Minute No. 642
Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 22 Property Acquisition - Part of 383 McMillan Avenue
File FI-2 (32)

COUNCIL DECISION:

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

1. That the acquisition of the land shown as "proposed opening" on Misc. Plan No. 11452/1 be approved at a purchase price of $11,700.00, and in accordance with the terms and conditions contained in Schedule "A" to the attached administrative report dated August 14, 2003.

2. 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 4, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 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 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 Acquisition – Part of 383 McMillan Avenue**
City Centre Community
Fort Rouge 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):

That the acquisition of the land shown as "Proposed Opening" on the attached Misc. Plan No. 11452/1 be approved at a purchase price of $11,700.00 and in accordance with the terms and conditions contained in the attached Schedule "A".

REPORT SUMMARY

Key Issues:

- The Planning, Property and Development Department has successfully negotiated the proposed purchase of this property, required for the future South-west Transit Corridor, and is recommending the price and associated terms and conditions for approval.

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):

- After due consideration and past experience, none are anticipated; and the intended use of this land for the South-west Transit Corridor does not require an environmental site assessment.

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):

- The Transit Department advises the adequate funding is available for this acquisition in an account numbered 442-181000-4220000394-PROPERTY-PPLAN.

REASON FOR THE REPORT:

At its meeting held May 28, 2002, the Standing Policy Committee on Public Works considered a report from the Transit Department and instructed the Director of the Planning, Property and Development Department to negotiate the acquisition of a portion of the lands located at 383 McMillan Avenue to accommodate the first phase of the Southwest Transit Corridor. Negotiations are now complete and Council approval is required.

HISTORY:

North of Corydon Avenue and south of Wardlaw Avenue, the busway alignment for the Metrobus project is located immediately between the east side of Donald Street and the west side of the CN Main Line. This alignment requires that the Donald Street right-of-way between Corydon and Wardlaw be re-located a short distance to the west.

The re-location of the Donald Street right-of-way requires that the City acquire a small portion of several properties adjacent to Donald. One of the affected properties is located at 383 McMillan Avenue.

At its meeting held May 28, 2002 the Standing Policy Committee on Public Works approved the recommendation from the Transit Department to negotiate a property acquisition at 383

McMillan Avenue in order to accommodate a widening for the first phase of the Southwest Transit Corridor.

At its meeting held July 23, 2003, Council passed a motion: "that the Director of Planning, Property and Development be authorized to negotiate such property acquisitions as the Transit Department, though its Consultants, may identify for completion of Stage 1 of the Southwestern Corridor and Stage I of the Eastern Corridor for construction after 2004, and to report back with the results thereon."

A negotiated proposed settlement has now been reached with the Owner. Particulars of the subject property are as follows:

Location:	Part of 383 McMillan Avenue
Legal Description:	Part of Lots 20, 21 & 22, Block 7, Plan 208
Certificates of Title:	1895550, 1895559 & 1895567
Registered Owner:	Glasgow Enterprises Ltd. (Stu Nicol et ux)
Realty Roll Number:	12-021250200
Assessment:	$436,000.00 (1999)
Zoning:	M1
Size:	77.77 m2 (837.1 sq. ft.)
Description:	The required portion now consists of vacant land.

DISCUSSION:

The property owner has advised that he is prepared to sell the required widening to the City at a purchase price of $11,700.00 and in accordance with the terms and conditions contained within the attached Schedule "A".

The owner purchased 383 McMillan Avenue in August of 2002 for $585,000.00 or approximately $14.50 per square foot including building. The Real Estate Division is of the opinion that the proposed settlement of approximately $14.00 per square foot, is reasonable and that the purchase should be concluded at the proposed purchase price.

Financial Impact Statement **Date:** August 11, 2003

Project Name: **First Year of Program** 2003

Proposed Acquisition - Part of 383 McMillan Avenue

	2003	2004	2005	2006	2007
Capital					
Capital Expenditures Required	$ 12,534	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	12,534	-	-	-	-
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	$ 439	$ 1,253	$ 1,253	$ 1,253	$ 1,253
Less: Incremental Revenue/Recovery	483	-	-	-	-
Net Cost/(Benefit)	$ (44)	$ 1,253	$ 1,253	$ 1,253	$ 1,253
Less: Existing Budget Amounts	(44)	1,253	1,253	1,253	1,253
Net Budget Adjustment Required	$ 0	$ 0	$ 0	$ 0	$ 0

Additional Comments:

