Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 14 Purchase - 109 Selkirk Avenue - North Winnipeg Parkway
File FI-2 (34)

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2003, 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 109 Selkirk Avenue, identified on Misc. Plan No. 11918, be purchased at a price of $32,000.00 and in accordance with the terms and conditions contained within Schedule "A", subject to the successful rezoning of the property to parkland.

2. That upon issuance of titles to the City, the Director of Planning, Property and Development be authorized to clear the site by either removal or demolition of the structures.

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 - September 30, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 30, 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 Purchase 109 Selkirk Avenue
North Winnipeg Parkway
Lord Selkirk – West Kildonan Community
Mynarski Ward

For submission to: Standing Policy Committee on Property and Development

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

Report date: September 18, 2003

Recommendation(s):

1. That 109 Selkirk Avenue, identified on the attached Misc. Plan No. 11918, be purchased at a price of $32,000.00 and in accordance with the terms and conditions contained within the attached Schedule "A", subject to the successful rezoning of the property to parkland;

2. That upon issuance of titles to the City, the Director of the Planning, Property and Development Department be authorized to clear the site by either removal or demolition of the structures; and

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:

- The subject property is the final essential link required for the North Winnipeg Parkway between The Forks and Kildonan Park.
- The Real Estate Division has negotiated the proposed purchase of the subject property and is recommending the price and associated terms of sale for the approval of Council subject to a successful rezoning of the property.

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):

- Given the use of the property as the site of a single family residence, the Planning, Property and Development Department does not intend to conduct an Environmental Site Assessment. No environmental implications associated with this recommendation are anticipated.

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):

- Adequate funding for this acquisition and site clearing is budgeted in Account No. 001-182000-630801-63000060wl.

REASON FOR THE REPORT:

Negotiations for the acquisition of 109 Selkirk Avenue are now completed and Council approval to the acquisition is required.

HISTORY:

The North Winnipeg Parkway was approved by Council at its meeting of September 22, 1993 as the number one priority out of six parkways for development along the Red and Assiniboine Rivers. In each of the years 1996, 1997 and 1998, the former Parks and Recreation Department constructed sections of the Parkway.

On April 24, 1994, the Director of the former Parks and Recreation Department requested the Director of the former Land and Development Services Department to negotiate the acquisition of river walk easements approximately 5 meters wide over the following riverbank properties:

- 3 Sutherland Avenue
- 103 Selkirk Avenue
- 123 Burrows Avenue
- 126 Alfred Avenue

The Real Estate Division has been negotiating with these owners since that time, but has been unable to secure the required easements due to the extreme demands of these owners.

At its meeting held on July 8, 1999, the Standing Policy Committee on Property and development instructed the Director of the Planning, Property and Development Department to continue to negotiate with the four remaining property owners, and that the Department enhance its efforts to acquire the river walk easements at fair market value.

The Real Estate Division once again attempted to negotiate with the owners, however no settlements could be reached.

In 2000, the Planning and Land Use Division advised that the property at 3 Sutherland Avenue was no longer required as the North Winnipeg Parkway route was adjusted to utilize Annabella Street.

Since it was apparent that the owners of the riverbank lands were not prepared to settle on reasonable terms, other alternatives for the parkway were investigated by the administration.

At its meeting held on July 5, 2001, the Standing Policy Committee on Property and Development considered a report from the Director of the Planning, Property and Development Department and instructed the Director to:

1. Negotiate the acquisition of a) either 103 Selkirk Avenue or one property within the area identified as “Acquisition Area A”; b) two adjacent properties within the area identified

as “Acquisition Area B”; and c) two adjacent properties within the area identified as “Acquisition Area C”, all as shown on the attached Misc. Plan No. 11173.

2. Negotiate options to purchase, at his discretion, on the above properties.

At its meeting held on July 23, 2003 Council adopted the recommendation from the Standing Policy Committee on Property and Development to acquire 148 Alfred Avenue and 145 Burrows Avenue subject to the successful rezoning of the properties to parkland, thus linking the North Winnipeg Parkway between the former Pritchard Boatyards and the Aberdeen Playground. The rezoning process is in progress and should be completed shortly.

The Real Estate Division once again attempted to contact the owner of 103 Selkirk Avenue to determine whether or not he would be prepared to sell his property. Once again there was no response. The Division then contacted the next property owner at 107 Selkirk Avenue and determined that there was no interest in selling this property at this time.

The owner of 109 Selkirk Avenue was contacted in July, 2002 and it was determined that they were not willing to sell within reasonable terms and conditions.

