Minute No. 390
Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 17 Acquisition - portion of 172 Archibald Street (St. Boniface Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the proposed terms and conditions dated April 16, 2015 ("Schedule A" attached) for the acquisition of a portion of 172 Archibald Street, owned by Central Grain Company Ltd., identified as "Proposed Acquisition" on Misc. Plan No. 14720/1 at a purchase price of $28,000.00 plus ancillary costs be approved.

2. That the authority be delegated to the Director of Planning, Property and Development to negotiate and approve the final terms and conditions of the purchase and sale agreement and such other agreements as determined necessary by the City Solicitor/Director of Legal Services, in accordance with the terms and conditions set forth in "Schedule A" and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

Report – Standing Policy Committee on Property and Development – May 12, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **To Obtain Council Approval to Acquire a portion of 172 Archibald Street for Intersection Improvements**

Critical Path: **Standing Policy Committee on Property and Development**
Executive Policy Committee
Council

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed terms and conditions dated April 16, 2015 ("Schedule A" attached) for the acquisition of a portion of 172 Archibald Street, owned by Central Grain Company Ltd., identified as "Proposed Acquisition" on Misc. Plan No. 14720/1 at a purchase price of $28,000.00 plus ancillary costs be approved.

2. That the authority be delegated to the Director of Planning, Property and Development to negotiate and approve the final terms and conditions of the purchase and sale agreement and such other agreements as determined necessary by the City Solicitor/Director of Legal Services, in accordance with the terms and conditions set forth in "Schedule A" and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

REASON FOR THE REPORT

Council approval is required for the acquisition of property which is not part of a Council approved program or project.

IMPLICATIONS OF THE RECOMMENDATIONS

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

HISTORY

On December 17, 2013, Council adopted the 2014 Capital Budget, which included funding for the 2014 Regional and Local Street Renewal Program with $1,250,000 allocated to the Regional Mill and Fill Rehabilitation Works; Archibald St – Plinquet to #80 Archibald.

The Public Works Department requested that the Real Estate Division negotiate the acquisition of the south east corner of the Mission Street and Rue Archibald intersection as shown on the attached Misc. Plan No. 14720/1 as “Proposed Acquisition” for the rehabilitation works.

The subject property was inspected and an appraisal was completed (appraisal concluded estimated value range of 25,000 to 30,000). Negotiations with the owner Central Grain Company Ltd., concluded at an agreed upon purchase price of $28,000.00. The proposed purchase price is consistent with an internal appraisal.

Once the subject property has been acquired, it is the intention of the Department to legally open the subject property as right-of-way.

The Public Works Department supports the acquisition as negotiated and has advised that adequate funding is available under account number 003-181000-180604-1804100614-PROPERTY.

FINANCIAL IMPACT

Financial Impact Statement

Date: April 23, 2015

Project Name:

First Year of Program **2015**

To Obtain Council Approval to Acquire a portion of 172 Archibald Street for Intersection Improvements

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ 28,840	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	28,840	-	-	-	-
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	840	-	-	-	-
Net Cost/(Benefit)	$ (840)	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	(840)	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Capital expenditures consist of the proposed purchase price of $28,000 + short-term financing charges and corporate admin fees of $840. The latter amount is offset by an equal recovery in the current budget of the Corporate Finance Department.