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

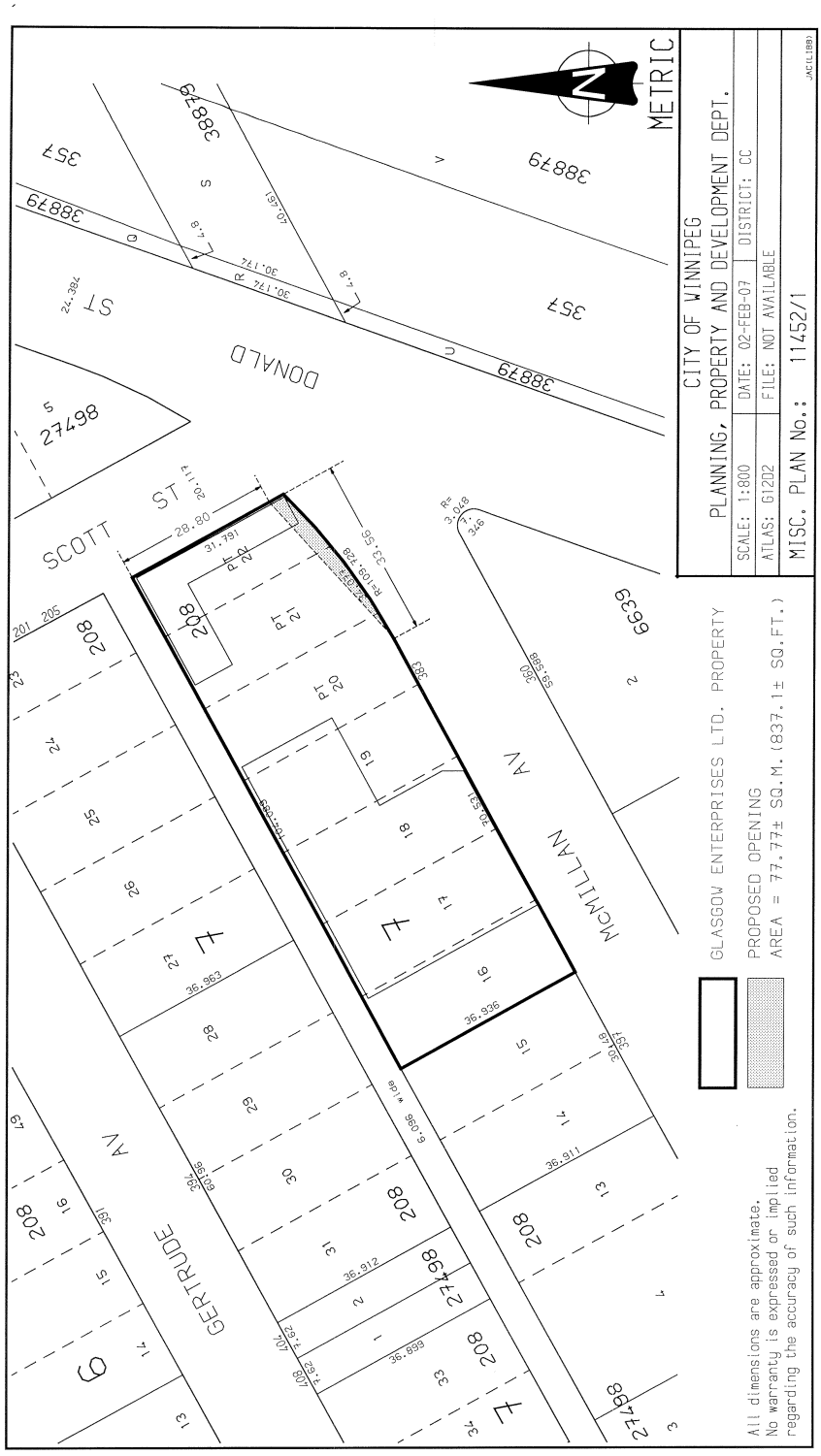
IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

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 #: 3072

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


METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:800
DATE: 02-FEB-07
DISTRICT: CC
ATLAS: G12D2
FILE: NOT AVAILABLE
MISC. PLAN No.: 11452/1
GLASGOW ENTERPRISES LTD. PROPERTY
PROPOSED OPENING
AREA = 77.77± SQ.M. (837.1± SQ.FT.)
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
DONALD ST
SCOTT ST
GERTRUDE AV
McMILLAN AV

|1|

|2|

SCHEDULE "A"

1. An all-inclusive purchase price of ELEVEN THOUSAND, SEVEN HUNDRED ($11,700.00) DOLLARS for the subject property shown as "Proposed Opening" on the attached Misc. Plan No. 11452.

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, payment of purchase price 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 Owner 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 the proposed purchase.