In June, 2003, one of the joint owners of 109 Selkirk contacted the Real Estate Division to advise that they were now prepared to sell their property.

Particulars of the subject property are as follows:

Location:	109 Selkirk Avenue
Legal Description:	Lot 14, Plan 31559
Certificate of Title:	1728028
Registered Owners:	Anastasia Ens & Evgenii Ens
Realty Roll No.:	14-023170000
Assessment:	$35,450.00 (1999)
Zoning:	R-2 (Residential)
Site Size:	211.25 m2
Description:	A two-storey, 1642 sq. ft. single family dwelling on a full basement, in fair to good condition for its age.

DISCUSSION:

The subject property is the last property required in order to connect the North Winnipeg Parkway from The Forks to Kildonan Park. Although this is not the preferable location for the riverbank pathway, it is the only means to keep the public in close proximity to the river. Currently parkway users have to detour out to Austin Street around the block between Selkirk and Pritchard Avenues.

The property owners at 109 Selkirk Avenue were originally asking $58,500.00. After the passage of time and further negotiations, the owners have now agreed to sell the property to the City for $32,000.00 and in accordance with the terms and conditions contained in the attached Schedule “A”.

An independent appraisal fully supports the proposed purchase price of $32,000.00. The Real Estate Division is of the opinion that the proposed purchase price and associated terms of sale are reasonable. Thus, the Division is recommending that the City complete this purchase at the proposed purchase price and in accordance with the attached Schedule "A". The terms and conditions contained within the Schedule "A" are consistent with previous acquisitions of this nature.

The property will need to be cleared of structures to facilitate the construction of the pathway. As a result, the Department is recommending that it be authorized to proceed with the demolition or removal of the structures upon the receipt of Title in the City's name.

Funding for this acquisition and clearing of the site is available in Account No. 001-182000-630801-63000060wl. The total budget amount required in order to complete this transaction and to demolish or to remove the structures is $44,500.00.

Financial Impact Statement

Date: September 19, 2003.

Project Name:

Proposed Purchase of 109 Selkirk Avenue - North Winnipeg Parkway

First Year of Program 2003

	2003	2004	2005	2006	2007
Capital					
Capital Expenditures Required	$ 43,919	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	43,919	-	-	-	-
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	$ 1,427	$ 4,172	$ 4,172	$ 4,172	$ 4,172
Less: Incremental Revenue/Recovery	1,689	-	-	-	-
Net Cost/(Benefit)	$ (262)	$ 4,172	$ 4,172	$ 4,172	$ 4,172
Less: Existing Budget Amounts	(262)	4,172	4,172	4,172	4,172
Net Budget Adjustment Required	$ 0	$ 0	$ 0	$ 0	$ 0

Additional Comments:

The capital costs shown above consist of acquisition and demolition costs ($32,000 & $7,000), appraisal & legal fees, contingencies, GST and finance and admin charges.

"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 #: 8410

Document name: o:\reports directive\real estate\acquisition\(kc)109selkirk.doc

August 11, 2003

SCHEDULE "A"

1. An all-inclusive purchase price of THIRTY-TWO THOUSAND, ($32,000.00) DOLLARS for the subject property shown as "Subject Property" on the attached Misc. Plan No. 11918.

2. The subject property to be conveyed to the City free and clear of any liens and/or encumbrances except public utilities thereon.

3. The date for vacant possession - free of leasehold interest and adjustment of taxes, to be the date that a Caveat is filed by the City of Winnipeg in the Winnipeg Land Titles Office respecting a duly executed Purchase/Sale Agreement to be prepared by the City Solicitor regarding this transaction or by mutual agreement.

4. The purchase price shall include all fixtures on the premises including but not limited to fitted carpets, electrical light fixtures, heating, plumbing and ventilating equipment, fire and smoke detection equipment; all of which are represented by the Owner to be free and clear of encumbrances or liens and in good working order as of the date of possession. The Owners agree to allow the City at its sole expense to undertake a pre-possession inspection of the fixtures or equipment to ensure they are in good working order.

5. The subject property shall be in compliance with all existing building codes, zoning restrictions, By-laws, fire regulations and free from any outstanding work orders whatsoever; Owners to supply evidence of compliance as the City may reasonably request.

6. The Owners declare 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 the proposed purchase.

7. The Owners shall supply copies of any environmental studies undertaken on the subject property.

8. The City shall absorb reasonable legal and related fees, subject to the prior approval by the City's Legal Services Division that the Owners may incur in providing the City with free and clear Title to the subject property.

9. The Owners declare that the subject property has not been substantially renovated.

10. Subject to the City being able to obtain a demolition permit within 90 days after approval of this proposal by The City of Winnipeg Council or its delegated authority. The City may waive this requirement at its option.