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

CONSULTATION

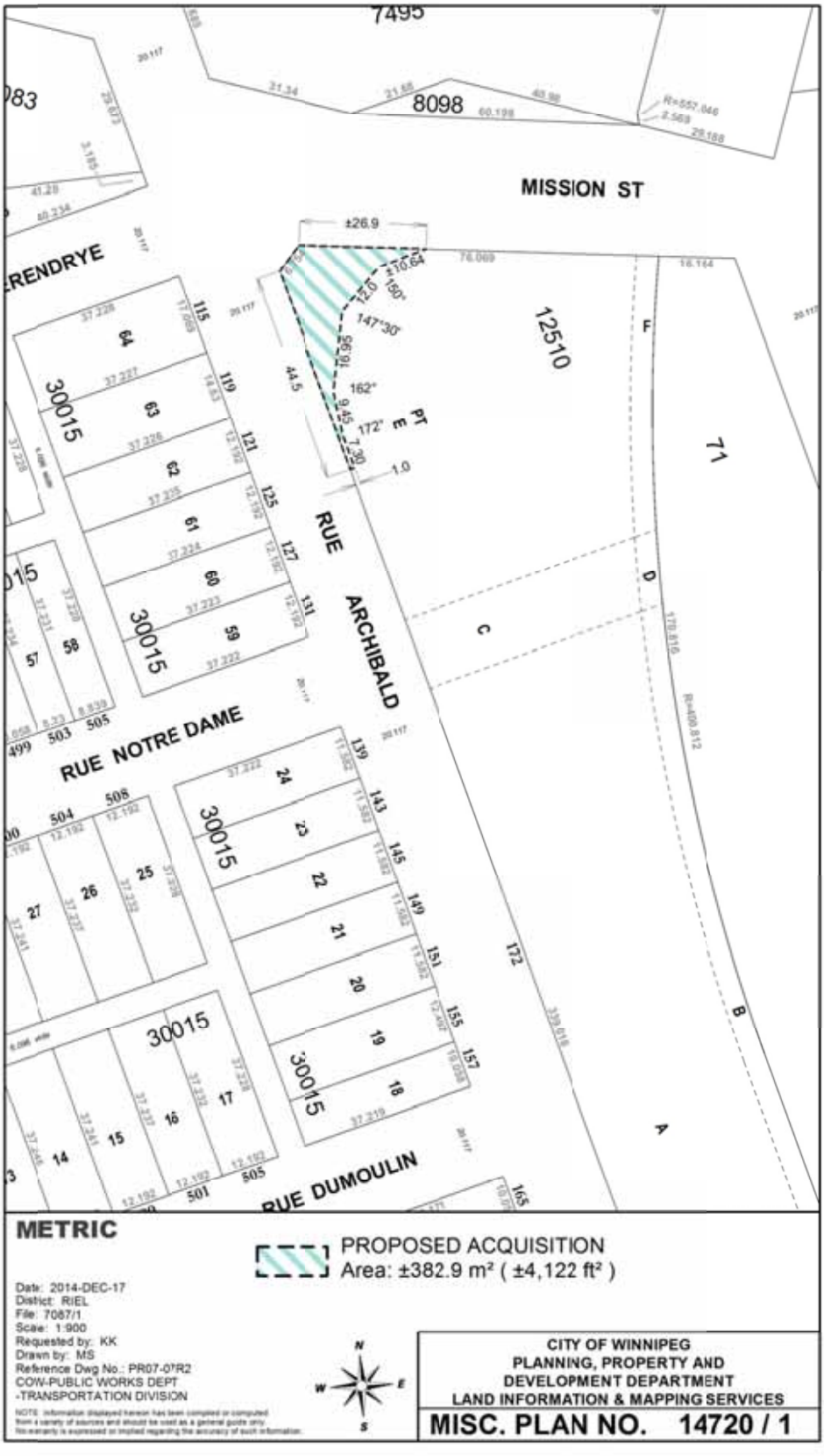
In preparing this report there was consultation with:

Public Works Department
Legal Services as to legal issues

SUBMITTED BY

Department Planning, Property and Development
Division Real Estate
Prepared by: Kim Koszman
Date: April 24, 2015
File No. 7087/1

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7495
8098
MISSION ST
±26.9
12510
71
RUE ARCHIBALD
RUE NOTRE DAME
RUE DUMOULIN
30015
METRIC
PROPOSED ACQUISITION
Area: ±382.9 m² (±4,122 ft²)
Date: 2014-DEC-17
District: RIEL
File: 7087/1
Scale: 1:900
Requested by: KK
Drawn by: MS
Reference Dwg No.: PR07-07R2
COW-PUBLIC WORKS DEPT
-TRANSPORTATION DIVISION
CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14720 / 1

SCHEDULE "A"

Proposed Terms & Conditions to Acquire Privately Owned Lands, Shown As "Proposed Acquisition", on Misc. Plan No. 14720/1

1. A proposed purchase price of $28,000.00 for the property shown as "Proposed Acquisition" on attached Misc. Plan No. 14720/l (hereinafter referred to as Subject Property).