5. The Owner shall supply copies of any environmental studies undertaken on the subject property.

6. Any real estate commissions or appraisal fees payable on this transaction are the responsibility of the Owner.

7. The City to attend to any survey work required by the Winnipeg Land Titles Office in order to dedicate the subject property as Street Right-of-Way at no cost to the Owner.

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

9. The owner agrees 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 will be filed as a Caveat against the Owner's Title pending registration of the necessary street opening plan by the City.

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

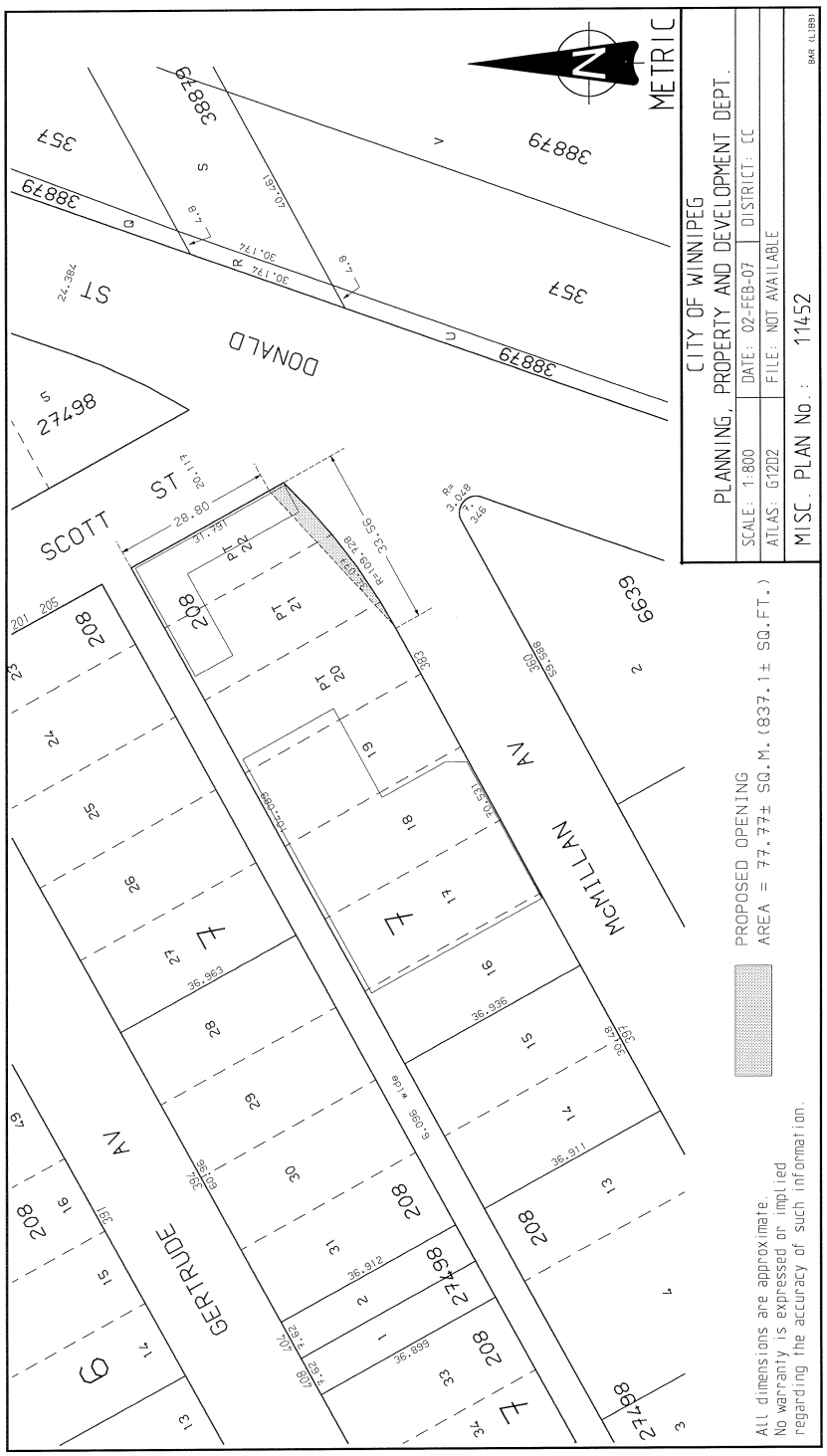
11. The Owner agrees to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

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

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

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

_____	_____
Date	Glasgow Enterprises Ltd.
_____	_____
GST Registration Number	Glasgow Enterprises Ltd.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All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.
SCOTT ST
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McMILLAN AV
27498
38879
6639