11. The property, until possession is delivered to the City, shall remain at the risk and responsibility of the Owners. In the event of substantial damage to the property prior to possession being delivered, the City may elect to accept the proceeds of any insurance on the subject property and complete the purchase or alternatively, cancel the purchase.

12. The Owners agree to enter into an appropriate Purchase/Sale Agreement with the City embodying the within terms and conditions and in a form satisfactory to the City Solicitor; it is further acknowledged that the Purchase/Sale Agreement may be filed as a Caveat against the Owner's Title pending the transfer of land.

13. The Owners agree that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

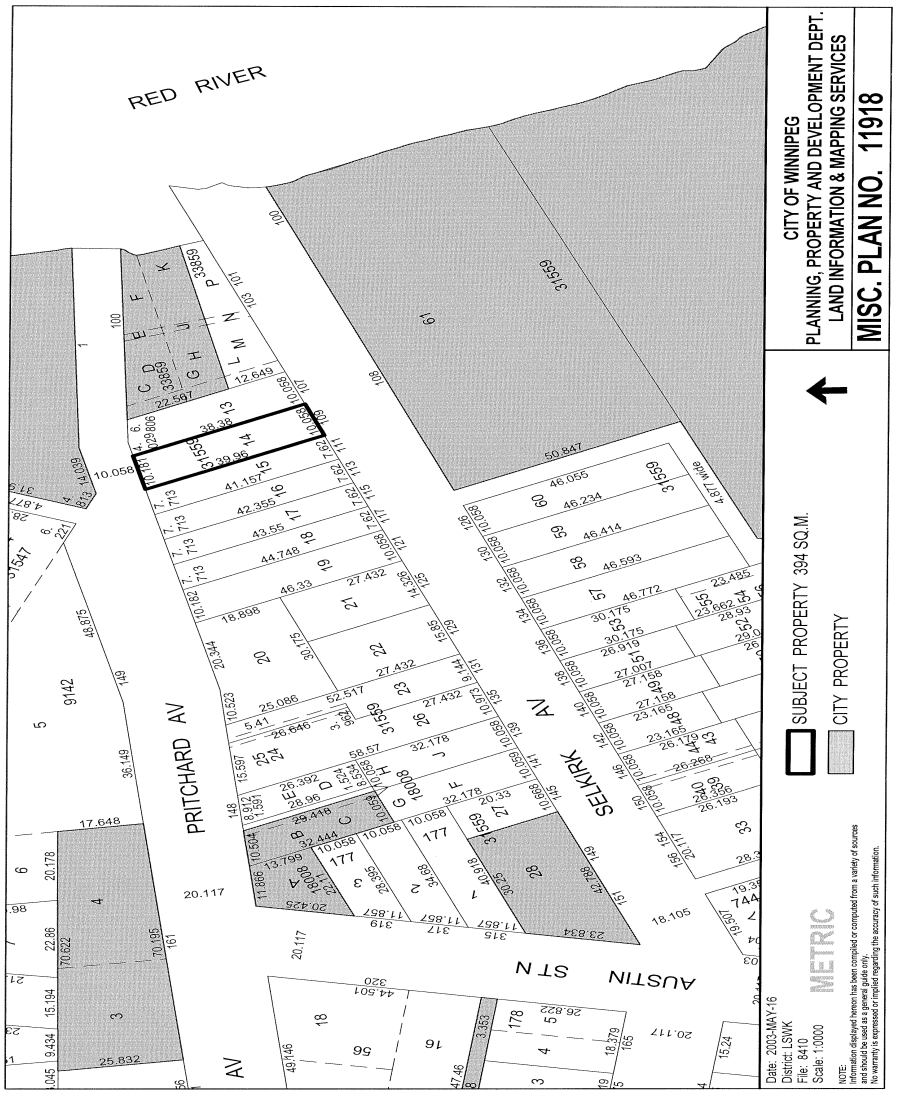
14. The Owners agree to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

