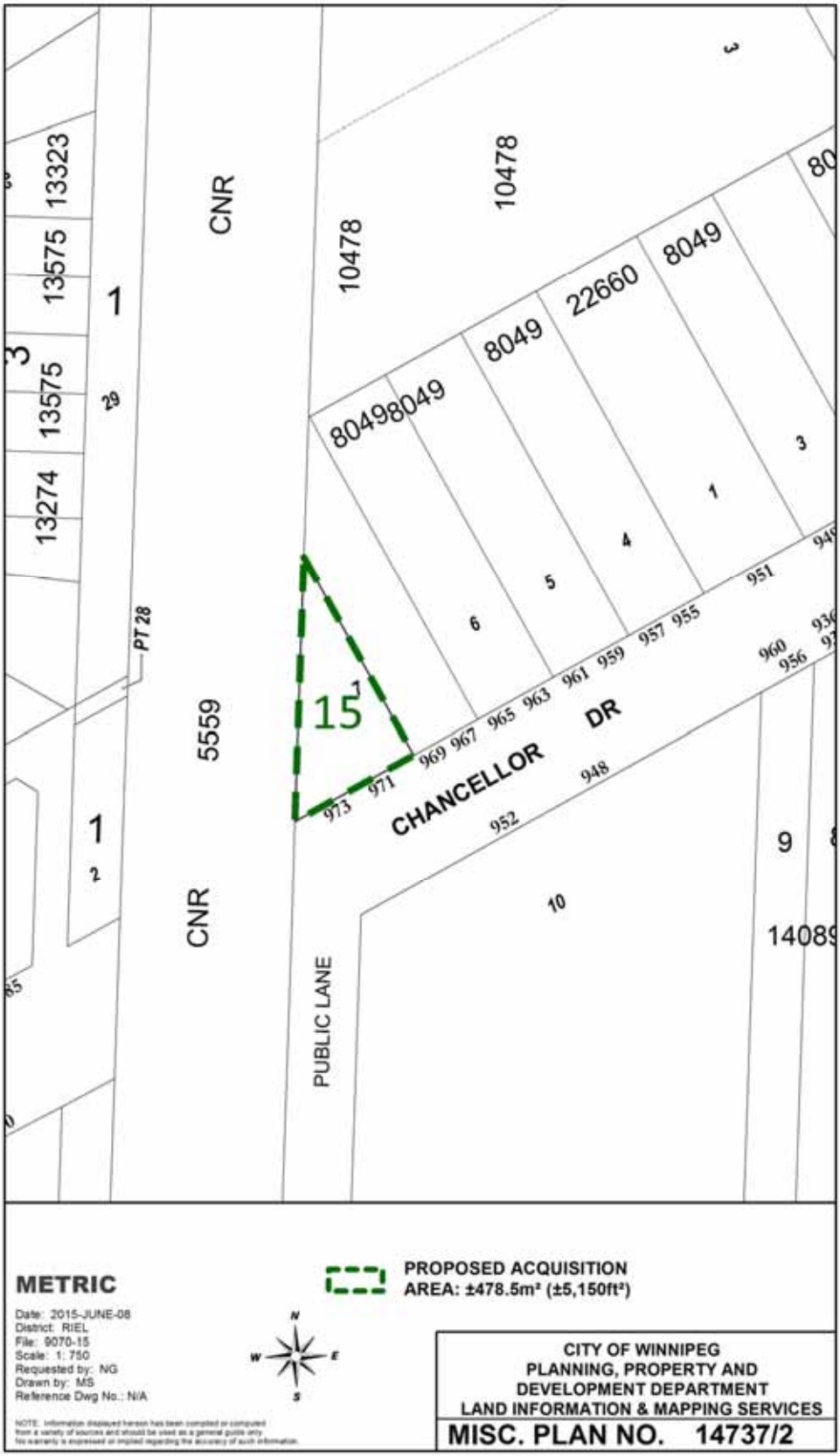
OURWINNIPEG POLICY ALIGNMENT

Not applicable

SUBMITTED BY

Department	Planning, Property & Development
Division	Real Estate
Prepared by:	Neil Gifford
Date:	June 12, 2015
File No.	9070/15, 9070/16 & 9070/17

O:\Reports Directive\Real Estate\Acquisition\(ng) BRT2 acquisition of Holding #15 #16 #17 Chancellor Drive.docx



