Agenda – Council – February 24, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 16 Acquisition of a portion of 1950 Plessis Road for Street Intersection Improvements (Transcona Ward)

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the proposed terms and conditions dated November 23, 2015 ("Schedule A" attached) for the acquisition of a portion of 1950 Plessis Road, owned by Qualico Developments (Winnipeg) Ltd., identified as "Proposed Acquisition" on Misc. Plan 14968 at a purchase price of $1.00 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 Director of Legal Services and City Solicitor, in accordance with the terms and conditions set forth in "Schedule A" and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor 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, Heritage and Downtown Development – February 16, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 1950 Plessis Road for Street Intersection Improvements**

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed terms and conditions dated November 23, 2015 ("Schedule A" attached) for the acquisition of a portion of 1950 Plessis Road, owned by Qualico Developments (Winnipeg) Ltd., identified as "Proposed Acquisition" on Misc. Plan 14968 at a purchase price of $1.00 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 identified in a Council approved program or project.

EXECUTIVE SUMMARY

Negotiations for the acquisition of lands with the owner of 1950 Plessis Road are now complete and approval by Council will enable the transaction to be completed for the purpose of the roadworks intended by the Public Works Department.

IMPLICATIONS OF THE RECOMMENDATIONS

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

HISTORY

On April 29, 2015, Council adopted the Allocation of the 2015 Regional Street Renewal Program's "Incremental Cash to Capital" to Projects - $6.5 Million, which included funding for the Plessis Road at Gunn Road – Intersection Improvement and Railway Crossing Upgrade Project.

The Public Works Department requested that the Real Estate Division negotiate the acquisition of the easterly 8.0 meters of the property limit of 1950 Plessis Road as shown on the attached Misc. Plan No. 14968 as "Proposed Acquisition" for the rehabilitation works.

The subject property proposed acquisition for $1.00 was negotiated with the owner, Qualico Developments (Winnipeg) Ltd., as a condition of the Purchase Agreement for the sale of the City-owned Maginot and Speers lands, which was approved on October 30, 2015. The said sale was approved under the authority delegated by Council to the Chief Administrative Officer on January 28, 2009, to approve sales of properties that have been declared surplus where the sale price is $500,000.00 or less, the sale price is 95% of the appraised value and the property Is sold through a public offering and the offer is in the best interests of the City.

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

The Public Works Department supports the acquisition as negotiated and has advised that adequate funding is available under account number 003-181000-180604-1804102015-PROPERTY.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 13, 2016

Project Name:

To Obtain Council Approval to Acquire a portion of 1950 Plessis Road for Street Intersection Improvements

COMMENTS:

There are no financial implications associated with this report other than the exchange of $1 in nominal consideration for the acquisition of the subject property.

"Original Signed By"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Public Works Department
Legal Services as to legal issues

OURWINNIPEG POLICY ALIGNMENT

NA

SUBMITTED BY

Department Planning, Property and Development
Division Real Estate
Prepared by: Leah Furedi
Date: January 14, 2016
File No. 32/U2/458