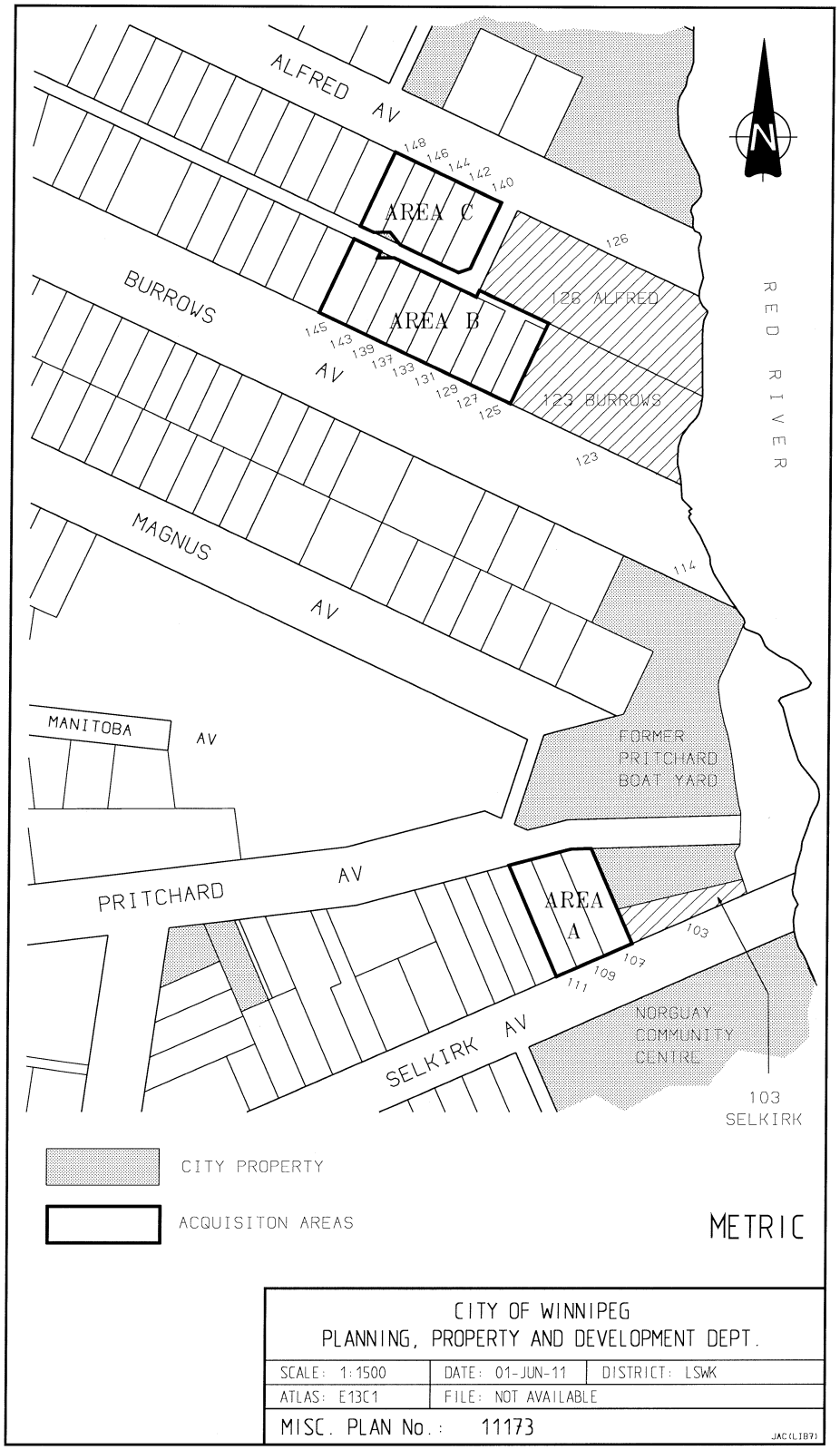
15. The Owners agrees to declare whether or not they are a "Registrant" for the purposes of the "Goods and Services Tax" and if so, to provide their G.S.T. Registration number.

16. The City will self-assess any Goods and Services Tax owing on this transaction. Its GST Registration No. is R121682967.

17. The Owners hereby authorizes the City to apply, at any time after the signing of this Schedule “A” by the Owners and at the sole cost, effort and expense of the City, to have the subject property rezoned. It is further noted that in the event the City does not complete this purchase/sale, the rezoning will be null and void.

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


RED RIVER
PRITCHARD AV
SELKIRK AV
AUSTIN ST N
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11918
SUBJECT PROPERTY 394 SQ.M.
CITY PROPERTY
METRIC
Date: 2003-MAY-16
District: LSWK
File: 8410
Scale: 1:0000
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.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AREA B
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RED RIVER
MAGNUS
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MANITOBA
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PRITCHARD
BOAT YARD
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COMMUNITY
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CITY PROPERTY
ACQUISITON AREAS
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:1500
DATE: 01-JUN-11
DISTRICT: LSWK
ATLAS: E13C1
FILE: NOT AVAILABLE
MISC. PLAN No.: 11173
JAC(LIB7)