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Date: 2015-JUNE-08
District: RIEL
File: 9070-15
Scale: 1: 750
Requested by: NG
Drawn by: MS
Reference Dwg No.: N/A
PROPOSED ACQUISITION
AREA: ±478.5m² (±5,150ft²)
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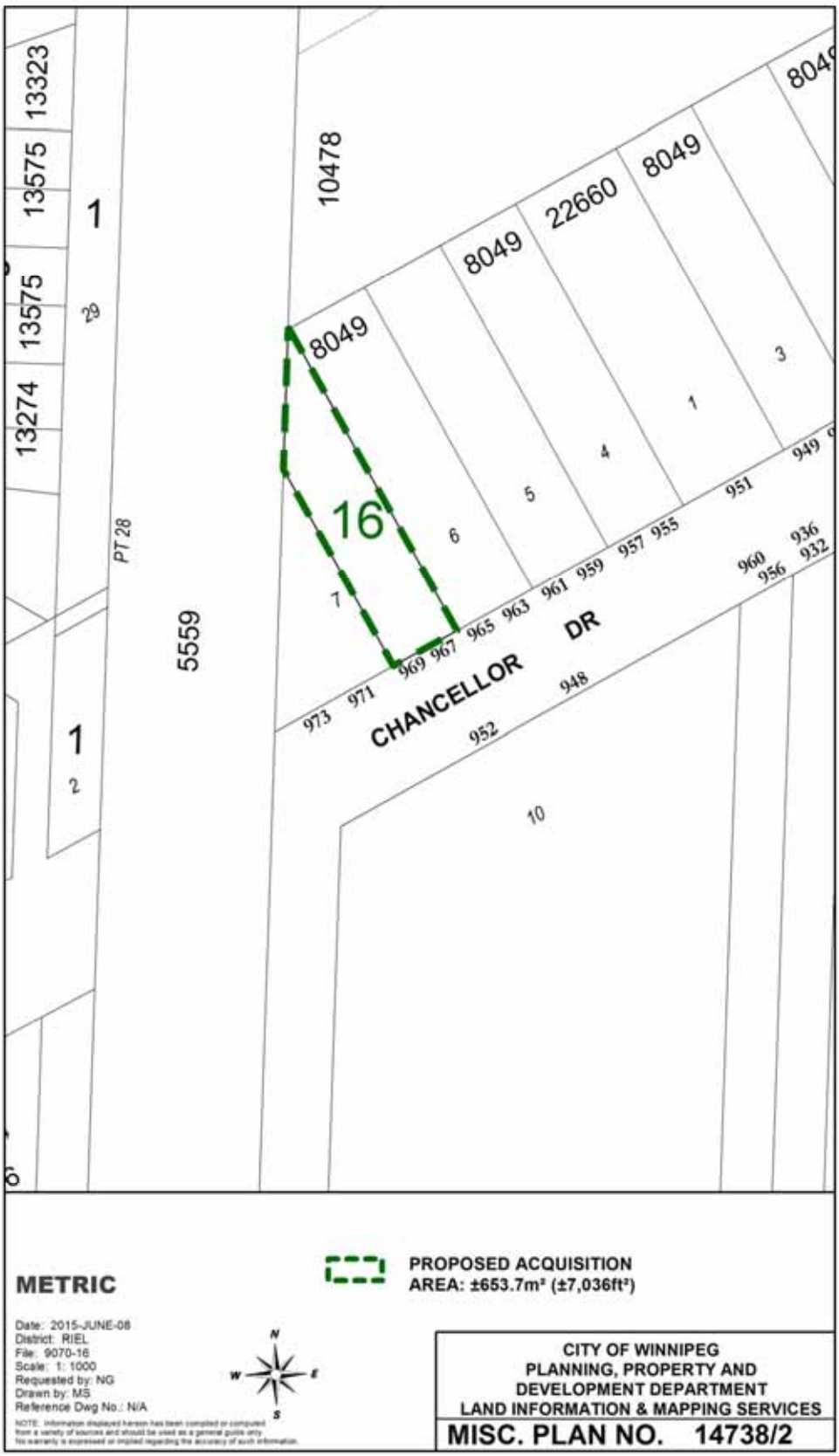
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14737/2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METRIC
PROPOSED ACQUISITION
AREA: ±653.7m² (±7,036ft²)
Date: 2015-JUNE-08
District: RIEL