2. The Subject Property to be conveyed to the City free and clear of any liens, encumbrances or leasehold interests, excepting any utility easements registered against the Subject Property and excepting Caveat No. 239405/l.

3. The date of vacant possession and adjustment of taxes to be 30 days from the date of final approval by the City of Winnipeg's Council, or its delegated authority, or on a mutually acceptable date.

4. The City to attend to the survey work required by the Winnipeg Land Titles Office in order to dedicate the Subject Property, or part thereof, as a public right-of-way at no cost to the Vendor.

5. The Vendor covenants, warrants and represents to the City, and it is a condition of the agreement, that to the best of the Vendor's knowledge:

   a) there are no outstanding orders, notices or similar requirements relating to the Subject Property either issued by any environmental, fire, health, labor or police authorities or from any other federal, provincial, municipal authority and there are no matters under discussion with any such authorities relating to such orders, notices or similar requirements;

   b) no hazardous materials, wastes. pollutants or similar substances as those defined by current applicable laws and regulations and no other materials intended for use or generated at the Subject Property have been or are used, stored, treated or otherwise disposed of in violation of current applicable laws and regulations.

6. The Vendor will permit the City, at its discretion and expense, before the date of possession, to conduct or have conducted on its behalf an environmental assessment together with any soil testing and analysis required. The Vendor acknowledges and agrees that should the City determine that there are environmental concerns or contamination it may elect to cancel the proposed sale.

7. Each party shall be responsible for their own legal fees.

8. Commissions related to the sale of the Subject Property, if any, will be the sole responsibility of the Vendor.

9. The Subject Property, until possession is delivered to the City. shall remain at the sole risk and responsibility of the Vendor.

10. The Vendor agrees to enter into an appropriate Purchase/Sale Agreement with the City in a form and embodying the within terms and conditions and any other such terms and conditions as deemed necessary by the Director of Legal Services/Deputy City Solicitor and which are

acceptable to the Vendor. It is further acknowledged that the said Purchase/Sale Agreement may be filed as a Caveat against the Vendor's title pending conveyance of the Subject Property to the City.

11. The Vendor agrees that the Subject Property will not be conveyed. disposed of or encumbered in any manner whatsoever, except subject to this agreement and that monies payable in respect of this agreement will only be paid at such time as all the required conveyance documents, consents, discharges or other evidence required are provided by the Vendor.

12. Subject to Item #15 herein, the Vendor agrees to consent on a Real Owner Application to add the City of Winnipeg as the Real Owner of the Subject Property on the Assessment Rolls of the City of Winnipeg.

13. The Vendor agrees to declare whether or not it is a "Registrant" for the purposes of the Goods and Services Tax and if so to provide their G.S.T. Registration number on request.

14. The City (Goods and Services Tax Registrant No. RI21682967) will self-assess any tax payable on the acquisition of the Subject Property.

15. This proposal is subject to final approval the by the City of Winnipeg's Council, or its delegated authority.

I/We, LILLIAN RODIN & ELLIOT RODIN, being duly authorized to act on
(Please Print)

behalf of Central Grain Company Ltd., the registered owner of the lands identified as "Proposed Acquisition", on attached Misc. Plan No. 1472011, hereby consent to the sale of the Subject Property to the City of Winnipeg in accordance with the proposed purchase price and terms and conditions specified herein.

APRIL 16, 2015
DATE

L. Rodin
Agent For Central Grain Company Ltd. - LILLIAN RODIN

APRIL 16, 2015
DATE

E. Rodin
Agent For Central Grain ELLIOT RODIN

Company Ltd.

April 15,20