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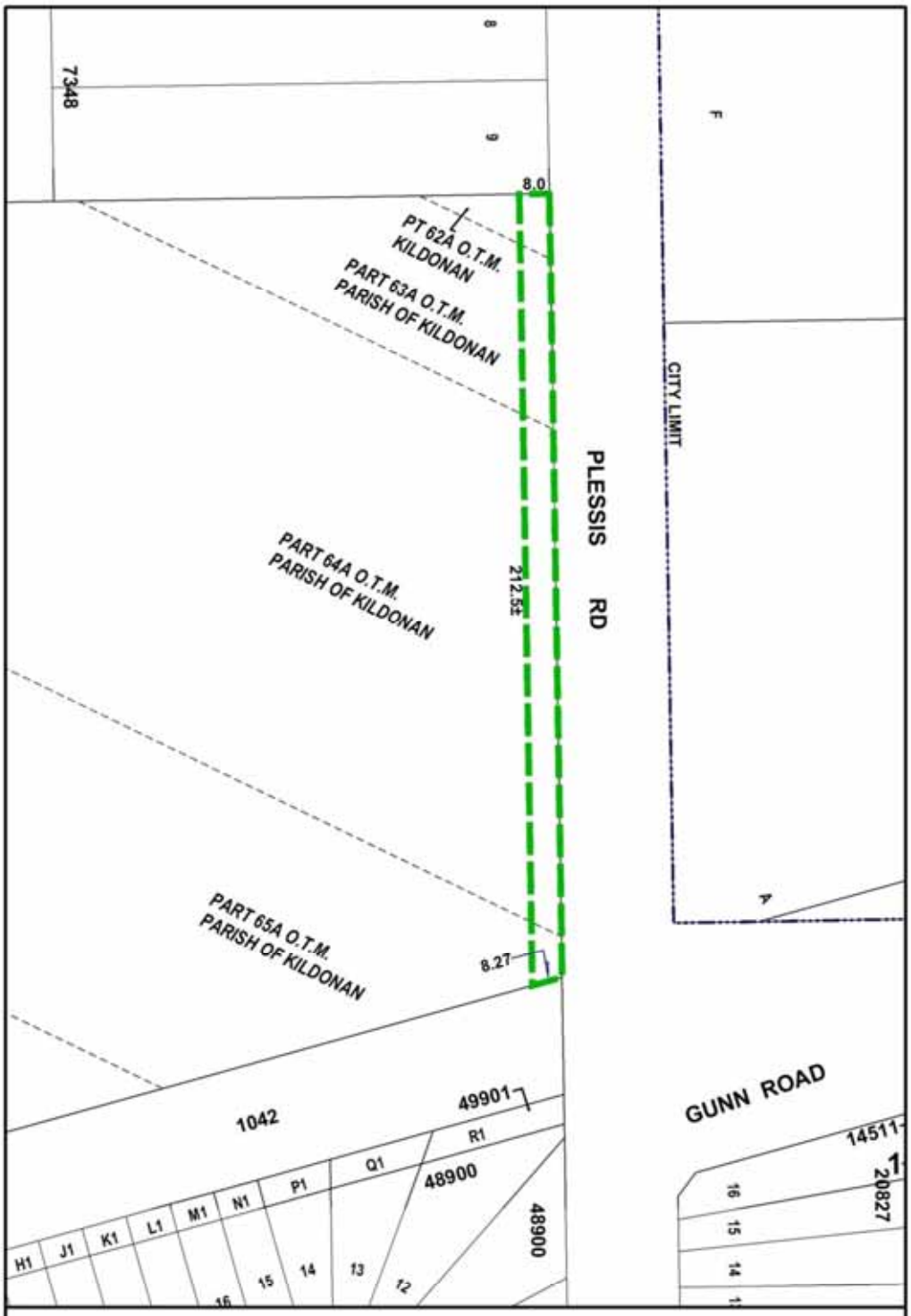
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9
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8.0
PT 62A O.T.M.
KILDONAN
PART 63A O.T.M.
PARISH OF KILDONAN
CITY LIMIT
PLESSIS RD
PART 64A O.T.M.
PARISH OF KILDONAN
212.5±
A
PART 65A O.T.M.
PARISH OF KILDONAN
8.27
1042
49901
R1
Q1
P1
N1
M1
L1
K1
J1
H1
48900
48900
GUNN ROAD
14511
20827
16
15
14
13
12
PROPOSED ACQUISITION
Area: 1694.3± m² (0.42 ± acres)
Date: 2015-OCT-15
District: EKT
File: N/A
Scale: 1:1250
Requested by: GC
Drawn by: MS
Reference Dwg. No.: 5515051-SK-001
SEPT. 92, 2015 - MMM GROUP
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 of implied regarding the accuracy of such information.
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CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 14968

SCHEDULE "A"

PROPOSED TERMS & CONDITIONS TO ACQUIRE PRIVATELY OWNED LAND, SHOWN AS "PROPOSED ACQUISITION" ON MISC. PLAN NO. 14968

1. For the proposed consideration of **ONE ($1.00) DOLLAR,** for the land shown as "Proposed Acquisition", on attached Misc. Plan No. 14968 (hereinafter referred to as Subject Property).

2. The Owner hereby consents to allow The City of Winnipeg ("City") or other persons acting with the City's authorization to enter and construct upon the Proposed Acquisition Area at any time hereafter or on a mutually acceptable date.

3. The Proposed Acquisition Area to be conveyed to the City free and clear of any liens, encumbrances or leasehold interests, excepting any utility easements and City caveats registered against the Proposed Acquisition Area.

4. 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.

5. The City to attend to any survey work required by the Winnipeg Land Titles Office in order to dedicate the Proposed Acquisition Area, or part thereof, as a public right-of-way at no cost to the Owner.

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

   a) there are no outstanding orders, notices or similar requirements relating to the land 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 Proposed Acquisition Area have been or are used, stored, treated or otherwise disposed of in violation of current applicable laws and regulations.

7. The Owner 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 Owner acknowledges and agrees that should the City determine that there are environmental concerns or contamination it may elect to cancel the proposed sale.

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

9. Commissions related to the sale of the Proposed Acquisition Area, if any, will be the sole responsibility of the Owner.

10. The Property, until possession is delivered to the City, shall remain at the sole risk and responsibility of the Owner.

11. The Owner agrees to enter into an appropriate Purchase/Sale Agreement with the City in a form and employing the within terms and conditions and any other such terms and conditions as deemed necessary by the Director of Legal Services/City Solicitor. It is further acknowledged that the said Purchase/Sale Agreement will be filed as a Caveat against the Owner's title pending conveyance of the Proposed Acquisition Area to the City.

12. The Owner agrees that the Proposed Acquisition Area 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 the required conveyance documents, consents, discharges or other evidence required are provided by the Owner.

13. The Owner agrees to declare whether or not it is a "Registrant" for the purpose of 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 R121682967) will self-assess any tax payable on the acquisition of the Subject Property.

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

I/We, Eric Vogan & John Daniels, being duly authorized to act on
(Please Print)

behalf of Qualico Developments (Winnipeg) Ltd., the registered owners of the lands identified as "Proposed Acquisition" on attached Misc. Plan No.14968, hereby consent to the sale of the Subject Property to the City of Winnipeg in accordance with the proposed price, terms, and conditions outlined herein on Schedule "A".

Nov. 23, 2015
Date

Agent For Qualico Developments (Winnipeg) Ltd.

Nov. 23, 2015
Date

Agent For Qualico Developments (Winnipeg) Ltd.