File: 9070-16
Scale: 1: 1000
Requested by: NG
Drawn by: MS
Reference Dwg No.: N/A
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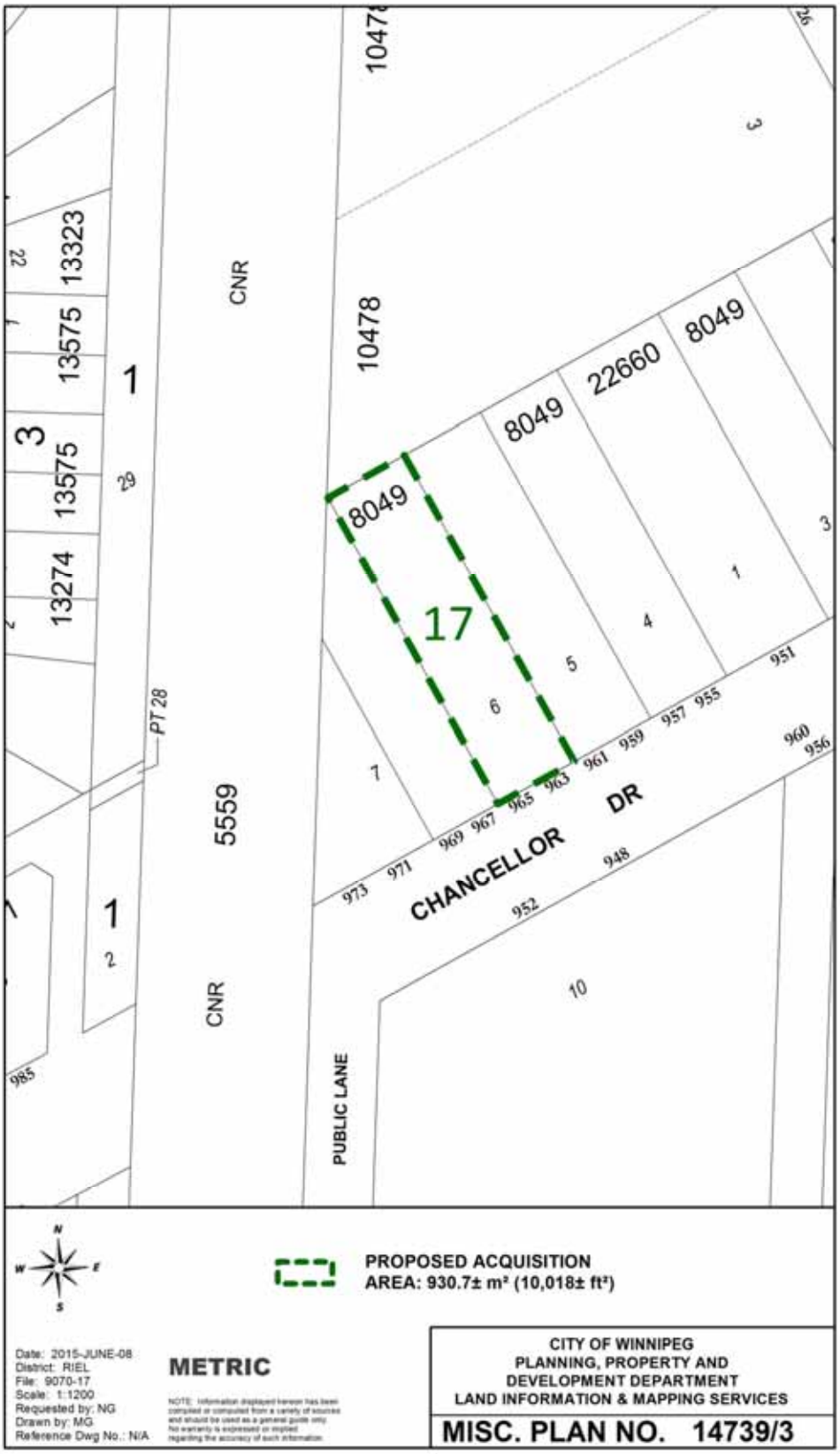
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14738/2



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PROPOSED ACQUISITION
AREA: 930.7± m² (10,018± ft²)
Date: 2015-JUNE-08
District: RIEL
File: 9070-17
Scale: 1:1200
Requested by: NG
Drawn by: MG
Reference Dwg No.: N/A
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14739/3